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University of Louisiana at Lafayette

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Université des Acadiens

August 20, 2015

VIA ELECTRONIC MAIL

Mr. Joel McGormley
Managing Director of the Committees on Infractions
National Collegiate Athletic Association
P.O. Box 6222
Indianapolis, IN 46206-6222

Dear Mr. McGormley:

This is in response to Jon Duncan's May 22, 2015, letter and Notice of Allegations regarding the University of Louisiana at Lafayette's enforcement Case No. 00187.

Electronically attached is a copy of the University's Response to the Notice of Allegations. Also, the University's Response and Exhibits have been uploaded to the NCAA enforcement staff's attention at 00187-LaLafayette Records Portal, using the following naming convention:

NOAResponse_082015_LaLafayette_00187

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Savoie", written over the printed name.

E. Joseph Savoie
President

cc: Mr. Karl Benson
Mr. Scott Farmer
Mr. Mike Glazier
Ms. Anita Hazelwood
Dr. Jessica Leger
Mr. Kyle Skillman

UNIVERSITY OF LOUISIANA AT LAFAYETTE

RESPONSE

TO

NCAA NOTICE OF ALLEGATIONS

August 20, 2015

INTRODUCTION

The NCAA enforcement staff's May 22, 2015, Notice of Allegations to the University of Louisiana at Lafayette (Louisiana Lafayette or University) contains four allegations, the basis for which are the actions (or purported actions) of one former assistant football coach. Specifically, the staff has alleged that former assistant football coach David Saunders violated NCAA principles of ethical conduct by engaging in ACT exam fraud involving six prospective student-athletes (Allegation 1) and providing recruiting inducements in the form of payments for a prospective student-athlete's living and educational expenses (Allegation 2). Saunders' conduct during the course of the investigation resulted in separate charges that he provided false and/or misleading information to the enforcement staff (Allegation 3) and that he violated the NCAA cooperative principle by refusing to provide information relevant to the investigation (Allegation 4).

Since December 2013, the University has worked collaboratively with the enforcement staff to develop information and gather relevant evidence relating to the issues under investigation. Between December 2013 and July 2015, the enforcement staff and University conducted more than 30 interviews, and obtained and reviewed hundreds of pages of ACT exam records and telephone records to determine the full scope of the possible violations. The product of that effort – primarily, the factual information identified in Allegation 1 – is the result of a true joint investigation by the enforcement staff and the University.

From the outset of the investigation, the University has been committed to learning the complete truth behind the violations and to taking swift and appropriate actions to address information as it was reported. In May 2014, after reviewing with the enforcement staff the responses from

ACT to numerous requests for student exam records, the University found some of the information troubling and removed Saunders from all recruiting activities as a precautionary measure. On October 30, 2014, the University terminated Saunders' employment when it became clear from the evidence that he had been involved in activities constituting exam fraud and he ceased cooperating in the enforcement staff's and University's investigation.

As detailed in this Response, the University agrees with the majority of the substantive allegation relating to Saunders' involvement in ACT exam fraud (Allegation 1), as well as the accompanying unethical conduct charges related to his responses concerning the violations and his conduct during the investigation (Allegations 3 and 4). The sole exception to the University's complete agreement with Allegation 1 concerns the circumstances of one prospective student-athlete's exam that were learned after the issuance of the Notice of Allegations.

As a consequence of the ACT exam fraud and/or questionable scores detailed in Allegation 1, the NCAA Eligibility Center deemed four of the six identified prospective student-athletes to have met NCAA qualifier requirements. The University relied upon the NCAA Eligibility Center's initial-eligibility certification (and ACT's contemporaneous acceptance of the scores as valid) and, based upon the information provided to the institution at that time, it considered the student-athletes eligible for practice, competition and financial aid upon their initial enrollment at the University.¹ Three of the six students subsequently competed during their initial year of enrollment; three other students enrolled but practiced only (one received athletics aid, two others did not).

¹ The fraudulent ACT exam scores of two student-athletes did not alter their status as nonqualifiers, but were a factor in their respective admissions to the University.

The University does not agree that the second substantive allegation – that Saunders provided impermissible recruiting inducements in the form of cash to a prospective student-athlete – is sufficiently supported by the weight of the evidence.

Overview of Investigation

In early December 2013, the enforcement staff contacted the University to request interviews with then-assistant coach Saunders and football student-athlete [REDACTED]. [REDACTED]. Jessica Leger, associate director of athletics for academics and compliance and senior woman administrator, arranged and attended the interviews with Saunders and [REDACTED]. On December 16, 2013, the enforcement staff and legal counsel for Ole Miss conducted interviews with Saunders and [REDACTED] concerning events that occurred while Saunders was employed by Ole Miss (or immediately thereafter) and [REDACTED] was being recruited by that institution. Through the course of those interviews, it became apparent to Leger that the enforcement staff was testing information that suggested Saunders knew of, or had been involved in, NCAA rules violations of an academic nature while employed at Ole Miss.

Immediately following the interviews with Saunders and [REDACTED] the enforcement staff requested Leger's assistance in arranging an interview with former [REDACTED] and Louisiana Lafayette football student-athlete [REDACTED]. [REDACTED] Leger contacted the University's [REDACTED] and together, they arranged for [REDACTED] to be interviewed by the enforcement staff and legal counsel [REDACTED] during the afternoon of December 16. Leger did not participate in the interview of [REDACTED].

Several days after those initial interviews, the enforcement staff contacted Leger to arrange for interviews with several football student-athletes. Over the next several weeks of communication

with the enforcement staff, the University learned that during [REDACTED] December 16, 2013, interview, he reported that Saunders had somehow affected his [REDACTED] ACT exam score [REDACTED], and he believed that Saunders had similarly affected the ACT exam scores of several current or former Louisiana Lafayette football student-athletes after he was hired by the University in the spring of 2011. Upon learning this information from Leger, University President E. Joseph Savoie and Director of Athletics Scott Farmer engaged Bond, Schoeneck & King, PLLC (outside counsel) and explicitly directed the firm – specifically, Mike Glazier and Kyle Skillman – to work cooperatively with the enforcement staff, consistent with NCAA principles, to conduct an unbiased, complete and thorough investigation of possible academic impropriety.

From January 22 through February 12, 2014, the enforcement staff and the University (Leger and/or Skillman) conducted interviews with those football student-athletes and their families who were specifically identified by [REDACTED] or fit the profile described by [REDACTED] (i.e., they were recruited by Saunders, [REDACTED]). Also, a second interview was conducted with [REDACTED]²

On February 19, 2014, the enforcement staff, outside counsel and counsel for the University of Mississippi conducted an interview with Ginny Crager, the (now former) ACT test administrator for Wayne County High School (WCHS) in Waynesboro, Mississippi, whom Saunders had identified as his contact at WCHS. At the time of her interview, it had been determined that [REDACTED] and four Louisiana Lafayette football student-athletes, including three [REDACTED]

² [REDACTED] was interviewed for a second time on January 23, 2014, by the enforcement staff, Leger and Skillman, and counsel [REDACTED]. His interview was bifurcated into issues dealing with [REDACTED] and those involving Louisiana Lafayette. It was during the conclusion of this interview that [REDACTED] reported information that forms the basis for Allegation 2.

█████, had taken ACT examinations at WCHS and earned NCAA-qualifying scores.³ Saunders' relationship with Crager is addressed in greater detail in the response to Allegation 1.

Saunders was interviewed for a second time on February 25, 2014. His responses to questions during that interview concerning his communications with Crager and his involvement in prospective student-athletes' testing at WCHS, combined with the evidence gathered throughout the investigation, form the basis for the allegation that he provided false or misleading information during the investigation (Allegation 3).

From March through September 2014, the University and enforcement staff requested information from ACT concerning the students' exams and continued to conduct interviews with individuals relevant to the information that had been reported between December 2013 and February 2014. In May 2014, as the information, documentation and evidence began to accumulate, the University removed Saunders from all recruiting activity. Also, at that time, head football coach Mark Hudspeth directed the coaching staff to cease all recruiting activity in ██████████.

In mid-August 2014, the University and enforcement staff requested Saunders (through his first attorney) to provide a release to ACT to disclose any payment records bearing his name for the student-athletes identified in the case. Saunders' first attorney withdrew his representation in mid-September before such a release was provided.

In late September 2014, as the University and enforcement staff continued attempts to gather relevant information from Saunders and ACT concerning students' exams at WCHS, additional

³ Also, at this point in the investigation, the University was aware that the enforcement staff and Ole Miss had developed information concerning Ole Miss recruits who had taken ACT examinations at WCHS and received questionable scores.

interviews were conducted in Waynesboro, Mississippi, in an effort to learn more about the ACT testing process at WCHS. Through the course of those interviews, the enforcement staff and University learned – for the first time – that ACT had initiated its own investigation at some point in the spring/summer of 2014 and that Crager was no longer serving as the ACT test site administrator for WCHS.⁴

On October 2, 2014, the University again requested Saunders (through his second attorney) to provide a release to ACT to disclose any payment records bearing his name for the student-athletes identified in the case. On October 30, 2014, without any forward-moving response from Saunders or his attorney, the University terminated Saunders' employment.

Soon after the termination of Saunders' employment, the University discovered that two additional current football student-athletes had taken ACT exams at WCHS while they were being recruited by the institution. In both instances, the University immediately contacted the enforcement staff and interviews were conducted with the student-athletes. Further, in both cases, it was determined that Saunders had directed individuals associated with the student-athletes to WCHS in order for the students to take the ACT exam, and that the scores for both students' exams had been questioned and subsequently cancelled by ACT.

Following the discovery of the two additional student-athletes, the enforcement staff requested a third interview with Saunders so that he could respond to information that had been reported

⁴ It should be noted that despite numerous conversations and communications with ACT personnel during the course of the NCAA investigation, at no point did ACT disclose that it was independently investigating the matter to the University or enforcement staff. Based on the dates of correspondence to the student-athletes in this case and the descriptions of events by those interview subjects who indicated speaking with ACT Test Security staff, it became clear that the testing agency initiated its investigation after the University, enforcement staff and Ole Miss began requesting information specific to the testing site and students involved in this matter. Further, despite considerable knowledge of the NCAA's and University's investigation of ACT test fraud, ACT took no action to notify the University (or the NCAA Eligibility Center) in September 2014 when it initiated official reviews of the test scores of (at least) five of the six student-athletes identified in Allegation 1.

during interviews and/or provided by ACT since his February 25, 2014, interview. Saunders, through his second attorney, declined. His refusal to participate in the requested interview forms the basis for the unethical conduct charge set forth in Allegation 4.

University's Actions

It is clear from the specific circumstances of the prospective student-athletes' ACT exams that impropriety occurred, and that such impropriety went undetected by ACT and the NCAA Eligibility Center until the enforcement staff's investigation of a pattern of violations that trailed Saunders to the University. Based on information revealed during the course of the investigation, it is evident that the improper activity occurred in advance of the University hiring Saunders, yet both ACT and the Eligibility Center – upon which all NCAA members rely to detect fraud and affirm the validity of prospective student-athlete academic credentials – failed to discover the testing impropriety at WCHS. Despite this lack of oversight, neither ACT nor the Eligibility Center will face any direct repercussions. Rather, the University, its football program, and its student-athletes (in particular, several named in this case) will be impacted by significant sanctions that scar past accomplishments and inhibit future opportunities.

Nevertheless, the University recognizes the significance of this matter, and acknowledges that it bears ultimate responsibility for the regrettable and reprehensible actions of a lone member of its football coaching staff. Over a three-year period, five (potentially, six) prospective student-athletes who enrolled at the University were the subject of ACT exam fraud executed by the former assistant football coach and an individual with whom the coach had developed a relationship prior to his employment by the University. Collectively, the student-athletes credibly reported that they took the ACT exams in the same manner as other test takers, and that they were not involved in any improper activity concerning their ACT exams. Five of the six students named in Allegation 1 eventually participated, to varying degrees, with the football team.

Therefore, in addition to the measures taken with regard to Saunders' employment, the University carefully weighed the impact of the agreed-upon violations in Allegation 1 and it self-imposed a series of penalties and corrective measures that it believes are consistent with NCAA expectations and adequate to address the violations that occurred. These actions are more thoroughly detailed in the Supplemental Information section of this Response.

In summary, the University has:

- Imposed a two-year period of probation;
- Reduced initial and total football grant-in-aid awards by:
 - Six initial grants-in-aid during 2016-17 (three) and 2017-18 (three)
 - Eleven total grants-in-aid during 2015-16 (five), 2016-17 (three) and 2017-18 (three)
- Reduced the number of permissible off-campus recruiting opportunities by a total of 40 days during the 2014-15 and 2015-16 academic years;
- Limited the number of permissible official visits during the 2014-15 and 2015-16 academic years to 44 and 38, respectively;
- Reduced recruiting communications for a three-week period during the fall of 2015; and
- Vacated contests in which an ineligible student-athlete participated during the 2011 football season.

A. RESPONSE TO PROCESSING LEVEL OF CASE

The NCAA enforcement staff asserts that the allegations contained in the May 22, 2015, Notice of Allegations warrant review 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). Based upon the egregious conduct of its former assistant coach, the University agrees with the staff's position on the processing level of the case.

B. RESPONSE TO 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)]
- 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]'s [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]'s [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], [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 and [REDACTED] while ineligible during the [REDACTED] academic year; and [REDACTED] practiced and [REDACTED] 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)]

UNIVERSITY'S CONCLUSIONS

The University agrees that the allegation is substantially correct and that violations occurred. Specifically, it agrees that the evidence supports a finding that former assistant football coach David Saunders engaged in fraudulence or misconduct in connection with the ACT exams of five (potentially, six) then football prospective student-athletes, and that such conduct is contrary to the NCAA principles of ethical conduct set forth in NCAA Bylaws 10.01.1, 10.1 and 10.1-(h). Further, it agrees that the prospective student-athletes' eligibility for competition and financial aid were affected by the conduct, as defined in the referenced Bylaw 14 and 15 citations in the allegation.⁵

Additionally, the University agrees that the Factual Information (FI) cited by the staff supports that: 1) the ACT exam scores for five (potentially, six) identified prospective student-athletes were impacted by fraudulence or misconduct; and 2) that Saunders engaged in activity that he knew would impact the ACT scores (and thus, the initial eligibility or admissibility) of the prospective student-athletes.

The University has used the phrase "five (potentially, six)" above, and similar language in other areas of this Response, to address information learned after issuance of the Notice of Allegations concerning [REDACTED] (subparagraph b.) [REDACTED] ACT exam. As explained in detail in the Review of the Evidence section below, that information leaves the University in a

⁵ The University notes that those student-athletes the enforcement staff alleges "competed again while ineligible" (during their second years at the University) were ineligible only as it pertains to the underlying violation that affected eligibility in their first year. Each student-athlete was otherwise academically eligible to compete and receive financial aid in their second year.

position where it can neither agree nor disagree that a violation occurred concerning [REDACTED] ACT exam. In taking that position, the University has balanced the considerable similarities between the circumstances of [REDACTED] ACT exam and the exams of the other students named in the allegation with the fact the [REDACTED] took an ACT retest and earned a score that ACT recognized as validating his [REDACTED] score.

While the University agrees that Saunders was involved in the violations and that findings of these allegations are appropriate, it has some reservations with the language the enforcement staff used to describe the degree of Saunders' involvement in the individual violations in subparagraphs a. through c. – specifically, that Saunders “*arranged for [Ginny] Crager to complete and/or alter*” the student-athletes' answer sheets. In that regard, the University does not dispute that the evidence supports that the students' test sheets were completed and/or altered to affect their scores, nor does it contest that when Saunders directed the students to Wayne County High School (WCHS) for their exams, he did so knowing that they would receive a fraudulent score; rather, based on the evidence – which is almost entirely circumstantial – the University cannot determine that Saunders orchestrated Crager's activities, or that he was aware of the methods/means of execution that she or other individuals at WCHS employed to commit the fraud.

REVIEW OF THE EVIDENCE

As noted in the Introduction, the information leading to this allegation was reported by former student-athlete [REDACTED] during interviews with him on December 16, 2013, and January 23, 2014. In summary, [REDACTED] reported that former assistant football coach David Saunders had affected the score of the [REDACTED] ACT exam he took at Wayne County High School (WCHS) in Waynesboro, Mississippi, when he was being recruited to [REDACTED] [REDACTED] explained that [REDACTED] he

learned from several of his new teammates (and, later, from two prospects being recruited to Louisiana Lafayette) that they had also taken their ACT exams at WCHS. See FI-1 and FI-2. [REDACTED] specifically named [REDACTED] and two prospective student-athletes from [REDACTED] as students who had also taken ACT exams at WCHS. See FI-1, p. 35. [REDACTED] were identified as [REDACTED] and [REDACTED]
[REDACTED]

[REDACTED] report prompted interviews with the individuals he identified, and led the University and enforcement staff to seek information from ACT concerning those students' ACT exams. Ultimately, the information received from the testing agency, and the testimony provided by the student-athletes (and individuals associated with their recruitment) and individuals associated with the administration of ACT exams at WCHS, combined to support [REDACTED] initial report as it pertained to those students named in this allegation. (It should be noted that [REDACTED] also named other former teammates he believed had been involved in test fraud. Through interviews with those individuals and a review of the circumstances of their exams, the enforcement staff and University determined that violations had not occurred.)

Background on ACT Examination ⁶

The ACT examination, created by ACT, Inc., is a standardized entrance examination used by many higher education institutions to inform admissions decisions. It is an "achievement test" designed to measure what a student has learned in school. (SAT, on the other hand, is more of an "aptitude test" which tests reasoning and verbal abilities.) The ACT exam is also used by the NCAA, along with its core course requirements, to determine initial-eligibility qualifier status.

⁶ Background information generated from the ACT website: <http://www.actstudent.org/>

The exam is administered six times per year, primarily at high school locations, on “national testing dates.” It consists of four sections: English, Reading, Math and Science. Each section is scored from 1 to 36, and the average of the four section scores determines a student’s composite score. (The student-athlete scores discussed in this Response refer to composite scores.) The ACT is scored based on the number of correct answers, and there is no penalty for guessing at an answer. Student exam results also include the “national percentile” of their score, which identifies the percentage of all test takers, nationwide, who receive a score equal to or less than the student’s score.⁷

Based on ACT materials gathered during the investigation, ACT reports that it “generally expects that students can improve (scores) between test dates” but, specifically concerning the scores at issue in this case, “the changes are greater than what ACT typically observes, even with intensive preparation.” See September 15, 2014, letters from ACT to students: **FI-29**, **FI-56**, **FI-66**, **FI-85**, and **Exhibit 1**. The composite score improvements in this case ranged between [REDACTED] points.

Through communication with ACT staff, the University and enforcement staff learned that prior to 2012-13, a student was permitted to appear as a “standby” examinee at a test site on a national testing date and take the examination if seats and test materials were available. This was recorded as a “test center change” by ACT if the student had previously registered to take the exam at another testing site. In 2012-13, ACT policies were revised to require that all students register in advance (online) to take the exam at a particular test site. (This explains a

⁷ For example, a composite score of 12 is approximately the 4th percentile, which means that four percent of all test takers scored a 12 or below, and 96 percent of all test takers scored better than a 12. A composite score of 24 is approximately the 74th percentile, meaning that 74 percent of all test takers scored a 24 or below, and 26 percent scored better than 24. <http://www.actstudent.org/scores/norms1.html>

minor distinction in the circumstances of the ACT exams of students identified in subparagraphs a. and b. and those detailed in subparagraph c.)

Former Assistant Football Coach David Saunders

Saunders was hired by the University on January 3, 2011. Immediately prior to his employment at the University, he served as an administrative operations coordinator with the football staff at Ole Miss. Saunders was previously employed at Ole Miss in noncoaching, recruiting and high school/community college relations positions (1998-2002) and as an assistant football coach (2006). In the interim, from 2003 to 2005, he served as the head football coach at Millsaps College in Jackson, Mississippi. Saunders recruited [REDACTED] to the University. While at the University, Saunders recruited [REDACTED] of the [REDACTED] student-athletes named in this allegation. His employment was terminated on October 30, 2014.

Saunders was interviewed on December 16, 2013, and February 25, 2014. See FI-2 and FI-11. Generally, Saunders reported that based on his experience working and recruiting in the state of Mississippi, he “made [prospects] aware” that WCHS was an “option” to take a “standby” exam. See FI-2, p. 36. Saunders explained that he identified WCHS as an option to prospective-student-athletes because it was a “rural test site” and therefore more likely to have open seats for “standby testers” than a larger city. See FI-11, p. 22. He reported that he did not remember specific conversations with [REDACTED] or [REDACTED] (or their parents) concerning WCHS, nor did he remember specific circumstances of their ACT exams.

Saunders’ statements concerning the ACT exams in question for [REDACTED] and [REDACTED] are best summarized with the following excerpt from his February 25, 2014, interview (see FI-11, p. 59):

Skillman: Do you have any knowledge, um, of anything improper that happened with [REDACTED] test at Wayne County?

Saunders: No.

Sheridan: Do you have any knowledge of any other Lafayette prospects or signees, current student-athletes who took an ACT at Wayne County? Do you have any information or knowledge of anything improper happening with their exams?

Saunders: No.

Sheridan: Do you have any reason to suspect that the scores they received and were used for initial eligibility were not scores that they earned?

Saunders: No.

...

Skillman: Specifically [REDACTED] ...

Saunders: No, absolutely not.

Saunders was not questioned specifically concerning the exams of [REDACTED] (subparagraph b.) or [REDACTED] (subparagraph c.) because the facts of those violations were discovered following the termination of his employment and he declined to submit to a third interview (see Allegation 4).

Relationship between Saunders and Ginny Crager

Ginny Crager is a former teacher at WCHS in Waynesboro, Mississippi. She served as the ACT test administrator at WCHS for approximately 20 years.⁸ She was the test administrator for the February 2011, June 2012 and June 2013 ACT exams at issue in this allegation. Crager was interviewed in Waynesboro on February 19, 2014, by the enforcement staff, University outside

⁸ The University learned through the course of the investigation that Crager ceased administering the ACT exam at WCHS in the spring of 2014.

counsel, and legal counsel for Ole Miss. See FI-10. Through counsel, Crager declined the enforcement staff's February 4, 2015, request for a second interview.⁹ On August 3, 2015, more than two months after the issuance of the Notice of Allegations, Saunders' counsel provided a June 8, 2015, affidavit of Crager. See Exhibit 2.

Saunders and Crager reported that they met through former [REDACTED] student-athlete [REDACTED] who had attended WCHS and was recruited by Ole Miss when Saunders was serving as an assistant coach in 2006. See FI-2, p. 32 and FI-10. Saunders and Crager reported that they remained in contact, primarily concerning ACT testing dates and seat availability at WCHS. See FI-2, p. 33-35 and FI-10. Saunders stated that he did not know anyone else at WCHS who was involved in the administration of ACT exams. See FI-11, p. 36.

Saunders' telephone and text message records provided some context for his contact with Crager for at least the March 2013 through January 2014 time period – the only time period for which he provided records. As detailed in response to subparagraph c., below, Saunders and Crager exchanged five phone calls within four days prior to, and including, the June 2013 national ACT testing date. See FI-97 and FI-98.¹⁰ That communication occurred *after* all three prospective student-athletes named in subparagraph c. had already registered to take the ACT

⁹ In Crager's February 7, 2015, response to a request for a second interview, her attorney accused the enforcement staff of "ambushing" Crager during her February 19, 2014, interview. In fact, Crager agreed to interview in advance following communication with counsel for Ole Miss. She appeared at a pre-arranged time and location, and she cooperated fully in that interview. Crager's attorney also alleged that "the NCAA sent partially inaccurate 'notes' of the 'interview' to Ms. Crager for her to confirm and sign." This is a reference to the interview summary provided as FI-10, which was collectively prepared by five individuals who were present for the interview: two enforcement staff members, outside counsel for the University, and outside counsel and university counsel for Ole Miss. It is the University's position that the interview summary accurately reflects the interview with Crager, and that if Crager had desired to correct that record, she had an opportunity to do so by amending the interview summary and/or by agreeing to a second interview.

¹⁰ The University also notes that the only other calls and text messages between Saunders and Crager were one text message in April 2013, and six phone calls and three text messages in the days surrounding Saunders' December 16, 2013, interview. See FI-99.

exam at WCHS (which contradicts Saunders' and Crager's claims that Saunders would call to check on open seat availability). See FI-2, p. 33-36 and FI-10, p. 11.

Crager also reported during her February 19, 2014, interview that Saunders had been to her home once, on Christmas Eve 2013, approximately one week following his interview with the enforcement staff. See FI-10, p. 11. Saunders denied ever meeting with Crager at her home. See FI-11, pp. 36, 46 and 48.

a. [REDACTED] Exam - [REDACTED]
[REDACTED] is from [REDACTED]. [REDACTED] was recruited by Saunders in the spring of [REDACTED], shortly after Saunders was hired as an assistant coach at the University. [REDACTED] was interviewed on January 22, 2014, at [REDACTED], where he was enrolled at that time. See FI-3. [REDACTED] took the ACT exam on one occasion (at WCHS) and he received a composite score of [REDACTED], which the NCAA Eligibility Center used to certify his initial-eligibility qualifier status. He enrolled at the University in the [REDACTED] and competed with the football team during the [REDACTED] and [REDACTED] seasons. [REDACTED]
[REDACTED].

[REDACTED] initially reported that he took an ACT exam at WCHS because he "missed" the ACT administered at his high school the prior week and WCHS was "the next school to do it." See FI- 3, p. 20. Later in the interview, [REDACTED] reported that he selected WCHS as a test center *when he initially registered* and that he found that testing center on his own because he "didn't want to be around a lot of people," and he "liked to be focused." See FI- 3, p. 25. Information obtained from ACT indicates that on [REDACTED], [REDACTED] registered to take an ACT exam on the [REDACTED] national testing date at [REDACTED]. ACT records

further indicate that a “test center change” was recorded for [REDACTED], ACT exam when he instead chose to take the exam as a standby student at WCHS. See FI-37.

In addition to [REDACTED] conflicting statements concerning his registration for the ACT exam, he provided inconsistent responses on several other topics during his January 22, 2014, interview. For example, [REDACTED] first reported that he and “a couple other guys had went down (to WCHS)” to take the exam. Then he said there were “a couple other guys there, but me and my mom traveled down.” Finally, he said he “just knew one of them” when he got to WCHS, but he could not recall that student’s name. See FI- 3, pp. 20-21.

[REDACTED] reported that he never spoke with Saunders about WCHS, test taking strategy, or any other aspect of the ACT exam. See FI- 3, pp. 22-27.

In addition to those circumstances of [REDACTED] exam that align closely with the circumstances of the ACT exams of the other students at issue in this case, there are several reasons the University considers [REDACTED] score to have been impacted by “fraudulence or misconduct,” as alleged by the enforcement staff:

- Prior to receiving a composite score of [REDACTED] on the [REDACTED] ACT exam at WCHS, [REDACTED] had earned a composite score of [REDACTED] on the PLAN exam (administered by ACT) during his 10th grade year.¹¹

¹¹ [REDACTED] PLAN score was used to offer to him an official visit to the University. Although 10th grade PLAN scores are designed to help predict a student’s performance on the ACT in the 11th/12th grade year and provide guidance as to the student’s educational track, the tests themselves are not directly comparable. The PLAN exam has fewer, less difficult questions than the ACT exam because at the time a student takes the PLAN, a student has only completed approximately half of his/her high school courses. ACT cautions that PLAN scores are only estimates, not guarantees, and that by improving study habits and taking more challenging courses, a student is likely to improve their eventual ACT score. <http://www.act.org/planstudent/index> Nevertheless, the University found the discrepancy between [REDACTED] score of [REDACTED] on the PLAN and his score of [REDACTED] on the ACT to be a factor in evaluating whether or not a violation occurred.

- Conservatively, 108 of 215 possible answers were changed on [REDACTED] ACT exam answer sheet. See FI-36.
- WCHS is more than four hours from [REDACTED] where [REDACTED] actually registered and could have taken the [REDACTED] exam on the same date. [REDACTED] acknowledged that he had no familiarity or contact with WCHS, had never visited the school, nor did he know any of the teachers or counselors at WCHS. See FI- 3, p. 31.

Saunders reported that he did not know whether [REDACTED] would have known about testing at WCHS but for his telling him that it was an option. See FI-11, p. 60.

b. [REDACTED] Exam - [REDACTED] and [REDACTED]
[REDACTED] is from [REDACTED]. [REDACTED] was recruited by Saunders and took the ACT exam at WCHS on [REDACTED]. Based upon the composite score of [REDACTED] recorded for that exam, [REDACTED] was certified as a qualifier by the NCAA Eligibility Center. He initially enrolled at the University in [REDACTED], and he received athletics aid and competed with the football team during the [REDACTED] seasons. The University withheld [REDACTED] from competition in the [REDACTED] season during the course of the investigation [REDACTED].

[REDACTED] was interviewed on one occasion while still enrolled at the University (January 24, 2014). See FI-3. His father, [REDACTED], was also interviewed. See FI-9.

A summary of [REDACTED] ACT exam history appears below.

	Date of Exam	ACT Examination Site	Composite Score	National Percentile
	██████████ *	██████████	██	█
	██████████	██████████	██	██
	██████████	██████████ ACT Test Security Exam	██	-

Shaded scores were unknown to the University until ACT records were requested and provided in the investigation.

* Residual ACT exam administered by Louisiana Lafayette. Residual ACT exams are administered and scored consistent with ACT exams given on National Testing Dates, but the scores can only be used for admission purposes. Scores are not reported to other institutions and cannot be used to satisfy NCAA qualifier requirements.

During his January 24, 2014, interview, ██████ reported that he originally registered to take an ACT exam at his high school ██████ during his ██████ year, but he was advised by his high school ██████ coach to skip that exam because he had not yet received approval ██████ ██████. See FI-7, p. 15. He graduated high school in the ██████ term and he arrived in Lafayette for ██████ orientation on ██████. The next day, ██████ took a residual ACT exam at the University's counseling and testing center ██████ ██████. Had ██████ performed well on the exam, he could have been admitted under regular admission standards (albeit as an NCAA nonqualifier) and permitted to take summer classes at the University. He earned a composite score of ██████ on the residual exam, ██████. See FI-41.

On ██████ and his father drove from ██████ to Waynesboro, Mississippi, so that ██████ could take an ACT exam the next day at WCHS. According to ACT records, ██████ registered on ██████, to take the ██████ ACT exam on the ██████ national testing date at ██████. ACT records further indicate that a "test center change" was recorded on ██████ ACT account because he instead opted to take the exam as a standby examinee at WCHS. See FI-48. ██████, ██████ took the ACT exam at WCHS ██████. See FI-44 and FI-52. He took the exam in a room by

himself, supervised by Crager. See FI-44. As noted above, ACT recorded a composite score of ■ for that exam. See FI-47 through FI-52.

■ reported that his father told him he needed to go to Mississippi to take the ACT exam and that he did not ask any questions. See FI-7, p. 27. ■ stated that he did not talk to Saunders in the days leading up to the exam at WCHS, and was not aware of whether his father spoke with Saunders concerning that exam. See FI-7, p. 43. He stated that he took the test without help from anyone, and that he did not have any knowledge of anyone modifying his answers or substituting his answer sheet after he finished. See FI-7, p. 48.

■ reported that at some point after ■ left ■ to go to the University, he drove from ■ to ■ to pick up ■ and take him to Mississippi to take the ACT exam. He explained: "I think (Saunders) told me I had to come and they wouldn't give him a test up there or something, it was something to the effect they wouldn't give him a test up there so he had to go to Mississippi. And I'm like, 'You serious?' you know, but I'm the dad so I had no choice 'cause I wanted him to go to school..." He added, "I don't even recall why, but he just said I had to take him, he got to do the test there (in Mississippi), then go home and we'll call you when we get the results back because he can't be up here (■)." See FI-9, pp. 10-12. ■ reported that he thought Saunders gave him directions to WCHS. See FI-9, p. 15. He explained that following the exam at WCHS, he and ■ returned to ■ thereby completing a round trip of ■ miles – until ■ received notice that he had earned a qualifying score.

In addition to the information reported by ■ and his father and those circumstances of ■ ACT exam that align closely with the circumstances of the exams of the other students at issue in this case, there are several reasons the University initially considered that

██████████, score was impacted by “fraudulence or misconduct,” as alleged by the enforcement staff:

- █████ scored a █████ on a residual ACT exam two days before he recorded a █████ on the ACT exam at WCHS. See FI-41.
- █████ tested alone in a room at WCHS supervised by Crager. See FI-44.
- █████ reported that he prepared for the ACT by reviewing “a little booklet” with practice questions “every once in a while and that was about it.” He stated that he went to ACT prep classes at his high school “once or twice” before he stopped attending. See FI-7, pp. 32-34.
- █████ reported that he guessed at “more than half” of the questions on the █████ █████, exam. He stated that after the test, he figured he was “probably going to junior college or something” because he did not do very well on the exam. See FI-7, p. 42.
- In September 2014, after multiple requests by the University for information pertaining to █████ ACT records, ACT initiated an “Official Score Review” of █████ █████ ACT exam (without providing any notification to the University). The correspondence from ACT cited “unusual circumstances surrounding his test,” such as an unusual score increase, unusual erasure patterns on his answer sheet, and “other information available to ACT.” See Exhibit 1.

Until late June 2015, the University had concluded that these factors, including the similarities between the circumstances of [REDACTED] exam and those of the other students named in this allegation, were sufficient to conclude that a violation occurred.

However, on or about June 18, 2015, after issuance of the Notice of Allegations, another four-year institution contacted the University to request information about [REDACTED] eligibility to transfer. Through that process, the University asked [REDACTED] to sign an updated ACT release form in order to ascertain whether [REDACTED] ACT score had been questioned by the testing agency in the same manner as the other student-athletes in this matter. [REDACTED] agreed to submit the form, and additional information was requested from ACT.

Through that request for information, the University learned that the testing agency initiated an "Official Score Review" of [REDACTED] score in September 2014. ACT records indicate that on [REDACTED], [REDACTED] chose the option to retake the ACT exam, and on [REDACTED] [REDACTED] he took an ACT exam at [REDACTED] in [REDACTED], approximately [REDACTED] miles from [REDACTED]. [REDACTED] earned a composite score of [REDACTED] on the retest, two points higher than his [REDACTED] score and [REDACTED] points higher than his [REDACTED] score. As a result, on [REDACTED], ACT notified [REDACTED] that he confirmed his [REDACTED] score, and that it was closing its review of that score. See Exhibit 1.

Although some circumstances surrounding [REDACTED] retest also call into question the validity of that score – i.e., the administrator of the ACT exam was an acquaintance of Saunders with whom [REDACTED] had no prior relationship, [REDACTED] took the exam [REDACTED] [REDACTED] – the University and enforcement staff were not able to substantiate that any improper activity occurred. Specifically, the test administrator could not remember many details of [REDACTED] retest, and [REDACTED] declined to participate in a second

interview with the University and enforcement staff. [A third individual who faxed [REDACTED] retest option sheet back to ACT also declined to cooperate.]

Therefore, inasmuch as [REDACTED] submitted to the retest process, ACT concluded that his [REDACTED] ACT score was valid, and the University and enforcement staff cannot support that impropriety occurred in the retest process, the University is left to take a position that it can neither agree nor disagree with the enforcement staff's allegation that his [REDACTED] exam was "completed and/or altered in such a manner that he would receive a fraudulent score."

[REDACTED] is from [REDACTED]. He was recruited by Saunders and initially enrolled at the University in the [REDACTED]

[REDACTED] His [REDACTED] ACT score of [REDACTED] increased his chances of being admitted by the University's "admission by exception" committee. [REDACTED]

[REDACTED]. He participated in [REDACTED] contests in the [REDACTED] season before the violations at issue in this case were discovered. [REDACTED]

[REDACTED]. In mid-November 2014, [REDACTED] reported to University administrators that ACT had initiated an inquiry into his [REDACTED] ACT score. When [REDACTED] reported that he had taken his [REDACTED] ACT at WCHS, the University immediately notified the enforcement staff. On December 2, 2014, [REDACTED] was interviewed. See FI-5. Following [REDACTED] interview with the enforcement staff and a review of the correspondence from ACT that [REDACTED] provided in advance of his

interview, the University acknowledged that a violation occurred, and it sought and received reinstatement of [REDACTED] eligibility through the NCAA student-athlete reinstatement staff. Thereafter, the University requested detailed information from ACT concerning [REDACTED] testing history in the same manner as it had for the prior students [REDACTED] and [REDACTED]. ACT subsequently provided copies of its correspondence to [REDACTED] as well as documentation and records of [REDACTED] prior ACT exams. See FI-54 through FI-59. A summary of [REDACTED] ACT exam history appears below.

	Date of Exam	ACT Examination Site	Composite Score	National Percentile
[REDACTED]	[REDACTED]	[REDACTED] L	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Shaded scores were unknown to the University until ACT records were requested and provided in the investigation.

[REDACTED] reported that he and his high school teachers put considerable time and effort into preparing for standardized tests. See FI-5, pp. 12-21. [REDACTED] explained that he was “rushed” and “cheated out of time” in his [REDACTED] exam and that he did very poorly as a result. See FI-5, p. 29-36. He stated that when he received his scores, he notified Saunders, who told him that he needed to take the test again to earn a score that would be accepted by the University. See FI-5, p. 38. At some point after his conversation with Saunders, [REDACTED] stated that [REDACTED] a family friend from his neighborhood who employed [REDACTED], told him that he wanted to visit Louisiana Lafayette to see where [REDACTED] was going to attend college. See FI-5, p. 42. [REDACTED] reported that several days before the [REDACTED] ACT exam, he rode with [REDACTED], [REDACTED] wife, and their [REDACTED] to Lafayette and then to Waynesboro, Mississippi, where he took the ACT. See FI-5, p. 44.

██████████ was interviewed by the enforcement staff and University on December 9, 2014. See FI-16. He reported that two weeks after ██████████ high school graduation, he communicated with Saunders about arranging a visit to the institution and, within 48 hours, he drove ██████████ to Lafayette. ██████████ indicated that Saunders was the only individual he spoke to concerning ██████████ visit to the University. See FI-16, pp. 3-4. ██████████ reported that during the visit, Saunders asked him if he would be willing to drive ██████████ to take an ACT exam on his way back to ██████████. He stated that Saunders gave him the name of the high school and a phone number, and they drove approximately eight hours to the location where ██████████ took the exam. See FI-16, pp. 8-10.

In addition to the information reported by ██████████ and ██████████ and those circumstances of ██████████ ACT exam that align closely with the circumstances of the exams of the other students at issue in this case, there are several reasons the University considers ██████████ score to have been impacted by "fraudulence or misconduct," as alleged by the enforcement staff:

- Conservatively, █ of █ possible answers were changed on ██████████ ACT exam answer sheet. See FI-54. ██████████ reported that he did not make a "large amount" of changes. See FI-5, p. 63 and 78.
- The majority of the erasures to ██████████ answer sheet appear in sections where ██████████ repeatedly selected the same position to answer every question in one or more columns (i.e., repeated selection of the first position: A/F, second position: B/G, etc.). In those sections, the answer was changed to the correct answer on █ of █ occasions. See FI-21 and FI-54.

- In September 2014, ACT initiated an "Official Score Review" of [REDACTED] ACT exam (again, unbeknownst to the University despite nearly six months of communication concerning the ACT exams of its student-athletes.) In its letter to [REDACTED], ACT cited "unusual circumstances surrounding his test," such as an unusual score increase, unusual erasure patterns on his answer sheet, and "other information available to ACT." See FI-56. On November 24, 2014, ACT cancelled [REDACTED] exam score. See FI-59.

c. [REDACTED] Exam - [REDACTED]
[REDACTED] and [REDACTED] are former high school [REDACTED]
[REDACTED] who enrolled at the University in the [REDACTED]. Both [REDACTED] and [REDACTED] were recruited by Saunders. Both students took an ACT exam at WCHS [REDACTED]

[REDACTED] received a composite score of [REDACTED] on the [REDACTED] ACT exam. He was certified as an NCAA qualifier based on his high school grade-point average and prior ACT scores; however, at the time he took the [REDACTED] exam, his prior scores were just shy of the University's regular admission standards. Based on [REDACTED] ACT exam score, he also qualified for an out-of-state fee waiver (discounted tuition). [REDACTED] was not an athletics aid recipient in the [REDACTED] and he practiced but did not compete in the [REDACTED] season. [REDACTED]

Based in part on a composite score of [REDACTED] recorded for [REDACTED] ACT exam, he was certified by the NCAA Eligibility Center as a qualifier and he received athletics aid, practiced and competed [REDACTED] in [REDACTED] contests during the [REDACTED] season. ([REDACTED])

[REDACTED].) [REDACTED]
[REDACTED].¹²

[REDACTED] and [REDACTED] were interviewed, separately, by the University and enforcement staff on January 23, 2014. See FI-4 and FI-6, respectively. [REDACTED], who was also his and [REDACTED], was interviewed on February 11, 2014. See FI-8.

A summary of the ACT exam histories for [REDACTED] and [REDACTED] appears below.

	Date of Exam	ACT Examination Site	Composite Score	National Percentile
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Shaded scores were unknown to the University until ACT records were requested and provided in the investigation.

[REDACTED] reported that in May or June [REDACTED], he rode with [REDACTED] to Mississippi from [REDACTED] to visit [REDACTED] in [REDACTED] and [REDACTED] in [REDACTED], and that he and [REDACTED] also took an ACT exam during that trip. See FI-4, pp. 15-18. [REDACTED] stated that prior to the trip to Mississippi, he registered for the exam at WCHS online based on instruction from [REDACTED] and that [REDACTED] paid for that registration. See FI-4, pp. 26-27. (ACT records show that [REDACTED] registered for the [REDACTED] ACT exam at WCHS on [REDACTED]. See FI-28.) [REDACTED]

¹² At that time, the University could have sought a progress-to-degree waiver on [REDACTED] behalf. [REDACTED]

reported that he did not talk to Saunders prior to the trip to Mississippi, and that he did not believe Saunders knew that he was going to Mississippi to take the ACT exam.¹³ See FI-4, p. 33. He stated that he did not have any reason to believe that something improper occurred with his [REDACTED] exam. See FI-4, p. 39.

[REDACTED] signed a National Letter of Intent with the University in [REDACTED]. He reported that after he did poorly on his [REDACTED] ACT exam, Saunders advised him that he needed to increase his score in order to enroll at the University. He said that he also began to consider "junior colleges." See FI-6, p. 34. [REDACTED] reported that after he received his [REDACTED] ACT exam score, he talked to [REDACTED] who invited him to travel to Mississippi to visit "junior colleges" and retake the ACT with [REDACTED]. He indicated that he registered online for the ACT exam, and that [REDACTED] told him to select WCHS. See FI-6, pp. 38-39. [REDACTED] stated that he gave money to [REDACTED] for his registration and [REDACTED] used his debit card as payment for the exam. (ACT records show that [REDACTED] registered for the [REDACTED] ACT exam at WCHS on [REDACTED], and that a credit card registered to [REDACTED] was used as payment. See FI-22.)

[REDACTED] reported that he rode with [REDACTED] and [REDACTED] to Mississippi to visit "junior colleges" [REDACTED]. See FI-6, p. 41. He stated that they met coaches from both schools briefly, and that each visit lasted "a good 20 minutes." See FI-6, p. 59. [REDACTED] said that he did not see, nor speak to, Saunders during the trip to Mississippi.¹⁴ See FI-6, p. 46.

¹³ Saunders and [REDACTED] had a 13-minute call the evening immediately prior to the ACT exam and they exchanged seven text messages the day of the exam. See FI-97 and FI-98.

¹⁴ Saunders and [REDACTED] exchanged nine phone calls on June 6, nine text messages on June 7, and 25 text messages on June 8. See FI-97 and FI-98.

Outside Counsel: And I guess, if the purpose was twofold, the ACT and then the visit to junior colleges, it sounds like you really only went on campus at [REDACTED], and you didn't meet with anybody, football coaches or really [anyone] otherwise.

[REDACTED] Right.

Outside Counsel: And you didn't go to any other junior colleges. I guess it sounds, and this is my own characterization and understanding so, you know, it is what it is – it sounds more like the purpose was to take that ACT test in Mississippi.

[REDACTED] I mean, I hear what you're saying, but I have no reason to misguide you guys about my son's future and his career. So that was the entire purpose really, those two reasons. And the convenience of it being in Mississippi as well as to visit the schools, that was the purpose.

Outside Counsel: Did you have any communication with anyone at Lafayette about the ACT test?

[REDACTED] No.

Outside Counsel: Okay. Did you talk to coach Saunders about the scores that these, that [REDACTED] and [REDACTED] would both need as it corresponded to their high school GPA?

[REDACTED] No.

Outside Counsel: Did anybody at Louisiana Lafayette guide you to Wayne County High School?

[REDACTED] No.

In the time period between [REDACTED] and [REDACTED] registration for the ACT and the [REDACTED] ACT exam, Saunders and [REDACTED] exchanged 20 calls and 28 text messages, including two calls and 22 text messages on June 6, 7 and 8. See FI-97 through FI-98.

Saunders acknowledged that neither [REDACTED] nor [REDACTED] would have known that WCHS was a testing site option for the ACT exam but for his telling them. See FI-2, p. 60.

In addition to the information reported by [REDACTED] and [REDACTED] the ACT score histories for [REDACTED] and [REDACTED] and those circumstances of [REDACTED] and [REDACTED] [REDACTED] ACT exam that align closely with the circumstances of the exams of the other students at issue in this case, there are several reasons the University considers their [REDACTED] scores to have been impacted by "fraudulence or misconduct," as alleged by the enforcement staff:

- ACT records show that [REDACTED] registered for the [REDACTED] ACT exam at WCHS on [REDACTED]. See FI-28. On that date, Saunders and [REDACTED] exchanged one phone call and six text messages. See FI-97 and FI-98.
- Conservatively, [REDACTED] of [REDACTED] possible answers were changed on [REDACTED] ACT exam answer sheet. Of those [REDACTED] changes, [REDACTED] were made to the correct answer. See FI-21 and FI-25.
- In September 2014, after requests by the University for information pertaining to [REDACTED] ACT records, ACT initiated an "Official Score Review" of [REDACTED] [REDACTED] ACT exam. ACT's letter cited "unusual circumstances," such as the "unusually high number of identical responses on his answer sheet compared to other examinee's answer sheets," unusual score increase, erasure patterns on his answer sheet, and "other information available to ACT." See FI-29.
- ACT records show that [REDACTED] registered for the [REDACTED] ACT exam at WCHS on [REDACTED]. See FI-28. Saunders and [REDACTED] exchanged one phone call and seven text messages on May 17. See FI-97 through FI-98.

- ██████ reported that he witnessed a woman resembling Crager remove his answer sheet from the crate following the exam. See FI-6, pp. 66-70.
- Conservatively, █ of █ possible answers were changed on ██████ ACT exam answer sheet. Of those █ changes, █ were made to the correct answer. See FI-21 and FI-62. ██████ reported that he guessed at "probably a good █ or █ questions." See FI-6, p. 65.
- In September 2014, after multiple requests by the University for information pertaining to ACT records for ██████, ACT initiated an "Official Score Review" of ██████ 2013 ACT exam (without providing any notice to the University). ACT's letter cited "unusual circumstances," including the erasure patterns on his answer sheet, the inconsistency between his ██████ score and his prior scores, "irregularities" detected by a forensic document examiner, and "other information available to ACT." See FI-66.
- Saunders' phone records show more than 60 calls and 240 text messages (incoming and outgoing) with ██████ and ██████ between May 17 and June 8. See FI-97 and FI-98. In addition to those calls, Saunders and Crager exchanged five phone calls within four days prior to, and including, the ██████ national ACT testing date. That communication occurred approximately three weeks *after* ██████ and ██████ had already registered to take the ACT exam at WCHS, which contradicts Saunders' and Crager's claims that Saunders would only call to check on open seat availability at WCHS. See FI-2, p. 33-36 and FI-10, p. 11.

██████████ is originally from ██████████. He was recruited by former assistant coach Tim Rebowe and he initially enrolled at the University in ██████████. Based upon the score of ███ recorded for ██████████ ACT exam at WCHS, he was certified as a qualifier by the NCAA Eligibility Center. He received athletics aid and practiced, but did not compete, with the football team in the ██████████ academic year. He participated in ███ contests in the ██████████ season before the violation was discovered.

The University learned of the circumstances concerning ██████████ ACT exam on January 5, 2015, when it received an email notification of the cancellation of ██████████ score from the NCAA Eligibility Center. See FI-90. ██████████ reported that he took his ██████████ ACT exam at WCHS, and the University immediately notified the enforcement staff. Thereafter, the University requested detailed information from ACT concerning ██████████ testing history in the same manner as it had for ██████████ and ██████████. ACT subsequently provided copies of its correspondence to ██████████, as well as documentation and records of ██████████ prior ACT exams. Those records showed that ██████████ took the ACT ███ times between ██████████ and ██████████ and that the only ACT exam he took outside of ██████████ ██████████ was the ██████████ ACT that he took at WCHS. See FI-77 through FI-89. ██████████ ACT exam history is below.

	Date of Exam	ACT Examination Site	Composite Score	National Percentile
██████████	██████████	██████████	██████████	██████████
	██████████	██████████	██████████	██████████
	██████████	██████████	██████████	██████████
	██████████	██████████	██████████	██████████
	██████████	██████████	██████████	██████████
	██████████	██████████	██████████	██████████

Shaded scores were unknown to the University until ACT records were requested and provided in the investigation.

██████ was interviewed by the enforcement staff and University on February 12, 2015. See FI-17. ██████ reported that late in his senior year ("around May"), ██████ told him that he needed to take another ACT exam. (At that point in time, based upon ACT records, ██████ prior NCAA-qualifying score of ██████ had been cancelled.) ██████ told him that his next test would be "out-of-state." ██████ reported that he talked to ██████ and Rebowe about taking the ██████ ACT in Waynesboro, Mississippi, and that he was "pretty sure" somebody registered him for the exam, but did not know who. See FI-7, pp. 38-41. Records obtained from ACT indicate that ██████ registered ██████ for the exam on ██████ See FI-22.

██████ reported that when he arrived at WCHS the morning of the exam, he encountered a woman he identified during his interview as Crager, who indicated that she was expecting him. See FI-17, pp. 45, 49-50. ██████ stated that he did not "cheat," nor did he have knowledge of anything improper that occurred with respect to his exam. See FI-17, p. 57.

Rebowe and ██████ were interviewed by the enforcement staff and University on February 24, 2015.¹⁵ See FI-18 and FI-19. On February 25, 2015, an interview was conducted with associate head coach and recruiting coordinator Reed Stringer. Collectively, and with little variation to their testimony, Rebowe, ██████ and Stringer reported that in late May ██████, ██████ and the coaches learned that ACT had cancelled the test score upon which his eligibility was being evaluated. (ACT records indicate that on ██████, ██████ ACT exam score was cancelled. See FI-84.) Rebowe and Stringer reported they approached Saunders to ask for

¹⁵ A follow-up interview was conducted with ██████ on May 12, 2015, wherein he was provided an opportunity to address conflicts between his prior testimony and the records provided by ACT concerning ██████ registration for the ██████ ACT exam at WCHS. ██████ May 12, 2015, interview did not materially alter his prior testimony or otherwise impact the understood facts concerning ██████ exam.

guidance about standby testing for ██████ for the ██████ exam. See FI-19, pp. 19-24 and FI-20, p. 33. Rebowe stated that Saunders suggested a specific “rural” test site in Mississippi, and that he and Saunders communicated with ██████ about that testing site. See FI-19, pp. 19-29. Rebowe reported that after the initial contact between ██████ and Saunders, he was no longer involved. See FI-19, p. 29. ██████ confirmed that he spoke with Saunders, and that Saunders told him about a testing site in Mississippi where he could “pretty much guarantee” that ██████ would be able to take the ██████ exam.¹⁶ See FI-18, pp. 11-13. ██████ reported that the day before the exam ██████ ██████ came to his home where ██████ provided him with money for gas and a hotel, and directed him to Waynesboro. See FI-18, pp. 18-19.

Saunders was not questioned specifically concerning ██████ because the facts of the violations were discovered following the termination of his employment and he declined to submit to a third interview (see Allegation 4).

In addition to the information reported by ██████ Rebowe and ██████, ██████ ACT score history, and those circumstances of ██████ ACT exam that align closely with the circumstances of the exams of the other students at issue in this case, there are several reasons the University considers ██████, score to have been impacted by “fraudulence or misconduct,” as alleged by the enforcement staff:

- ██████ reported that he did not study or prepare for the ██████ ACT. See FI-7.

¹⁶ ██████ reported that the call with Saunders about the testing site was the only time he ever spoke to Saunders, and that all of the activity concerning ██████ ACT exam at WCHS occurred within 24 hours of the exam. However, Saunders phone records show more than 20 minutes of calls and 11 text messages between Saunders and ██████ from June 3 and 7, 2015. See FI-97 and FI-98. Further, as noted above, ACT records show that ██████ registered for the exam on ██████, and that a credit card in ██████ name was used to make the registration payment.

- ██████ stated that he failed to answer questions on each section of the exam, including approximately █ to █ questions on the Science portion and approximately █ questions on the English portion. An answer was selected for every question on ██████ answer sheet. See FI-78.

- ACT records indicate that ██████ registered online for the ██████ exam at WCHS on ██████, and that on that date, ██████ made a \$78 payment for the exam. Between that date and the ██████, test date, Saunders exchanged five calls and 11 text messages with ██████ and five calls with Crager. On June 7, the day before the ACT exam at WCHS, Saunders had a three and a half minute call with Crager at 11:17 a.m. that was followed immediately with a call to ██████ at 11:21 a.m. See FI-97 and FI-98.

- In September 2014, ACT initiated an "Official Score Review" of ██████ ACT exam, citing "unusual circumstances," such as the "unusually high number of identical responses on his answer sheet compared to other examinee's answer sheets," unusual score increase, erasure patterns on his answer sheet, and "other information available to ACT." See FI-85.

LEVEL OF THE ALLEGATION

The University acknowledges that "individual unethical or dishonest conduct" is specifically identified in Bylaw 19.1.1-(d) as a Level I, Severe Breach of Conduct. The University agrees that the Level I classification is appropriate for this violation.

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.

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 [REDACTED], 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)]

UNIVERSITY'S CONCLUSIONS

NCAA Bylaw 19.7.8.3 states that the hearing panel shall base its decisions on "information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs." For the reasons set forth in the Review of the Evidence section that follows, the University does not find the testimony being relied upon by the enforcement staff to support Allegation 2 to be credible, nor persuasive. Therefore, the University does not agree that the information contained within this allegation is substantially correct, or that a finding of unethical conduct, an impermissible inducement, extra benefits, or ineligible participation should be made by the hearing panel.

The extent of the evidence cited by the enforcement staff as Factual Information (FI) is:

- 1) Conflicting testimony of two individuals, former student-athlete [REDACTED] (see FI-100) and former assistant coach David Saunders (see FI-101).
- 2) University cashier's office records showing cash payments made by [REDACTED] to his student account. See FI-102. The payment records support that [REDACTED] made the payments – his signature appears on each receipt – but they are of no use in determining the *source* of [REDACTED] funds.

The University acknowledges that [REDACTED] provided some information concerning Allegation 1 that was substantiated through interviews and other records. However, he also made claims about the exams of other students that were not corroborated, and those allegations were quickly dispelled when interviews with those students revealed that the information [REDACTED] reported was false. Based on the nature of [REDACTED] statements (and his repeated involvement in disreputable activity), the University finds that [REDACTED] is the type of witness whose testimony *requires* a certain level of corroboration before it can be deemed persuasive, much less credible. For the reasons set forth in the Review of the Evidence, [REDACTED] testimony concerning this allegation – standing alone and absent sufficient corroboration – cannot be reasonably relied upon, particularly in an allegation as serious as that alleged in Allegation 2.¹⁷

The enforcement staff elected not to include as Factual Information the recorded testimony of a third individual, a representative of the institution's athletics interests, who [REDACTED] cited as the

¹⁷ Based on the agreed-upon violations in this case, the University also cannot reasonably rely upon Saunders' testimony.

underlying source of some amounts of cash he received from Saunders. The University believes that the representative's testimony is credible and reliable, and therefore relevant to the hearing panel's review of this allegation. [A transcript of the representative's February 25, 2014, interview with the enforcement staff and University is contained in the record of this case.]

REVIEW OF THE EVIDENCE

As detailed in the Introduction and University's response to Allegation 1, [REDACTED] is a former football student-athlete, first at [REDACTED] and then at the University of Louisiana Lafayette. [REDACTED] was interviewed on two occasions by the enforcement staff concerning his knowledge of fraud or misconduct involving his [REDACTED] ACT exam and the ACT exams of his former teammates at those institutions.

[REDACTED] initially enrolled at [REDACTED] in the [REDACTED] and participated with the team until [REDACTED]. [REDACTED]. [REDACTED]. In the [REDACTED] term, [REDACTED] began taking courses [REDACTED] to complete his associate's degree in order to transfer to the University [REDACTED].

[REDACTED] Following completion of his associate's degree in the summer of [REDACTED] he enrolled at the University. He participated in practice and competition until approximately the third game of the [REDACTED] season, [REDACTED].

Near the end of [REDACTED] January 23, 2014, interview – conducted at [REDACTED].

████ continued to attend class and remained on campus through the end of the fall █████ semester, and at no point was █████ “dropped out” of his classes. In fact, █████ earned █████ credits in the fall of █████ and he still owes the institution approximately █████ for his course enrollment (including late fees) for that term.

Saunders reported that he did not know how █████ paid for his housing or educational expenses at █████ in the spring/summer of █████ (subparagraph a.) see FI-101, p. 64, nor was he aware how █████ paid for his fall █████ courses or housing (subparagraph b.) see FI-101, pp. 68-69. He denied having a role in either scenario, and he reported that he never gave cash to █████ for any reason. Given the other violations in this case, the University acknowledges that Saunders’ statements are no more reliable or credible than those of █████

Finally, the enforcement staff relies on █████ student account records from January through September 2012 to support the allegations described in both subparagraphs a. and b. See FI-102. Although these records reflect that cash payments were made by █████ on multiple occasions, and the payment amounts are somewhat consistent with amounts described by █████ the records do not corroborate █████ claim that Saunders was the source of the funds.

a. *Information concerning the allegation that Saunders gave █████ approximately \$5,000 while █████ was enrolled at █████ in the spring and summer of █████*

University payment records show that between January and July █████ █████ made six in-person cash payments at the cashier’s office totaling \$7,133. See FI-102.

████ reported that Saunders “probably gave [him] about \$5,000 altogether.” █████ stated that on each occasion, Saunders gave envelopes of cash to him in the parking lot by the University’s

cashier's office, and then [REDACTED] would make the payment and return with a receipt for Saunders, who kept all of [REDACTED] paperwork in a folder. See FI-100, p. 51. Saunders denied ever providing cash to [REDACTED] (for any reason), and he stated that he did not remember ever being present, "in the vicinity" or "in the parking lot" at a time when [REDACTED] was making a payment for his tuition or living expenses. FI-101, pp. 69 and 71.

[REDACTED] reported that he also received money from his mother ("\$800 here, \$1,000 there") and that his mother "ended up losing [his] car and stuff trying to help [him] pay for school." See FI-100, pp. 51. [NOTE: The enforcement staff and University attempted to interview [REDACTED] mother over the course of two days while in [REDACTED] conducting other interviews. She declined requests for an interview.]

The University has no way to determine the source of the funds [REDACTED] used to make payments on his student account in the spring and summer of [REDACTED]. However, given [REDACTED] other activities at that time ([REDACTED]) it is not unreasonable to assume that he had access to money and/or the ability to generate money from some source other than Saunders.

b. Information concerning the allegation that Saunders gave [REDACTED] approximately \$1,500 while [REDACTED] was enrolled at the University in the fall of [REDACTED]

In his January 23, 2014, interview, [REDACTED] claimed that Saunders gave him "like \$1,500" so that he would "be able to stay in the dorms." Concerning that alleged \$1,500 payment, [REDACTED] stated, "They tried to get one of the boosters to help me pay for my classes for UL. He never came through and helped me. He just helped me pay one payment, then tried to brush it off till the end of the season." Then, [REDACTED] said, "... he gave coach Saunders the money for me,

coach Saunders gave me the money to make the first installment and that was it. No more money ever came to help me pay for it." See FI-100, pp. 46-48.¹⁹

Based on [REDACTED] story, the enforcement staff and University questioned [REDACTED] about the identity of the "booster." [REDACTED] description fit that of a well-known and regarded representative of the institution's athletics interests. By all accounts – including his own – the representative is a visible and easily identifiable supporter of Louisiana Lafayette athletics. [REDACTED]

[REDACTED] During a February 25, 2014, interview with the enforcement staff and University, the representative plainly – and, in the University's opinion, credibly – denied ever providing money to Saunders or [REDACTED]. A transcript of his interview is provided in the record of the case. Given [REDACTED] character and propensity for storytelling, the University finds the representative to be a far more credible witness.

Saunders stated that he did not know how [REDACTED] paid for his fall [REDACTED] courses, and that he did not have any role in it. He denied ever providing cash to [REDACTED] for any reason. Saunders also reported that he had no knowledge of [REDACTED] receiving financial assistance from "anyone else associated with the University." FI-101, pp. 68-70.

University records indicate that [REDACTED] made two cash payments in the fall of [REDACTED]. See FI-102. Both payments were for [REDACTED] housing, \$814 (August 27) and \$1,200 (September 11), yet

¹⁹ Overall, [REDACTED] testimony concerning the representative's involvement was not consistent, nor compelling. For example, [REDACTED] first reported that he met the representative "once," yet later, he described multiple meetings with him ("every time I [saw] him"). See FI-100, pp. 50-51. Further, [REDACTED] statements concerning his meeting(s) with the representative wandered between his own assumptions and ambiguous language that he attributed to the representative (e.g., "I'm helping coach Saunders 'cause they believe in you, to help you get your summer school paid" and "I [am] helping them help you. Just make sure you take care of business." See FI-100, p. 50.) Similarly, [REDACTED] story concerning the number of payments began with a statement that the representative "never came through," then evolved to "one payment," and later, to seemingly multiple payments made through Saunders.

neither payment was in the amount of \$1,500 as [REDACTED] alleged (and the enforcement staff adopted in its allegation).

Again, the University has no way to determine the source of the cash [REDACTED] used to make these payments, but it is not unreasonable to assume, based on his other activities at that time, that he had access to money from some source other than Saunders.

LEVEL OF THE ALLEGATION

The University agrees that findings of violations such as those described in the enforcement staff's allegation could be characterized as a Level I severe breach of conduct. However, the evidence does not support a finding of a violation in this instance.

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 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 [REDACTED] 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)]*

UNIVERSITY'S CONCLUSIONS

The University agrees that the information contained in subparagraphs a. and b. is substantially correct (without regard to the number of prospects involved).²⁰ Specifically, the University acknowledges that former assistant football coach David Saunders denied arranging for prospective student-athletes to take an ACT exam at Wayne County High School in Waynesboro, Mississippi, and, further, that Saunders denied engaging in fraudulence or misconduct in connection with the prospects' ACT exams at that location. As detailed in the University's response to Allegation 1, the evidence supporting a finding that Saunders knew of,

²⁰ Based on the University's conclusions in Allegation 1 concerning [REDACTED], it can only conclude with certainty that the exam scores of five prospects were the subjects of test fraud in this case.

and was involved in, ACT test fraud is overwhelming. Thus, Saunders' denial of such knowledge of, or involvement in, the activity is not compelling.

Therefore, concerning subparagraphs a. and b., the University agrees that Saunders 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 and, in so doing, he committed violations of NCAA Bylaws 10.01.1 (Honesty and Sportsmanship), 10.1 and 10.1-(d) (Unethical Conduct).

With regard to subparagraph c., the University has concluded that the weight of the evidence does not support a finding that Saunders provided student-athlete [REDACTED] with cash payments to assist him with paying his living and educational expenses, as alleged in Allegation 2. Therefore, the University does not agree that the information contained in subparagraph c. is substantially correct, or that violations of the cited legislation occurred in that instance.

LEVEL OF THE ALLEGATION

The University acknowledges that "individual unethical or dishonest conduct" is specifically identified in Bylaw 19.1.1-(d) as a Level I, Severe Breach of Conduct. The University agrees that the Level I classification is appropriate for this violation.

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)]*
- 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)]*

UNIVERSITY'S CONCLUSIONS

The University agrees that the information contained in this allegation is substantially correct. Specifically, the University acknowledges that former assistant football coach David Saunders declined the enforcement staff's request for a third interview to discuss his knowledge of and/or involvement in violations of NCAA legislation, as well as declined a request for his cellular telephone records. Saunders' decision(s) not to cooperate in this regard came after the University terminated his employment (October 30, 2014). The University agrees that Saunders' refusal to furnish information constitutes violations of NCAA Bylaws 10.01.1 (Honesty and Sportsmanship), 10.1 and 10.1-(a) (Unethical Conduct), and 19.2.3 and 19.2.3.2 (Responsibility to Cooperate).

The factual information cited by the enforcement staff supports this allegation. Specifically, the staff communicated with Saunders' attorney via email on January 30, 2015, to request an interview with Saunders and his "complete cellular telephone and text message records" from August 1, 2014, through January 30, 2015. See FI-103. In that email, the staff proposed several dates for the interview with Saunders, advised of Saunders' obligations under NCAA legislation, and asked Saunders' attorney to respond by February 4, 2015, as to whether Saunders would participate in a third interview. Saunders' attorney did not respond.

On February 4, following the expiration of the deadline to respond, the staff sent a second email to Saunders' attorney. See FI-104. A letter from Saunders' attorney, also dated February 4, advised that Saunders declined to provide his cellular phone and text message records and that he "respectfully declines (the enforcement staff's) request for yet a third interview." See FI-105. The staff renewed its request on February 5, 2015, and it explained that the request for the interview and phone/text message records was related to subject matter not covered during his prior interviews. See FI-106. On February 13, 2015, Saunders' attorney again declined the enforcement staff's requests. See FI-108.

LEVEL OF THE ALLEGATION

The University acknowledges that former institutional staff members have an "affirmative obligation" to cooperate and assist the enforcement staff in "furthering the objectives of the Association and its infractions program" (Bylaw 19.2.3) and, further, that a "failure to cooperate in an NCAA enforcement investigation" is specifically identified in Bylaw 19.1.1-(c) as a Level I, Severe Breach of Conduct.

C. RESPONSE TO POTENTIAL AGGRAVATING AND MITIGATING FACTORS

The University agrees that the aggravating and mitigating factors cited by the enforcement staff in the Notice of Allegations are applicable to the hearing panel's evaluation of penalties in this case.

Concerning the two aggravating factors cited by the staff – multiple Level I violations by the institution or involved individuals [Bylaw 19.9.3-(a)] and one or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete [Bylaw 19.9.3-(i)] – the University notes that the “multiple Level I violations” in this case were the result of one involved individual's conduct which, unbeknownst to the University, resulted in the “significant ineligibility” of at least five, and potentially six, student-athletes for competition.²¹ The University took swift action to terminate the involved individual's employment when it became clear that the violations occurred, it withheld those student-athletes with eligibility remaining from further competition, and it self-imposed significant penalties to address the ineligible participation resulting from the violations.

In addition to the mitigating factors cited by the staff – prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective actions and/or penalties [Bylaw 19.9.4-(b)], affirmative steps to expedite the final resolution of the matter [Bylaw 19.9.4-(c)] and an established history of self-reporting Level III or secondary violations [Bylaw 19.9.2-(d)] – the University respectfully asks the hearing panel to consider two additional

²¹ The ineligibility was “significant” in that as many as five of the six student-athletes competed prior to discovery of the violations, and two (potentially, three with the inclusion of [REDACTED]) of the six student-athletes participated during what should have been a nonqualifier year-in-residence. After discovering the violations, two of the three student-athletes ([REDACTED]) were required to serve competition withholding penalties during the prime of their collegiate careers. [REDACTED]

mitigating factors in its evaluation of penalties: 1) exemplary cooperation [Bylaw 19.9.4-(f)] and 2) “other facts” warranting a lower range of penalties [Bylaw 19.9.4-(h)].

Exemplary Cooperation [Bylaw 19.9.4-(f)]

Bylaw 19.9.4-(f) specifically identifies several examples of “exemplary cooperation.” The University believes that all three examples cited in the legislation should be considered in the hearing panel’s evaluation of penalties in this case:

(1) *Identifying individuals, documents and other information of which the enforcement staff was not aware*

- When information or documentation revealed that it was necessary to conduct additional interviews or make additional requests for records, the University alerted the enforcement staff, shared relevant internal memoranda and University records with the staff, and worked with the staff to develop a plan to gather and process information.
- At one point, the University’s president was actively engaged in seeking information concerning ACT test security and score review procedures. Through his efforts and communications with high-level staff at the testing agency, he was able to obtain materials concerning ACT procedure that had not previously been provided to the NCAA enforcement staff. That information was shared with the enforcement staff.

(2) *Expending substantial institutional resources to expedite a thorough and fair collection and disclosure of information*

- The University committed considerable time, attention and finances to the investigation (which spanned more than a year and a half) and it will spend significant resources in processing this case to a conclusion. In that regard, the University incurred substantial investigation-related costs related to: conducting interviews in multiple cities across four states; requesting and reviewing ACT documentation; and time expended on the written production of materials for the investigation and related reinstatement matters.²² Additional resources have been necessary to respond to the allegations and prepare for the University's appearance before the hearing panel of the Committee on Infractions.

(3) *Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware*

- As detailed in the University's response to Allegation 1, on two occasions, in November 2014 and January 2015, the University learned that a current football student-athlete had received an ACT score that appeared to have been impacted by ACT exam fraud. On both occasions, the University asked the student-athletes about the testing site of their ACT exams and thereafter, immediately notified the enforcement staff. Those violations are identified in

²² If requested, the University will provide the hearing panel with a more detailed accounting of the cost accumulated in processing this case at, or in advance of, the hearing.

allegation 1, subparagraphs b. and c. ([REDACTED] and [REDACTED]
[REDACTED], respectively).

Other factors warranting a lower range of penalties [Bylaw 19.9.4-(h)]

Over a three-year period, half a dozen prospective student-athletes enrolled at the University after taking ACT examinations at Wayne County High School (WCHS) that resulted in sizable score increases when compared to their prior scores and/or scores from their “home” testing locations. That number does not include [REDACTED], who initially enrolled at [REDACTED] with an ACT score earned at WCHS [REDACTED]. Based on the investigation, the University learned that other prospective student-athletes recruited by Ole Miss during Saunders’ tenure at that institution also took ACT exams at WCHS that resulted in questionable scores.²³

While the NCAA Eligibility Center – and, to a more limited extent, the University – are provided some information about students’ prior exams and scores, it is not necessarily privy to every score, nor does it receive the breadth of information gathered by ACT. On the other hand, ACT receives, scores, reports and maintains all such records, including pertinent data necessary to detect repetitive instances of fraud spanning several years (i.e., student score history, testing locations, testing room supervisors, testing booklets, answer sheets, etc.) Despite the significant leaps in the prospects’ WCHS exam scores over at least a four-year period – a period which would include [REDACTED], and potentially other recruits, while Saunders was employed by Ole Miss – ACT did not initiate an investigation until the spring/summer of 2014 *after* the

²³ Certainly, had the University known of Saunders’ prior activity involving potential test fraud, it would not have hired him in January 2011.

enforcement staff and the University (and Ole Miss²⁴) began communicating by email, phone and written correspondence with ACT staff concerning testing records for specific students. Inasmuch as colleges and universities rely upon the scores ACT represents as valid, it is extremely unsettling to the University that the testing agency did not detect, or at the very least question, incidences of possible fraud at WCHS several years prior to the NCAA investigation.

Even after the University learned that ACT had initiated an investigation in the spring/summer of 2014 based, at least in part, on information shared and records requested by the University, the agency neglected to disclose the results of its investigation to the University or the enforcement staff. Further, in September 2014, despite frequent communication with ACT staff members at that time, the testing agency chose not to inform the University that it was beginning an "Official Score Review" for student-athletes currently enrolled at the University, including those student-athletes who were the subject of the originally requested information (██████████). Had the testing agency disclosed such information, it is likely that the circumstances concerning the WCHS ACT exams of two other student-athletes (██████████) would have been discovered months prior to when the University finally learned from the information either directly from the student-athlete (██████████) or from the Eligibility Center after it had been notified by ACT of the cancellation of the score (██████████).²⁵

²⁴ During the course of the investigation, the University learned that prior to its involvement in this case, Ole Miss had requested information from ACT concerning student-athletes recruited to that institution (and coinciding with Saunders' employment at Ole Miss).

²⁵ Fortunately, neither ██████████ nor ██████████ competed during their initial years-in-residence at the University, and both students met progress-toward-degree requirements in their first year. As a result, ██████████ and ██████████ were not academically ineligible for competition in the ██████████ season. (██████████ received financial aid and was permitted to practice during his first year when, but for his fraudulent ACT score, he would have been an NCAA nonqualifier.)

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.

Please direct all communications from the hearing panel to the University's outside counsel for this matter:

Mike Glazier
mglazier@bsk.com

Kyle Skillman
kskillman@bsk.com

Bond, Schoeneck & King, PLLC
7500 College Boulevard, Suite 910
Overland Park, Kansas 66210

University Representatives

Dr. Joseph Savoie
President
president@louisiana.edu

Ms. Anita Hazelwood
Faculty Athletics Representative
hazelwd@louisiana.edu

Mr. Scott Farmer
Director of Athletics
sfarmer@louisiana.edu

Dr. Jessica Leger
Associate Director of Athletics for Academics and Compliance/SWA
jessica@louisiana.edu

2. Indicate how the violations were discovered.

See Introduction and the Review of the Evidence provided for Allegations 1 and 2.

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.

Self-Imposed Penalties

The University carefully reviewed NCAA Bylaw 19.9 (Penalties) and the penalty guidelines found within that legislation and Figure 19-1. The University also reviewed precedent cases tied to institutional staff member misconduct that involved similar violations of an academic nature, and it weighed the following factors:

- The violations were egregious, intentional, and clearly contrary to University and NCAA expectations of ethical behavior;
- The violations impacted multiple student-athletes' eligibility for competition and/or receipt of athletics aid;
- The violations were isolated to a single staff member;
- The case does not involve a failure to monitor or a lack of institutional control; and
- The aggravating and mitigating factors identified in this report.

The University has agreed that this case constitutes a Level I Severe Breach of Conduct, and it analyzed the core penalties for Level I and Level II violations set forth in Bylaw 19.9.5 and Figure 19-1, as well as those additional penalties available to the hearing panel in Bylaw 19.9.7. The University also considered the hearing panel's authority under Bylaw 19.9.6 to depart from the core penalties when "extenuating circumstances" are found and, in at least two areas (competition and financial penalties), it believes such circumstances are present and relief is warranted. In arriving at self-imposed penalties for which limitations or reductions in certain areas were justified, the University found that the border between "standard" and "mitigated" in

Figure 19-1 provided the best guidance for meaningful sanctions that were appropriately punitive for the violations in this case. Accordingly, the institution self-imposed:

- A two-year period of probation
- Limitations on football grants-in-aid (based on the four-year averages of 25 initial and 85 total awards):
 - No more than 22 initial grants-in-aid will be awarded for the 2016-17 and 2017-18 academic years. (A sum reduction of six initial grants-in-aid.)
 - No more than 80 total grants-in-aid will be awarded in 2015-16, and no more than 82 total grants-in-aid will be awarded during the 2016-17 and 2017-18 academic years. (A sum reduction of 11 total grants-in-aid.)
- A reduction in the number of permissible off-campus recruiting days by six in the fall of 2015 and 22 in the spring of 2016. [The University also reduced off-campus recruiting days by 12 in the fall of 2014.]
- A limitation of 38 official visits for the fall of 2015, a reduction by four from the average number of visits offered during three of the last four years (see note in item 10, below) and 18 fewer than permitted under NCAA legislation. [The University also limited official visits to 44 in 2014-15.]

- A prohibition on initiating telephone calls, contact via social media, and written correspondence with prospective student-athletes for a three-week period during the 2015-16 year:
 - Week 1: Sunday, October 11, through Saturday, October 17, 2015
 - Week 2: Sunday, November 1, through Saturday, November 7, 2015
 - Week 3: Sunday, November 22, through Saturday, November 28, 2015

- Vacation of the 2011 football season, including the program's New Orleans Bowl victory, as a result of the participation of the ineligible student-athlete identified in Allegation 1, subparagraph a. For the reasons set forth in response to item 10, below, the University does not believe that further vacation is warranted.

The University notes that it strongly considered a one-year postseason ban in football for the 2015 season. Ultimately, it determined that such a penalty would be unduly severe to address violations committed by a single individual that were in no way indicative of systemic, program-wide noncompliance with NCAA rules.

Additionally, using Figure 19-1, the University calculated that an approximate \$60,000 financial penalty could be prescribed by the hearing panel. The University did not self-impose a financial penalty and believes that its exemplary cooperation (see Section C., Aggravating and Mitigating Factors) justifies relief in that regard. Specifically, for more than a year and a half, the University has dedicated considerable financial resources – not to mention countless hours from institutional staff members – to investigate the case and prepare its Response to the Notice of Allegations. It will continue to incur such expenses to process this case to a conclusion.

Corrective Actions

In addition to its self-imposed penalties, the University took, or will take, the following actions:

- The employment of former assistant coach David Saunders was terminated on October 30, 2014. See Exhibit 3. [Per athletics department practices for at-will employees, Saunders was paid through December 31, 2014.]
- Beginning in the fall of 2014, at the direction of head football coach Mark Hudspeth, the football program ceased recruiting the [REDACTED] area. The program will continue to not recruit that area until fall 2017;
- The University's compliance office has adopted a review standard by which considerable increases in a prospective student-athlete's known standardized test scores will be reported to the responsible testing agency.²⁶ Specifically, a score inquiry will be submitted to the testing agency if any one or more of a prospect's standardized test scores taken after September 1 of the prospect's junior year in high school increases by:
 - ACT: six or more points in the composite score, or six or more points in the subscore in individual subject area (Reading, Math, English or Science);
 - SAT: 300 or more points in the composite (Verbal and Math) or 150 or more in an individual subscore (Verbal or Math).

²⁶ As part of this initiative, the University's compliance office will educate its athletics coaching staff members about the importance of identifying significant increases in a prospective student-athlete's exam scores prior to initial enrollment. Further, recognizing that prospective student-athletes are not required to report all standardized test scores to the institution or NCAA Eligibility Center, the compliance office will encourage its coaches to inquire about prospective student-athletes' prior standardized test scores during the recruiting process and notify the compliance office if a prospect's score meets the review standard.

Information concerning the adopted review standard will be added to the Athletics Policy and Procedures Manual and reviewed with all sports at the beginning of each academic year.

- The University's compliance office will enhance its overall rules-education program, and ensure that it provides NCAA rules education specific to the violations in this case to all athletics coaching staff members during the 2015-16 academic year; and
- During the 2015-16 year, the University will undergo a review of its athletics compliance functions conducted by an outside entity with expertise in analyzing such programs.

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.

The University terminated the employment of former assistant football coach David Saunders on October 30, 2014. The basis for the University's decision is detailed in the Introduction to this Response. A copy of the termination letter to Saunders is provided as **Exhibit 3**.

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.

Date

April 19, 2007. (See Exhibit 4.)

Description

Violations involving ineligible participation by student-athletes; improper summer workouts; and a failure to monitor.

Individuals Involved

Former head men's basketball coach
Former assistant men's basketball coaches
Former representatives of the institution's athletics interests

Sports Involved

Football
Men's Basketball

Penalties and Corrective Actions

- Public reprimand and censure
- Two-year probation
- Scholarship reduction of one grant for each of the 2008-09 and 2009-10 academic years in men's basketball
- Forfeiture of 90 percent of the first-year revenue the University received from the Sun Belt Conference for its participation in the 2004 and 2005 NCAA Division I Men's Basketball Championships
- Reduction in countable hours in football

Date

June 13, 1995.

Description

The head baseball coach provided improper financial aid and extra benefits to baseball student-athletes by using at least \$6,550 in personal funds to supplement the financial-aid awards of

four student-athletes, authorizing a sixth year of financial aid for one of the student-athletes, and lending money to a fifth student-athlete. The violations resulted in excessive financial aid awards, unethical conduct for the coach and a finding of a lack of institutional control.

Individuals Involved

Former head baseball coach

Sports Involved

Baseball

Penalties and Corrective Actions

- Public reprimand and censure
 - Two-year probation
 - One-year postseason ban
 - Four-year show cause order to the former head coach
 - Scholarship reduction of one grant for each of the 1995-96 and 1996-97 academic years
-

Date

August 4, 1973

Description

Violations involving improper financial aid and transportation; extra benefits; out-of-season practice; improper recruiting contacts, entertainment, inducements, lodging and transportation; tryouts; excessive number of official visits; excessive time for official visits; academic fraud; and unethical conduct.

Individuals Involved

Former head men's basketball coach

Former assistant men's basketball coaches and staff members

Former representatives of the institution's athletics interests

Sports Involved

Men's Basketball

Penalties and Corrective Actions

- Prohibited all outside competition for 1973-74 and 1974-75
- Revoked NCAA voting and committee privileges for four years
- Council recommended to Convention that membership be terminated
- All sports - indefinite probation; four-year television ban; four-year postseason ban

- Probation imposed by University on director of athletics, head basketball coach and an assistant basketball coach
 - Head basketball coach and assistant coach prohibited from on- and off-campus recruiting for a two-year period
 - Scholarship reduction of two grants for a period of two years
-

Date

January 6, 1968

Description

An outside organization paid the educational expenses of three student-athletes to attend the institution; failure to follow appropriate procedure for administering the financial aid; a representative of the University's athletics interests provided a prospective student-athlete with an unsecured loan; football staff recruited a student-athlete enrolled at another four-year institution without permission of prior institution; impermissible tryouts in men's basketball.

Individuals Involved

Football coaching staff members
Head men's basketball coach
Representative of the institution's athletics interests

Sports Involved

Football
Men's Basketball

Penalties and Corrective Actions

- Two-year probation
- Two-year postseason ban in men's basketball

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.

#	Year	NCAA Case #	Sport	Bylaw Citation(s)
1	2014-2015	837581	Women's Volleyball	13.4.1
2	2014-2015	822048	Softball	12.5.2.1
3	2014-2015	822048	Baseball	12.5.2.1
4	2014-2015	821276	Softball	16.2.1.2; 16.2.1.2.1
5	2014-2015	801986	Women's Tennis	14.2.1.1
6	2014-2015	823323	Women's Volleyball	13.4.1.4
7	2014-2015	827433	Men's Basketball	12.5.1.6
8	2014-2015	834798	Men's Basketball	12.1.2.1.4.3
9	2014-2015	737316	Football	18.4.1.5
10	2013-2014	703052	Baseball	13.10.2.1
11	2013-2014	645451	Women's Volleyball	14.1.3.1; 14.1.4.1
12	2013-2014	542616	Men's Basketball	17.1.6.3.2.1
13	2013-2014	551251	Track and Field	13.6.8
14	2013-2014	541271	Football	16.02.3; 16.2.1.1
15	2013-2014	482910	Softball	17.1.6.2.1.1
16	2013-2014	467533	Football	13.9.2.2
17	2013-2014	445650	Women's Basketball	17.1.6.2.2
18	2013-2014	429605	Football	13.10.2.4
19	2012-2013	304485	Football	18.4.1.5
20	2012-2013		Men's Basketball	13.1.2.3
21	2012-2013		Track and Field	16.02.3
22	2012-2013		Women's Soccer	13.6.3
23	2012-2013		Softball	15.5.3.1.2
24	2012-2013		Football	13.4.1.2
25	2012-2013		Track and Field	14.1.3.1; 14.1.4.1
26	2011-2012		Football	16.5.2
27	2011-2012		Women's Tennis	16.02.3
28	2011-2012		Women's Volleyball	16.5.2
29	2011-2012		Women's Basketball	13.02.5.2; 13.1.1.1
30	2011-2012		Women's Volleyball	13.4.1.2
31	2011-2012		Baseball	13.10.2
32	2011-2012		Football	12.5.2.1.2
33	2010-2011		Football	13.4.1.2
34	2010-2011		Football	17.02.14
35	2010-2011		Women's Basketball	12.5.1.6
36	2010-2011		Women's Soccer	13.4.1.2
37	2010-2011		Men's Basketball	13.8.1
38	2010-2011		Track and Field	13.6.3
39	2010-2011		Women's Volleyball	13.1.3.1

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.

The University of Louisiana at Lafayette is a member of the Sun Belt Conference. The University's total undergraduate enrollment for the fall term of the 2014-15 academic year was 15,053.

Louisiana Lafayette sponsors eight men's programs (baseball, basketball, cross country, football, golf, indoor and outdoor track and field, and tennis) and eight women's programs (basketball, cross country, soccer, softball, tennis, indoor and outdoor track and field, and volleyball).

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.

Organizational charts for the University of Louisiana at Lafayette's Athletics Department are provided as **Exhibit 5**.

In addition to the athletics director and those senior administrators listed in the organizational charts who have department-wide responsibilities, the individuals directly responsible for the supervision of the University's sports programs during the previous four years were as follows:

- Current Organizational Chart (6/15/15)
 - Football, Men's Basketball and Women's Basketball – Scott Farmer
 - Men's Golf, Track and Field – Robert Stewart
 - Women's Soccer, Women's Volleyball, Softball – Jessica Leger
 - Men's Tennis, Women's Tennis, Baseball – John Dugas
- Organizational Charts (8/27/12 – 6/15/15)
 - Football, Men's Basketball and Women's Basketball – Scott Farmer
 - Men's Golf, Track and Field – Ken Winstead
 - Women's Soccer, Women's Volleyball, Softball – Jessica Leger
 - Men's Tennis, Women's Tennis, Baseball – John Dugas

From May 2011 through February 2012, all sport programs were overseen by Scott Farmer. From February 2012 through August 2012, all sports programs were supervised by Ken Winstead.

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.

The compliance office conducts regular, systematic rules education with all University sports programs, student-athletes and staff members. Rules education is provided through scheduled staff and team meetings, frequent emails and regular day-to-day interaction between compliance staff and other athletics staff members. A calendar of rules-education activities for the 2012-13 through 2015-16 academic years and samples of recent rules-education materials are provided as **Exhibit 6**.

The Sun Belt Conference contracted for an outside compliance review of the University's Compliance Program in 2010. A report of that review is provided as **Exhibit 7**.

10. Please provide the following information concerning the sport programs identified in this inquiry:

- The average number of initial and total grants-in-aid that have been awarded during the past four academic years.

Average Initial Football Grants-in-Aid (2011-12 to 2014-15):	25
Average Total Football Grants-in-Aid (2011-12 to 2014-15):	85

- 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 being in effect for the following academic year.

Initial Football Grants-in-Aid (2015-16):	25	(22* anticipated for 2016-17)
Total Football Grants-in-Aid (2015-16):	80*	(82* anticipated for 2016-17)
<i>* Institution's self-imposed limitations</i>		

- The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.

Average Official Paid Visits (2011-12 to 2014-15):	39.5*
<i>* Due to an unusually small 2014 recruiting class, the football program used only 32 official visits during the 2013-14 year. For the 2011-12, 2012-13 and 2014-15 years, the average was 42 visits.</i>	

- Copies of the institution's squad lists for the past four academic years.

See Exhibit 8.

- Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.

Hard copies of football media guides for the 2011 through 2014 seasons have been provided to the Office of the Committee on Infractions.

- 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.

The University's football team did not participate in any NCAA championship events during the time period at issue in this case.

- 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.

The University recognizes that the hearing panel has the authority to impose one or more of the penalties listed under Bylaw 19.9.7-(g) due to the ineligible competition of student-athletes. Based upon the University's conclusions in Allegation 1, it believes that two football student-athletes participated while ineligible – [REDACTED] and [REDACTED] and [REDACTED]

As noted above in item 3 (corrective actions and penalties), the University will vacate the contests in which [REDACTED] participated during the [REDACTED] season. [REDACTED] was an [REDACTED] [REDACTED] in [REDACTED] of the team's 13 contests. The University did not self-impose and, likewise, asks that the hearing panel consider not imposing, vacation for contests in which [REDACTED] competed during the [REDACTED] season. The violations in Allegation 1 rendered [REDACTED] a qualifier and he subsequently competed and received financial aid in his first year ([REDACTED]). However, [REDACTED] achieved progress-to-degree requirements during what should have been his nonqualifier year-in-residence [REDACTED] and therefore, but for the violation, he was otherwise eligible to compete and receive financial aid during the fall [REDACTED] season.

The University did not self-impose and, likewise, asks that the hearing panel consider not imposing, vacation for contests in which ██████ competed during the ██████ season. ██████, a ██████ during the ██████ season, participated ██████ in ██████ of the University's ██████ contests. His participation occurred exclusively, if not entirely, late in the game or at times when the outcome was certain. To illustrate:

- For the three games in which ██████ recorded ██████, the scores at/near his entry were ██████ ██████ quarter), ██████ (45 seconds remaining in ██████ quarter), and ██████ (five minutes remaining in second quarter; ██████ quarter);
- The team won ██████ and ██████ in four contests in which ██████ participated late in the game and did not record any statistics;
- The team was losing ██████ and ██████ during two additional games in which ██████ participated late in the game and did not record any statistics.

Concerning ██████ (Allegation 1, subparagraph b.), it is the University's position that it can neither agree nor disagree that a violation occurred based on the evidence, and therefore it is not able to take a position on the application of Bylaw 19.9.7-(g) to the contests during the 2012 season in which ██████ competed. Should the hearing panel find that a violation occurred involving ██████ ACT exam, the University acknowledges that the ██████ contests in which he competed during the ██████ season are subject to vacation, should the hearing panel elect to impose such a penalty. As for the ██████ season in which ██████ also competed (██████ contests) and received athletics aid, the University notes that ██████ achieved progress-to-degree requirements during what should have been his nonqualifier year-in-residence ██████ and therefore, but for the

violation, he was otherwise eligible to compete and receive financial aid during the [REDACTED] season.

Finally, with regard to the remaining student-athletes who were involved in the violations in Allegation 1 – [REDACTED], [REDACTED], and [REDACTED] – they did not compete during their initial years-in-residence. [REDACTED] and [REDACTED] served a year-in-residence as nonqualifiers and did not compete during their first year at the University ([REDACTED], respectively). [REDACTED] never competed at the University. [REDACTED] achieved progress-to-degree requirements in his first year, and thereby earned his eligibility to compete and receive athletics aid during his subsequent years of enrollment ([REDACTED]). [REDACTED] was declared a qualifier and practiced, but did not compete, during his initial year at the University ([REDACTED]). He maintained progress-to-degree in his first year (effectively serving a year-in-residence) and was thereby eligible to compete and receive athletics aid in his second year ([REDACTED]).

Additional Information:

Per Division I Committee on Infractions Internal Operating Procedure 4-16-2-2, the football program's total budget during the 2011-12, 2012-13 and 2013-14 years appears in the chart below. As of the deadline for this Response, the football program's 2014-15 expenditures were still being calculated as part of the institution's annual end-of-fiscal-year accounting practices. If requested, the University will provide the hearing panel with a summary of 2014-15 expenditures at the hearing.

	2013-14	2011-12	2010-11
(1) Contractual Compensation	\$2,771,901	\$2,409,608	\$2,144,158
(2) Recruiting Expenses	\$134,999	\$187,684	\$151,331
(3) Team Travel	\$1,178,337	\$780,654	\$1,059,836
(4) Equipment/Supplies	\$683,520	\$582,691	\$600,767
(5) Game Expenses	\$993,765	\$472,336	\$484,144
(6) Guarantees Paid	\$335,000	\$525,000	\$325,000
TOTAL EXPENDITURES	\$6,097,522	\$4,957,973	\$4,765,236