

NOTICE OF ALLEGATIONS

to

Alex Herron

1. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.2 and 11.7.2.1 (2009-10 NCAA Manual)]

It is alleged that from January 2008 through September 2009, the institution's football program exceeded the permissible limit on the number of coaches by five when quality control staff members (noncoaching sport-specific staff members who were not counted as countable coaches) engaged in on- and off-field coaching activities. The quality control staff members included Adam Braithwaite (March 2008 to the present), Dan Hott (January 2008 to the present), Josh Ison (February 2009 to the present), Bob McClain (January 2008 to February 2009), Eric Smith (January 2008 to the present) and Bryan Wright (June 2008 to the present). Specifically:

- a. During 2008 and 2009 winter and voluntary summer workouts, and outside of the regular playing season, quality control staff members regularly monitored and conducted skill-development activities with football student-athletes that occurred two days a week. Additionally, the quality control staff members coached the football student-athletes through those activities to improve technique and develop fundamental football-related skills. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.2 and 11.7.2.1]
- b. During 2008 and 2009 spring and regular-season football practice, quality control staff members regularly assisted with football student-athletes' flexibility and warm-up activities. Additionally, on some occasions, the quality control staff members provided advice and/or corrections to football student-athletes pertaining to technique and plays. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.2 and 11.7.2.1]
- c. From January 2008 through September 2009, the quality control staff members sometimes watched game and/or practice film with football student-athletes and provided advice and/or corrections to the football student-athletes pertaining to technique and plays. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.2 and 11.7.2.1]
- d. From January 2008 through September 2009, the quality control staff members sometimes attended meetings involving coaching activities. [NCAA Bylaws 11.7.1.1.1, 11.7.1.1.1.1, 11.7.2 and 11.7.2.1]

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

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Please note that the institution has been asked to provide the following:

- a. A copy of pages 53 through 74 of the 2008 spring football media guide, pages 138 through 163 of the 2008 regular-season football media guide, pages 97 through 121 of the 2009 spring football media guide, pages 48 through 60 of the 2009 University of Michigan vs. University of Notre Dame program guide and pages 97 through 121 of the 2009 regular-season football media guide.
- b. A copy of the job descriptions for each quality control staff member that were provided to the compliance services office August 28, 2009, as well as the job description provided August 31, 2009. Also, please provide a copy of the classification descriptions for head strength and conditioning coaches and assistant strength and conditioning coaches that was provided to the enforcement staff September 17, 2009. Additionally, please include a statement indicating the purpose of hiring quality control staff members for the institution's football program.
- c. A copy of the title and salary information pertaining to temporary employees that was provided to the enforcement staff September 24, 2009. Also, please include the annual salary for each quality control staff member identified in Allegation No. 1, as well as the average annual salary for interns employed within any department or sports program in the athletics department.
- d. An overview of the previous education and degrees received by each quality control staff member identified in Allegation No. 1 as well as a history of previous employment. Also, please indicate whether any of those individuals received cardiopulmonary (CPR) and/or first aid certification, athletic training certification, or strength and conditioning specialist certification (CSCS). Additionally, please indicate whether those individuals were members of any strength and conditioning or football associations. Further, describe the location of those individuals' offices prior to September 2009 and the location of the strength and conditioning coaches' offices.
- e. An overview of the attendance, duties and activities of each quality control staff member from January 2008 through December 2009 at home and away-from-home contests, fall and spring practice, off-season and summer workouts, coaches meetings, and film review sessions with either coaches or student-athletes. Also, please provide an overview of any other duties the quality control staff members performed. Further, provide the institution's position on whether Rich Rodriguez, head football coach, knew or should have known the full extent of the quality control staff members' activities.

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- f. Copies of all rules-education materials provided to the football staff pertaining to limitations on the number and duties of coaches, coaching categories, and the need for job descriptions, including, but not limited to, materials dated January 11, June 3 and July 29, 2008; and February 12, April 16 and July 29, 2009. Also, include the institution's position on whether Rodriguez knew or should have known that the quality control staff members' involvement with the football program was impermissible.
 - g. Copies of all rules-education materials provided to the strength and conditioning staff pertaining to limitations on the number and duties of coaches and coaching categories, including, but not limited to, materials dated February 7, 2008, and March 12, 2009.
 - h. A statement indicating whether athletics administrators were aware of the quality control staff members' duties and activities within the football program from January 2008 through September 2009. Also, include a statement describing the athletics department's system used to monitor the countable coaching limitations of its football program from January 2008 through September 2009.
 - i. An overview of the verbal and/or written attempts made by the compliance services office from January 2008 through September 2009 to obtain job descriptions for the quality control staff members from the football program. Also, please provide a copy of an August 15, 2008, memorandum from Ann Vollano, assistant athletics director, regarding designation of coaching staff. Additionally, include the institution's position on whether Rodriguez knew or should have known that the compliance services office had requested job descriptions but did not receive them in a timely fashion.
2. [NCAA Bylaws 17.02.1, 17.02.13, 17.1.6.1, 17.1.6.2-(b), 17.1.6.2.1.1, 17.1.6.2.4, 17.9.6-(a)-(1)-(b), 17.9.6-(a)-(2)-(b) (2009-10 NCAA Manual)]

It is alleged that from January 2008 through at least September 2009, the institution's football program violated NCAA legislation governing playing and practice seasons when it permitted football staff members to monitor and conduct voluntary summer workouts, conducted impermissible activities outside the playing season, required football student-athletes to participate in summer conditioning activities for disciplinary purposes, and exceeded time limits for countable athletically related activities during and outside of the playing season. Specifically:

- a. During 2008 and 2009 voluntary summer workouts, five quality control staff members, one graduate assistant football coach and one student assistant coach

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(only 2009) regularly monitored and conducted skill-development activities that occurred two days a week, even though they were not strength and conditioning coaches who were not countable coaches and who performed such duties on a department-wide basis. Additionally, some of the quality control staff members and the graduate assistant coach sometimes observed seven-on-seven passing activities and provided advice and/or corrections to football student-athletes pertaining to technique. [NCAA Bylaws 17.02.1, 17.1.6.2.1.1 and 17.9.6-(a)-(2)-(b)]

- b. During 2008 and 2009 winter and voluntary summer workouts, and outside the playing season, some of the skill-development activities identified in Allegation No. 2-a were impermissible because they were not limited to weight training, conditioning and review of game film. [NCAA Bylaws 17.1.6.2.4, 17.9.6-(a)-(1)-(b) and 17.9.6-(a)-(2)-(b)]
- c. During the summer of 2008 and 2009, strength and conditioning coaches who monitored and conducted some voluntary athletically related activities occasionally used additional conditioning activities as a disciplinary measure when they required football student-athletes to participate in such activities for missing class. [NCAA Bylaw 17.02.13]
- d. From January 2008 through at least September 2009, the football program exceeded the daily and weekly hour limitations for countable athletically related activities on multiple occasions. Specifically:
 - (1) Between January 27 and March 15, 2008, football student-athletes were sometimes required to participate in as many as 10 hours of countable athletically related activities per week, which exceeded the maximum of eight hours a week. [NCAA Bylaw 17.1.6.2-(b) and 17.9.6-(a)-(1)-(b)]
 - (2) Between June 2 and July 25, 2008, football student-athletes sometimes participated in as many as 10 hours of voluntary weight training and conditioning activities per week, which exceeded the maximum of eight hours a week. [NCAA Bylaw 17.9.6-(a)-(2)-(b)]
 - (3) Between August 31 and October 26, 2008, football student-athletes were required to participate in as many as five hours of countable athletically related activities per day, which exceeded the maximum of four hours a day, on several occasions, including, but not limited to, August 31; September 7, 14 and 28; and October 5, 12, 19 and 26. Additionally, during the week beginning October 19, 2008, the student-athletes were

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required to participate in approximately 20 hours and 20 minutes of countable athletically related activities, which exceeded the maximum of 20 hours per week. [NCAA Bylaw 17.1.6.1]

- (4) Between January 12 and March 14, 2009, football student-athletes were sometimes required to participate in as many as 10 hours of countable athletically related activities per week, which exceeded the maximum of eight hours a week. [NCAA Bylaw 17.1.6.2-(b) and 17.9.6-(a)-(1)-(b)]
- (5) Between June 8 and July 31, 2009, football student-athletes sometimes participated in as many as 10 hours of voluntary weight training and conditioning activities per week, which exceeded the maximum of eight hours a week. [NCAA Bylaw 17.9.6-(a)-(2)-(b)]
- (6) Between at least September 7 and 28, 2009, football student-athletes were required to participate in as many as 4 1/2 hours of countable athletically related activities per day, which exceeded the maximum of four hours a day, on several occasions, including, but not limited to, September 7, 14, 21 and 28. [NCAA Bylaw 17.1.6.1]

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

Please note that the institution has been asked to provide the following:

- a. A description of skill development, including specific activities pertaining to each player position. Also, please describe the use of any equipment, including, but not limited to, blocking/resistance sleds, mini basketballs and taped towels in skill development.
- b. A copy of all rules-education materials provided to the football staff pertaining to the involvement of strength and conditioning coaches, football coaches, and noncoaching sport-specific staff members in summer voluntary workouts, including, but not limited to, materials dated January 11, June 3 and July 29, 2008, and April 16, 2009. Also, include the institution's position on whether Rich Rodriguez, head football coach, knew or should have known that it was impermissible for quality control staff members, graduate assistants and student assistants to be involved in voluntary summer workouts.

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- c. A copy of a March 4, 2008, and a March 5, 2009, memorandum from Judy Van Horn, associate athletics director/senior woman administrator, regarding conditioning activities as discipline. Also, please provide all rules education materials provided to the strength and conditioning staff pertaining to summer voluntary workouts, including, but not limited to, materials dated February 7, 2008, and March 12, 2009.
- d. An overview of the athletics department's system used to monitor countable athletically related activities (CARA) in season, out of season and during the summer from January 2008 through September 2009.
- e. Copies of all CARA forms provided to the compliance services office by the football program for the weeks including January 1, 2008, through December 31, 2009, including a statement regarding when the forms were received and whether the forms included required student-athlete signatures. Also, please provide an overview of the verbal and/or written attempts made by the compliance services office to obtain required football CARA forms.
- f. A copy of all rules-education materials provided to the football staff pertaining generally to CARA, including, but not limited to, materials dated January 11 and July 29, 2008, and July 29, 2009. Also, please include copies of August 1, 2008, and August 13, 2009, memorandums from Ann Vollano, assistant athletics director, regarding CARA. Further, please provide a copy of a February 19, 2008, compliance meeting agenda with Rodriguez. Further, include the institution's position on whether Rodriguez knew or should have known about the athletics department's established procedures for monitoring CARA, as well as whether he knew or should have known that football CARA forms had not been provided in a timely fashion.
- g. A statement describing the manner in which the football program counted or did not count athletically related activities for CARA purposes from January 2008 through September 2009. Also, please provide copies of the 2008 and 2009 football summer conditioning period documents (including the summer conditioning period with breakdowns of workouts); May through July 2008 and May through July 2009 weight room schedules; June 23 and 25, 2009, e-mails from Dennis Murray, assistant strength coach, to Vollano regarding breakout times; and the 2008 and 2009 in-season practice schedules that Rodriguez distributed to his staff during hideaway meetings.

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- h. A statement indicating whether the institution believes any additional violations of the time limits for CARA occurred, including, but not limited to, between September 29 and the present date.
3. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2009-10 NCAA Manual)]

It is alleged that Alex Herron, graduate assistant football coach, 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 for providing false and misleading information to the institution and enforcement staff when questioned about his involvement in and knowledge of possible NCAA violations outlined in Allegation No. 2-a. Specifically, Herron denied during his September 28, 2009, interview with the enforcement staff and institution that he was present for or involved in skill development or seven-on-seven passing activities that occurred over the summers of 2008 and 2009. Subsequently, during his December 15, 2009, interview, Herron conceded that he was present only briefly at the beginning of such skill-development activities but did not participate in those activities in any manner when, in fact, Herron monitored and conducted the 2008 and 2009 summer skill-development activities. Further, Herron continued to deny his presence at or involvement in seven-on-seven passing activities when, in fact, he was sometimes present for and involved in such activities.

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

Please note that the institution has been asked to provide partial transcripts from Herron's September 28, 2009, interview (pages 25 and 26 and 35 through 48), and his December 15, 2009, interview (pages 2 through 13).