

## NOTICE OF ALLEGATIONS

to the

President of the University of Michigan

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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Also, please 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 the quality control staff members 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 of the quality control staff members 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.

Also, please 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 between January 2008 and September 2009 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.

Also, please 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).

4. [NCAA Bylaw 11.1.2.1 (2009-10 NCAA Manual)]

It is alleged that from January 2008 through at least September 2009, the scope and nature of the violations detailed in Allegation Nos. 1 and 2 demonstrate that Rich Rodriguez, head football coach, failed to promote an atmosphere of compliance within the football program and failed to adequately monitor the duties and activities of the quality control staff members, a graduate assistant coach and a student assistant coach, and the time limits for athletically related activities.

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

5. [NCAA Constitution 2.8.1 (2009-10 NCAA Manual)]

It is alleged that from January 2008 through at least September 2009, the scope and nature of the violations detailed in Allegation Nos. 1 and 2 demonstrate that the athletics department failed to adequately monitor its football program to assure compliance regarding the limitations on the number, duties and activities of countable football coaches, and time limits for countable athletically related activities. Specifically:

- a. During the winter of 2008, shortly after head football coach Rich Rodriguez's football staff was hired, compliance services office staff members became aware that the football program employed quality control staff members (noncoaching sport-specific staff members) and were concerned about the duties and activities of those individuals. However, the compliance services office failed to gather appropriate information regarding the quality control staff in order to determine whether the duties and activities of those individuals were permissible. Additionally, athletics administrators with responsibilities in the football program failed to provide appropriate information to the compliance services office pertaining to the duties and activities of the quality control staff members upon request. This collective failure partly resulted in the violations outlined in Allegation No. 1. [NCAA Constitution 2.8.1]
- b. From January 2008 through July 2009, the strength and conditioning staff failed to appropriately calculate the time limits for athletically related activities during winter and summer out-of-season workouts, even though the compliance services office provided NCAA rules education on several occasions pertaining to that matter. Also, during the summer of 2009, strength and conditioning staff members failed to provide appropriate information to the compliance services office regarding voluntary athletically related activities. That failure resulted in the compliance services office inadvertently approving the continued miscalculation of athletically related activities for the summer of 2009. Additionally, the compliance services office failed to follow its own established procedures for monitoring countable athletically related activities when it failed to collect required monitoring documents between January 2008 and May 2009. Further, athletics administrators with responsibilities in the football program failed to provide required forms pertaining to countable athletically related activities to the compliance services office between January 2008 and May 2009.



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This collective failure partly resulted in the violations outlined in Allegation No. 2. [NCAA Constitution 2.8.1]

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

### Information Requested by the Committee on Infractions

6. Please provide all information concerning other possible violations of NCAA legislation that was discovered by the institution as a result of its review of this matter. In this regard, please indicate the means by which the information was discovered and the institution's position whether a violation has occurred.
7. Please 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 upon which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
8. Please 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 that the institution believes these actions to be appropriate and identify the violations upon 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.
9. Please provide a statement indicating the dates and titles of all positions at the institution held by individuals identified during the inquiry as allegedly having significant involvement in NCAA violations, as well as a brief overview of each position. Additionally, provide the dates, title and employer of all positions held by such individual(s) during the five years prior to the dates of the alleged violations. Furthermore, provide a brief review of the previous major infractions case history for the identified individuals.
10. Please provide a short summary of every major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report, a description of the violations found by the Committee on Infractions, the individuals involved, and the penalties and corrective actions. Additionally, please provide a copy of any major infractions reports involving the institution or individuals

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named in this notice that were issued by the Committee on Infractions within the last 10 years.

11. Please provide a chart depicting the institution's reporting history of secondary violations for the past five years. In this chart, please indicate for each academic year the number of total secondary violations reported involving the institution or individuals named in this notice. Also, please include the applicable bylaws for each violation, and then indicate the number of secondary violations involving just the sports team named in this notice for the same five-year time period.
12. Please provide the institution's overall NCAA division and conference affiliation as well as the total enrollment on campus and the number of men's and women's sports sponsored.
13. Please 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, and whether the institution conducts a systematic review of NCAA and institutional regulations for its athletics department employees. If yes, identify the agency, individual or committee responsible for this review and describe the responsibilities and functions of each identified.
14. 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.
  - 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.
  - The identities of all student-athletes anticipated to be on athletically related financial aid as of the first semester of the next academic year who will have four years of remaining eligibility and five years of enrollment (per the NCAA's five-year rule) to complete those four years; the identities of all student-athletes who have three years of remaining eligibility and four years of remaining enrollment to complete those three years; the identities of all student-athletes who have two years of remaining eligibility and three years of remaining enrollment to complete those two years; and the identities of all student-athletes who have one year of remaining eligibility and two years of remaining enrollment to complete that year.

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- The average number of student-athletes during the previous four years who have redshirted and the number who are redshirting during the current academic year (or upcoming academic year if regular academic year is not in session).
- The number of student-athletes in each of the previous four years who were awarded athletically related financial aid but who withdrew from the squad for reasons other than graduation or loss of eligibility.
- A list of the institution's win-loss record for the past four seasons and the dates and results of all postseason competition in which the institution has participated during those years. If there was postseason competition, please indicate how this was earned; i.e., conference automatic bid, at-large bid.
- The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
- The cost of room, board, books and tuition at the institution for the past four academic years.
- Copies of the institution's squad lists for the past four academic years.
- One copy of the institution's media guides for the past four academic years to be sent to Mr. Shep Cooper, director of the Committees on Infractions, and, if available, the Internet URL(s) for the members of the committee to use to review the same information contained in these media guides. If this information is not available through the Internet, then the provision of one complete set of media guides to Mr. Cooper will suffice.
- A review of the institution's obligations (contractual or otherwise) concerning live telecasts of contests during the next three seasons. These should include, but not be limited to, contractual agreements negotiated by the institution's conference and opponent or through its sports network affiliations.
- 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.

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- A statement indicating whether the provisions of NCAA Bylaw 19.5.2.2-(e) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

Any additional information or comments regarding this case are welcome.