



February 22, 2010

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Mr. Alex Herron  
2762 Sagebrush Circle  
Apartment 107  
Ann Arbor, Michigan 48103

RE: Notice of allegations, University of Michigan, Case No. M324.

Dear Mr. Herron:

As you know, the NCAA enforcement staff has been reviewing information concerning possible violations of NCAA legislation in the football program at the University of Michigan. It is my understanding that Jackie Thurnes, NCAA associate director of enforcement, interviewed you September 28 and December 15, 2009, concerning these possible violations. As a result of the enforcement staff's review of all information gathered, a notice of allegations that includes specific allegations in the sport of football has been forwarded to the University of Michigan.

You were named in Allegation No. 3. The purposes of this letter are to (a) provide a copy of this allegation to you, (b) notify you of your opportunities to respond to and participate in the consideration of these allegations, and (c) explain possible punitive actions that could be taken if such allegations are found by the NCAA Division I Committee on Infractions or the NCAA Infractions Appeals Committee. Additionally, although you are not named in Allegation Nos. 1 and 2, it seems appropriate to provide you a copy of each allegation due to your position as graduate assistant football coach at the time the alleged violations occurred and due to your participation in the alleged violations described in Allegation No. 2-a.

The institution currently is preparing a response to these allegations, and I anticipate that an institutional representative will contact you for information. If you desire, you may submit information directly to the Committee on Infractions, and responses from all parties should be on file by May 24, 2010. Per NCAA Bylaw 32.6.2, failure to respond to an allegation may be construed by the Committee on Infractions as an admission that the alleged violations occurred. For further information about submitting a written response to the Committee on Infractions, please contact Shepard C. Cooper, director of the Committees on Infractions. [Note: See attached suggested guidelines for submission of responses.]

National Collegiate Athletic Association

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Four copies of your response should be forwarded to the writer at the NCAA national office, and one copy should be forwarded to each member of the Committee on Infractions and its administrator, Shep Cooper, at the following addresses. In addition, please e-mail a copy of your response in Microsoft Word or Word Perfect format to Mr. Cooper ([scooper@ncaa.org](mailto:scooper@ncaa.org)) and Amy Walker, executive assistant to the vice president of enforcement ([ajwalker@ncaa.org](mailto:ajwalker@ncaa.org)).

Mr. Britton Banowsky  
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Mr. David Price (four copies)  
Vice President of Enforcement  
NCAA Distribution Center  
1802 Alonzo Watford Sr. Drive  
Indianapolis, IN 46202

Mr. Shep Cooper  
Director of the Committees  
on Infractions  
NCAA Distribution Center  
1802 Alonzo Watford Sr. Drive  
Indianapolis, IN 46202

You (accompanied by personal legal counsel, if desired) have the opportunity to appear before the Committee on Infractions at the time this case is considered. A failure to attend the hearing may result in a violation of NCAA Bylaw 32.8.6.1 and result in a show-cause order by the committee as described in Bylaw 19.5.2.2-(l) that could affect your athletically related duties (at your current institution or any NCAA member institution at which you are later employed). If you elect not to attend, you must advise the committee in writing at least two weeks prior to the date the hearing will occur. It is anticipated that this matter will be considered by the committee during its August 13-14, 2010, meeting in Seattle,. You will be notified of the actual appearance time, date and location well in advance of this meeting.

Under the provisions of NCAA legislation, if the committee finds that you were involved in significant violations of NCAA legislation, disciplinary action could be considered and imposed upon you by a member institution for a designated period. Please refer to Bylaws 30.3.2, and 19.01.4 and 19.5.2.2 of the online version of the 2009-10 NCAA Division I Manual. The Manual is available on [www.ncaa.org](http://www.ncaa.org) under legislation and governance/rules and bylaws.

You should understand that all of the allegations charged in the notice of allegations are considered to be potential major violations of NCAA legislation, unless designated as secondary violations. If you believe that any alleged violation should be considered a secondary violation, including any specifically identified as a secondary violation by the enforcement staff, the response should indicate why the alleged violation should be considered a secondary violation and you should present information to support that conclusion. Also, if you believe that the enforcement staff has acted contrary to the provisions of the enforcement procedures (Bylaw 32), you are requested to advise the Committee on Infractions of this concern in your response; otherwise, you may forfeit the opportunity to raise this issue on appeal.

Following the hearing, the committee will determine if violations of NCAA legislation have occurred and whether those violations are major or secondary violations. If the committee finds that violations have occurred, then it will determine what penalties are appropriate as provided for in Bylaw 19.5.2.1.

In making its decision in this case, the Committee on Infractions will consider all of the information submitted by you, the enforcement staff, the institution and all involved parties, and the testimony presented at the infractions hearing. It should be understood that at this juncture, the committee has not received any of the information gathered by the enforcement staff to substantiate that a violation occurred. The only information provided to the committee by the enforcement staff regarding this case will be the allegations (attached), the NCAA enforcement staff case summary per Bylaw 32.6.7 and its hearing presentation per Bylaw 32.8.7.2. If you wish the committee to consider any specific evidence, that information must be included in your response to the notice of allegations. If any additional evidence should come to your attention that was not previously available to you or that was not previously relevant that you believe the Committee on Infractions should consider, that information should be provided to the enforcement staff and the committee at least 10 days prior to the infractions hearing.

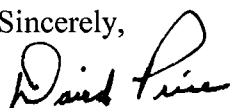
Your attention also is directed to Bylaws 32.6 and 32.8, which describe the notice of allegations and the procedures to be followed during an appearance before the committee. In addition, you may wish to review the policies and guidelines set forth in Bylaw 19.4 of the enforcement procedures. Should you have additional questions concerning these procedures, please contact Mr. Cooper. Also, in the event members of the NCAA staff who have been involved in the investigation of this case can be of assistance to you in developing a response, please contact this office for such assistance.

Under the provisions of Bylaw 32.6.4, in preparation for submitting a written response to the notice of allegations or making an in-person appearance before the Committee on Infractions, the enforcement staff will provide reasonable access to all pertinent materials maintained by the staff that corroborate or refute the allegations. These materials may include recordings of interviews and documents that were obtained during the inquiry. Requests for access to such materials should be made to the enforcement staff, which also is responsible for maintaining custody of these materials. Therefore, the staff will provide access at the NCAA national office or on a secured Web site in the near future. If information is developed subsequent to the notice of allegations concerning you, the staff also will notify you of the availability of this information.

Please note that NCAA enforcement policies and procedures prohibit this office from releasing information concerning this case prior to its conclusion, except to correct erroneous information that is released by others. Accordingly, the NCAA will not release this notice of allegations to the public. Also, please note that an NCAA infractions report concerning this case, which sets forth the Committee on Infractions' findings, conclusions and penalties, if any, will be prepared following the hearing in this case. That document will be released (with names deleted) after the institution and other principals who participate in the hearing have been notified of relevant contents.

Please contact Tom Hosty, NCAA director of enforcement (who has supervised the handling of this case), or Jackie Thurnes, NCAA associate director of enforcement, if you have any questions.

Sincerely,



David Price  
Vice President of Enforcement

DP:jl

Enclosures

cc: President Mary Sue Coleman

Mr. Shep Cooper

NCAA Division I Committee on Infractions

## NCAA COMMITTEE ON INFRACTIONS

## Suggested Guidelines for Submission of Responses

This memorandum is the committee's suggested format for submitting responses to the notice of allegations. The following suggestions are made:

- The response should be contained in either three-ring loose-leaf or "comb" style binders ("comb" style preferred).
  - Responses to the allegations should be separated by numbered tabs corresponding to the allegation numbers in the notice of allegations so as to be easily referenced by the reader.
  - Responses should be paginated. It is suggested that each allegation have its own set of page numbers; e.g., page one of the section on allegation 1 would be page 1-1, page 6 of the section on Allegation No. 4 would be page 4-6, etc.
  - Each allegation response should contain the allegation itself, the position of the responding party to the allegation (agree or disagree) and the rationale/supporting evidence for the position.
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- If there is a large number of supporting attachments/exhibits, they should be placed in a binder separate from the actual response and divided by numbered tabs referenced to the application allegation. Multiple exhibits/attachments in support of individual allegations should be separated, labeled by number and indexed to the respective allegation (e.g., exhibit 1-1 would be the first exhibit in support of Allegation 1). In addition, and for ease of reference at hearings, all pages in exhibits should have page numbers running sequentially. The page numbers may be in sequence throughout all exhibits without regard to a particular exhibit number (e.g., 1 to 10 in exhibit 1, 11 to 17 in exhibit 2) or the page numbers may be in sequence within each exhibit (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.). In the interest of limiting the size of responses and to avoid providing multiple copies of the same documents, only one copy of each exhibit/attachment is required. Any reference to exhibits/attachments throughout the response can be made to the appropriate exhibit number.