UNIVERSITY OF MICHIGAN
PUBLIC INFRACTIONS REPORT
November 4, 2010

A. INTRODUCTION.

On August 14, 2010, officials from the University of Michigan, the head football coach ("head football coach") along with his attorney, and a former graduate assistant football coach ("former graduate assistant") appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the institution's football program.

From January 2008, the time the head football coach began his employment at the institution, through September 2009, the football program violated certain playing and practice rules. During the summers of 2008 and 2009, five "quality control" staff members, the former graduate assistant and a student assistant coach monitored and conducted skill-development activities even though NCAA rules precluded their involvement. During the same two summers, the strength and conditioning coaches, who were permitted to conduct the activities, violated NCAA legislation by occasionally using conditioning activities as disciplinary measures. Further, certain skill-development activities performed in winter and voluntary summer workouts became impermissible because they were not limited to weight training, conditioning and film review, and at times daily and weekly hour limitations for countable athletically related activities were violated. The committee noted that the violations of daily and weekly countable hours rules, though serious, were far less extensive than originally reported and that no student-athletes were substantially harmed.

During the same time frame, the football program exceeded the number of allowable countable coaches. Because the five quality control staff members monitored and conducted skill-development activities with student-athletes, offered advice on technique to student-athletes during practices and critiqued film with student-athletes, they became countable coaches. Since the football program already employed a full complement of coaches, the quality control coaches engaging in these activities caused the institution to exceed limitations on the number of coaches allowed.

The scope and nature of the violations also established that both the institution and the head football coach failed to monitor the football program. The committee was particularly concerned that, even after the head football coach and his staff were specifically educated on multiple occasions regarding the rules that were eventually

violated, the violations continued. The duty to ensure that his staff abided by all applicable rules resided with the head football coach. At the hearing, he could not say with certainty that he read the educational materials provided to him.

A member of the Big Ten Conference, the institution has an enrollment of approximately 40,000 students. The institution sponsors 13 men's and 14 women's intercollegiate sports. This was the institution's third major infractions case. It previously appeared before the committee in 1991 for a case involving the baseball program and in 2003 for a case involving men's basketball.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. EXCEEDING COACHING STAFF LIMITATIONS. [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)]

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 engaged in on- and off-field coaching activities. The quality control personnel were sport-specific staff members who were not included among the countable coaches at the institution.

Committee Rationale

The enforcement staff and institution were in substantial agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The head coach, who failed to monitor the duties of the quality control staff members (See Finding B-4), disagreed that the quality control staff members' participation in winter skill development and flexibility and warm-up activities constitute violations of NCAA legislation. The committee finds that the violations occurred.

The head coach arrived at the institution in January 2008. Among the staff members he brought from his previous institution were five individuals who were designated as "quality control." Their duties included checking class attendance, breaking down video of opponents, cleaning the weight room and performing Internet searches. All five of them aspired to be coaches. They were on the sidelines for practice and at home and away games, traveled with the team, wore the same attire as coaches, shared office space with the football staff and attended team meetings. Student-athletes reported some confusion regarding whether the five individuals were members of the coaching staff. The duties of the quality control individuals involved no sport other than football.

Even though only two of the quality control individuals had any experience with strength and conditioning, the head coach considered all of them to be part-time strength coaches. However, in order for strength and conditioning coaches to be considered "non-countable" coaches under NCAA Bylaw 11.7.1.1.1, they must have department-wide responsibilities and cannot engage in any on- or off-field coaching. Once they take part in any coaching activities (other than specific flexibility, conditioning and warm-up activities set forth in the bylaws), they must be counted against an institution's coaching limitations. The violations set forth in this finding occurred when the quality control staff conducted football-specific skill development with football student-athletes, provided instruction regarding technique and plays at practice sessions, critiqued student-athletes during film sessions, and attended meetings involving coaching activities.

The quality control staff members attended out-of-season strength and conditioning workouts throughout the winters and summers of 2008 and 2009. The sessions consisted in large part of weight lifting and speed/agility drills conducted by the strength and conditioning staff, but they also included skill development sessions for approximately 20 minutes each Tuesday and Thursday. During those sessions, student-athletes were separated by position and the quality control personnel conducted position-specific drills with their respective groups. Drills varied according to the positions played by the student-athletes in each group but included work on skills such as blocking, back pedaling, handoffs and route running. With a goal of improving technique and developing fundamental football-related skills, the members of the quality control staff instructed the student-athletes on how to perform the drills and corrected the student-athletes if they saw mistakes being made.

For example, three quarterbacks stated that the quality control staffer who worked with them conducted and led drills designed to improve their drop backs, play fakes and roll outs, among other skills. The quality control staff member called out plays, and the quarterbacks were required to perform the footwork associated with the play. The staff member corrected the quarterbacks if mistakes were made in techniques pertaining to dropping back, handoffs and footwork.

The head coach argued that it was permissible for quality control staff members to participate in winter skill development and flexibility and warm-up activities. (See Finding B-4) However, even if the activities were permissible, they still rendered the quality control personnel as "countable," thereby causing the institution to exceed the number of allowable coaches in the football program.

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. Their participation in these activities rendered them countable coaches but, as the football staff already contained a full complement of assistants, they should have been

precluded from involvement with the stretching and warm-ups. Additionally, on some occasions at practice during the same time frame, the quality control staff members provided advice and/or corrections to football student-athletes regarding technique and plays. These types of activities may only be conducted by countable coaches.

From January 2008 through September 2009, the quality control staff members 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. This activity only occurred occasionally but, as it is defined as a coaching function, it can only be performed by the designated members of the coaching staff.

Finally, from January 2008 through September 2009, the quality control staff members occasionally attended meetings involving coaching activities. They were not actively engaged in the meetings, as their function consisted of taking notes for the countable coaches, operating the film equipment, and other ministerial tasks. However, at the time the violations occurred, Bylaw 11.7.1.1.1.1 expressly prohibited non-coaching staff members with sports-specific responsibility from attending such meetings. [1]

2. PLAYING AND PRACTICE SEASON VIOLATIONS. [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) and 17.9.6-(a)-(2)-(b) (2009-10 NCAA Manual)]

From January 2008 through September 2009, the institution's football program violated NCAA legislation governing playing and practice seasons when football staff members 1) monitored and conducted voluntary summer workouts; 2) conducted impermissible activities outside the playing season; 3) required football student-athletes to participate in summer conditioning activities for disciplinary purposes; and 4) exceeded time limits for countable athletically related activities outside of the playing season.

Committee Rationale

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

[1] The committee noted that the bylaw has since been amended to allow the presence of non-coaching staff members at coaches meetings.

1. Voluntary summer workouts. During 2008 and 2009 voluntary summer workouts, the five quality control staff members, one graduate assistant football coach and one student assistant coach regularly monitored and conducted skill-development activities that occurred two days a week. As set forth in Finding B-1 above, because the quality control staffers were not strength and conditioning coaches who performed such duties on a department-wide basis, they were precluded from involvement in the skill-development work. The student assistant coach was only involved during the summer of 2009.

   In addition to the activities described in Finding B-1, the quality control staff and the former graduate assistant were also impermissibly involved in seven-on-seven summer passing workouts. These activities, which involve "skill position" players from the offense and defense matching up against each other on passing plays, took place following the voluntary workouts conducted by the strength and conditioning staff. It is permissible for the skill position players to be involved in such activities, but the activities cannot be monitored or observed by any members of the coaching staff. Numerous student-athletes reported that, during the summers of 2008 and 2009, the former graduate assistant and the quality control staff observed the seven-on-seven drills. Additionally, the former graduate assistant interacted with the center snapping the ball, working with him on getting the ball properly delivered to the quarterback.

2. Impermissible activities outside the playing season. Some of the out-of-season skill-development activities identified above were impermissible because they were not limited to weight training, conditioning and review of game film. If offensive and/or defensive alignments are set up, and equipment related to the sport is used, the activities violate NCAA Bylaw 17.1.6.2.4. The activities that constitute this part of the finding took place during approximately 20-minute periods of skill-development on Tuesdays and Thursdays during winter out-of-season and summer voluntary workouts (See Finding B-1 above). At times during those sessions, quarterbacks practiced handoffs and footwork with a towel taped in the general size and weight of a football, linemen hit a blocking sled, miniature basketballs were thrown to receivers running pass routes, and a football taped to the end of a stick was used to simulate the snap of the ball at the start of a play during drills for defensive linemen. While the towel and small basketballs are not equipment typically related to the sport of football, their use constituted violations because the items were used in conjunction with an offensive alignment.

3. Conditioning activities as disciplinary measures. 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 as a punishment for missing class. Offending student-athletes were required to push a 45 pound weight for 200 yards on the football field. This punishment appears to have occurred on a limited basis and lasted anywhere from five to 15 minutes. The committee was concerned that the institution's compliance staff advised the football coaching staff via a memorandum in both March 2008 and March 2009 that such activities were impermissible, yet the strength and conditioning staff conducted them anyway.

4. Exceeding countable activities time limits. From January 2008 through September 2009, the football program exceeded the daily and weekly hour limitations for countable athletically related activities on multiple occasions both during and outside of the playing season as follows:

- Between January 27 and March 15, 2008, football student-athletes were sometimes required to participate in more than the maximum of eight hours a week of countable athletically related activities. These violations occurred when warm-up and stretching activities conducted by the strength and conditioning staff were not included in the football team's calculation of athletically related countable hours. Because of the absence of countable hours forms, it was not possible to calculate the exact amounts of the overages. However, the institution estimated that, because of the violations, the team exceeded countable hour limitations by approximately 1 ½ hours per week.

- 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. Similar to the violations that occurred during the winter off-season, these violations occurred because warm-up and stretching conducted by the strength and conditioning staff were not included among the football team's reported countable athletically related activities.

- Between August 31 and October 26, 2008, during the 2008 football season, 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 eight occasions: 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 required to participate in approximately 20 hours and 20 minutes of countable athletically related activities, which exceeded the maximum of 20 hours per week. The violations occurred in part because the student-

athletes were required to participate in five hours of countable activities on Sundays. This included an hour of weight training, 2 ½ hours of meetings and 1 ½ hours of practice. The football program failed to properly record the hours, as the weight training was erroneously considered to be voluntary. Therefore, only four hours were being recorded.

- 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. These violations, which took place during out-of-season workouts, were similar to the violations that occurred in the winter of 2008. The warm-up and stretching activities conducted prior to the conditioning and skill-development sessions were erroneously omitted from the calculation of countable athletically related activities.

- 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. Again, these violations occurred when warm-up and stretching activities conducted by the strength and conditioning staff were not included in countable hours calculations.

- On September 7, 14, 21 and 28, 2009, during the 2009 season, football student-athletes were required to participate in as many as 4 ½ hours of countable athletically related activities per day. These violations occurred on Mondays, when the warm-up and flexibility portion of practices were not included in countable hours calculations. The former director of football operations ("former director of operations") included these activities as countable hours on all other days of the week. It could not be determined whether his failure to record them on Mondays was willful and done to allow the team to have a longer period of time to take part in other practice activities.

3. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2009-10 NCAA Manual)]

The former graduate assistant 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 provided false and misleading information to the institution and enforcement staff. On two occasions when questioned about his involvement in and

knowledge of possible NCAA violations outlined in Finding B-2 above, the former graduate assistant denied his involvement in the activities.

Committee Rationale

The enforcement staff, the institution and the former graduate assistant were in substantial agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

As set forth in Finding B-2 above, the former graduate assistant conducted and monitored skill-development activities (including seven-on-seven drills) during the summers of 2008 and 2009. Among other things, he gave specific instructions to the center snapping the ball to the quarterback during summer seven-on-seven drills. When interviewed about the activities by the enforcement staff on September 28, 2009, he denied being present for or participating in the activities in any way. In a subsequent interview, held on December 15, 2009, the former graduate assistant coach conceded that he was present at the beginning of the skill-development, but he insisted that he was only there briefly and did not participate in any manner. It was only when he filed a response to the notice of allegations and had a prehearing conference with the enforcement staff that the former graduate assistant admitted the full extent of his involvement.

Although there is an expectation that individuals who are at risk attend infractions hearings, the committee nonetheless appreciates the former graduate assistant traveling at his own expense across the country to be present at the hearing and admit his involvement in the violations. His participation assisted the committee in fully understanding the activities that occurred. Since at the time of the hearing the former graduate assistant was no longer employed by the institution and was no longer coaching, the committee determined not to impose a show-cause provision on him, though there will be an individual record of his violations maintained in the office of the committee.

4. FAILURE TO MONITOR. [NCAA Constitution 2.8.1 (2009-10 NCAA Manual)]

The scope and nature of the violations detailed in Finding B-1 and B-2 demonstrate that, from January 2008 through September 2009, the head coach failed to monitor the duties and activities of the quality control staff members, the former graduate assistant coach and a student assistant coach, and the time limits for athletically related activities.

Committee Rationale

The enforcement staff, the institution and the head coach were in substantial agreement as to some of the facts of this finding and that those facts constituted violations of NCAA legislation. The institution agreed that the head coach failed to 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 the countable athletically related activities. The head coach agreed that he should be responsible for the violations related to summer and winter skill development, warm-up and flexibility activities, the dispensing of advice and/or corrections by non-countable coaches, and those regarding film review. The committee finds that the violations occurred.

The head coach and his staff were educated by the institution's compliance staff on January 11, June 3, July 29, 2008, February 12, April 16 and July 29, 2009, regarding the activities that led to the violations in this case. At the hearing, the head coach stated that he had no specific recollection of reading the handouts supplied during the education sessions.

By way of example, the June 3, 2008, education handout contained the following paragraphs:

Summer Workouts. Michigan coaching staff members may not organize, observe or participate in a Wolverine team's workout during the summer except as noted below for safety exceptions and individual sports. Required athletically related meetings and work-outs for student-athletes would be considered a violation of NCAA rules…

Involvement of Strength Coach. Student-athletes may participate in voluntary conditioning activities in the presence of a strength coach. The strength coach may monitor, conduct, supervise, or assist student-athletes in voluntary weight-training or conditioning programs for safety reasons.

Involvement of Sport Specific Staff Members. Staff members with sport specific responsibilities (operations directors, etc.) may not observe student-athletes participating in voluntary activities (running, lifting, pick-up games, etc.) during the vacation period.

Permissible Summer Conditioning Activities. Summer conditioning drills may simulate game activities provided *no offensive or defensive alignments* are set up and *no equipment related to the sport is used*… (emphasis in original).

Similar admonishments appear in the educational materials presented to the football staff at other times. The January 11, 2008, handout contains detail regarding the eight hour weekly countable hour limitation during voluntary summer activities. In addition to the

information set forth above, the June 3, 2008, handout contains a verbatim recitation of NCAA Bylaw 17.02.3, which defines voluntary activities. A portion of the July 29, 2008, educational session was devoted to the role of non-coaching staff members with sport specific responsibilities and specifically set forth that such individuals shall not participate in any on- or off-court practice activity, shall not observe or monitor student-athletes participating in voluntary activities, shall not analyze video and shall not attend meetings in which coaching activities take place. These rules were stated clearly, yet the staff of this veteran, experienced head coach consistently violated them from the time they arrived on campus.

The January 15, 2009, education session dealt in part with the duties of non-coaching members of the football staff. It was repeatedly imparted to the staff that those non-coaching members who had sports-specific responsibilities (that is, the quality control staff) "may not perform any on-court or on-field duties that could be considered coaching during practice, games and organized activities…without counting in the coaching limitations." The April 16 and July 29, 2009, sessions repeated this admonition and contained reminders that non-coaching staff members with sports specific responsibilities were not to attend coaching meetings, observe voluntary activities or analyze video. The education provided to the football staff by the compliance department was more than adequate.

Monitoring rules compliance in his/her athletics program is first and foremost the responsibility of the program's head coach (See, e.g. *University of Kentucky*, Case No. M174, 2002). The head coach agreed that he failed to meet this duty with respect to the involvement of the former graduate assistant, the student assistant coach and the quality control staff in summer skill-development and other summer workouts. Likewise, he admitted failing in his monitoring duties regarding the violations that occurred when the quality control staff conducted and monitored winter skill development work and assisted with flexibility and warm-up activities during the springs and the regular seasons. He further acknowledged his responsibility for the violations that occurred when the quality control staff reviewed film with student-athletes. Finally, he admitted a failure to monitor with respect to the quality control staff attending coaches meetings.

The head coach claimed a lack of awareness that the involvement of quality control personnel in warm-up and flexibility activities constituted violations, as he considered the quality control staff members to be part-time strength and conditioning coaches. However, as they had sport-specific (as opposed to department-wide) responsibilities, the quality control personnel could not be included among the strength and conditioning staff. In fact, as noted earlier, the compliance office specially educated the football staff that quality control personnel could not conduct any on- or off-field practice activities.

The head coach further acknowledged that overages in countable athletics activities occurred, but he asserted that he should only be held responsible for the one hour of weight lifting that was not recorded properly on Sundays. He also agreed that violations occurred when student-athletes were punished with required conditioning activities during the summer, but he disagreed that he was responsible for the violations. He asserted that the remaining violations of countable activities legislation occurred as a result of miscommunication concerning whether certain strength and conditioning activities were countable.

The head coach was well aware that summer activities must be strictly voluntary. It is understandable that, since the coaching staff is prohibited from involvement in summer activities, he left the conducting and monitoring of those activities to the strength and conditioning staff. However, this did not absolve him of all responsibility for the activities. As he acknowledged at the hearing, the head coach met with the director of strength and conditioning ("strength and conditioning coach") to discuss what activities would take place during the eight hours per week of off-season conditioning during the academic year. He trusted the strength and conditioning coach to conduct the sessions in a manner consistent with NCAA rules. The same types of discussions should have taken place regarding summer activities and should have included an understanding regarding the voluntary nature of summer workouts.

As set forth in Finding B-2, the out-of-season overages in countable activities during the academic year occurred because the 20 to 30 minutes of warm-up and flexibility exercises that took place under the guidance of the strength and conditioning coach and his staff were not included in the computation of the weekly eight countable hours. Further, at times the strength and conditioning coach and his staff engaged in impermissible activities when they went beyond weight training, conditioning and film review to include the use of equipment for the sport and the setting of offensive and/or defensive alignments. Yet, even though the head coach discussed the activities with the strength and conditioning coach, he apparently either failed to ascertain what activities were taking place or to recognize they were impermissible. The failure of the head coach to ascertain the extent of the activities taking place, and to confirm that all activities were being conducted in accordance with NCAA rules, constituted a failure to monitor his program.

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

From January 2008 through September 2009, the scope and nature of the violations detailed in Findings B-1 and B-2 demonstrate that the athletics department failed to 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.

Committee Rationale

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

During the winter of 2008, shortly after the head coach's football staff was hired, compliance services office staff members became aware that the football program employed quality control staff members, who were non-coaching sport-specific staff members. Because of concern regarding the duties of the quality control staff, the compliance staff requested that the assistant athletics director for football ("assistant athletics director for football") provide descriptions of their roles and duties. The assistant athletics director for football reported that the quality control staff checked class attendance and performed administrative duties.

By August 2008, the compliance staff had developed and disseminated a form on which all sports were to record the job responsibilities of all staff members. After a reminder from the compliance office, the assistant athletics director for football orally assured the compliance staff in September that the quality control staff was only checking class attendance and performing administrative functions. He failed to inform the compliance office of the quality control staff's involvement in skill development and strength and conditioning, even though he was aware of those facts. He later claimed a belief that the compliance office already knew.

Even though the compliance office received the oral assurances, the football staff did not turn in the required form stating the job descriptions. It was the only sport within the athletics department that failed to do so. As a result, numerous reminders were sent to the football staff, including e-mails of October 14, December 16, 2008; and April 8, 2009. Additionally, the compliance staff met personally with the football staff about the matter on April 16, 2009.

The compliance staff also looked to senior members of the athletics administration for assistance in getting the form. On three separate occasions between February 10 and August 19, 2009, the compliance staff met with the director of athletics ("former director of athletics") to notify him that the job descriptions had not been delivered. On December 16, 2008, the compliance staff copied the senior associate director of athletics ("senior associate director of athletics") on an e-mail sent to the football staff regarding the past due forms. The following month the senior associate director of athletics sent an

e-mail to the director of football operations regarding the delinquent forms, but neither he nor the former director of athletics followed up to ensure the forms were filed.

The football staff continued to ignore the request throughout the first eight months of 2009. It was only after the media informed the institution on August 28 that it intended to publish a report regarding possible NCAA violations in the institution's football program that the job descriptions were supplied to the compliance office. Even then, the descriptions were vague and a follow-up request for further information had to be made. When further descriptions were supplied, on August 30, they still did not include any mention of skill development or strength and conditioning activities being performed by the quality control staff. The compliance staff finally became aware of those duties when it began interviews of the quality control staff.

The efforts of the compliance staff were thorough and diligent. The compliance office educated the football and strength and conditioning staffs, made numerous attempts to get the football staff to hand in the necessary forms, and involved senior members of the athletics department administration. The failure to monitor occurred when 1) the assistant athletics director for football and other administrators with football responsibilities withheld the job descriptions; and 2) the former director of athletics and the senior associate director of athletics did not insist that the football staff immediately comply with the request of the compliance office or sanction the football staff for failure to comply. These failures were in part responsible for the violations set forth above in Finding B-1.

From January 2008 through July 2009, the strength and conditioning staff failed to accurately 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 regarding the appropriate bylaws. Also, during the summer of 2009, strength and conditioning staff members failed to provide complete and accurate information to the compliance services office regarding voluntary athletically related activities. That failure resulted in the compliance services office approving the continued miscalculation of athletically related activities for the summer of 2009 even though violations were taking place.

The director of football operations ("director of football operations") was responsible for the completion and submission of countable hours forms. The football program had historically been tardy in submitting the forms to the compliance office, but the problem increased once the head football coach was hired in January 2008. From that date through late August 2009, the following efforts were made by the compliance office to obtain the forms:

- February 2008: the compliance office began sending monthly e-mails to the head football coach reminding him of the need to submit countable hour forms;

- March 11 through April 10, 2008: Several e-mails were sent to the director of football operations indicating that forms for January and February had not been submitted;

- May 8, 2008: Another e-mail was sent to the director of football operations reminding him that the forms had not been submitted;

- May 29, 2008: Another e-mail sent to the director of football operations regarding the forms not being submitted;

- June 3, 2008: The associate athletics director for compliance ("associate athletics director for compliance") met personally with the director of football operations to discuss the importance of submitting the forms. He failed to fulfill his responsibility;

- June 11, 2008: The compliance office sent yet another e-mail to the director of football operations regarding the submission of the forms. They were, again, not submitted;

- July 30, 2008: The compliance office met personally with the director of football operations and his staff to emphasize the importance of submitting the forms. The senior associate director of athletics was also present. No forms were subsequently submitted;

- December 4, 2008: For the third time, the associate athletics director for compliance met with the director of football operations to discuss the matter. Consistent with past practice, no forms were forthcoming following the meeting;

- December 16, 2008: The compliance office sent another e-mail regarding the forms to the director of football operations. It had no effect.

- January 8-20, 2009: Other e-mails were sent to the football office regarding the forms. Once again, they were not submitted.

- March 5, 2009: The compliance office had the senior associate director of athletics send an e-mail to the assistant athletics director for football ("assistant athletics director for football") informing him that the forms for January through December 2008 had not been submitted. A response indicating that the director

of football operations was still in the process of obtaining student-athlete signatures on the forms was received;

- April 3, April 8, May 7 and May 8, 2009: More e-mails were sent to the football staff regarding the forms, and no forms were received. A university audit had been completed, noting the forms were missing, and a report on the matter was to be provided to the institution's president, the former director of athletics and the Board of Regents. Still, no forms were forthcoming.

- April 14, 2009: The compliance office notified the former director of athletics that the forms had not been submitted. The former director of athletics took no action. [Note: This was one of the meetings in which the former director of athletics was also informed that the job descriptions of the quality control staff had not been submitted.]

- July 20, 2009: The director of football operations submitted forms for the 2009 spring semester. All of the 2008 academic year forms were still missing, so the compliance staff met with the head football coach on July 30 to discuss the matter. Nothing further was submitted until, as with the job descriptions discussed above, the media informed the institution on August 28 that it intended to publish an article regarding countable hour overages in the football program. That very day the football staff submitted the forms from the 2008 academic year, though they were incomplete.

The compliance services office attempted on numerous occasions to prod the football staff into submitting the forms. The compliance office involved the senior associate director of athletics in the attempts and it reported the problem to the former director of athletics. The members of the athletics administration with responsibilities in the football program continually failed to provide required forms pertaining to countable athletically related activities to the compliance services office, making it extremely difficult for the compliance office to do its job. Finally, the former director of athletics and the senior associate director of athletics failed to require the football staff to submit the forms as required. This collective failure partly resulted in the violations outlined in Finding B-2.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA Enforcement Staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA Enforcement Staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." Further, NCAA Bylaw 32.1.4 – **Cooperative Principle**, also addresses institutional responsibility to fully cooperate during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaws 19.01.3.3 and 32.1.4. The cooperation the institution demonstrated in this case must be weighed against the conduct and failures of the institution and its personnel as set forth in the findings. The committee concluded that in light of the serious nature of the violations and the failure of the institution to detect and/or prevent them, the institution's cooperation did not warrant relief in the penalties imposed by the committee in this case.

The committee further notes that this institution comes before us as a Repeat Violator per NCAA Bylaw 19.5.2.3. The committee declines to impose enhanced penalties because, among other reasons, 1) it has been an unusually long time since the violations in the previous case occurred. The violations were not uncovered and processed until 2003, even though they occurred from 1992 to 1999. They came to light through the efforts of the institution, which pressed the federal authorities handling a related criminal prosecution to require certain individuals in that case to cooperate with the institution to discover the truth; 2) the violations in both this case and the previous case were limited to one sport, and they were different sports; 3) there was no lack of institutional control or academic fraud found in the present matter; and 4) the violations detailed in Findings B-1 and B-2 of this report are relatively technical.

The penalties imposed are set forth below. Those self-imposed are so noted:

1. Public reprimand and censure.

2. Three years of probation from November 4, 2010, (the date of the release of this report) through November 2, 2013. (The institution proposed a two-year period of probation)

3. The institution has concluded that its football program exceeded the limits for countable athletically related activity time by a total of approximately 65 hours during 2008 and 2009 (24 hours during winter, 32 hours during summer and nine hours during the regular season). As a result, the institution will decrease the permitted countable athletically related activity time by 130 hours beginning June 1, 2010, and ending no later than the conclusion of the 2011-12 academic year. (Institution imposed)

4. The head football coach, by his own admission, did not pay proper attention to education in which the application of rules that his staff violated were discussed. His inattention contributed to the violations. Therefore, during 2011, the head football coach shall attend an NCAA Regional Rules Seminar. In its annual compliance reports to the committee, the institution will include a list of all sessions attended by the head football coach at the seminar.

5. During this period of probation, the institution shall:

    a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;

    b. Submit a preliminary report to the office of the Committees on Infractions by December 30, 2010, setting forth a schedule for establishing this compliance and educational program; and

    c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by August 15, 2011, of each year during the probationary period. Particular emphasis should be placed on ensuring that the football staff is responsive to the compliance office and is in full compliance with all playing and practice legislation. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

6. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Michigan shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, November 4, 2010.

Should the University of Michigan or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS
John S. Black
Melissa (Missy) Conboy
Paul T. Dee, chair
Roscoe C. Howard Jr.
Andrea (Andi) Myers
Eleanor W. Myers
James O'Fallon

APPENDIX ONE

CASE CHRONOLOGYAS DEVELOPED BY THE ENFORCEMENT STAFF.

2007

December 17 – The institution hired the head football coach. The head football coach subsequently hired quality control staff members (non-coaching sport-specific staff members) for the football program.

2008

January 11 – The institution's compliance services office staff conducted a new coach compliance orientation meeting with football. During that meeting, the compliance services office provided information regarding compliance monitoring systems related to countable athletically related activities (CARA) and designation of coaching categories. The compliance services office also provided rules education pertaining to the limits on countable coaches, coaching activities, and individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities.

January to March – The quality control staff members participated in coaching activities even though they were not countable coaches or strength and conditioning coaches. Also, those activities were sometimes impermissible out-of-season activities. Additionally, football student-athletes were sometimes required to participate in CARA that exceeded the weekly limits regulated by NCAA rules.

February 1 – The compliance services office sent an e-mail to all coaches, including the head football coach, as a reminder that countable athletically related activity forms must be submitted to the compliance services office. The compliance services office sent similar reminders via e-mail to all coaches on a monthly basis throughout the 2008-09 and 2009-10 academic years.

February 7 – The compliance services office conducted a rules-education meeting with strength and conditioning staff members and provided information pertaining to CARA, voluntary activities, limits on countable coaches, coaching activities, and individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities.

February 19 – The compliance services office met with the head football coach and provided information regarding compliance monitoring systems related to CARA.

March 4 – The compliance services office provided a memorandum to all coaches and strength and conditioning coaches, among other individuals, regarding conditioning activities as a form of discipline during the summer when conditioning activities were voluntary.

March 11 – The compliance services office sent an e-mail to the director of football operations and the football recruiting/operations assistant indicating that January and February 2008 CARA forms had not been submitted. Additionally, the compliance services office sent a second e-mail the same day indicating that institution auditors were scheduled to review compliance monitoring documents and that the delinquent forms should be submitted as soon as possible. Similar e-mails were sent to the director of football operations on March 18, March 24 and April 10.

April 2 – The compliance services office began considering the development of a compliance system for monitoring the identity of designated coaches for all sports.

May 8 – The compliance services office sent another e-mail to the director of football operations, as well as the assistant athletics director for football indicating that 2008 spring semester CARA forms were still delinquent and should be submitted to the compliance services office promptly.

May 29 – The compliance services office sent another e-mail to the director of football operations, as well as the assistant athletics director for football, indicating that 2008 spring semester CARA forms were still delinquent and asking when the forms would be submitted.

June 3 – The compliance services office conducted a rules-education meeting with football staff members and provided information pertaining to individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities and permissible summer conditioning was provided. On the same day, and since the football program had not yet submitted 2008 spring semester CARA forms, the compliance services office met with the director of football operations to discuss the importance of the compliance monitoring system for CARA and the delinquent CARA forms.

Summer of 2008 – The strength and conditioning coaches occasionally used additional conditioning activities as disciplinary measures when football student-athletes missed class. Also, the quality control staff members continued to be involved in impermissible coaching activities. Additionally, football student-athletes sometimes participated in excessive voluntary summer conditioning activities.

June 11 – The compliance services office sent another e-mail to the director of football operations, as well as the assistant athletics director for football, indicating that 2008 spring semester CARA forms were still delinquent and asked when the forms would be submitted.

July 14 – The compliance services office sent an e-mail to the assistant athletics director for football indicating that the compliance services office would implement a compliance system for monitoring non-coaching sport-specific staff members.

July 29 – The compliance services office conducted a rules-education meeting with the football coaching staff and provided information pertaining to countable coaches, coaching activities, and individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities was provided. Also, the compliance services office provided information pertaining to CARA.

July 30 – Due to the continuing lack of CARA forms for the football program, the compliance services office met with the director of football operations; the assistant athletics director for football; the recruiting/operations assistant; and the senior associate athletics director to discuss the importance of the compliance monitoring system for CARA, delinquent CARA forms and the need for football to implement a better system for completing and submitting CARA forms to the compliance services office.

August 1 – The compliance services office provided a memorandum to all coaches, the head football coach, and select administrative staff that provided information pertaining to the CARA monitoring program.

August 15 – The compliance services office provided a memorandum to all head coaches and select administrative staff that included a form requiring them to designate their coaching staff by August 22, 2008. The memorandum also requested job descriptions for all non-coaching sport-specific staff members.

September 3 – The football program had not yet provided the Designation of Coaching Category form or job descriptions as required by the August 15 memorandum. As a result, the compliance services office notified the head football coach and the assistant athletics director for football that the form was past due and that job descriptions for non-coaching sport-specific staff members were also still needed. The form was submitted shortly thereafter, but the job descriptions remained delinquent.

Fall of 2008 – The football program required football student-athletes to participate in excessive CARA. Also, the quality control staff members continued to be involved in impermissible coaching activities.

October 14 – The football program still had not yet provided job descriptions for non-coaching sport-specific staff members as required by the August 15 memorandum. As a result, the compliance services office sent a second e-mail to the assistant athletics director for football, as well as the director of football operations, indicating that the job descriptions continued to be past due and needed to be on file in the compliance services office.

December 4 – The football program still had not submitted any CARA forms for January through November 2008. As a result, the compliance services office met with the director of football operations for a second time to discuss the importance of the compliance monitoring system for CARA and to question the reasons the forms were delinquent.

December 16 – The football program still had not provided job descriptions for non-coaching sport-specific staff members as required by the August 15 memorandum. As a result, the compliance services office sent another e-mail to the director of football operations and the senior associate athletics director indicating that the job descriptions continued to be past due and needed to be on file in the compliance services office. Additionally, the compliance services office notified the director of football operations that the football program had not submitted any CARA forms for the fall of 2008.

2009

January 8-20 – Due to the continued absence of CARA forms for the football program, the senior associate athletics director sent an e-mail to the assistant athletics director for football, the director of football operations, and the recruiting/operations assistant to inquire about the delinquent CARA forms and encouraged their submission. The director of football operations responded and indicated that he would have the CARA forms completed at upcoming meetings. However, the forms were not completed at that time.

January to March – The quality control staff members continued to participate in coaching activities. Also, those activities were sometimes impermissible out-of-season activities. Additionally, football student-athletes were sometimes required to participate in CARA that exceeded the weekly limits regulated by NCAA rules.

February 10 – The compliance services office met with the former director of athletics and notified him that the football program had not submitted required job descriptions for non-coaching sport-specific staff members, as required by the August 15, 2008, memorandum.

February 12 – The compliance services office conducted a rules-education meeting with football coaches and staff and provided a February 5, 2009, NCAA educational column pertaining to limits on countable coaches, non-coaching sport-specific staff, and strength and conditioning coaches.

March 5 – The compliance services office provided a memorandum to all coaches and strength and conditioning coaches, among other individuals, regarding conditioning activities as a form of discipline during the summer when conditioning activities are voluntary.

March 5 – Due to the continued absence of CARA forms for the football program, the senior associate athletics director sent another e-mail to the assistant athletics director for football indicating that CARA forms for January through December 2008 still had not been submitted to the compliance services office. According to the assistant athletics director for football, the director of football operations was still in the process of obtaining signatures from football student-athletes needed for the CARA forms.

March 12 – The compliance services office conducted a rules-education meeting with the strength and conditioning staff members and provided information pertaining to CARA, voluntary activities, the coaching categories, coaching activities, and individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities.

April – The football program still had not submitted any CARA forms since January 2008, and as a result, the compliance services office sent another e-mail to the director of football operations, as well as the recruiting/operations assistant, inquiring about the delinquent forms and notifying them that institution auditors would again be reviewing compliance monitoring documents. Also, the football program still had not yet provided job descriptions for non-coaching sport-specific staff members as required by the August 15 memorandum. As a result, the compliance services office again requested information from the director of football operations regarding the status of the required job descriptions.

April 14 – The compliance services office staff met with the former director of athletics and notified him that the football program still had not submitted the required job descriptions for non-coaching sport-specific staff members or required CARA forms.

April 16 – The compliance services office conducted a rules-education meeting with football coaches and staff members and provided information pertaining to the initiative to obtain job descriptions for all non-coaching sport-specific staff prior to 2009-10. Also information pertaining to individuals who were permitted to monitor and/or conduct voluntary summer conditioning and permissible summer conditioning was provided.

May 7 – The football program still had not submitted any CARA forms, and as a result, the compliance services office sent another e-mail to the director of football operations inquiring about the delinquent forms and also notifying him that institution auditors were currently reviewing compliance monitoring documents pertaining to CARA.

May 8 – The football program still had not submitted any CARA forms, and as a result, the compliance services office sent another e-mail to the director of football operations, this time indicating that institution auditors had completed the review of CARA forms on file in the compliance services office and that a report regarding the issue would be forthcoming. In the e-mail, the compliance services office continued its request for CARA form.

May 19 – According to the director of football operations, he submitted all delinquent CARA forms to the compliance services office. However, the compliance services office did not receive this information.

May 26 – The compliance services office met with the former director of athletics and notified him that the football program still had not submitted required job descriptions for non-coaching sport-specific staff members as required by the August 15 memorandum.

Summer of 2009 – The quality control staff members continued to be involved in impermissible coaching activities. Those activities were sometimes impermissible out-of-season activities. Also, football student-athletes sometimes participated in excessive voluntary summer conditioning activities. Additionally, the strength and conditioning coaches occasionally used additional conditioning activities as disciplinary measures when football student-athletes missed class.

July 20 – The compliance services office obtained from the football program the last of the completed CARA forms for the 2009 spring semester but none for the 2008 spring or fall semesters.

July 24 – The institution auditors reported that compliance with NCAA regulations regarding the limits on CARA could not be verified for the institution's football team because at the time of the audit, no CARA forms for football were on file in the compliance services office for January 2008 through April 2009.

July 29 – The compliance services office conducted a rules-education meeting with the football coaching staff and provided information pertaining to countable coaches, coaching activities, and individuals who were permitted to monitor and/or conduct voluntary summer conditioning activities was provided.

July 30 – The compliance services office met with the head football coach to notify him of the delinquency and absence of CARA forms for the football program.

August 18 – The compliance services office met with the former director of athletics and again notified him that the football program still had not submitted required job descriptions for non-coaching sport-specific staff members as required by the August 15 memorandum.

August 28 – A local newspaper alerted the athletics department that it intended to print articles regarding violations in the football program pertaining to the use of the quality control staff members and excessive CARA. As a result, the compliance services office staff notified the head football coach of the impending articles and conducted interviews with the quality control staff members, which indicated potential NCAA violations. The compliance services office also met in person with the assistant athletics director for football and requested job descriptions for

the quality control staff members that had previously been required in the August 15, 2008, memorandum. The compliance services office was then provided the job descriptions. Based on the lack of specificity in the descriptions, the compliance services office requested additional information regarding the duties of the quality control staff members. The compliance services office, in concert with the institution's general counsel's office, continued interviews with various athletics department staff members and football student-athletes.

Also on this date, the compliance services office obtained from football incomplete CARA forms (missing required student-athlete signatures) for the 2008 spring and fall semesters.

August 30 – As a result of a request made by the compliance services office for additional information regarding the duties of the quality control staff members, the assistant athletics director for football provided another job description. Additionally, the institution notified the enforcement staff of its current inquiry and that potential violations were discovered. It was agreed that the enforcement staff would join the institution in a cooperative inquiry. Over the course of the next several weeks, the institution and enforcement staff conducted numerous interviews involving current and former football coaching staff members, current and former football student-athletes, and various athletics department staff members.

September 28 – The former graduate assistant provided false and misleading information during an interview with the institution and enforcement staff regarding his presence at 2008 and 2009 voluntary summer conditioning activities.

October 23 – The enforcement staff provided the institution a notice of inquiry letter.

December 15 – The former graduate assistant coach again provided false and misleading information during a subsequent interview with the institution and enforcement staff regarding his presence at voluntary summer conditioning activities.

2010

February 22 – The enforcement staff issued a notice of allegations to the institution, the head football coach and the former graduate assistant.

May 24 – The institution and the head football coach submitted a response to the notice of allegations.

May 25 – The former graduate assistant requested an extension from the NCAA Division I Committee on Infractions for his response to the notice of allegations. The committee granted a seven-day extension.

June 1 – The former graduate assistant submitted a response to the notice of allegations.

June 25 –The enforcement staff, institution and the head football coach conducted a prehearing conference.

June 30 –The enforcement staff and the former graduate assistant conducted a prehearing conference.

August 14 – The institution appeared before the NCAA Division I Committee on Infractions.

November 4 -- Infractions Report No. 333 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MAY 24, 2010, RESPONSE TO THE NOTICE OF ALLEGATIONS.

Non-Coaching, Sport Specific Staff Members

1. The reduction of the number of quality control staff members for football from five to three until the conclusion of the 2011-12 football season. The institution will not create new non-coaching football staff positions during this time.

2. Quality control staff members will not be allowed to attend practices during 2010-11 football pre-season and regular season.

3. Quality control staff members will be prohibited from engaging in any normal game-day activities (i.e., being present on the sidelines, in the press box or in the locker room, travel with the football team to away games, attend team or coaches meetings on game day, etc) during the 2010-11 football season. Quality control staff members will be treated in the same manner as other non-football staff on game days.
4. Quality control staff members will not be allowed to attend coaches meetings from June 1, 2010 through December 31, 2010.

5. Quality control staff members will not work in weight room or otherwise be a part of the strength and conditioning staff as part of their jobs.

6. Quality control staff members will not conduct skill development or speed and agility training as part of their jobs.

7. The institution has moved the quality control staff from the position meeting rooms to different locations where student-athletes do not meet or watch film.

8. The Compliance Service Office (CSO) has added "full-time temporary employees" to the group of sport-specific athletic department staff whose hiring the CSO reviews. All such new administrative hires will be required to attend a NCAA rules education orientation session and to sign the same agreement outlining NCAA rules "do’s and don’ts" that other athletic department sport specific administrative staff are required to sign.

9. A separate rules education meeting regarding non-coaching, sport-specific staff will be conducted annually.

Countable Athletically Related Activities (CARA)

1. CARA forms were revised to indicate the actual time of day activities occur rather than the total amount of time spent during each day in CARA to improve communications with student-athletes.

2. An escalation policy was implemented to communicate delays regarding submission of compliance forms, including CARA forms, to the head coach, director of athletics, and the institution's president.

3. The current CARA process was simplified to promote better participation by requiring the CARA forms be signed by a randomly selected subset of student-athletes rather than all student-athletes in each sport.

4. A vendor was selected for implementing a comprehensive athletics compliance web-based software system to include a CARA monitoring system that will allow for anonymous verification by student-athletes.

5. The CSO has increased the number of visits to practices and off-season training activities in an effort to verify and monitor CARA activities. The CSO is also tracking its visits to practices and off-season training activities.

6. The CSO is conducting a comprehensive review of in-season, off-season, and summer CARA activities on a sport-by-sport basis involving coaches, sport administrators, strength and conditioning, and training staff.

Other

1. The institution terminated the former graduate assistant following receipt of the notice of allegations.

2. A special rules education session took place for sport administrators to provide them a detailed review of NCAA rules regarding both CARA and the role of non-coaching, sport specific staff members. This included discussion of the practical application of these rules to day-to-day athletics issues.

3. A special meeting was conducted with all football staff, including quality control, on October 4, 2009, that provided educational information and enacted immediate remedial measures regarding expectations for quality control staff.

4. At the CSO's request, the assistant commissioner of the Big Ten Conference came to the institution's campus on April 19, 2010, to discuss CARA and non-coaching, sport-specific compliance issues with the CSO staff.

5. The institution issued letters of reprimand to the head football coach, the senior associate athletics director, the associate athletics director for compliance, the assistant athletics director for compliance, the strength coach, the assistant athletics director for football and the director of football operations.