

## NOTICE OF ALLEGATIONS

to the

President of Rutgers, The State University of New Jersey, New Brunswick

### **A. Processing Level of Case.**

Based on the information contained within the following allegations, the NCAA enforcement staff believes this case should be reviewed by a hearing panel of the NCAA Division I Committee on Infractions pursuant to procedures applicable to a significant breach of conduct (Level II violation).

### **B. Allegations.**

1. [NCAA Division I Manual Bylaws 13.6.7.5 and 13.7.2.1.8 (2011-12 through 2015-16) and 13.1.2.1, 13.4.1.4.1, 13.10.2.1 and 13.10.2.4 (2014-15)]

It is alleged that during the 2011-12 academic year through the fall of 2015, the institution impermissibly permitted members of a football student-ambassador group hired, organized and overseen by the football program, to serve as student hosts during football prospective student-athletes' official and unofficial visits, even though the students were not designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. As a result, all football student-ambassador hosting duties involving football prospective student-athletes and/or their parents or legal guardians were contrary to NCAA legislation. Additionally, the existence of the impermissible football student-ambassador program and lack of oversight of it led to instances of impermissible off-campus recruiting contacts prearranged via impermissible electronic correspondence and publicizing of prospect recruitment by two then football student-ambassadors and the then football director of recruiting. Specifically:

- a. During the 2011-12 academic year through the fall of 2015, members of the football student-ambassador group engaged in impermissible hosting duties that included (1) escorting football prospective student-athletes during pregame and postgame activities; (2) being present at on-campus and some off-campus meals to accompany, converse with and answer questions of football prospective student-athletes and/or parents or legal guardians; (3) accompanying, conversing with and answering questions of football prospective student-athletes and/or their parents or legal guardians during official visit activities taking place in or around Times Square in New York City; (4) accompanying football prospective student-athletes and/or their parents or legal guardians during football facility tours conducted by football staff

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 2

---

members; and (5) otherwise accompanying and/or interacting with football prospective student-athletes and/or their parents or legal guardians on the institution's campus in a nonadministrative capacity during official and unofficial visits. [NCAA Bylaws 13.6.7.5 and 13.7.2.1.8 (2011-12 through 2015-16)]

- b. In March and April 2015, two then football student-ambassadors had impermissible off-campus recruiting contact that was prearranged by impermissible electronic correspondence exchanges with five then football prospective student-athletes, whom the football student-ambassadors became acquainted with during the prospects' previous official and unofficial visits to the institution. Specifically, on or around March 16, 2015, two then football student-ambassadors had prearranged impermissible off-campus recruiting contact with then football prospective student-athletes [REDACTED] and [REDACTED] in [REDACTED]. Additionally, on or around April 3, 2015, the same two then football student-ambassadors had prearranged impermissible recruiting contact with [REDACTED] and then football prospective student-athletes [REDACTED] and [REDACTED] at an off-campus restaurant and a dorm room on campus. [NCAA Bylaws 13.1.2.1, 13.1.2.1.1 and 13.4.1.4.1 (2014-15)]
- c. On numerous occasions between August 2014 and August 2015, a then football student-ambassador and then football director of recruiting commented publicly beyond confirming recruitment and publicized visits to the institution's campus of at least 19 then football prospective student-athletes on social media. [NCAA Bylaws 13.10.2.1 and 13.10.2.4 (2014-15)]

**Level of Allegation No. 1:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 1 is a significant breach of conduct (Level II) because the violations (1) provided or were intended to provide more than a minimal recruiting advantage; (2) were not isolated or limited in that they occurred over multiple years and involved multiple prospective student-athletes, resulting in multiple recruiting violations; and (3) compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.2 (2016-17)]

**Involved Individual(s):**

None.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 3

---

**Factual information (FI) on which the enforcement staff relies for Allegation No. 1:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 1. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

2. [NCAA Division I Manual Bylaw 10.2 (2011-12 through 2015-16)]

It is alleged that between September 2011 and the fall of 2015, the institution; Robert Monaco (Monaco), associate athletics director and director of sports medicine; and the then head football coach employed practices and procedures that violated the institution's drug-testing policy involving banned substance use of 32 football student-athletes. As a result, 16 current and then football student-athletes who tested positive for banned substances were permitted to compete without being subjected to the corrective or disciplinary actions mandated by the institution's drug-testing policy. Specifically:

- a. On numerous occasions Monaco failed to notify the director of athletics of positive tests or involve the director of athletics in determining the penalties for football student-athletes who tested positive for a banned substance as required by the institution's drug-testing policy. [NCAA Bylaw 10.2 (2011-12 through 2015-16)]
- b. The institution, Monaco and then head football coach failed to implement the required corrective or disciplinary actions mandated by the institution's drug-testing policy. Specifically:
  - (1) Treatment contracts outlining mandatory treatment requirements, expectations and future possible sanctions were not utilized for approximately 30 football student-athletes after their first positive test as required by the institution's drug-testing policy. [NCAA Bylaw 10.2 (2011-12 through 2015-16)]
  - (2) At least two football student-athletes on at least two occasions were not notified that they tested positive for a banned substance as required by the institution's drug-testing policy. [NCAA Bylaw 10.2 (2013-14)]
  - (3) The institution failed to document in writing, by the director of athletics, the reasons for an alteration of any penalty imposed on a football student-athlete as required by the institution's drug-testing policy. [NCAA Bylaw 10.2 (2011-12 through 2015-16)]

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 4

---

- c. The institution and Monaco failed to identify subsequent positive tests as additional violations of the institution's drug-testing policy involving approximately 18 current and then football student-athletes. [NCAA Bylaw 10.2 (2011-12 through 2015-16)]
- d. As a result of failures by the institution, Monaco and then head football coach to properly adhere to the institution's drug-testing policy, 16 current and then football student-athletes who tested positive for banned substances were permitted to compete without being subjected to the corrective or disciplinary actions mandated by the institution's drug-testing policy over the course of four football seasons. [NCAA Bylaw 10.2 and 14.01.3 (2012-13 through 2015-16)]

**Level of Allegation No. 2:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 2 is a significant breach of conduct (Level II) because the violation (1) provided or was intended to provide more than a minimal competitive advantage and (2) involved conduct that undermines the principle of student-athlete well-being and compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.2 and NCAA Constitution 2.2 (2016-17)]

**Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Monaco's involvement in Allegation No. 2.

**Factual information (FI) on which the enforcement staff relies for Allegation No. 2:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 2. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

- 3. [NCAA Division I Manual Bylaw 16.11.2.1 (2014-15 and 2015-16)]

It is alleged that during the summer and fall of 2015, Kyle Flood (Flood), then head football coach, arranged for the provision of an impermissible extra benefit to then football student-athlete [REDACTED]. Specifically, during July and August 2015, Flood made a special arrangement with [REDACTED]'s [REDACTED] instructor to allow him to complete additional course work to enable [REDACTED] to receive a [REDACTED].

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 5

---

██████████ and become ██████████ for the fall of 2015. Prior to making the special arrangement, Flood was apprised on several occasions during the spring of 2015 that ██████████ would be ██████████ for the fall of 2015 and received a ██████████ grade in the dance appreciation course. [NCAA Bylaw 16.11.2.1 (2014-15 and 2015-16)]

**Level of Allegation No. 3:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 3 is a significant breach of conduct (Level II) because it is an extra benefit violation that provided or was intended to provide more than a minimal competitive advantage and compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.2 (2016-17)]

**Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Flood's involvement in Allegation No. 3.

**Factual information (FI) on which the enforcement staff relies for Allegation No. 3:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 3. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

4. [NCAA Division I Manual Bylaw 13.1.1.1 (2013-14)]

It is alleged that May 14, 2014, Darrell Wilson (Wilson),<sup>1</sup> then assistant football coach, had impermissible, off-campus recruiting contact with then 2016 football prospective student-athlete ██████████ at ██████████'s high school, ██████████ ██████████ ██████████). Specifically, Wilson had a several-minute recruiting conversation with ██████████ in a hallway at ██████████.

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<sup>1</sup> Wilson is named in Allegation No. 4 due to his involvement in multiple violations that includes Allegation No. 5.

## NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 6

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### **Level of Allegation No. 4:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 4 is a breach of conduct (Level III) because the violation was isolated and limited, and because the specific facts of this contact demonstrate that it provided no more than a minimal recruiting advantage. [NCAA Bylaw 19.1.3 (2016-17)]

### **Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wilson's involvement in Allegation No. 4.

### **Factual information (FI) on which the enforcement staff relies for Allegation No. 4:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 4. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

5. [NCAA Division I Manual Bylaw 10.01.1, 10.1 (2015-16 and 2016-17); 10.1-(d) (2015-16); 10.1-(c) (2016-17)]

It is alleged that December 15, 2015, and August 3, 2016, Darrell Wilson (Wilson),<sup>2</sup> then assistant football coach, violated NCAA principles of ethical conduct when he knowingly provided false or misleading information to the NCAA enforcement staff and institution regarding his knowledge of and/or involvement in violations of NCAA legislation. Specifically, Wilson denied that he engaged in an impermissible off-campus recruiting contact with then football prospective student-athlete ██████████ (██████), as detailed in Allegation No. 4. However, the factual information demonstrates that Wilson engaged in an impermissible off-campus recruiting contact with ██████████ on at least that one occasion.

### **Level of Allegation No. 5:**

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 5 is a significant breach of conduct (Level II) because the violation involved unethical or dishonest conduct, which compromised the integrity of the NCAA Collegiate Model. The ability of the enforcement staff to gather

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<sup>2</sup> Wilson was employed at the institution during his first interview with the NCAA enforcement staff and institution on December 16, 2015, when he provided false or misleading information; however, he was not employed at the institution during his August 3, 2016, interview with the enforcement staff and institution when he again provided false or misleading information.

## NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 7

---

truthful and reliable information while investigating allegations is critical to the common interests of the Association's membership and the preservation of its enduring values. [NCAA Bylaws 19.01.1 and 19.1.2 (2016-17)]

### **Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Wilson's involvement in Allegation No. 5.

### **Factual information (FI) on which the enforcement staff relies for Allegation No. 5:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 5. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

6. [NCAA Division I Manual Bylaws 11.1.2.1<sup>3</sup> (2011-12 and 2012-13) and 11.1.1.1 (2012-13 through 2015-16)]

It is alleged that during the 2011-12 academic year through the fall of 2015, Kyle Flood (Flood), then head football coach, violated NCAA head coach responsibility legislation, as he is presumed responsible for violations outlined in Allegation Nos. 1, 2 and 3, and did not rebut that presumption. Flood did not demonstrate that he promoted an atmosphere for compliance or monitored his staff within the football program. Specifically:

- a. As detailed in Allegation No. 1, Flood did not demonstrate that he monitored his football recruiting operations staff, who oversaw the football student-ambassador program. Under Flood's supervision, the football program impermissibly allowed

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<sup>3</sup> During the time period of Allegation No. 6, the head coach responsibility legislation citation changed from NCAA Bylaw 11.1.2.1. to 11.1.1.1. However, the current legislation, which states that a head coach is presumed responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach was effective October 30, 2012, and therefore, applicable during part of the time period of Allegation No. 6. Prior to October 30, 2012, Bylaw 11.1.2.1 stated, "It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach."

## NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 8

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members of the football student-ambassador group who were hired, organized and overseen by the football program, to serve as student hosts during football prospective student-athletes' official and unofficial visits and failed to ensure that the football student ambassadors' activities were permissible. [NCAA Bylaws 11.1.2.1 (2011-12 and 2012-13) and 11.1.1.1 (2012-13 through 2015-16)]

- b. As detailed in Allegation No. 2, Flood did not demonstrate that he promoted an atmosphere of compliance within the football program because he employed practices and procedures that violated the institution's drug-testing policy. Specifically, Flood was aware of football student-athletes' positive tests for banned substances and failed to ensure the policy was followed, resulting in numerous football student-athletes competing in intercollegiate athletics without being subjected to the consequences mandated by the institution's drug-testing policy. [NCAA Bylaws 11.1.2.1 (2011-12 and 2012-13) and 11.1.1.1 (2012-13 through 2015-16)]
- c. As detailed in Allegation No. 3, Flood did not demonstrate that he promoted an atmosphere of compliance within the football program because he initiated communication, contrary to the institution's policy prohibiting contact between coaching staff and faculty members, with then football student-athlete ██████████'s (██████████) ██████████ instructor and requested she allow ██████████ to complete additional course work in an attempt to receive a ██████████ in a course required to maintain his ██████████. Further, Flood contacted the ██████████ instructor after being advised against doing so by an athletics academic staff member. This conduct resulted in Flood arranging for the provision of an extra benefit to ██████████. [NCAA Bylaw 11.1.1.1 (2014-15 and 2015-16)]

### **Level of Allegation No. 6:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 6 is a significant breach of conduct (Level II) because it results from underlying Level II violations. [NCAA Bylaws 19.1.2 and 19.1.2-(e) (2016-17)]

### **Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to Bylaw 19.9.5.4 regarding Flood's involvement in Allegation No. 6.



NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 9

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**Factual information (FI) on which the enforcement staff relies for Allegation No. 6:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 6. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

7. [NCAA Division I Manual Constitution 2.8.1 (2011-12 through 2015-16)]

It is alleged that during the 2011-12 through 2015-16 academic years the scope and nature of the violations detailed in Allegation Nos. 1 and 2 demonstrate that the institution violated the principle of rules compliance when it failed to adequately monitor its football program and ensure compliance with its football student-ambassador program and institutional drug-testing policy. Specifically:

- a. As detailed in Allegation No. 1, the institution failed to ensure that the football student ambassadors' activities and involvement in football prospective student-athletes' official and unofficial visits were permissible. The institution became aware in 2004 that NCAA legislation pertaining to student-host groups was revised. Further, the institution was put on notice on multiple occasions between 2004 and 2015 regarding issues related to permissible organization and use of student-host groups when numerous NCAA Educational Columns<sup>4</sup> were issued and a Level II infractions decision<sup>5</sup> was released regarding student host groups. Nonetheless, the institution provided insufficient and inadequate rules education to institutional staff members in that regard and failed to make appropriate changes to the organization and use of the football student-ambassador group to comply with the legislation. [NCAA Constitution 2.8.1(2011-12 through 2015-16)]
- b. As detailed in Allegation No. 2, the institution failed to ensure it followed its established institutional drug-testing policy with respect to 32 football student-athletes. The institution employed practices and procedures that violated the policy when it did not ensure that the associate athletics director and director of sports medicine notified the director of athletics of positive tests and appropriately involved the director of athletics in determining penalties for football student-athletes who tested positive for banned substances. Additionally, the institution and the associate athletics director and director of sports medicine routinely failed to identify subsequent positive tests of football student-athletes as additional violations of the institution's drug testing policy. Finally, the institution, the associate athletics director and director of sports medicine, and the then head football coach failed to subject football student-

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<sup>4</sup> The relevant educational columns were published on November 16, 2004, September 14, 2010, August 17, 2012, and August 31, 2015. See FI60, FI61, FI62, and FI63.

<sup>5</sup> See the April 24, 2015, Oklahoma State University infractions decision.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 10

---

athletes who tested positive for banned substances to the consequences mandated by the institution's drug-testing policy. As a result, 16 current and then football student-athletes who tested positive for banned substances were permitted to compete without being subjected to the corrective or disciplinary actions mandated by the institution's drug-testing policy over the course of four football seasons. [NCAA Constitution 2.8.1 (2011-12 through 2015-16)]

**Level of Allegation No. 7:**

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 7 is a significant breach of conduct (Level II) because the violation (1) is a failure to monitor, which is presumed Level II; (2) resulted from underlying violations that could be considered Level II violations; and (3) compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.1.2 and 19.1.2-(b) (2016-17)]

**Involved Individual(s):**

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to Bylaw 19.9.5.4 regarding the following individuals' involvement in Allegation No. 7:

None.

**Factual information (FI) on which the enforcement staff relies for Allegation No. 7:**

The attached exhibits detail the factual information on which the enforcement staff relies for Allegation No. 7. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents posted on the secure website.

**Specific to Allegation Nos. 1, 2, 3, 4, 5, 6 and 7:**

- a. Please indicate whether the information contained within these allegations is substantially correct and whether the institution and involved individuals identified in these allegations believe violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and involved individuals believe NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 11

---

- c. Please indicate whether the factual information is substantially correct and whether the institution and involved individuals have additional pertinent information and/or facts. Submit facts in support of your response.

**C. Potential Aggravating and Mitigating Factors.**

Pursuant to NCAA Bylaw 19.7.1, the NCAA enforcement staff has identified the following potential aggravating and mitigating factors that a hearing panel of the NCAA Division I Committee on Infractions may consider.

**1. Institution:**

a. Aggravating factors. [NCAA Bylaw 19.9.3]

- (1) A history of Level I, Level II or major violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(b)]

The committee previously decided one major infractions case involving the institution (infractions report dated June 17, 2003) involving improper certification for financial aid, practice and competition, progress-toward-degree violation and lack of institutional control across 11 sport programs.

- (2) Multiple Level II violations by the institution. [NCAA Bylaw 19.9.3-(g)]

The institution was involved in multiple Level II violations as detailed in Allegation Nos. 1, 2 and 7.

- (3) Persons of authority condoned, participated in or negligently disregarded the violations. [NCAA Bylaw 19.9.3-(h)]

- a. As detailed in Allegation No. 2, the then head football coach and Robert Monaco (Monaco), associate athletics director and director of sports medicine, condoned and participated in the violations when they employed practices and procedures that violated the institution's drug-testing policy.

- b. As detailed in Allegation No. 3, Kyle Flood (Flood), then head football coach, committed an academic extra benefit violation.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 12

---

- (4) One or more violations caused other substantial harm to a student-athlete. [NCAA Bylaw 19.9.3-(i)]

As detailed in Allegation No. 2, the institution and Monaco routinely failed to identify subsequent positive tests of football student-athletes as additional violations of the institution's drug testing policy or subject football student-athletes who tested positive for banned substances to the consequences mandated by the institution's drug-testing policy. As a result, the student-athletes were neither receiving the preventative and rehabilitative measures the policy was intended to provide, nor were they deterred from drug use because of lack of punitive action.

- (5) The violations reflect a pattern of noncompliance within the football program. [NCAA Bylaw 19.9.3-(k)]

The violations detailed in Allegation Nos. 1, 2, 3, 4, 6 and 7 involve the football program.

- b. Mitigating factors. [NCAA Bylaw 19.9.4]

- (1) Prompt self-detection and self-disclosure of the violation. [NCAA Bylaw 19.9.4-(a)]

Regarding Allegation No. 3, the institution self-detected the academic extra benefit violation, reported it through appropriate institutional channels and promptly investigated the issue. The institution subsequently promptly notified the NCAA enforcement staff of the issue and the action steps it planned to take.

- (2) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]

The institution self-reported 69 Level III or secondary violations from August 1, 2011, through May 30, 2016.

**2. Involved Individual [Kyle Flood (Flood), then head football coach]:**

- a. Aggravating factors. [NCAA Bylaw 19.9.3]

- (1) Attempting to conceal the violation. [NCAA Bylaw 19.9.3-(d)]

As detailed in Allegation No. 3, Flood attempted to conceal the violation.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 13

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- (2) Violations were premeditated, deliberate or committed after substantial planning. [NCAA Bylaw 19.9.3-(f)]

As detailed in Allegation No. 3, Flood deliberately planned and committed the violation when he initiated contact with the [REDACTED] instructor to ask her to permit then football student-athlete [REDACTED] to complete additional course work to earn a [REDACTED] and subsequently met with and corresponded with the instructor regarding the details of the special arrangement.

- (3) Multiple Level II violations by Flood. [NCAA Bylaw 19.9.3-(g)]

Flood was involved in multiple Level II violations as detailed in Allegation Nos. 3 and 6.

- (4) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [NCAA Bylaw 19.9.3-(h)]

As detailed in Allegation No. 3, Flood is a person of authority who condoned, participated in or negligently disregarded the violation or related wrongful conduct.

- (5) Conduct or circumstances demonstrating an abuse of a position of trust. [NCAA Bylaw 19.9.3-(j)]

As detailed in Allegation No. 3, because Flood held a position of trust as the then head football coach, the [REDACTED] instructor felt obligated to grant his request to permit then football student-athlete [REDACTED] to complete an additional assignment to become [REDACTED] for the fall of 2015.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The NCAA enforcement staff did not identify any mitigating factors for Flood.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 14

---

**3. Involved Individual [Robert Monaco (Monaco) associate athletics director and director of sports medicine]:**

a. Aggravating factors. [NCAA Bylaw 19.9.3]

- (1) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [NCAA Bylaw 19.9.3-(h)]

As detailed in Allegation No. 2, Monaco is a person of authority who condoned and/or participated in the lack of adherence to the institution's drug-testing policy resulting in NCAA rules violations.

- (2) One or more violations caused other substantial harm to a student-athlete. [NCAA Bylaw 19.9.3-(i)]

As detailed in Allegation No. 2, Monaco's involvement in the violations caused substantial harm to student-athletes when he routinely failed to identify subsequent positive tests of football student-athletes as additional violations of the institution's drug-testing policy or subject football student-athletes who tested positive for banned substances to the consequences dictated by the institution's drug-testing policy. As a result, the student-athletes were neither receiving the preventative and rehabilitative measures the policy was intended to provide, nor were they deterred from drug use because of lack of punitive action.

- (3) Conduct or circumstances demonstrating an abuse of a position of trust. [NCAA Bylaw 19.9.3-(j)]

As detailed in Allegation No. 2, Monaco engaged in conduct or circumstances demonstrating an abuse of a position of trust, as he was responsible for implementation, enforcement and oversight of the institution's drug-testing policy.

b. Mitigating factor. [NCAA Bylaw 19.9.4]

The NCAA enforcement staff did not identify any mitigating factors for Monaco.

NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 15

---

**4. Involved Individual [Darrell Wilson (Wilson), then assistant football coach]:**

a. Aggravating factor. [NCAA Bylaw 19.9.3]

Unethical conduct. [NCAA Bylaw 19.9.3-(e)]

Allegation No. 5 involves a violation of the NCAA principles of ethical conduct. Therefore, the NCAA enforcement staff has identified this potential aggravating factor.

b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for Wilson.

**D. Request for Supplemental Information.**

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel of the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee

## NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 16

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on Infractions/hearing panel, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions/hearing panel within the last 10 years.

6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:
  - The average number of initial and total grants-in-aid 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 for the following academic year.
  - The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
  - Copies of the institution's squad lists for the past four academic years.
  - Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.



NOTICE OF ALLEGATIONS

Case No. 00442

December 19, 2016

Page No. 17

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- 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.
  - A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
11. Consistent with the Committee on Infractions IOP 4-16-2-1 (Total Budget for Sport Program) and 4-16-2-2 (Submission of Total Budget for Sport Program), please submit the three previous fiscal years' total budgets for all involved sport programs. At a minimum, a sport program's total budget shall include: (a) all contractual compensation including salaries, benefits and bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (b) all recruiting expenses; (c) all team travel, entertainment and meals; (d) all expenses associated with equipment, uniforms and supplies; (e) game expenses and (f) any guarantees paid associated with the sport program.

Any additional information or comments regarding this case are welcome.