

NOTICE OF ALLEGATIONS

to the

President of Chadron State College

1. [NCAA Constitution 6.2.1 and Bylaws 13.2.1, 13.12.1.5, 13.14.1, 13.14.4 and 16.11.2.1]

It is alleged that as early as 2007 through 2011, the institution failed to control all funds supporting its football program when William O'Boyle (O'Boyle), then head football coach, maintained impermissible accounts at off-campus financial institutions to pay various football program expenses. Additionally, some funds in the accounts were used to provide recruiting inducements to prospective student-athletes and extra benefits to student-athletes. These accounts operated outside of the institution's normal budgeting procedures. Specifically:

- a. As early as 2007 and continuing through 2011, O'Boyle maintained three off-campus financial accounts outside of the procedures and controls of the institution, including the "C Club" account (2007 through 2011), "Special" account (2009 through 2011) and "Concession" account (2010 through 2011) to pay expenses related to football program equipment, supplies and meals. During this period, O'Boyle used funds from the accounts and failed to document expenses or save receipts for the majority of expenditures. [NCAA Constitution 6.2.1]
- b. As early as 2007 and continuing through 2011, O'Boyle used funds from the C Club account, Special account and Concession account to pay expenses related to the football program's permissible recruitment of prospective student-athletes. [NCAA Bylaws 13.4.1 and 13.14.4]
- c. On or about June 3, 2011, O'Boyle used Check No. 1034 from the Special account to purchase shoes for two unidentified prospective student-athletes who attended the institution's football camp, a recruiting inducement valued at \$125.69. [NCAA Bylaws 13.2.1, 13.14.1 and 13.14.4]
- d. On or about June 10, 2011, O'Boyle used Check No. 1037 from the Special account to pay admission fees for two unidentified prospective student-athletes to attend the institution's football camp, a recruiting inducement valued at \$475. [NCAA Bylaws 13.2.1, 13.14.1, 13.14.4 and 13.12.1.5.1]
- e. On or about December 13, 2010, O'Boyle used Check No. 1126 from the Special account to provide \$150 to [REDACTED] then football student-athlete. [NCAA Bylaw 16.11.2.1]

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 2

- f. On or about March 23, 2011, O'Boyle used Check No. 1137 from the Special account to provide \$100 to [REDACTED] then football student-athlete. [NCAA Bylaw 16.11.2.1]

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

Also, please provide the following:

- a. Any and all notations and statements from O'Boyle provided to BKD, LLP - CPAs and Advisors (BKD) and used as support for the November 14, 2011, report.
- b. The February 28, 2012, Nebraska State College System audit report.
- c. The July 23, 2012, Chadron State College (Chadron State) self-report and exhibits.
- d. Copies of Check Nos. 1126, 1137, 1034 and 1037 from the Special account provided to BKD, which include O'Boyle's handwritten notes and comments.
- e. The Chadron State athletics department football program budget for 2008 through 2011.
- f. January 2008 through September 30, 2011, Chadron State College Foundation account statements for any and all football accounts and subaccounts.
- g. Any and all football program travel authorization requests, expense requests, cash advance requests, check requests and reimbursement forms from January 1, 2008, through September 30, 2011.
- h. Any and all information regarding Chadron State financial and accounting procedures used between January 1, 2008, and September 30, 2011, including budgetary, expense, audit and reconciliation procedures.
- i. Any and all Chadron State College Foundation financial account procedures used between January 1, 2008, and September 30, 2011, including fundraising, budgetary, expense, audit and reconciliation procedures.

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 3

- j. Any and all athletics department travel and expense policies and procedures used between January 1, 2008, and September 30, 2011.
 - k. Any and all records of rules education regarding financial and accounting institutional procedures and NCAA bylaws provided to athletics department staff from January 1, 2008, through September 30, 2011.
 - l. Any and all records of rules education regarding extra benefits and recruiting inducements provided to student-athletes and athletics department staff from January 1, 2008, through September 30, 2011.
 - m. O'Boyle's November 16, 2011, and March 1, 2012, interview transcripts.
2. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 10.1-(d)]

It is alleged that between December 2010 and September 2011, William O'Boyle (O'Boyle), then head football coach, violated the NCAA principles of ethical conduct by (a) providing false and misleading information to the institution during its independent inquiry and (b) knowingly providing improper inducements to prospective student-athletes and extra benefits to enrolled student-athletes. Specifically:

- a. On September 19, 2011, when Janie Park (Park), president of Chadron State College, questioned O'Boyle about possible impermissible accounts and funds raised from the Last Chance for Glory golf tournament, O'Boyle provided false and misleading information when he failed to disclose his knowledge that funds from the tournament had been deposited in the Special account, an impermissible off-campus account O'Boyle maintained outside of the institution's control, as outlined in Allegation No. 1-a. Additionally, on September 22, O'Boyle signed a statement indicating that he was not aware of any accounts existing outside the institution, except for the Special Account, even though he maintained the Concession account as outlined in Allegation No. 1-a. Further, on September 23, when Park questioned O'Boyle about the existence of any other accounts existing outside the institution, O'Boyle again asserted that he had no other outside financial accounts, even though he closed the Concession account earlier that day. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d)]
- b. As outlined in Allegation Nos. 1-c through 1-f, between December 2010 and June 2011, O'Boyle knowingly provided over \$600 in improper recruiting inducements to prospective student athletes and \$250 in extra benefits to enrolled student athletes. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c)]

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 4

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

3. [NCAA Bylaw 11.1.2.1]

It is alleged that as early as 2007 through 2011, William O'Boyle (O'Boyle), then head football coach, failed to promote an atmosphere of compliance within the football program when he failed to exclusively operate within the institutionally approved budget for football, as outlined in Allegation No. 1. Specifically, as early as 2007 and continuing until September 2011, O'Boyle maintained the three impermissible accounts identified in Allegation No. 1-a and continued to use those accounts and disregard institutional accounting and financial procedures even though the institution instructed him to close and discontinue use of any and all off-campus accounts as early as 2008. Additionally, O'Boyle personally accepted and deposited donations from representatives of the institution's athletics interests into those impermissible accounts to benefit the football program. Further, O'Boyle made arrangements for his football staff to promote participation in the tournament fundraiser, which operated outside of institutional procedures.

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

Also, please provide the following:

- a. Any and all materials from January 1, 2008, to September 30, 2011, related to advertising, marketing and solicitation of participation in the Last Chance for Glory golf tournaments.
- b. Any and all correspondence, including emails, letters, etc., between January 1, 2008, and September 30, 2011, related to participation in Last Chance for Glory golf tournaments, donations, sponsorships and boosters.
- c. Copies of O'Boyle's 2008 through 2011 NCAA coach's certification tests and results.

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 5

4. [NCAA Constitutions 2.1, 2.8.1, 6.01.1 and 6.4.2]

It is alleged that between 2007 and 2011, the scope and nature of the violations, including the violations set forth in Allegation No. 1, demonstrate that the institution failed to exercise institutional control and monitoring in the conduct and administration of its athletics programs in that it (a) failed to provide adequate NCAA rules education, (b) failed to adequately monitor the off-campus C Club account, (c) failed to adequately monitor football program expenses, and (d) failed to inquire about football fundraising donations. Specifically:

- a. Beginning in the fall of 2007 through 2011, the institution failed to provide adequate NCAA rules education to its athletics staff and representatives of athletics interests. [NCAA Constitutions 2.1, 2.8.1 and 6.01.1]
- b. Beginning in the fall of 2007 and continuing until September 2011, the institution knew or should have known about the existence of the off-campus C Club account and failed to take appropriate action to make sure it was no longer used. [NCAA Constitutions 2.1, 2.8.1 and 6.01.1]
- c. Beginning in approximately 2009 until September 2011, the institution failed to monitor the football program's expenses and, therefore, failed to detect the outside impermissible accounts. [NCAA Constitutions 2.1, 2.8.1 and 6.01.1]
- d. From 2010 until 2011, the institution failed to monitor the Last Chance for Glory golf tournament even though the institution knew or should have known about the golf tournament sponsorships and fundraising efforts. [NCAA Constitutions 2.1, 2.8.1, 6.01.1 and 6.4.2]

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

Also, please provide the following:

- a. Any and all information related to NCAA rules education sessions for football and athletics staff given between 2007 and 2011, including agendas, presentations and attendance lists.
- b. Lists of all institutional staff who attended NCAA Regional Rules Seminars between 2007 and 2011.

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 6

- c. June 1, 2008, through September 30, 2011, bank statements for the Last Chance for Glory golf tournament account.
- d. Lists of all 2008, 2009, 2010 and 2011 Last Chance for Glory golf tournament participants.
- e. Any and all institutional documents relating to transportation to or from the Last Chance for Glory golf tournaments.
- f. Any and all funds disbursed from the institution to support or pay for institutional personnel's participation in the Last Chance for Glory golf tournament.

Information Requested by the NCAA Committee on Infractions

- 5. Please provide all information concerning other possible violations of NCAA legislation that was discovered by the institution as a result of its review of this matter. In this regard, please indicate the means by which the information was discovered and the institution's position whether a violation has occurred.
- 6. Please provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations upon which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
- 7. Please provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons that the institution believes these actions to be appropriate and identify the violations upon which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
- 8. Please provide a statement indicating the dates and titles of all positions at the institution held by individuals identified during the inquiry as allegedly having significant involvement in NCAA violations as well as a brief overview of each position. Additionally, provide the dates, title and employer of all positions held by such individual(s) during the five years prior to the dates of the alleged violations. Furthermore, provide a brief review of the previous major infractions case history for the identified individuals.

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 7

9. Please provide a short summary of every major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report, a description of the violations found by the Committee on Infractions, the individuals involved, and the penalties and corrective actions. Additionally, please provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions within the last 10 years.
10. Please provide a chart depicting the institution's reporting history of secondary violations for the past five years. In this chart, please indicate for each academic year the number of total secondary violations reported involving the institution or individuals named in this notice. Also, please include the applicable bylaws for each violation, and then indicate the number of secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
11. Please provide the institution's overall NCAA division and conference affiliation as well as the total enrollment on campus and the number of men's and women's sports sponsored.
12. Please provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years, and whether the institution conducts a systematic review of NCAA and institutional regulations for its athletics department employees. If yes, identify the agency, individual or committee responsible for this review and describe the responsibilities and functions of each identified.
13. Please provide the following information concerning the sport programs identified in this inquiry:
 - The average number of initial and total grants-in-aid that have been awarded during the past four academic years.
 - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated being in effect for the following academic year.
 - The identities of all student-athletes anticipated to be on athletically related financial aid as of the first semester of the next academic year who will have four years of remaining eligibility and five years of enrollment (per the NCAA's five-year rule) to complete those four years; the identities of all student-athletes who

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 8

have three years of remaining eligibility and four years of remaining enrollment to complete those three years; the identities of all student-athletes who have two years of remaining eligibility and three years of remaining enrollment to complete those two years; and the identities of all student-athletes who have one year of remaining eligibility and two years of remaining enrollment to complete that year.

- The average number of student-athletes during the previous four years who have redshirted and the number who are redshirting during the current academic year (or upcoming academic year if regular academic year is not in session).
- The number of student-athletes in each of the previous four years who were awarded athletically related financial aid but who withdrew from the squad for reasons other than graduation or loss of eligibility.
- A list of the institution's win-loss record for the past four seasons and the dates and results of all postseason competition in which the institution has participated during those years. If there was postseason competition, please indicate how this was earned; i.e., conference automatic bid, at-large bid.
- The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
- The cost of room, board, books and tuition at the institution for the past four academic years.
- Copies of the institution's squad lists for the past four academic years.
- Copies of the institution's media guides for the past four academic years.
- A review of the institution's obligations (contractual or otherwise) concerning live telecasts of contests during the next three seasons. These should include, but not be limited to, contractual agreements negotiated by the institution's conference and opponent or through its sports network affiliations.
- A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

NOTICE OF ALLEGATIONS

Case No. 180533

September 17, 2012

Page No. 9

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

Any additional information or comments regarding this case are welcome.