

**RESPONSE OF CHADRON STATE COLLEGE  
TO NCAA ENFORCEMENT STAFF'S  
NOTICE OF ALLEGATIONS**

**SUBMITTED BY:  
SCOTT TOMPSETT  
STINSON MORRISON HECKER LLP  
KANSAS CITY, MISSOURI**

**CASE No. M381  
DECEMBER 21, 2012**

### INTRODUCTION

Chadron State College (the "College") appreciates the opportunity to respond to the enforcement staff's Notice of Allegations. The College has cooperated fully with the staff in this investigation since it began in the fall of 2011. Relevant information regarding how the investigation began and was conducted is contained in the College's self-report of July 19, 2012 at pp. 1-24 (attached hereto as Exhibit 1-1). All of the information upon which the allegations are based was gathered during the investigation conducted by the College and the enforcement staff, and most of the violations were self-reported by the College in its self-report. Thus, the College and the staff are in substantial agreement as to the facts of this case and the violations that occurred.

In preparation for the hearing, the COI should know that the Nebraska State College System (the "System") - of which the College is one of three members - played an important role in managing the investigation and assisting with key decisions. Chancellor Stan Carpenter and System General Counsel and Vice Chancellor for Employee Relations Kristin Petersen will attend the hearing. Also, recently retired College President Janie Park will attend as will new President Randy Rhine, together with other College staff.

The System and College strongly believe that the College has fulfilled its obligation to cooperate with the staff to investigate the alleged violations, self-report violations that occurred, and take appropriate corrective and disciplinary measures. The College is looking forward to a full discussion with the COI.

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

**CONCLUSION**

The College agrees that most of the information is substantially correct and agrees that violations occurred. The information upon which the allegations are based was gathered during the investigation conducted by the College and the enforcement staff, and most of the violations were self-reported by the College in its self-report of July 19, 2012 (attached hereto as Exhibit 1-1). The College directs the COI generally to the self report for relevant information concerning this allegation. The College's conclusions to each subparagraph is set forth below.

- a. The College agrees that the information is substantially correct and that violations occurred.
- b. The College agrees that the information is substantially correct and that violations occurred.
- c. The College is unable to conclude from the current record that 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. As explained in the College's self-report at p. 142, the College is skeptical of O'Boyle's shifting explanations, but without specific information refuting his claim that he used the check to purchase shoes for his brothers, the College does not believe there is sufficient information to find a violation occurred.
- d. The College agrees the information is substantially correct and that violations occurred. See the College's self-report at pp. 136-41.

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- e. The College agrees the information is substantially correct and that violations occurred. See the College's self-report at p. 154.
- f. The College agrees the information is substantially correct and that violations occurred. See the College's self-report at pp. 142-154.

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.  
See Exhibit 1-2.
- b. The February 28, 2012, Nebraska State College System audit report.  
See Exhibit 1-3.
- c. The July 23, 2012, Chadron State College (Chadron State) self-report and exhibits.  
See Exhibit 1-1.
- 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.  
See Exhibit 1-4.
- e. The Chadron State athletics department football program budget for 2008 through 2011.  
See Exhibit 1-5.
- f. January 2008 through September 30, 2011, Chadron State College Foundation account statements for any and all football accounts and subaccounts.  
See Exhibit 1-6.
- 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.  
See Exhibit 1-7.

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- 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.

See Exhibit 1-8 attached hereto, Exhibit 7 of the BKD Report and Exhibits 21 and 22 of the College's self-report.

- 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.

See Exhibit 1-9 and Exhibit 22 to College's self-report.

- j. Any and all athletics department travel and expense policies and procedures used between January 1, 2008, and September 30, 2011.

See Exhibit 1-10.

- 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.

All athletics department staff were educated about and/or received copies of the College's Travel and Expense Policies and Procedures (Exhibit 21 to the College's self-report) and the Department of Athletics Policy and Procedure Manual (attached hereto as Exhibit 1-10). In addition, Foundation representatives met with athletics department staff annually to educate them about Foundation policy and procedure and answer questions.

- 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.

The College did not keep records of rules education regarding extra benefits and recruiting inducements provided to student-athletes and staff until the fall of 2011.

However, regarding Allegation 1(f), student-athletes were given a form

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instructing that they must have insurance and referring them to an outside agency if they needed to purchase insurance. See Exhibit 1-11.

- m. O'Boyle's November 16, 2011, and March 1, 2012, interview transcripts.  
See Exhibit 1-12.

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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)]

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.

**CONCLUSION**

The College agrees that most of the information is substantially correct and agrees that violations occurred. The information upon which the allegations are based was gathered during the investigation conducted by the College and the enforcement staff. The College's conclusions to each subparagraph is set forth below.

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- a. The College agrees that the information is substantially correct and agrees violations occurred. The College's summary and analysis of the information supporting the violations is in the College's self-report at pp. 64-96.
  
- b. The College agrees most of the information is substantially correct and agrees violations occurred. Specifically, the College agrees O'Boyle provided improper recruiting inducements and extra benefits as outlined in Allegations 1(d), (e) and (f), and that O'Boyle knew or should have known the provision of the benefits was contrary to NCAA legislation. However, as explained above in the College's response to Allegation 1(c), the College does not believe there is sufficient information to conclude that O'Boyle purchased shoes for two unidentified prospective student-athletes in violation of NCAA recruiting legislation.

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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.

**CONCLUSION**

The College agrees the information is substantially correct and agrees violations occurred. The information upon which the allegation is based was gathered during the investigation conducted by the College and the enforcement staff, and the College in its self-report of July 19, 2012 reported that O'Boyle violated Bylaw 11.1.2.1. See the College's self-report at pp. 97-107.

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.

See Exhibit 3-1.

- 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.

See Exhibit 3-1.

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- c. Copies of O'Boyle's 2008 through 2011 NCAA coach's certification tests and results.

See Exhibit 3-2.

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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.

**CONCLUSION**

The College agrees most, but not all, of the information is substantially correct and agrees a violation occurred. Specifically:

- a. The College disagrees that it failed to provide adequate NCAA rules education. Moreover, the violations in this case did not occur because O'Boyle was not informed of NCAA rules, College policy and procedure or the College's expectations.

- b. The College agrees the information is substantially correct and agrees a violation occurred.
- c. The College agrees the information is substantially correct and agrees a violation occurred.
- d. The College does not agree with the allegation as written because it suggests ongoing and continuous fundraising activity that the College did not monitor. As explained in more detail below, the fundraising activity was limited to only the period before and during the LCFG tournament. Nonetheless, the College agrees that by 2010, there was sufficient information that should have been discovered and caused the College to ask questions.

#### **REVIEW AND ANALYSIS OF THE INFORMATION**

##### **4(a) – Alleged Failure to Educate**

Prior to 2011, the College's rules education was conducted primarily by director of athletics Brad Smith at monthly staff meetings. Smith covered topics of interest and new legislation. Attendance was strongly encouraged, but not mandatory. In addition to the monthly meetings, Smith was always available to consult individually with coaches about compliance issues and when necessary, Smith contacted the RMAC office compliance representative who in turn would contact the NCAA for assistance, if needed.

The College acknowledges that this system of rules education was not as thorough as it could have been. And in the fall of 2011 before the investigation was fully underway, the College made former athletics department administrative assistant Melissa Burke the full-time compliance officer. As detailed in the College's corrective actions at p. 6-1, Burke conducts

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regular rules compliance meetings for the entire athletics department staff. Attendance is taken and is mandatory for all staff who are on campus. Thus, the College's rules education has been strengthened since this investigation started and it will continue to improve as Ms. Burke receives additional compliance training and further strengthens the rules education system.

However, the violations in this case did not occur because of a lack of rules education. Rather, as explained in the College's self-report at pp. 157-59, the violations occurred because O'Boyle acted independently, secretly and without authorization or approval in accepting the LCG funds, depositing them into the Special account and then spending the funds without first ensuring the expenditures were permitted by NCAA legislation. With respect to the Concession account, O'Boyle also acted independently, secretly and without authorization or approval. And finally, with respect to the C Club account, the College has accepted responsibility for its failure to ensure the account was closed and the funds transferred to the Foundation.

In assessing whether the College should be held responsible for failing to educate, the College asks the COI to consider the following factors:

- Former President Park repeatedly told O'Boyle that all donor funds must be deposited with the Foundation. Nonetheless, O'Boyle accepted the LCG funds and donations from individual donors, and deposited them into the secret accounts. See the College's self-report at pp. 31-52.
- Brad Smith told O'Boyle that he should stop using the C Club account and transfer the funds to the Foundation. O'Boyle stopped using the C Club account, but instead of transferring the funds to the Foundation, he opened

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the Concession account so he would continue to have access to the funds.

See the College's self-report at pp. 60-64.

- As explained in the College's self-report at pp. 97-107, O'Boyle repeatedly disregarded College procedure, as well as specific instructions from administrators, to maintain receipts and to account for his expenditures. As just one example of O'Boyle's disregard for procedure, on five separate occasions the Foundation reported O'Boyle's undocumented expenditures to the IRS as income to O'Boyle. Other than O'Boyle and a few members of his staff, no one in the athletics department failed to account for their expenditures.
- Other head coaches reported that the College educated the athletics department staff about accounting procedure and the expectation that staff account for their expenditures. See the College's self-report at p. 105.
- Smith and head athletic trainer Don Watt told O'Boyle that he could not pay the insurance premium for a student-athlete. Nonetheless, O'Boyle took money from the Special account and gave it to a student-athlete to purchase insurance. And when asked about the expenditure, he initially claimed it was for something else until the investigators discovered the truth. See the College's self-report at pp. 142-54.
- After the enforcement staff and the College's investigator told O'Boyle that the Special account violated NCAA legislation, and the College requested O'Boyle to transfer the remaining funds to the Foundation, he refused. To this day, O'Boyle has not transferred to the Foundation the

remaining approximately \$8,000 that was donated for the benefit of the College's football program. See the College's self-report at pp. 159-65.

In summary, the College agrees that its rules education needed improvement and it has taken meaningful steps to do that. However, the violations in this case were not caused by inadequate rules education. They were caused by a coach who repeatedly ignored and disregarded specific instructions by the College's president, director of athletics and others. Under those circumstances, it is inappropriate to find the College lacked institutional control because it did not adequately educate O'Boyle.

**4(b) – Failure to Close the C Club Account**

The College self-reported that it did not take adequate steps to ensure that the C Club account had been closed and that the funds had been transferred to the Foundation. See College's self-report at pp. 156-57. Brad Smith indicated to O'Boyle that the C Club account should be closed and, in fact, O'Boyle stopped using the C Club account in 2009. However, in early 2010, he opened the Concession account without informing the College. The College accepts responsibility for its lack of oversight in not ensuring that the C Club account had been closed and the funds transferred to the Foundation.

**4(c) – Failure to Monitor Expenses**

The College self-reported that it did not adequately monitor the football program's expenses and as a result, did not discover O'Boyle's accounts sooner. See the College's self-report at pp. 155-56. As noted in the self-report, most of O'Boyle's expenditures were for things that would not have been readily apparent to the College. As one example, O'Boyle spent over \$1,000 from the Special and Concession accounts at Feiks' 120 Bar and Restaurant. The College would not have known about those expenditures unless O'Boyle reported them, which he did not.

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O'Boyle also had undocumented cash withdrawals totaling over \$20,000. Despite a comprehensive audit by a national accounting firm and a lengthy investigation by the College and the enforcement staff, the College has been unable to conclusively document how most of that money was spent because O'Boyle did not adequately document his expenses as required by College policy and procedure.

However, it is known that O'Boyle took several off-campus trips and used funds from his private accounts to pay for the trips. Although the football staff in the past had used their personal funds to pay for some off-campus trips, the College acknowledged that it should have asked O'Boyle how he was paying for those trips and required documentation. If it had, the College may have discovered the impermissible accounts sooner.

**4(d) – Failure to Monitor LCFG Tournament**

The College does not agree with the allegation as written, but it does accept responsibility for not discovering earlier than September 2011 that the LCFG Committee was raising funds for and providing the funds to O'Boyle. See the College's self-report at pp. 26-31 for relevant information.

Specifically, based on available information, it appears the LCFG Committee did not begin a corporate fundraising campaign until the summer of 2011. And the College discovered O'Boyle's accounts shortly thereafter. Thus, the corporate fundraising went on for only one summer and it was that fundraising, in part, that caused the College to begin asking questions and discover O'Boyle's accounts.

However, as stated in the College's self report, the 2010 LCFG email to prospective participants stated that over \$10,000 had been donated directly to the team and that the "funds are used exclusively by the football program to help in the areas the coaches deem

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fit." See College's self report at p. 30. Neither Smith nor any other College administrators recall seeing the email. Nonetheless, the College acknowledges that by the summer of 2010, there was sufficient information about the fundraising efforts that should have been discovered and caused the College to begin asking questions.

But the College believes it is important to keep in mind that there was not continuous LCFG activity; it was an annual tournament that lasted parts of two days in the summer and then it was over until next year. The College acknowledges it should have done a better job of monitoring the tournament and it accepts responsibility for its lack of oversight. But in mitigation, the activity was focused each year on the short-term planning for the tournament and the tournament itself. And Mike Brownfield, the lead organizer, had been instructed by then President Park not to use the tournament to raise funds. Finally, the College, on its own, did begin asking questions in 2011 and discovered O'Boyle's accounts.

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.

Records of athletics department staff meetings prior to Dec. 2010 are no longer available. Records from Dec. 2010 to Nov. 2012 are attached as Exhibit 4-1.

- b. Lists of all institutional staff who attended NCAA Regional Rules Seminars between 2007 and 2011.

See Exhibit 4-2.

- c. June 1, 2008, through September 30, 2011, bank statements for the Last Chance for Glory golf tournament account.

See Exhibit 4-3.

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- d. Lists of all 2008, 2009, 2010 and 2011 Last Chance for Glory golf tournament participants.

No such lists have been provided to the College by the LCFG Committee.

- e. Any and all institutional documents relating to transportation to or from the Last Chance for Glory golf tournaments.

See Exhibit 4-4.

- 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.

See Exhibit 4-5.

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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.

No possible violations other than those included in the College's self-report and those alleged in the Notice of Allegations were discovered by the College.

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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.

The College has taken what it believes are meaningful and appropriate steps to address the problems identified in this case, including implementing enhancements to the compliance program, hiring a full-time accountant for the athletic department, not renewing the contract of head coach Bill O'Boyle, disassociating a representative of its athletics interests and self-imposing penalties on the football program to offset any advantages that the program may have gained. The College believes that the penalties together with the corrective measures adequately address the violations that occurred. The corrective measures and punitive actions taken during the course of the investigation, and the additional punitive actions taken by the College as a result of the final processing of this case, are detailed below.

### Corrective Measures

1. Hired Melissa Burke as full-time compliance coordinator effective September 2011. A copy of the job description is attached as Exhibit 6-1. Among other things, Ms. Burke conducts monthly rules education meetings for all athletic department staff. Attendance for staff who are on campus at the time of the meeting is mandatory and attendance records are maintained together with all materials distributed during the meeting. Ms. Burke has implemented several improvements to the College's compliance efforts including creating a compliance website which may be viewed at [http://chadroneagles.com/sports/2012/7/22/GEN\\_0722123053.aspx?tab=compliance2](http://chadroneagles.com/sports/2012/7/22/GEN_0722123053.aspx?tab=compliance2).

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Additional improvements are described in Exhibit 6-2. Ms. Burke has attended the 2012 NCAA Regional Rules Seminar and will attend each annual seminar going forward. She also has joined the National Association for Athletics Compliance (NAAC) and communicates regularly with conference and NCAA officials to ensure compliance in the College's athletic program.

2. Hired Kari Gaswick as a full-time accountant for the athletic department effective February 27, 2012. A copy of the job description is attached as Exhibit 6-3. Among other things, Ms. Gaswick reviews all athletic department expenditures to confirm compliance with College policy and procedure, and with NCAA legislation. A document describing several improvements to the athletic department's business and accounting procedures is attached as Exhibit 6-4. Ms. Gaswick reports to the College's Vice President for Administration and Finance, and she works closely with Ms. Burke to ensure compliance in the athletic department's business practices. Ms. Gaswick and Ms. Burke are currently updating the department's policy and procedures manual.

### **Personnel Action and Punitive Measures**

1. On October 17, 2011, after learning the preliminary findings of the BKD audit that O'Boyle's establishment and use of the outside accounts may constitute NCAA violations, the College placed O'Boyle on investigatory suspension with pay. A copy of the letter informing O'Boyle of the investigatory suspension is attached as Exhibit 13 to the College's self-report. On December 16, 2011, then President Park informed O'Boyle that she had decided not to renew his specific term appointment for 2012-13. A copy of the

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notice letter is attached to the College's self-report as Exhibit 14. O'Boyle resigned effective March 5, 2012. A copy of his resignation letter is attached to the College's self-report as Exhibit 15.

2. Issued to Mike Brownfield, the representative of the College's athletics interests who led the LCFG fundraising efforts and provided the funds directly to O'Boyle, and who refused to cooperate with the College's efforts to transfer the remaining Special account funds to the Chadron State Foundation, a letter detailing his permanent disassociation. See Exhibit 6-5.

3. Issued to Brad Smith a letter of reprimand for his failure to adequately monitor Coach O'Boyle's recruiting expenditures. See Exhibit 6-6.

4. Imposed a two-year period of probation from the date of this response to December 21, 2014 during which the College will continue to develop and implement a system to monitor all athletics department expenditures to ensure compliance and to develop and implement a rules education system. During the period of probation the College will provide annual written reports to the NCAA and the RMAC describing the progress of both programs. At the conclusion of the probationary period, the College's president shall recertify in a letter to the COI that all of the College's current athletic policies and practices conform to all requirements of NCAA legislation

5. The football program will keep one full-time coach from recruiting off campus for the spring and fall 2013 recruiting periods. Currently, the College uses four coaches to recruit off campus (the head coach and three full-time assistant coaches). Graduate assistant

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coaches occasionally travel with a full-time coach to assist and learn how to recruit and in the past, graduate assistants have on occasion been permitted to recruit off-campus alone (only if they had taken and passed the recruiting test). However, during the penalty period no graduate assistant coaches will be permitted to recruit alone off campus. Thus, the available full-time staff permitted to recruit off campus will be cut by 25% for both the spring and fall 2013 recruiting periods.

6. The football program will reduce its official paid visits from the historical four year average of 75 to 60 for the 2013-14 academic year.

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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.

Please see Personnel Actions and Punitive Measures set forth above.

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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.

Bill O'Boyle – Head football coach from 2005 to March 5, 2012 (on investigatory suspension from Oct. 17, 2011 to March 5, 2012). No prior major infractions history.

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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.

This is the College's and Coach O'Boyle's first major infractions case.

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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.

See Exhibit 10-1.

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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.

See Exhibit 11-1.

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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.

See Exhibit 12-1.

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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.

For the past four academic years (2008-09, 2009-10, 2010-11 and 2011-12), the average number of initial grant-in-aid awards for the football program has been 25 and the average total grant-in-aid awards has been 21.40.

- 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.

For the current academic year (2012-13), the initial grant-in-aid awards for the football program is 25 and total grant-in-aid awards is 21.62. The number will decrease as student-athletes leave the program or transfer. For 2013-14, the anticipated number of initial-grant-in aid awards is 25.

- The identities of all student-athletes anticipated to be on athletically related financial aid as of the first semester of the next academic year who will have four years of remaining eligibility and five years of enrollment (per the NCAA's five-year rule) to complete those four years; the identities of all student-athletes who have three years of remaining eligibility and four years of remaining enrollment to complete those three years; the identities of all student-athletes who have two years of remaining eligibility and three years of remaining enrollment to complete those two years; and the identities of all student-athletes who have one year of remaining eligibility and two years of remaining enrollment to complete that year.

See Exhibit 13-1.

- 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).

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During the last four academic years (2008-09, 2009-10, 2010-11 and 2011-12), the football program averaged 37 redshirt student-athletes per year. For the current year (2012-13), the program has 56 redshirt student-athletes. The number is significantly larger than previous years because there was a large recruiting class and also several walk-on student-athletes.

- 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.

See Exhibit 13-2.

- 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.

See Exhibit 13-3.

- The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.

For the last four academic years (2008-09, 2009-10, 2010-11 and 2011-12), the football program hosted an average of 75 official visits each academic year.

- The cost of room, board, books and tuition at the institution for the past four academic years.

See Exhibit 13-4.

- Copies of the institution's squad lists for the past four academic years.

See Exhibit 13-5.

- Copies of the institution's media guides for the past four academic years.

See Exhibit 13-6.

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- 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.

See Exhibit 13-7.

- 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.

No student-athletes competed in championships while ineligible.

- 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.

No student-athletes competed while ineligible and, therefore, Bylaw 19.5.2.2(e) is not applicable.

Any additional information or comments regarding this case are welcome.