

Kelvin Sampson

May 8, 2008

VIA OVERNIGHT DELIVERY

NCAA Division I Committee on Infractions
1802 Alonzo Watford Sr. Drive
Indianapolis, IN 46202

Dear Committee Members:

Enclosed is my written Response to the allegations set forth in the NCAA enforcement staff's Notice of Allegations to Indiana University, Bloomington, dated February 8, 2008. I have been assisted in the preparation of this Response by legal counsel to ensure that I proceed as expected by your policies, procedures and practices.

When I appeared before you in April 2006 to address recruiting telephone contact violations at the University of Oklahoma, I accepted responsibility for my mistakes, I answered your questions truthfully and with great candor, and I pledged to do everything within my power to avoid violations in the future. That experience had a profound effect on me. I was embarrassed and I was wholly determined to not put myself and my family through another experience like that.

When I arrived at Indiana University, I hired an experienced staff and made my expectation of strict compliance with NCAA rules and with the restrictions imposed upon our staff very clear. As set forth in detail in the body of my Response, each member of my staff confirms that my expectations were made clear. I endorsed and cooperated fully with the monitoring systems set in place by Indiana's athletics compliance staff. I relied upon the monitoring program that was set in place. Again, the statements of my staff as set forth in my Response confirm this. I told my staff repeatedly that I never again wanted to go through an experience like I had in the Oklahoma case and that we as a staff needed to completely buy into the monitoring systems implemented by Indiana's compliance program.

On the day the recruiting restrictions ended in May 2007, I felt a sense of great relief and peace. I believed that the darkest days of my coaching career were behind me and that we could now move forward with our goal of returning Indiana's basketball program to a position of prominence. I went to Athletic Director Rick Greenspan's office and together, we celebrated the occasion with "high fives." With the recruiting call monitoring system we believed was being operated by the compliance staff, neither of us had any reason to think there might be issues.

Accordingly, I cannot adequately describe in words how stunned I was to learn from Mr. Greenspan later that summer that the compliance office's review of my staff's phone records had revealed possible violations. First, I could not believe that if in fact the records showed violations, some since my staff's earliest days at the University, the matters had not been detected and brought to the attention of Mr. Greenspan and myself much earlier so they could have been addressed in a timely fashion. And second, given how strongly and frequently I had communicated to my staff that I expected 100 percent compliance – I could not believe that NCAA rules and Committee on Infractions' imposed restrictions had apparently been disregarded.

My life since that day has been a nightmare and my family has suffered profoundly along with me. I have been judged by many in the media and public to be a cheat and a liar and I have lost my job – all long before I will have had an opportunity to present my case to you and without

Indiana University conducting a meaningful investigation into the allegations made by the enforcement staff. Even this NCAA process has not followed the prescribed course. A date for the hearing of this case was set before interviews, including one of me, were completed by the enforcement staff and before the enforcement staff issued its Notice of Allegations. These pre-determined results are of grave concern to me. It is my hope that the scheduled June hearing will allay my fears that final judgments have already been made.

As difficult as this process and experience has been for me, I do, given the circumstances, look forward to the opportunity to appear before you and, with the assistance of my counsel, to attempt to ensure that you have all of the information available on the relevant matters so that you can make a fair, unbiased and accurate determination on whether I *knowingly* participated in telephone conversations with recruits that were contrary to the restrictions imposed upon me and Indiana University by your committee following the Oklahoma infractions case.

Sincerely,

Kelvin Sampson

KS/jw

Enclosure

cc: Shepard C. Cooper
David Price (4 copies)

1. [NCAA Bylaws 2.8.1, 2.8.3 and 19.01.4, and NCAA Infractions Report No. 250]

It is alleged that from March 29, 2006, through July 31, 2007, Indiana University, Bloomington (Indiana), and members of the men's basketball staff failed to comply with the penalties assessed by the NCAA Division I Committee on Infractions in Infractions Report No. 250 when Kelvin Sampson, head men's basketball coach; Jeff Meyer, assistant men's basketball coach; and Rob Senderoff, then assistant men's basketball coach, placed or participated in telephone calls that violated recruiting restrictions imposed on the institution, Sampson and the men's basketball staff as penalty for Sampson's prior involvement in violations of NCAA legislation. Specifically:

- a. Sampson and Senderoff engaged in multiple telephone calls that violated a recruiting restriction prohibiting Sampson from being present when members of his staff made telephone calls related in any way to recruiting (Penalty L of NCAA Infractions Report No. 250; as adopted by and transferred to Indiana).
- b. Senderoff and Meyer placed approximately 100 telephone calls that violated the following recruiting restrictions:
 - (1) Telephone calls were reduced from one call per month to one call every other month to prospective student-athletes, the prospective student-athlete's parents or legal guardian(s) on or after June 15 of the prospect's sophomore year in high school (Penalty E of NCAA Infractions Report No. 250; as adopted by and transferred to Indiana).
 - (2) Telephone calls were reduced from two calls per week to one call per week to prospective student-athletes, the prospective student-athlete's parents or legal guardian(s) on or after August 1 of their senior year in high school (Penalty F of NCAA Infractions Report No. 250; as adopted by and transferred to Indiana).

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.

RESPONSE

Pursuant to a February 19, 2007, telephone conversation with Mark Neyland, assistant director of enforcement with the NCAA, coach Sampson's counsel has been advised that coach Sampson is

not expected to respond to the allegations set forth in Allegation 1. Rather, these allegations are intended for Indiana University.

Coach Sampson does wish to note, however, that he did not place a single telephone call in violation of the recruiting restrictions imposed on Indiana University. A thorough review of the telephone records of the University and of coach Sampson confirm this fact, and no such allegation has been made by the enforcement staff. Coach Senderoff's telephone records do, however, reveal that he did place calls that involved coach Sampson and that were contrary to the recruiting restrictions. Coach Sampson did not know at the time of coach Senderoff's involvement and thus did not know the calls were contrary to the restrictions. See coach Sampson's response to Allegation 3 for a thorough review of the evidence related to those calls.

3. [NCAA Bylaws 10.1, 10.1-(d) and 11.1.2.1]

It is alleged that (a) during the period of time beginning May 25, 2006, through May 24, 2007, Kelvin Sampson, head men's basketball coach, acted contrary to the NCAA principles of ethical conduct when he knowingly violated recruiting restrictions imposed by the NCAA Committee on Infractions, as penalty for Sampson's prior involvement in violations of NCAA legislation; (b) Sampson failed to deport himself in accordance with the generally recognized high standard of honesty normally associated with the conduct and administration of intercollegiate athletics by providing the institution and the NCAA enforcement staff false or misleading information; and (c) Sampson failed to promote an atmosphere for compliance within the men's basketball program and failed to monitor the activities regarding compliance of one or more of his assistant coaches. Specifically:

- a. Concerning Sampson's knowing violation of recruiting restrictions, on a number of occasions from May 25, 2006, through May 24, 2007, Sampson was present while a member of his coaching staff made telephone calls related to recruiting. Sampson was prohibited from doing so pursuant to penalty L, NCAA Infractions Report No. 250; as adopted by and transferred to Indiana University, Bloomington. [NCAA Bylaw 10.1]

Specifically, on a number of occasions from May 31, 2006, through May 1, 2007, Sampson knowingly participated in three-way telephone conversations between himself, then assistant men's basketball coach Rob Senderoff, and prospective student-athletes Yancey Gates and William Buford Jr. Sampson also participated in three-way conversations between himself; Senderoff, and then prospective student-athletes DeJuan Blair, Demetri McCamey and DeAndre Thomas. Furthermore, Sampson participated in three-way conversations between himself, Senderoff, and Yvonne Jackson, mother of prospective student-athlete Devin Ebanks. Sampson participated in the three-way telephone conversations despite being instructed not to do so by the institution's compliance staff and despite receiving specific clarification from the Committee on Infractions that three-way calls were prohibited.

Additionally, on a number of occasions from May 25, 2006, through May 24, 2007, Sampson participated in recruiting calls made by Senderoff in the following ways:

- (1) Sampson participated by speakerphone in recruiting calls placed by Senderoff to Thomas and prospective student-athlete Marcus Morris.
- (2) Sampson was present during one or more recruiting calls placed by Senderoff to prospective student-athlete Kenny Frease. Senderoff then handed Sampson the phone and allowed Sampson to speak with Frease.

- (3) While Senderoff was in the presence of then prospective student-athletes Blair, Ayodele Coker and Thomas, the prospective student-athlete's parents or legal guardian(s) during off-campus recruiting contacts; Senderoff called Sampson and allowed Sampson to speak with the prospective-student athlete, the prospective student-athlete's parents or legal guardian(s).
- (4) Sampson spoke with Erica Mackey, mother of prospective student-athlete Jonathan "Bud" Mackey, via Senderoff's cell phone, while Senderoff was in the presence of Ms. Mackey.

Concerning Sampson's provision of false or misleading information, Sampson repeatedly provided the institution and the enforcement staff false information regarding his involvement in violations of the Committee on Infractions' recruiting restrictions. [NCAA Bylaw 10.1-(d)]

Specifically, during a November 13, 2007, interview with the institution and the enforcement staff, Sampson stated that at the time of the violations, he was unaware that Senderoff was using three-way calls to allow him to speak with prospective-student athletes the prospective student-athlete's parents, legal guardian(s) or coaches. Sampson further stated that he did not engage in three-way conversations with prospective student-athletes or their relatives during the period of recruiting restrictions. Additionally, Sampson stated that there was never an instance when he was on the phone with a prospective student-athlete when Senderoff also spoke. Finally, Sampson stated that he never spoke with Buford.

In fact, Sampson engaged in three-way telephone conversations with multiple prospective student-athletes, the prospective student-athlete's parents or legal guardian(s), as set forth in this allegation, including a June 19, 2006, three-way telephone conversation between himself, Senderoff and Buford. In addition, Sampson participated in speakerphone conversations involving himself, Senderoff and prospective student-athletes, the prospective student-athlete's parents or legal guardian(s), as set forth in this allegation.

- c. Concerning Sampson's failure to promote an atmosphere for compliance within the men's basketball program and failure to monitor the activities regarding compliance of one or more of his assistant coaches, Sampson (1) failed to promote compliance with the recruiting restrictions imposed by the Committee on Infractions, (2) failed to promote compliance with applicable NCAA legislation concerning telephone recruiting calls and (3) failed to monitor the documentation of recruiting calls by the men's basketball staff required to ensure compliance. [NCAA Bylaw 11.1.2.1]

Specifically, Sampson failed in these three regards, as evidenced by the facts and circumstances set forth in Allegation Nos. 1 and 2 of this notice.

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

Former Indiana University (Indiana) head men's basketball coach Kelvin Sampson (coach Sampson) submits that the information presented in Allegation 3-(a) through (c) is not substantially correct.

Specifically, with regard to Allegation 3-(a), coach Sampson disagrees with the allegation that he "knowingly violated recruiting restrictions imposed by the Committee on Infractions," and therefore that his alleged knowledge resulted in his violation of the principles of ethical conduct. In this regard, the basis of coach Sampson's position is rooted in his lack of knowledge of key details of the calls (e.g., coach Senderoff's involvement) that are the subjects of the allegation, and in his utmost compliance with the terms of the original restrictions put in place by the Committee, as well as his intended compliance with the related interpretations of those restrictions.

Concerning Allegation 3-(b), coach Sampson's alleged provision of "false or misleading information" to the enforcement staff, coach Sampson maintains that the allegation is not

substantially correct, and that at no time during the investigation did he provide information contrary to what he believed to be truthful and accurate.

Finally, with respect to the information alleged in Allegation 3-(c), and set forth more specifically in subparts c.-(1) through -(3), coach Sampson does not agree with the general allegation that he “failed to promote an atmosphere of compliance within the men’s basketball program,” and therefore maintains that the information alleged is not substantially correct. More specifically, coach Sampson does not agree that he “failed to promote compliance with the recruiting restrictions imposed by the Committee on Infractions,” or “failed to promote compliance with applicable NCAA legislation concerning telephone recruiting calls” as stated in subparts c.-(1) and -(2).

Further, coach Sampson disagrees with the general allegation stated in 3-(c), that he “failed to monitor the activities regarding compliance of one of more of his assistant coaches,” and therefore believes that the information upon which that allegation is based is not substantially correct. Concerning the specific information in that regard referenced in subpart c.-(3), coach Sampson agrees that he did not personally monitor the documentation of recruiting calls by the men’s basketball staff. However, coach Sampson, with the knowledge and approval of Indiana’s athletics administration, assigned responsibility for collection and submission of all men’s basketball telephone recruiting documentation to his then director of men’s basketball operations. The then director submitted all appropriate documentation to the Indiana compliance office, which had purportedly developed a system to monitor the phone calls made by the men’s

basketball staff to ensure compliance with NCAA bylaws and the restrictions put in place by the Committee on Infractions. Further, Indiana did not provide phone records to Sampson or his staff. Instead, the University directed those records to the compliance office. Thus, coach Sampson could not have directly monitored the phone records created by his staff.

REVIEW OF THE EVIDENCE

On May 25, 2006, the NCAA Division I Committee on Infractions (Committee) issued a Public Report of Case No. 250 citing the University of Oklahoma (Oklahoma) for violations of NCAA bylaws concerning impermissible recruiting telephone calls by coach Sampson and the Oklahoma men's basketball staff. In that decision, the Committee set forth several penalties specific to coach Sampson that were adopted by his then employer, Indiana University. Those penalties included restrictions on telephone recruiting calls which specifically prohibited coach Sampson, for a period of one year (May 25, 2006 through May 24, 2007) from the following:

- 1) *“making any phone calls that relate in any way to recruiting,” or*
- 2) *“being present when members of his staff make such calls.”*

Sometime after the period of the restrictions had begun, Jennifer Brinegar, Indiana Assistant Athletics Director – Compliance, requested further clarification from the Committee on the penalties it had imposed upon coach Sampson. The Committee's response to each of those questions was received by Brinegar on June 13, 2006. Following receipt of the Committee's responses, a memorandum containing each of the questions and answers was prepared by

Brinegar. That memorandum is provided as **Exhibit A**. Specifically, the following questions related to telephone calls were asked by Indiana and responded to by the Committee:

Question #6: Exactly who can coach Sampson call? He is restricted from "making phone calls that relate in any way to recruiting or being present when members of his staff make such calls." The restriction certainly applies to prospects, their coaches, and their parents. We can't think of anyone whom he should be permitted to call that has a relationship to high school, JC, or AAU basketball. Is our interpretation too restrictive? Does it violate the spirit of the penalties if the assistants make a recruiting call and tell the person to call Sampson at some specific time that Sampson has arranged?

Committee's response: *We are accurate and not too restrictive in our interpretation. As is stated in the committee's report, Coach Sampson cannot make ANY calls that relate in any way to recruiting, including calls to the individuals mentioned above. Also, yes, the committee's order is violated if Coach Sampson has one of his assistants tell a prospect to call Coach Sampson at a specific time arranged by the coaches.*

Question #8: If an AAU or HS coach calls one of the IU assistant coaches and then adds a prospect in on a 3-way call, can the assistant coach add in Coach Sampson at that time (since the original call was initiated by the AAU or HS coach and not by anyone at IU)?

Committee's response: *No.*

Question #10-1: What happens if Coach Sampson receives a call from a prospect (or coach or parent), but loses the connection (common problem with cell phones)?

Committee's response: *The prospect, parent or coach must call Coach Sampson back.*

Question #10-2: Can he call back or must he wait for the prospect (or coach or parent) to call him back?

Committee's response: *No, he cannot call them back. He must wait for the prospect, coach or parent to call him back.*

Question #11: Can Coach Sampson call high school and/or AAU coaches about basketball related issues, such as talking about our offense, defense, etc.?

Committee's response: *No.*

Following Brinegar's receipt of the Committee's responses, she prepared an email dated June 13, 2006, to Indiana compliance administrators, men's basketball staff and several other athletics administrators summarizing the questions and responses. (See **Exhibit B**.) Her memorandum to the men's basketball staff also was attached to that email. In relevant part, Brinegar's email stated the following: Item 4 – "*The assistant coaches may not bring coach Sampson in on a 3-way call with a prospect, parent or coach, even if the call originated from the prospect, parent or coach.*"

Coach Sampson's Compliance with the Committee's Original Penalties

Pursuant to the penalties set forth in the Oklahoma case, coach Sampson did not *make* – from his home, cellular or office phone – a single telephone call relating to recruiting from May 25, 2006, through May 24, 2007. Additionally, coach Sampson was not present when members of his staff *made* such calls during that time period, as restricted by the second part of the Committee's penalty.

Coach Sampson's home and cellular telephone records were made available online via the NCAA enforcement staff custodial website. In comparing those records with the recruiting records also available on the website, there is no evidence – nor has it been alleged by the

enforcement staff – that coach Sampson placed any calls to a recruit during the time period of the restriction.

Further, then assistant coaches Rob Senderoff, Ray McCallum and Jeff Meyer have advised that at no time during the period of the restrictions was coach Sampson with them when they *placed a call* to a prospective student-athlete, his parent/guardian or coach.

Coach Sampson's Understanding of, and Compliance with, the Committee's June 13, 2006, Interpretation

Coach Sampson does not specifically recall the June 13, 2006, memorandum from Brinegar but he does recall receiving notification of the Committee's interpretation prohibiting three-way calling. As reported by coach Sampson to the institution and enforcement staff – and discussed in detail throughout his response to this allegation – coach Sampson never knowingly received a three-way call from then assistant coach Rob Senderoff (or any other assistant coach) and a prospective student-athlete and, to the best of his knowledge at the time, was not a party to a three-way call. Although coach Senderoff's phone records reflect calls to coach Sampson which conflict with the Committee's directive, coach Sampson had no knowledge that the calls he received that are the subject of this allegation were three-way calls until the University's audit of phone records was underway and well after the period of restrictions had ended. Coach Sampson contends that he made every effort to follow the Committee's restriction on three-way calling, as it pertained to him, and that he did not deliberately act contrary to that restriction.

Additionally, coach Sampson argues that the four three-way calls to him from coach Senderoff that occurred prior to the June 13, 2006, interpretation cannot be included in determining whether he “knowingly violated recruiting restrictions imposed by the Committee on Infractions,” as set forth in Allegation 3-(a), because prior to the June 13 date, none of the men’s basketball staff had knowledge that three-way calling to coach Sampson was impermissible. A chart detailing the three-way calls made to coach Sampson from May 25, 2006, to May 24, 2007, has been provided as **Exhibit C**. As detailed more intricately below in the sections pertaining to the specific prospective student-athletes, this would remove from the alleged violations two three-way calls with prospective student-athlete DeJuan Blair (or his coach/parent/guardian) on May 31¹ and June 9, 2006 (see **Exhibit C**, calls 1 and 4); one incoming call on May 31, 2006, which the enforcement staff – per a February 19, 2008, telephone conversation with Assistant Director of Enforcement Mark Neyland² – alleges to have occurred between coach Senderoff, coach Sampson and prospective student-athlete Demetri McCamey (see **Exhibit C**, call 2); and, a fourth three-way call from coach Senderoff to coach Sampson that was made to an unpublished and unidentifiable Detroit cell phone number on June 1, 2006.³ (See **Exhibit C**, call 3.)

¹ The series of three-way calls to Darelle Porter, Blair’s AAU coach, on May 31, 2006, from 6:15 to 6:19 p.m. have been combined to count as one three-way call because of the apparent consecutive nature of the calls. Coach Sampson speculates that this is either an error in the telephone records, or that the initial call was merely an attempt to tie him into the call.

² The three-way call alleged to involve McCamey was an incoming call to coach Senderoff’s cell phone, which coach Senderoff then connected to coach Sampson. Because the call was an incoming call, there is no number available in the telephone records to identify who placed the call to Senderoff. Mark Neyland of the NCAA enforcement staff advised that the incoming call on May 31, 2006, at 3:01 pm, is the call that the enforcement staff believes to be the three-way call referenced by McCamey in his December 19, 2007, interview.

³ Sampson has no independent knowledge of the “owner” of the number, and Indiana recruiting records do not match the number with any of the institution’s prospective student-athletes during the relevant (or later) time period. University representatives previously reported that they “presumed” the call to be related to recruiting. Sampson disagrees with this logic, and contends that no evidence is available to corroborate the University’s assumption.

As noted by the University in its October 3, 2007, Self-Report to the Committee, “approximately one-third of the (three-way) calls – three of the outgoing known recruiting calls and three of the unknown incoming calls – occurred prior to the receipt of the clarification from the Committee regarding three-way calls.” At the time of the report, the institution had also identified two additional three-way calls involving coaches McCallum and Sampson as having taken place prior to the June 13, 2006, Committee interpretation. Those calls took place on June 1 and June 6, 2006, and originated to coach McCallum’s cell phone from an unknown number. In the University’s report, it is alleged that the calls were “assumed to be recruiting calls and thus impermissible.” Coach Sampson disagrees with this logic and points out that Indiana failed to fully investigate the nature of those two calls. Coach Sampson recalls that the three-way calls from coach McCallum that occurred during that time concerned the staff’s search for a new video coordinator. Coach McCallum has confirmed coach Sampson’s recollection. Regardless, as these two unidentifiable calls occurred prior to the Committee’s clarification/interpretation on June 13, 2006 – and because they are not alleged in any way by the enforcement staff – coach Sampson is not addressing those calls at any point in this Response. Recognition of the two calls has only been made to describe part of the discrepancy between the number of three-way calls between May 31 to June 13, 2006, that were initially reported by the University in its October 3, 2007, Self-Report (seven) and the number of calls coach Sampson identifies in this Response as being exempt from consideration as violations of the Committee’s restrictions (four). (See Exhibit C, calls 1 through 4.)

Nevertheless, following the Committee's June 13, 2006, interpretation/clarification prohibiting three-way calling, coach Sampson's phones received nine⁴ three-way calls from coach Senderoff. (See **Exhibit C**.) One of those calls originated from an unknown caller.⁵ (See **Exhibit C**, call 5.) Thus, coach Sampson believes that there are only eight three-way calls at issue in this matter.⁶ Further discussion regarding those eight calls is provided throughout the Response below, and is particularly detailed with respect to each three-way call alleged by the enforcement staff in Allegation 3-(a) of the February 8, 2008, Notice of Allegations.

General Information Regarding Coach Sampson's Knowledge of Three-Way Calls During the Period of the Restrictions (May 25, 2006 through May 24, 2007)

Coach Sampson does not dispute that three-way calls from coach Senderoff to his cell or home number and involving a prospective student-athlete or his parent or guardian have been identified in coach Senderoff's cellular telephone records that encompass the period of May 25, 2006, to May 24, 2007. Further, coach Sampson does not argue that the records of those calls

⁴ Coach Senderoff's January 29, 2007, three-way calls to coach Sampson have been combined as one call because of the apparent consecutive nature of the calls. Coach Senderoff's telephone records indicate that he called then prospective student-athlete DeAndre Thomas and a three-way call was then initiated to coach Sampson and connected for one minute (or less). After one minute, a second call was placed to Thomas, and a second three-way call was thereafter initiated to coach Sampson that lasted for nine minutes. Coach Sampson speculates that this is either an error in the telephone records, or that the initial call was merely an attempt to tie him into the call. For that reason, that series of calls has been counted as one three-way call. (See **Exhibit C**, call 10.)

⁵ There is one incoming call on June 19, 2006, from an unidentifiable caller to coach Senderoff in which coach Sampson was connected. It cannot be substantiated that the call pertained to the recruitment of a prospective student-athlete, and thus coach Sampson has not included that particular call in the number of total three-way calls. (See **Exhibit C**, call 5.)

⁶ A June 22, 2006, incoming call to coach McCallum's cell phone that was connected to coach Sampson also was initially reported by the University. That call is not included in the overall count of three-way calls received by coach Sampson because it came from an unknown recipient and cannot be presumed to involve recruiting. Further, the enforcement staff has not made an allegation that coach Sampson participated in impermissible three-way calls with coach McCallum and a prospective student-athlete.

are in any way inaccurate. However, coach Sampson's *knowledge* that the calls he received were three-way calls initiated by and involving coach Senderoff is the sole issue for charges 3-(a) and -(b) of this allegation, not that he was in fact the recipient of three-way calls. Because coach Sampson's knowledge of the three-way calls is necessary to prove Allegations 3-(a) and -(b), he wishes to offer some general background on his conduct with respect to recruiting telephone calls during the time period of the restriction that supports his position that he did not recognize the calls at issue as three-way calls.

Coach Sampson moved to Bloomington in early April 2006⁷ and immediately began working to recruit a new class of prospective student-athletes for Indiana. On May 25, 2006, the Committee on Infractions issued the public report of its findings in the Oklahoma case, which included the specific penalties to be imposed upon coach Sampson and his staff by his then current institution (Indiana). Thereafter, because of the restrictions specific to coach Sampson's recruiting telephone calls, the Indiana assistant coaches knew and were responsible for informing each prospective student-athlete, parents/guardians and coaches that if those individuals desired to speak by phone with coach Sampson, the following guidelines were applicable: 1) the prospective student-athlete/parent/guardian/coach had to initiate the call to coach Sampson; 2) if the call was dropped, coach Sampson would be unable to return the prospect's call; and 3) if the prospective student-athlete could not reach coach Sampson, they could leave him a voice

⁷ Upon coach Sampson's initial move to Bloomington, he resided alone in a small apartment while his wife and family remained behind in Norman, Oklahoma, to handle the family's move from their home. Coach Sampson and his family moved into their home in Bloomington on July 1, 2006. A copy of the delivery receipt from American Red Ball Transit, dated July 1, 2006, is provided as **Exhibit D**.

message but would have to try him again at a later time because he was not permitted to return calls.

As a result of the restrictions and the guidelines that the men's basketball staff and prospective student-athletes had to follow to ensure compliance with them, coach Sampson made significant alterations to his previous routine for answering his phone during recruiting periods.

- Coach Sampson provided his office, cell and home phone numbers to most of the prospective student-athletes Indiana was recruiting.⁸ Previously, coach Sampson only provided his office and cell numbers and, even then, only to a prospective student-athlete once he had definitely decided to offer the prospect a scholarship.
- Coach Sampson made every effort to answer every single call that came to his phone (office, home or cell) during the period of the restriction because he was unable to return telephone calls and did not want to miss an opportunity to speak with a prospective student-athlete. Previously, coach Sampson often let incoming calls to his cell phone go to his voicemail as a means of screening his calls to allow him to be better prepared to speak with each individual prospective student-athlete.
- Coach Sampson answered his phone late into the evening when, in the past, he typically would not have answered.

⁸ Four of the eight impermissible three-way calls from Senderoff to Sampson were made to Sampson's home telephone, and four calls were made to his cell phone. See Exhibit C.

Coach Sampson's Home Phone System

At the time of the calls in question, coach Sampson's home telephone was set up to forward an incoming call to voicemail upon the second ring. Further, coach Sampson's home phone system did not display the caller ID until the second ring, by which time the call had already been forwarded to voicemail. Given the system's structure, coach Sampson had to answer every call to his home phone – in the event it was a prospective student-athlete trying to reach him – upon the first ring of the phone.

Coach Sampson's Cell Phone Practices

Concerning coach Sampson's cell phone, coach Sampson was unable to be selective in which calls he would answer and often did not examine the caller ID function before he answered the phone. Again, because of the restrictions, coach Sampson had to presume that every incoming call was from a prospective student-athlete. This included any incoming calls to his cell phone that he received during evening hours when, in previous years, he may have allowed the call to go to his voicemail so that he could return the call when it was more convenient for him to do so.

To add further perspective to coach Sampson's conduct during the time period of the restrictions, and to more fully describe coach Sampson's position, the following factors are also relevant in demonstrating coach Sampson's lack of knowledge that the calls he received from a prospective student-athlete were three-way calls:

- Coach Sampson's cellular telephone reception inside his home was virtually nonexistent, and he was forced to take calls outdoors to an area just beyond the entryway to his home. On many occasions, because his cellular reception was so poor inside his home, coach Sampson was unable to understand and identify who was on the line until he got outside and received an improved signal.
- All except one of the three-way calls recorded to coach Sampson's cell and/or home after the June 13, 2006, date of the Committee's interpretation prohibiting three-way calls occurred between the hours of 9:00 p.m. and 11:00 p.m. when coach Sampson, in all probability, was at home.
- Coach Sampson received approximately 1,500 incoming calls from May 25, 2006, to May 24, 2007, on his cell phone alone. His home phone call records did not reflect incoming calls. As such, the eight three-way calls at issue are, at the very least, a mere one-half of one percent of the total overall calls received by coach Sampson during that time period. Therefore, it is not beyond reason that coach Sampson might not recall the eight calls in question.

These factors have been noted to provide some perspective to understand and support coach Sampson's statements that he did not "knowingly violate" the terms of the Committee's restrictions as alleged in Allegation 3-(a), and therefore justify his position that he did not

provide “false or misleading” information to Indiana and the enforcement staff concerning his receipt of three-way calls, as alleged in 3-(b).

As coach Sampson has stated in two interviews with the enforcement staff and Indiana, he does not recall ever participating in a three-way conversation between himself, a prospective student-athlete and coach Senderoff. Further, coach Sampson never requested coach Senderoff to connect him to a call with a prospective student-athlete via three-way connection, nor did he remember hearing coach Senderoff’s voice during any of his conversations with a prospective student-athlete.

Coach Senderoff’s Statements Regarding the Three-way Calls to Coach Sampson

Coach Senderoff acknowledged that he placed several three-way calls to coach Sampson. Coach Senderoff reported that when he would connect coach Sampson via his three-way calling function, he was – at his own initiative – merely facilitating a call with coach Sampson for a prospective student-athlete or his parent/guardian/coach who had been attempting to reach coach Sampson. In his interviews with the enforcement staff, coach Senderoff stated that the calls were a “shortcut” and a “mistake,” and that he wished he had simply told the prospects, “Coach is at home right now, you can call him right now or coach is available right now...” More specifically, coach Senderoff made the following statement during a November 16, 2007, interview with the enforcement staff:

The reason behind making the three-way call was when somebody was trying to get coach or attempted to reach coach and did not get him successfully or a call was dropped between coach and a person. Either coach would call me or text me and try to ask me to get this prospect or person back on the phone with him, uh, because he could not call them. And I basically took a shortcut...in calling the person as opposed to demanding that they call coach directly, uh, I patched them into coach as a way for them to continue their conversation or have their conversation.

Concerning the calls occurring before the June 13, 2006, email from Brinegar regarding the Committee's interpretations, coach Senderoff confirmed to the enforcement staff, by reviewing his email records, that he did in fact receive the email indicating that three-way calling to coach Sampson was not permissible. Coach Senderoff has advised counsel to coach Sampson that while he received the email, he has no recollection of reading it and that it was not until Indiana's investigation that he realized the University (and later, the enforcement staff) considered three-way calls to coach Sampson to be impermissible.

Additionally, and in support of coach Sampson's statements that he had no knowledge that he was being connected into a three-way call, coach Senderoff reported the following:

1. That he never told coach Sampson he was using three-way to connect him to a prospective student-athlete, nor did coach Sampson ever ask him to do so.
2. When asked directly whether coach Sampson was aware that coach Senderoff had connected him via three-way, coach Senderoff repeatedly replied, "I don't think so."

3. That he did not remember ever announcing to coach Sampson that he had a prospective student-athlete on the line with him. Rather, coach Senderoff explained that he would tell the prospective student-athlete that he would try to connect coach Sampson into the call, and instruct the prospect that when he (Sampson) answered, the prospect could just begin talking with him (Sampson).
4. That he was aware that some prospective student-athletes had reported that he spoke during their conversations with coach Sampson on a three-way call; however, he has no recollection of ever speaking while coach Sampson was connected.
5. That he did not recall coach Sampson ever answering the phone with a statement like, "Hey, Rob." Rather, coach Sampson routinely answered the phone with a simple, "Hello."
6. That on at least one occasion, he connected the three-way call to coach Sampson with the prospective student-athlete, and then immediately put his phone on its charger and went to bed.

Coach Senderoff's recollection of specific three-way calls with particular prospective student-athletes are included in the section below under the headings pertaining to each prospect named in the allegations.

As such, and for the additional reasons set forth below, coach Sampson strongly asserts that the allegations that he “knowingly violated” the Committee’s restrictions and that he then provided “false or misleading information” concerning the eight impermissible three-way calls are unsubstantiated and uncorroborated by the available evidence.

Coach Sampson’s Alleged Knowing Receipt of or Participation in Other Impermissible Calls Involving Coach Senderoff

In Allegations 3-(a)(1) through (4), the enforcement staff has alleged that coach Sampson participated impermissibly in recruiting calls by:

1. participating in “speakerphone” calls that took place while coach Senderoff and coach Sampson were in the Indiana men’s basketball office and on the phone with a prospective student-athlete [Allegation 3-(a)(1)];
2. being present with coach Senderoff while coach Senderoff placed a recruiting call to a particular prospective student-athlete and then speaking with that prospect [Allegation 3-(a)(2)]; and,
3. receiving calls placed by coach Senderoff while Senderoff was in the presence of specific prospective student-athletes or their parent/guardian [Allegations 3-(a)(3) and (4)];

Coach Sampson denies that the calls described in allegation 3-(a)(1) and (2) took place as alleged, and has no recollection of calls with prospective student-athletes as described in Allegations 3-(a)(3) and (4).

Additional information about the calls with each prospective student-athlete named in Allegations 3-(a)(1) through (4) appears beneath the section specific to the particular student-athlete, below.

Allegation 3-(a) – Coach Sampson acted contrary to the NCAA principles of ethical conduct when he knowingly violated recruiting restrictions imposed by the NCAA Committee on Infractions [NCAA Bylaw 10.1]

Coach Sampson's responses to each specific call – or unspecified number of calls – alleged in the Notice of Allegations are offered below in the order in which the prospective student-athletes were named in Allegation 3-(a).

Yancy Gates

Gates is a currently a high school senior prospective student-athlete at Winthrow High School in Cleveland, Ohio. He has committed to attend the University of Cincinnati for the 2008-09 academic year.

Coach Senderoff's telephone records indicate that on February 7, 2007, at 9:12 p.m., a call was placed to a telephone number listed in the recruiting documentation as belonging to Gates' stepfather, Tony Dees. At the time, Gates lived at home with Dees. At 9:28 p.m., 16 minutes into the call, a three-way call was initiated to coach Sampson's home telephone number. Coach Senderoff's telephone records indicate that once the three-way call was connected to coach Sampson's home, the call continued for another 12 minutes. (See **Exhibit C**, call 11.)

Gates was interviewed by the enforcement staff on January 9, 2008, 11 months after the call in question. During his interview, he reported that he was at home by himself one afternoon when

he received a call from coach Senderoff. He believed that the call took place sometime in November 2006. He stated that he spoke with coach Senderoff for a short time and that coach Senderoff then told him that he (Senderoff) wanted Gates to speak with coach Sampson. Gates recalled that coach Senderoff and coach Sampson were then on the phone with him at the same time, and that coach Senderoff offered his own commentary to support statements that Gates made about his playing ability. Gates said that coach Sampson hung up first and coach Senderoff then talked to him about several upcoming Indiana basketball games and that he wanted Gates to speak with his stepfather to schedule a visit to Indiana. Gates reported that it was the first and only time he ever spoke with coach Sampson.

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Only Gates reported that coach Senderoff spoke while coach Sampson was on the phone.
- Coach Senderoff reported that he did not remember a conversation with Gates and coach Sampson taking place as Gates described (i.e., he did not remember speaking while coach Sampson was connected).
- As coach Sampson first told the enforcement staff during his November 13, 2007, interview, he does not have a recollection of any specific telephone conversation with Gates, and denies having a three-party phone conversation with Gates and Senderoff on any occasion.

- Gates' recollection is unreliable. He recalled the call in question occurring in November 2006, yet Indiana's phone records reflect no three-way connections between coach Senderoff, Gates and coach Sampson at any point during the fall of 2006. Gates also recalled the call taking place in the afternoon, while coach Senderoff's phone records reflect that the only three-way connection with coach Senderoff and coach Sampson occurred after 9:00 p.m.
- Given that the call was to coach Sampson's home phone, he would have answered before the caller ID function on his phone would have registered a number recognizable as belonging to coach Senderoff.

Based on the available evidence, and recognizing the factors detailed in the sections preceding the discussion of specific calls set forth Allegation 3-(a), the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

William Buford, Jr.

Buford is currently a high school senior prospective student-athlete at Libbey High School in Toledo, Ohio. Buford has committed to attend Ohio State University for the 2008-09 academic year.

Coach Senderoff's telephone records indicate that on June 19, 2006, at 10:24 p.m., he placed a call to a telephone number listed in the recruiting documentation as belonging to Buford's AAU coach, Keith McClure. At 10:25 p.m., one minute into the call, a three-way call was initiated to coach Sampson's cell phone. Coach Senderoff's telephone records indicate that once the three-way call was connected to coach Sampson's cell phone, the call continued for 10 minutes. (See **Exhibit C**, call 6.) Coach Sampson's cellular telephone records confirm that he received a phone call from coach Senderoff at 10:25 p.m. on June 19, 2006, that registered 10 minutes in length.

During a January 28, 2008, interview with the enforcement staff, Buford reported that he remembered one occasion when he was traveling back from a team practice in Cincinnati with McClure when McClure received a call from coach Senderoff and handed him the telephone. Buford was not specific on the date or time period of the call, nor was he asked about the date or time by the enforcement staff. Buford described briefly speaking with coach Senderoff before Senderoff called coach Sampson on three-way to connect him (Sampson) into the call. Buford reported that the call lasted approximately 10 minutes, and said he recalled that coach Senderoff told coach Sampson when he answered that Buford was on the phone. Buford reported that the call was the only occasion that he ever spoke with coach Sampson.

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Coach Sampson's counsel contacted McClure on March 26, 2008. He was not previously interviewed by the enforcement staff. McClure reported that he remembered receiving a call from coach Senderoff while returning from Cincinnati with Buford, but contrary to Buford's recollection, McClure said that the call occurred following an AAU game, not a practice. McClure recalled that coach Senderoff had been in attendance at the game, and had called to ask McClure to tell Buford that he thought Buford had played well during the game. McClure said he told coach Senderoff that Buford was in the car with him and that he (Senderoff) should tell Buford himself. McClure said he then handed his cell phone to Buford. McClure said he had no knowledge that coach Sampson was connected to the call, did not hear Buford reference coach Sampson or indicate that anyone else joined the call, and Buford did not make any statements following the call that would have led him to believe that Buford had spoken with coach Sampson.
- In an interview with the enforcement staff, coach Senderoff reported that he recalled placing a call to McClure around the time of the alleged violation, but stated that he does not believe Buford ever spoke with coach Sampson. Subsequently, upon being advised of Buford's recollection of the call, coach Senderoff stated that he did not remember the call taking place as Buford described, and again stated that he did not believe coach Sampson and Buford ever had a conversation. As discussed in the beginning sections of the Response to Allegation 3,

above, coach Senderoff does not recall ever speaking while coach Sampson was on the phone with a prospective student-athlete.

- Coach Sampson has stated repeatedly to both the enforcement staff and to Indiana that he has no recollection of ever speaking with Buford, and he maintains that position in this Response.

Based on the available evidence, and recognizing the factors detailed in the sections preceding the discussion of specific calls set forth Allegation 3-(a), the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

Further discussion of the particular call with Buford as it relates to Allegation 3-(b) can be found beginning on page 3-49.

DeJuan Blair

Blair is currently a freshman student-athlete at the University of Pittsburgh. He attended Schenley High School in Pittsburgh, Pennsylvania, at the time he was recruited by the Indiana men’s basketball staff.

Coach Senderoff’s telephone records indicate that on August 22, 2006, at 10:54 p.m., he placed a call to a telephone number listed in the recruiting documentation as belonging to Blair. At 10:55

p.m., one minute into the call, a three-way call was initiated to coach Sampson's home telephone number. Coach Senderoff's telephone records indicate that once the three-way call was connected to coach Sampson's home, the call continued for 34 minutes. (See Exhibit C, call 7.) Coach Sampson's home telephone records from that time period do not reflect incoming calls. Coach Senderoff's cell records also reflect a four-minute, three-way call with Blair and coach Sampson's cell phone on October 4, 2006, at 9:50 p.m. (See Exhibit C, call 8.)

Blair was interviewed on December 11, 2007, by the enforcement staff. He reported that there were "a bunch of times" that coach Senderoff would call and "try to get coach Sampson on the line." Blair said, "I don't know how he did it, like it was a couple of times when coach Sampson got on the phone and I don't know how. I don't know if he was right there or if he (Senderoff) said 'Hold on' and then dialed to put him (Sampson) on three-way..." Later in the interview, Blair stated that he remembered "a couple of times," and then, "five or six times," when both coach Senderoff and coach Sampson were on the line. When asked how he knew both coaches were on the line, Blair responded "you know, if coach Sampson would say something funny, coach Senderoff would laugh; or coach Senderoff would ask a question and he would answer about Indiana."

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Contrary to Blair’s assertion that he had “five or six” three-way calls with coaches Senderoff and Sampson, the phone records show only two such possible occasions.
- Coach Senderoff recalled only one occasion when he connected coach Sampson to Blair. He said the call occurred late one evening after Blair reported that he had tried repeatedly to reach coach Sampson but had been unsuccessful. In that regard, coach Senderoff stated that he called Blair, then called coach Sampson to connect him into the call, but did not stay on the phone with Blair and coach Sampson. He reported that once coach Sampson answered, he plugged his phone into its charger and went to bed while coach Sampson and Blair talked. Coach Senderoff stated that coach Sampson would not have been aware that he was connected to Blair via three-way, as he did not speak.
- Coach Sampson recalls receiving calls from Blair, Blair’s grandmother and Blair’s AAU coach during the period of Blair’s recruitment, and denies ever knowingly participating in a three-way call with coach Senderoff and Blair.⁹ Coach Sampson remembers that on the day that Blair cancelled his official visit (October 4, 2006), he told coach Senderoff to have Blair contact him as soon as possible, and remembers receiving a call from Blair some time after the request was made to coach Senderoff.

⁹ Of the several descriptions provided by the prospective student-athletes of the alleged conversations that occurred during the three-way connections, this is the one call of which coach Sampson does have some recollection. Coach Sampson does remember hearing of Blair’s decision to cancel his visit, telling coach Senderoff to have Blair call him, and subsequently speaking with Blair. Given the circumstances, this is the one call that coach Sampson identified early on in Indiana’s discovery of three-way calls to be a call that was possibly a three-way connection. However, even with those factors present, coach Sampson still has no recollection of coach Senderoff speaking after he was greeted by Blair, and therefore he cannot state for certain that a three-party conversation took place. Coach Sampson had no independent knowledge at the time of his conversation with Blair that the call was in fact a three-way connection.

- Blair reported that “most of the time” coach Senderoff would “disappear” after connecting him to coach Sampson. He stated that on other occasions, coach Senderoff would come back on the phone after Blair's conversation with coach Sampson and finish the call with comments like, "DeJuan, are you there? I'll call you later and see how you're doing in school..." Both of these statements support coach Senderoff's statements that he did not speak during the three way calls, and that coach Sampson would not have necessarily known that he was being connected via three-way with Blair. The fact that these statements include words such as “most of the time” and “on other occasions,” when the phone records reflect only two possible three-way connections, supports the conclusion that Blair exaggerates and is not a reliable witness.
- Further evidence supporting coach Sampson's position that he had no knowledge of any three-way calls with Blair and Senderoff appears in Blair's statement concerning his cancellation of his official visit. Blair reported that when he called coach Senderoff and told him that he had decided not to take an official visit to Indiana, coach Senderoff asked him why. Blair recalled that coach Senderoff then said he would call him back and when he did, coach Sampson was on the line. Blair said, "Senderoff wasn't nowhere, but Sampson was."
- Blair recalled "a bunch of times," then, "a couple of times" and later "five or six" three-way calls with coach Senderoff and coach Sampson. Coach Senderoff's phone records show only

the two calls noted above.¹⁰ Blair's recollection of up to six three-way calls with coach Sampson adds significant question about Blair's reliability as a witness and specifically about his statements that coach Senderoff spoke while coach Sampson was on the phone.

- Additionally, coach Sampson understands that Indiana has developed its own questions about Blair's reliability and credibility given that he reportedly made a statement during (or immediately before) the NCAA enforcement staff interview of him to the effect that he had already spoken to Indiana representatives when in fact no one from Indiana had spoken with him prior to the enforcement staff's December 11, 2007, interview. Indiana Athletics Director Rick Greenspan shared this information with coach Sampson prior to Sampson's resignation.
- Given that the August 22, 2006, call was to coach Sampson's home phone, he would have answered before the caller ID function on his phone would have registered a number recognizable as belonging to coach Senderoff.

As such, the evidence is persuasive that Blair's statements are either exaggerated or mistaken with regard to his recollection of both coach Senderoff and coach Sampson speaking while he was on the phone. Coach Sampson does not dispute that coach Senderoff's telephone records indicate two three-way calls with Blair. However, as coach Sampson has stated repeatedly, and

¹⁰ Two other three-way calls were made to persons related to Blair, but both predated the Committee's June 13, 2006, interpretation. The first call took place on May 31, 2006, with Darelle Porter, Blair's AAU coach. The second call took place on June 9, 2006, with Donna Sadler, Blair's grandmother. See Exhibit C, calls 2 and 4, respectively.

coach Senderoff has supported, he was never engaged in a telephone conversation with a prospective student-athlete during which coach Senderoff spoke.

Based on the available evidence, and recognizing the factors detailed in the sections preceding the discussion of specific calls set forth in Allegation 3-(a), the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

Additionally, it has been alleged in Allegation 3-(a)(3) that coach Senderoff called coach Sampson from his cell phone while in the presence of Blair and his family and placed the phone on speakerphone so that Blair and his family members could speak with coach Sampson at the same time. Coach Sampson contends that he was never provided with notice that this type of call was precluded by the penalties imposed by the Committee as a result of the Oklahoma case or any subsequent interpretation, but recognizes that such a call would likely have been considered impermissible. Coach Sampson does not remember the specific call with Blair and Blair’s family, but maintains that he would not have had knowledge that such a call came from coach Senderoff’s cell phone, as it could just have likely come from a cell or home phone of the prospective student-athlete.

Coach Sampson therefore denies that such a call could lead to a finding of unethical conduct, as alleged in Allegation 3-(a)(3).

Demetri McCamey

McCamey is currently a freshman student-athlete at the University of Illinois. McCamey graduated from St. Joseph High School in Westchester, Illinois.

On February 19, 2008, Assistant Director of Enforcement Mark Neyland advised coach Sampson's counsel of the enforcement staff's position that the alleged impermissible call occurred on May 31, 2006, at 3:01 p.m. Coach Senderoff's cell phone records indicate that following coach Senderoff's receipt of an incoming call from an unidentifiable caller, a three-way call was placed to coach Sampson's cell phone that continued for seven minutes. (See **Exhibit C**, call 1.) This is the only three-way call involving McCamey that appears in coach Senderoff's telephone records.

McCamey participated in an interview with the enforcement staff on December 12, 2007, and submitted to a brief follow-up interview with coach Sampson's counsel, in which the University and the enforcement staff participated, on April 28, 2008. In his initial interview, McCamey reported that he spoke with coach Senderoff "right before [Sampson] had his barbeque at his house...after [Sampson] got his house down there." McCamey believed that the call occurred in June 2006. McCamey reported that coach Senderoff told him that coach Sampson's house had

just finished being built, coach Sampson was having a barbeque and that Sampson wanted to talk to him. McCamey said that coach Senderoff then placed a three-way call to coach Sampson.

McCamey reported that he recalled coach Senderoff saying "Hey, coach, I have Demetri on the phone," when coach Sampson answered. He also reported that he talked to coach Sampson for 15-20 minutes, and recalled coach Sampson talking about "cooking greens" for his players.

During his April 28, 2008, follow-up interview with the enforcement staff, coach Sampson's counsel and Indiana's counsel, McCamey reported that on the day he spoke with coach Senderoff and coach Sampson in what he believed was a three-way call, coach Sampson was hosting some players at his Bloomington home for a barbeque that was occurring either at the time of their conversation, later that day, or the next day.

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Coach Senderoff has reported that he believed the call in question with McCamey took place in May 2006 (before Indiana's compliance office notified the men's basketball staff that coach Sampson could not be involved in a three-way call). Coach Senderoff also stated that he did not remember the call happening the way he was told McCamey had described.

- A conversation such as the one McCamey has reported having with coach Sampson could not have happened on May 31, 2006, because (1) Sampson did not move into his home until July 1, 2006¹¹, and thus he could not have been hosting (or about to host) a barbeque for the Indiana players at that time, and (2) he did not host a barbeque at his home with the Indiana players until September 2006, during the weekend of Indiana's first home football game. [Note: The phone records reveal no three-way calls between coach Senderoff and coach Sampson during that weekend or during the month of September.]
- Moreover, coach Sampson does not believe that the May 31, 2006, three-way call from an unidentifiable caller to coach Senderoff – which is alleged by the enforcement staff to involve McCamey – can be considered a violation of the Committee's restrictions on three-way calling. As noted previously in this Response, the men's basketball staff was not notified of the impermissibility of three-way calls with coach Sampson until June 13, 2006.

As such, there is considerable conflicting information concerning the alleged three-way call with McCamey, including the fact that if the conversation with coach Sampson occurred as described by McCamey, it could not have taken place on May 31, 2006; nevertheless, the enforcement staff has alleged that the call did take place on May 31, 2006. Even if there was a three-way conversation on that date, it would have predated the Committee's interpretation prohibiting three-way calling to coach Sampson.

¹¹ When coach Sampson initially moved to Bloomington in early April 2006, he resided alone in an apartment in Bloomington and never hosted any of the men's basketball student-athletes at that apartment. His family moved into their Bloomington home on July 1, 2006. (See **Exhibit D** and footnote 7, above.)

Based on the available evidence, and recognizing the factors detailed in the sections preceding the discussion of specific calls set forth Allegation 3-(a), the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

DeAndre Thomas

Thomas is a currently enrolled men’s basketball student-athlete at Indiana. Coach Senderoff’s telephone records indicate a three-way call with Thomas was placed to coach Sampson’s home phone on January 29, 2007, at 10:27 p.m. for nine minutes.¹² A second three-way call with Thomas was placed to Sampson’s cell phone on April 5, 2007, at 6:38 p.m. for six minutes. (See Exhibit C, calls 10 and 12.)

Thomas was interviewed by the enforcement staff and University on January 28, 2008. At the outset, he reported that he recalled “a little more than five” occasions when he spoke with coach Sampson after coach Senderoff would “connect (him) over.” Thomas explained that coach Senderoff would be in the office and say something like “coach wanna holler at you real fast,” and he would tell Thomas to “hold on” and put coach Sampson on the phone. Thomas said that he never heard a phone ring after coach Senderoff told him to “hold on.” Thomas stated that

¹² The two three-way calls to Sampson with Thomas that appear in coach Senderoff’s phone records on January 29, 2007, were combined as one call due to the consecutive nature of the calls. See Exhibit C, call 10 and footnote 4 at page 3-10.

when coach Senderoff would attempt to connect coach Sampson to the call, he was unsure whether coach Senderoff was still on the phone once coach Sampson picked up.

Following that discussion about *all* of Thomas' calls with coach Sampson, the following exchange took place:

NCAA: Tell me about any times that you can recall being on the phone and having a conversation with coach Senderoff and coach Sampson at the same time.

Thomas: I don't know. Pretty much they'll probably, I'd be on the phone with them separate all the time.

Later in the interview, Thomas added the following:

"Well all I heard what like, 'Dre, hold on. Coach wanna holler at you.' Then he was like, 'here go coach right here.' ...And then that's all I hear and then coach would be on the line after that. ... That's all I heard from Senderoff until the conversation was over between me and coach, and then coach Senderoff would be back on the phone."

Thomas later stated that he was never part of a three-way call with coach Senderoff and coach Sampson. Specifically, he stated, "I pretty much wasn't on a three-way call with coach Senderoff and Sampson, no," and added later in the interview, "I don't remember having no conversation with coach Senderoff and coach Sampson." When then confronted with coach Senderoff's phone records, Thomas added, "I remember having a conversation with coach Sampson, but I don't know if coach Senderoff was on the line."

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Thomas' statements concerning the nature and frequency of his calls with coach Sampson were varied and somewhat indefinite. Nevertheless, one part is consistent; Thomas stated that he never took part in a three-way conversation with coach Senderoff and coach Sampson (i.e., that coach Senderoff did not speak during those calls.) Therefore, coach Sampson would have had no knowledge that he was connected to Thomas via three-way calling.
- Coach Senderoff reported that he did not recall talking on the phone with Thomas when coach Sampson was also on the phone. Coach Senderoff's contention supports that coach Sampson had no knowledge he was talking to Thomas via three-way calling.
- Coach Sampson agrees with Thomas and Senderoff that there were no three-way telephone conversations between them.

The weight of the evidence related to the (two) three-way connections with Thomas is overwhelming that coach Sampson did not know that coach Senderoff connected Thomas to coach Sampson via three-way calling. Therefore, there cannot be a finding that coach Sampson *knowingly* engaged in a three-way connection conversation with Thomas. The standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on

information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

Concerning Allegation 3-(a)(1), that coach Sampson participated by speakerphone in recruiting call(s) placed by coach Senderoff to Thomas, Thomas reported that he recalled one conversation with coach Senderoff and coach Sampson both being in the same office on the speakerphone. He reported that coach Senderoff placed that call to his cell phone and that he was in his dorm room at the time.

Coach Senderoff denied that he had ever contacted a prospective student-athlete in the presence of coach Sampson. He also stated that he and Sampson did not participate together in a call with a prospective student-athlete by speakerphone from his office. Specifically, concerning such a speakerphone call, he stated, “I don’t remember doing that with anybody. I don’t think that occurred. I don’t.”

Coach Sampson reported that he was aware that such calls were expressly prohibited by the Committee’s original penalties, and was at no time a party to such a call.

Given the reliability concerns raised by Thomas’ conflicting statements about his telephone conversations with coaches Senderoff and Sampson, the weight of the evidence indicates that

Sampson did not speak via speakerphone with Thomas while with Senderoff and on a connection initiated by Senderoff.

Concerning Allegation 3-(a)(3) – that coach Senderoff called coach Sampson from his cell phone while in the presence of Thomas and permitted Thomas to speak to coach Sampson on his phone – coach Sampson does not recall the specific call. Coach Sampson contends that he was never provided with notice that such a call was precluded by the language of the calling restrictions imposed by the Committee as a result of the Oklahoma case or any subsequent interpretation, yet he recognizes that such a call would likely be considered impermissible. Nevertheless, coach Sampson believes that if such a call took place, he would not have recognized that the call did not come directly from Thomas when he answered the phone. Coach Sampson therefore argues that such a call cannot lead to a finding of unethical conduct, as alleged in Allegation 3-(a)(3).

Yvonne Jackson (mother of prospective student-athlete Devin Ebanks)

Devin Ebanks is currently a high school senior at Saint Thomas More School in Oakdale, Connecticut. He signed a National Letter of Intent with Indiana during the fall 2007 signing period, but has requested and received a release from his commitment.

The call in question concerning Ebanks was not made to the prospective student-athlete, but rather to his mother, Yvonne Jackson. Coach Senderoff's telephone records indicate that on

May 1, 2007, coach Senderoff initiated a call to Jackson at 9:32 p.m. Approximately 17 minutes into that call, at 9:49 p.m., coach Senderoff placed a three-way call to coach Sampson's home telephone number. Coach Senderoff's records reflect that the three-way connection lasted another 26 minutes before the call was terminated. See Exhibit C, call 13.

Jackson was interviewed by the enforcement staff on November 27, 2007. She also participated in an interview with coach Sampson's counsel on March 17, 2007. In Jackson's interview with the enforcement staff, she reported that coach Senderoff called her to see how Ebanks was doing and then coach Sampson "came on" the phone. She stated that in the beginning of the conversation, she believed that both coach Senderoff and coach Sampson were on the line, but after that, it was just Jackson and coach Sampson having the conversation. Jackson stated that when coach Senderoff added Sampson into the call, "[Senderoff] just let [Sampson] know I was on the line." Jackson also recalled that coaches Senderoff and Sampson both said "bye" at the end of the call. Later in the interview, Jackson was asked, "To your knowledge, was Sampson aware that this call was a three-way call?" And she replied, "I would have to think that he might've known that he was being attached onto me. Now, how they did it, I don't really know. But, I believe so."

In a March 17, 2007, follow-up interview with coach Sampson's counsel, Jackson reported that she remembered only the one call with coach Senderoff and coach Sampson that she described during her interview with the enforcement staff. Jackson remembered that the call took place in May 2007. During Jackson's interview, she was speculative about whether coach Sampson

would have known that he had been connected via three-way. In that regard, several excerpts of Jackson's interview transcript appear below:

- Counsel: When the call was concluded, how did the call end up?*
- Jackson: At that point, as far as I can remember, I think Senderoff -- all three of us were still on the line. Now I could -- you know, that's what I remember. I could be wrong, I don't quite remember. I believe all three of us said bye and then that was the end of that.*
- Counsel: But -- okay, let me see if I've got this, what you remember is that when coach -- the first thing you heard from coach Sampson is him saying 'hello Yvonne.'*
- Jackson: Um-hum.*
- Counsel: And then you don't, you don't remember hearing coach Senderoff say anything after coach Sampson said hello, Yvonne --*
- Jackson: That's correct.*
- Counsel: -- until the very end when coach Senderoff may have said good-bye --*
- Jackson: Yes.*
- Counsel: -- when -- but you're not certain about that?*
- Jackson: Not certain.*

Later in the interview, the following exchange took place.

- Counsel: Okay, what did you hear coach Senderoff say?*
- Jackson: Um, "coach, I have, um, Yvonne on the line." That's what I can remember to the best of my ability.*
- Counsel: Got it.*
- Jackson: I could be wrong, I don't know.*
- Counsel: And why do you say you could be wrong?*

Jackson: Because this is -- you're asking about a call that's almost -- you're almost talking about a call that took place almost a year ago, so I mean I'm not gonna remember every detail.

Refuting Evidence and Information that Coach Sampson Knew a Three-Way Call Involving Coach Senderoff was Occurring

- Coach Senderoff reported that he did not think that there was ever an actual three-way conversation between him, coach Sampson and Jackson. Coach Senderoff stated that Jackson may remember it differently because she was on the phone with him for approximately 15 minutes before he transferred her to coach Sampson. Coach Senderoff reported that Jackson had tried to reach coach Sampson throughout the day and had failed, so he “took a shortcut” and connected her to coach Sampson at the end of their call.
- The enforcement staff’s Notice of Allegations uses the phrase “three-way conversations” (plural) in referencing impermissible contact between coach Senderoff, Sampson and Jackson. A review of coach Senderoff’s phone records indicates that only one three-way call occurred to any number associated with Ebanks/Jackson. (See **Exhibit C**, call 13.) Further, Jackson reported that she only received one call that she believed to be a three-way call.¹³ Coach Sampson therefore believes that the enforcement staff’s allegation, in this regard, is incorrect.

¹³ Additionally, the University’s Self-Report to the Committee dated October 3, 2007, also reports only one three-way call that was identified concerning Jackson.

- Jackson’s recollection of the call may be mistaken. Jackson admits to being uncertain whether 1) coach Senderoff introduced her on the phone when coach Sampson answered, and 2) that coach Senderoff said goodbye when the call was concluded.

Because it cannot be determined that coach Sampson knew that the May 1, 2007, call with Jackson was a three-way call, there cannot be a finding that coach Sampson *knowingly* engaged in a three-way conversation with Jackson, as alleged in Allegation 3-(a).

Based on the available evidence, and recognizing the factors detailed in the sections preceding the discussion of specific calls set forth Allegation 3-(a), the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

Marcus Morris

Marcus Morris is currently a senior prospective student-athlete at Apex Academy in Pennsauken, New Jersey. He and his twin brother, Markieff, have signed National Letters of Intent to attend the University of Kansas.

Allegation 3-(a)(1) states that “Sampson participated by speakerphone in recruiting calls placed by Senderoff to ... Marcus Morris.” There are no specific dates or times of calls alleged by the enforcement staff to be violations with regard to Morris, nor can any of the calls (from coach

Senderoff to Morris) that are recorded in coach Senderoff's cell records be identified as the alleged impermissible calls. This allegation is based entirely on statements made by Marcus Morris during his January 23, 2008, interview with the enforcement staff.

Marcus Morris reported that there were two or three occasions that he spoke with both Senderoff and Sampson at the same time. Specifically, Morris said, "Cause I would talk to coach Senderoff and he'd say, 'Well coach Sampson's right here and wants to speak with you guys.'" Marcus Morris reported that his brother, Markieff, was present for several of those calls, and remembered putting his phone on speakerphone so Markieff could also be a part of the conversation. Morris said that he would have his phone on speakerphone and Senderoff would also have his phone on speakerphone so he and his brother could speak with both Senderoff and Sampson simultaneously. Morris added that he typically would talk with Senderoff for roughly 15 minutes and then Senderoff would put Sampson on speakerphone for another 15-20 minutes.

Refuting Evidence and Information that Coach Sampson Knowingly Participated in an Impermissible Call Involving Coach Senderoff

- Coach Senderoff reported that he "(did) not think" the calls described by Marcus Morris occurred.
- Coach Sampson denies participating in a speakerphone conversation with coach Senderoff and a prospective student-athlete during the time period in question. Similarly, coach

Sampson previously reported to the enforcement staff, and maintains, that he has no recollection of any instance when Senderoff handed him a telephone and a prospective student-athlete was on the line.

- Marcus Morris also reported to the enforcement staff that he received calls directly from coach Sampson near the end of his recruitment by Indiana. He reported that he was “100 percent” certain that such calls occurred. No such calls have been identified in coach Sampson’s phone records, nor have such calls been alleged by the enforcement staff. Given that Marcus said that he was “100 percent” certain that he received calls directly from coach Sampson, his credibility/reliability with regard to the “speakerphone” conversations he discusses in his interview with the enforcement staff is called into question.
- Adding further question to the credibility/reliability of Marcus Morris’ statements is the fact that his brother Markieff Morris reported to the enforcement staff that he never participated in a speakerphone conversation with both coaches Senderoff and Sampson on the phone. This directly conflicts with the statement of his brother Marcus that Markieff did participate in such calls. Specifically, the following exchange took place during Markieff Morris’ interview:

NCAA: *Now, the time that you think you can remember talking to coach Sampson on the phone, was there anyone else on the phone at the same time?*

Markieff: *Huh-uh, just coach Sampson.*

NCAA: Can you tell me as best you can remember, I, I know it's been a while, sort of how you ended up on the phone with coach Sampson?

Markieff: Uh, I'm pretty sure coach Senderoff called him, like, uh, maybe, he must've been in his office and coach Senderoff was in his office and he directed us to, uh, coach Sampson office and we talked to him that way. But, coach Senderoff wasn't on the phone. It was just us and, just coach, and, uh, me and my brother and coach Dan.

NCAA: So, tell me about any times that you can remember being on the phone with coach Senderoff and coach Sampson at the same time, sort of like a three-way call or anything like that?

Markieff: Right, I don't think I ever did anything like that when they both were.

As such, a considerable amount of conflicting information exists concerning the call(s) alleged in Allegation 3-(a)(1) to have occurred with respect to Marcus Morris. Marcus Morris' statements clearly conflict with those of his brother, Markieff, despite Marcus' confidence that such calls took place. Perhaps more importantly, Marcus Morris' clearly erroneous assertion that he received direct calls from Sampson lead to further and serious questions of his credibility or at least to his ability to accurately recall the facts associated with his conversations with coach Sampson. Coach Sampson maintains that Marcus Morris either mischaracterized the calls in which they spoke, or is mixing separate phone conversations with various coaches.

Accordingly, the standard of proof, as set forth in Enforcement Procedure 32.8.8.2 – “The Committee shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind reasonably prudent persons rely in the conduct of serious affairs.” – is not met.

Kenny Frease

Frease is currently a high school senior prospective student-athlete at Perry High School in Massillon, Ohio. Frease has signed a National Letter of Intent to attend Xavier University for the 2008-09 year.

The allegation concerning Frease (Allegation 3-(a)(2)) is based on statements made by Frease and his high school coach, Rob Toth, during the enforcement staff's apparent joint interview with Frease and Toth on January 14, 2008. There are no specific records of calls referenced by the enforcement staff in making this allegation.

Frease reported that there were "at least two or three times" that he spoke with Sampson on Toth's cell phone after Senderoff had called Toth. Toth, after listening to Frease's testimony, reported that there were one or two occasions that coach Senderoff called his phone and asked him to put Frease on the phone so that he could have coach Sampson speak with Frease. Specifically, Toth said, "coach Senderoff would be on with me and said, 'Can you get the phone to Kenny and I'm gonna have coach Sampson talk to him.'" Toth reported that he never personally spoke with coach Sampson.

Refuting Evidence and Information that Coach Sampson Knowingly Participated in an Impermissible Call Involving Coach Senderoff

- Coach Senderoff reported that calls as described by Frease and Toth did not occur. Specifically, he said, “No, I don’t think that ever happened.”
- Coach Sampson previously reported to the enforcement staff, and maintains, that he was not aware of any instances where Senderoff handed him a telephone and a prospective student-athlete was on the phone. Similarly, coach Sampson reported to the enforcement staff, and maintains, that he is not aware of any occasions when coach Senderoff called a prospective student-athlete’s high school coach and then asked the high school coach to put the prospect on the phone so that coach Sampson could have a conversation with the prospect.

Coach Sampson therefore denies that such a call could lead to a finding of unethical conduct as alleged in Allegation 3-(a)(2).

Ayodele Coker

Coker is currently a men’s basketball student-athlete at St. John’s University. At the time of his recruitment by Indiana, he was enrolled at South Kent High School in South Kent, Connecticut.

Concerning Allegation 3-(a)(3) – that coach Senderoff called coach Sampson from his cell phone while in the presence of Coker and permitted Coker to speak to coach Sampson via speakerphone on his phone – coach Sampson does not recall this specific call, but contends that he was never provided with notice that such a call was precluded by the language of the penalties imposed by the Committee as a result of the Oklahoma case or any subsequent interpretation.

He recognizes that such a call would likely be considered impermissible under the restrictions, but asserts that he would have had no knowledge that such a call had not come directly from Coker. Coach Sampson therefore denies that such a call could lead to a finding of unethical conduct, as alleged in Allegation 3-(a)(3).

Jonathon “Bud” Mackey

Mackey is a former high school senior prospective student-athlete from Scott County High School in Georgetown, Kentucky. Mackey is not committed to any institution for the 2008-09 year.

Mackey’s mother, Erica Mackey, reported that she encountered coach Senderoff after either the semi-final or final game of the Kentucky State High School basketball championship in which Mackey was participating and coach Senderoff was on the phone talking with coach Sampson. Erica Mackey stated that coach Senderoff then handed her his cell phone so that she could speak with coach Sampson.

The enforcement staff has discovered, and coach Sampson’s counsel has confirmed, that the semi-final and final games of the championship were played on March 24, 2007, at 10:00 a.m. and 8:00 p.m., respectively. Coach Senderoff’s travel and telephone records indicate he was in Kentucky for the high school state championship games on March 24, 2007, and that he placed calls to coach Sampson at 12:23 p.m. (seven minutes) and 10:34 p.m. (six minutes) that day.

Either of these calls could be the call in which Senderoff handed his phone to Erica Mackey following the conclusion of a game.

Coach Senderoff has advised counsel for coach Sampson that he has no recollection of a call such as described by Erica Mackey and, further, that if a such a call did occur, he did not know that it was prohibited.

Coach Sampson does not recall this specific call, but remembers speaking with Erica Mackey on numerous occasions. Coach Sampson recalls speaking with coach Senderoff on the day of the Kentucky High School state championship about Mackey's play during the event, but has no recollection of speaking with Erica Mackey on that day. Coach Sampson maintains that if he had spoken with Erica Mackey, he would not have known that she was with coach Senderoff or that she had called from coach Senderoff's cell phone.

Coach Sampson therefore denies that such a call could lead to a finding of unethical conduct, as alleged in Allegation 3-(a)(4).

Allegation 3-(b) - Coach Sampson provided the institution and the NCAA enforcement staff false or misleading information [NCAA Bylaw 10.1-(d)]

In Allegation 3-(b), the enforcement staff has described four instances upon which they believe coach Sampson provided “false or misleading information.”

1. Coach Sampson reported that he was unaware that coach Senderoff was using three-way calls to allow him to speak with prospective-student athletes the prospective student-athlete’s parents, legal guardian(s) or coaches.
2. Coach Sampson stated that he did not engage in three-way conversations with prospective student-athletes or their relatives during the period of recruiting restrictions.
3. Coach Sampson stated that there was never an instance when he was on the phone with a prospective student-athlete when coach Senderoff also spoke.
4. Coach Sampson reported that he never spoke with Buford.

First, statements 1, 2 and 3 are essentially references to the same position held by coach Sampson – that at the time of the three-way calls in question, he did not realize that the prospects who were on the line when he answered his phone had been connected to him by coach Senderoff via a three-way connection.

Coach Sampson's explanations of his role in and understanding of the circumstances of each three-way call in question have been set forth in detail earlier in the response and those details will not be repeated here. In summary, the facts are:

- Coach Sampson did not ask coach Senderoff to connect him to a prospect via a three-way call. This has been confirmed by coach Senderoff, and no evidence to the contrary has been offered.
- Coach Senderoff did not advise coach Sampson of a three-way call before connecting the prospect to coach Sampson's phone. Again, no evidence to the contrary has been offered, and coach Senderoff has confirmed this fact.
- Coach Senderoff has no recollection of introducing the prospect to Sampson once Sampson answered his phone, and that he has no recollection of speaking once coach Sampson and the prospect began talking. Coach Sampson's recollection is the same as that of coach Senderoff.
- Of the four prospective student-athletes and one parent who reported having a recollection of coach Senderoff speaking during a three-way connection, the investigation has revealed evidence demonstrating that the ability of each prospective student-athlete (and one parent) to recall events of many months prior with such precision is in question, particularly given

that most of the prospective student-athletes and the parent had multiple conversations with both coach Sampson and coach Senderoff, and easily could have intermixed those conversations. Further, the specific recollections of two of the prospects (McCamey and Morris) concerning what they reported was said during the phone call in question has been proven to be improbable.

Second, concerning Statement 4 and the alleged call with Buford, coach Sampson maintains that he never spoke with Buford. His position is supported by statements of both Senderoff and Buford's AAU coach. (See page 3-22 or 3-23 above.)

Despite not knowing at the time that the phone conversations with the prospective student-athletes (and parents) in question were in fact part of three-way connections made by coach Senderoff, coach Sampson readily acknowledges the phone records and coach Senderoff's admission of his actions and that violations of the Committee on Infractions' restrictions placed on him and Indiana occurred. However, the fact that violations of the restrictions occurred though is not enough to support a finding that coach Sampson acted unethically, as has been alleged.

It is imperative to recognize that a pragmatic reading of NCAA Bylaw 10.1-(d) requires that the subject of an unethical charge must have some intent to provide untruthful information in an effort to deceive investigators or a member institution. The prevention and/or discouragement of fraud is the underlying purpose of the legislation. In that regard, the fact that three-way

connections occurred involving coach Sampson, coach Senderoff and a prospect or parent, and that coach Sampson reported that he was unaware at the time of coach Senderoff's involvement does not automatically lead to a finding of an unethical conduct finding. Rather, it must be shown that coach Sampson knew at the time that the statement he was making was false and that he made it intending to deceive or mislead investigators. Such is not the case in this matter.

Coach Sampson had no knowledge that the eight calls at issue in this case were any different than the thousands of other calls he received from prospective student-athletes, their coaches and their relatives between May 25, 2006, and May 24, 2007. He did not recall anything about those eight calls that distinguished them from any other calls. In fact, after the time period for the restrictions passed on May 24, 2007, coach Sampson went to Athletic Director Rick Greenspan's office to celebrate with him the successful completion of the restriction period. Not until July 2007, when he learned from Mr. Greenspan that the University's belated audit of men's basketball staff phone records had revealed possible violations, did he have any idea of potential issues.

With regard to coach Sampson's denial of having been on the phone with a prospective student-athlete when coach Senderoff spoke, he maintains that the information he provided to the enforcement staff is accurate. Coach Sampson reported that he was made aware in mid-June 2006 that three-way calling was not permissible. Specifically, he stated that from that point forward, he "was bound and determined not to make a call," and that, "[he] wasn't gonna receive a three-way and [he] wasn't gonna to make a call." Had coach Senderoff spoken during a

conversation with coach Sampson and a prospective student-athlete, coach Sampson would have known that he had been connected via three-way, immediately terminated the call, and thereafter reported the call to the Indiana compliance office. It is inconceivable that coach Sampson would take such a risk with prospective student-athletes who had demonstrated the willingness to contact him directly, and most had done so on multiple occasions.

As stated throughout this Response, coach Sampson believed that all statements he provided to the enforcement staff and institution during the investigation were truthful and – to the very best of his knowledge – accurate accounts of those events about which he was being questioned. Coach Sampson was asked to recall telephone conversations that he could not remember (and rightfully so given the thousands of phone conversations he had during the year in question), or were not clear to him at the time of his interviews. He responded to those questions openly and to the best of his ability. The fact that coach Sampson expressed a lack of knowledge or recollection of calls that were later identified in coach Senderoff's call records does not indicate a willful intent to mislead or defraud the enforcement staff or Indiana University. Rather, coach Sampson's failed recollection of certain calls, as opposed to outright denials, exemplifies only his inability to recall, if not a complete lack of knowledge of certain now-known facts.

Coach Sampson's credibility and forthrightness was, in part, the reason he was hired by Indiana University despite his involvement in the enforcement process during the Oklahoma case. Coach

Sampson's athletics director at Oklahoma, Joe Castiglione, an extremely well-respected professional administrator, vouched for coach Sampson's character to Mr. Greenspan before he decided to hire coach Sampson at Indiana, and to coach Sampson's legal counsel before he agreed to represent coach Sampson at Mr. Castiglione's request. Mr. Castiglione had known and worked closely with coach Sampson at Oklahoma for eight years and had never known coach Sampson to act unethically or in an untrustworthy manner.

In the processing of the Oklahoma case, coach Sampson was commended by the enforcement staff in the initial summary-disposition report for his truthfulness and cooperation throughout the investigation. One relevant portion of that report reads: "*The enforcement staff also extends its appreciation to Sampson... for (his) remarkable candor during multiple interviews.*" Later in the text, coach Sampson again received praise for his honesty and assistance during the investigation: "*During all interviews with the enforcement staff, Sampson exhibited an extraordinary degree of candor about the violations involved in this case and offered information to the staff that may not have been discovered otherwise.*"

An equally significant piece of evidence of coach Sampson's credibility and integrity with respect to the NCAA enforcement process was noted in writing by the enforcement staff investigator in the Oklahoma case. A copy of the investigator's handwritten card to coach Sampson following one of his interviews in that case is provided as **Exhibit E**. The investigator wrote: "*coach – I wanted to send you a note to tell you how much I respect what you did last*

week. Your honesty renewed my faith in the state of college basketball. You truly are a role model.”

It is also noteworthy that in Indiana’s October 3, 2007, Self-Report to the Committee on Infractions concerning the impermissible three-way calls, the University determined that “with so few impermissible calls involving Sampson out of the thousands of recruiting calls made from May 2006 through May 2007, [the calls] could not have been a purposeful plan to circumvent the sanction.”

Surely, these many examples of truthfulness and respect for the process must count, and what they count for is that coach Sampson has earned, at the very least, the benefit of the doubt when the question of his truthfulness is at issue.

Allegation 3-(c) - Coach Sampson failed to promote an atmosphere for compliance and failed to monitor the activities regarding compliance of one or more of his assistant coaches [NCAA Bylaw 11.1.2.1]

The enforcement staff has alleged that coach Sampson failed to promote an atmosphere for compliance within the men's basketball program and failed to monitor the activities regarding compliance of one or more of his assistant coaches, in three regards:

1. Coach Sampson "failed to promote compliance with the recruiting restrictions imposed by the Committee on Infractions"
2. Coach Sampson "failed to promote compliance with applicable NCAA legislation concerning telephone recruiting calls," and,
3. Coach Sampson "failed to monitor the documentation of recruiting calls by the men's basketball staff required to ensure compliance."

As stated in the Conclusion to coach Sampson's response to Allegation 3, above, coach Sampson disagrees that he failed in these respects.

Concerning Item 1, that coach Sampson "failed to promote compliance with the recruiting restrictions imposed by the Committee on Infractions," coach Sampson maintains that he made every effort to comply with the restrictions imposed by the Committee following the Oklahoma

decision. This is evidenced, in part, by the fact that he did not place a single recruiting phone call to a prospective student-athlete, or to a parent/guardian or coach of a prospective student-athlete, from May 25, 2006, to May 24, 2007. Indiana's and coach Sampson's phone records demonstrate this to be an indisputable fact.

Coach Sampson's staff confirms that he repeatedly expressed his expectation of compliance with the Committee's sanctions and all relevant interpretations received by the compliance office. He appointed Jerry Green, then director of men's basketball operations, to facilitate all communication and documentation between the men's basketball staff and the compliance office. Mr. Green, a veteran coach and administrator, was hired to handle all compliance-related issues, particularly the facilitation of all telephone calls, records, signed statements and recruiting call logs requested by the Indiana compliance department to ensure compliance with the Committee's penalties and restrictions on the men's basketball staff's recruiting practices. Coach Sampson specifically chose Mr. Green for the position because of his longstanding reputation as an individual with knowledge of, and adherence to, NCAA rules. Mr. Green's hire, and the description of his job responsibilities, was fully approved by Indiana's athletics administrators.

At coach Sampson's direction, and to the best of coach Sampson's knowledge, Mr. Green acted quickly and appropriately to every request made by the Indiana compliance staff in order to assist in their efforts to monitor the recruiting calls by the men's basketball coaching staff. At no point during the time of the restrictions was coach Sampson informed that there was anything

other than complete and total compliance with the Committee's sanctions concerning telephone recruiting calls.

In fact, Mr. Green told counsel for coach Sampson the following story to illustrate coach Sampson's commitment to ensuring compliance by his coaching staff of all recruiting restrictions imposed on the University. According to Mr. Green, one assistant coach was slow in turning in his recruiting logs to Mr. Green and Mr. Green had been unsuccessful on his own in getting the coach to complete and turn in his logs. Mr. Green mentioned the issue to coach Sampson and, according to Mr. Green, coach Sampson immediately confronted the assistant coach and saw to it that the coach was never again late with his logs.

Additionally, coach Sampson recalls being informed by the compliance department on at least one, if not more, occasions that the men's basketball staff was operating in complete compliance with the penalties and restrictions set forth by the Committee. A September 13, 2006, email from Christian Pope, then assistant compliance officer, to Mr. Greenspan in which coach Sampson was copied, illustrates this point. A copy of that email is provided as **Exhibit F**.

As noted by the enforcement staff in the previous Oklahoma case, "It was consistently reported that coach Sampson promoted an atmosphere of NCAA rules compliance and demanded that his staff comply with NCAA rules." Similarly, the Indiana men's basketball staff and Indiana compliance officials employed during the time of coach Sampson's tenure have made statements that support his steadfast commitment to rules compliance and, in particular, to the restrictions imposed on him as a result of the Oklahoma infractions case. Assistant coaches Senderoff,

Meyer and McCallum (and members of the men's basketball administrative staff, including Mr. Green) all reported that coach Sampson was demonstrably determined to comply with the Committee's sanctions.

BJ McElroy, coach Sampson's assistant, reported that she consistently heard Sampson telling his staff to "get them (compliance) whatever they need," and "let them do their job," whenever the men's basketball staff voiced frustration with the telephone review system that was in place. She added that coach Sampson was in constant communication with Mr. Green about the recruiting restrictions to ensure that the men's basketball staff was doing everything necessary to ensure compliance.

Beth McLaughlin, assistant office manager, reported that coach Sampson ensured that the assistant coaches turned their logs and phone records over to Mr. Green in a timely fashion. She also recalled a staff meeting in which Sampson began requiring his staff to maintain daily call logs instead of weekly logs to ensure complete compliance.

Christian Pope, a former compliance assistant, reported that coach Sampson was "very supportive" of the compliance office's efforts to monitor the recruiting activities of the men's basketball staff. Pope stated that once the Committee's decision in the Oklahoma matter was reported, coach Sampson appeared very committed to doing what was necessary to comply with those restrictions, and at no time did he "look down his nose" at the compliance office's efforts to monitor his staff's compliance with the Committee's penalties and restrictions. Pope

concluded that coach Sampson was “willing and interested in doing things the right way” and expected the same from his staff.

In coach Meyer’s interview with the enforcement staff, he reported that coach Sampson was adamant about compliance with the telephone call and other recruiting restrictions. He stated, “If we had assistant coaches calls to be made, he would want to know who we were calling and he would want to, regularly he would say ‘Let’s make sure that we crosscheck that we’re not making more than one phone call per week.’”... “He would just verbalize that we would need to be on point and on queue with making sure that we’re making phone calls, appropriate phone calls based on what we were allowed to do.”

Coach McCallum reported that coach Sampson consistently reminded the men’s basketball staff to turn in all recruiting documentation in a timely manner and to “make sure they were doing what they were supposed to be doing” in assisting the compliance office’s efforts to monitor recruiting telephone calls. McCallum recalled that on more than one occasion, coach Sampson emphasized the importance of his staff’s compliance with NCAA rules, and often told them, “You don’t want to go through what I’ve been through.” McCallum also stated that he believed coach Sampson was confident in Jennifer Brinegar’s (an athletics administrator with compliance responsibilities) efforts to monitor the men’s basketball staff’s telephone recruiting calls, and made certain that his staff maintained a positive attitude toward compliance with the requests of the compliance office in order to comply with the restrictions in place.

Based on the actions described and statements presented above, it cannot be concluded that coach Sampson “failed to promote compliance with the recruiting restrictions imposed by the Committee on Infractions.” To the contrary, the evidence suggests that coach Sampson acted appropriately, given his position as head coach, to ensure compliance with the Committee’s original restrictions and the interpretations thereto. Coach Sampson supported every request from the Indiana compliance department to ensure complete compliance with the Committee’s restrictions, and used his authority as the head coach to reinforcement his commitment to his staff.

Regarding Item 2, above, coach Sampson recognizes that the information developed in this case suggests that violations concerning excessive phone calls to prospective student-athletes as described in Allegations 1-(b) and 2-(a) through (c) likely occurred. However, coach Sampson was not supportive or complicit of coach Senderoff’s and coach Meyer’s actions in that regard, and at no point in time was coach Sampson made aware that such violations were occurring among his staff. Given the heightened scrutiny of the men’s basketball staff’s recruiting activities during the period of the restrictions, it would be unconscionable for coach Sampson to have either promoted or permitted such violations.

As described in greater detail in the section concerning Item 1 above, coach Sampson made a conscious effort to assign the appropriate individuals with the tasks of monitoring the telephone call practices of the men’s basketball staff, and operated under the assumption that Indiana’s

compliance department was employing a system that would detect any violation in a timely fashion so that it could and would be corrected, also in a timely fashion. He directed his staff to comply with every request from the compliance department, and assigned an individual on the staff to facilitate such requests. At no point in time during the period of restrictions was he given any indication by the Indiana compliance staff that his staff had acted contrary to NCAA legislation governing recruiting phone calls.

Finally, concerning Item 3 – that coach Sampson “failed to monitor the documentation of recruiting calls by the men’s basketball staff required to ensure compliance” coach Sampson also disagrees with this allegation. As noted briefly in the Conclusion to coach Sampson’s response to Allegation 3, as well as the preceding section concerning Allegation 3-(c), Item 1, above, Sampson assigned responsibility for collection and submission of all men’s basketball telephone recruiting documentation to Mr. Green. Mr. Green then shared all appropriate documentation with the men’s basketball staff assistant so that the information could be entered into the CyberSports recruiting database. Thereafter, he submitted the documentation to the Indiana compliance office, that had purportedly developed a system to monitor the phone calls made by the men’s basketball staff to ensure compliance with NCAA bylaws and with the restrictions put in place by the Committee on Infractions.

That system – with Mr. Green serving as a liaison to the compliance department – was designed (and approved) by Indiana’s athletics administrators to ensure compliance with the penalties and restrictions imposed by the Committee on Infractions.

Coach Sampson was not instructed to conduct his own independent review of his assistant coaches’ telephone recruiting calls and logs. In fact, coach Sampson understands that when one of his assistant coaches asked to review his office and cell phone records to ensure accuracy of his recruiting call logs, his request was denied by the Indiana compliance staff. (Under the monitoring system designed by the Indiana compliance staff, the coaches’ phone records were sent directly to the compliance office and were not shared with the coaches for their review.) Nevertheless, given the heightened scrutiny of the staff’s recruiting contacts – particularly with phone calls – coach Sampson agreed that such a task belonged in the hands of compliance administrators, and felt completely assured that the system that had been designed and implemented would ensure compliance with the penalties and restrictions set forth by the Committee on Infractions.

5. [NCAA Bylaws 13.12.1.3 and 13.2.2-(b)]

On June 30, 2007, Kelvin Sampson, head men's basketball coach, and Jeff Meyer, assistant men's basketball coach engaged in an impermissible recruiting contact with a prospective student-athlete. On July 1, 2007, Meyer provided the prospective student-athlete with an impermissible benefit.

- a. Concerning Sampson's and Meyer's impermissible recruiting contact, it was reported that Sampson and Meyer impermissibly recruited prospective student-athlete Derek Elston (Tipton, Indiana) during Elston's participation in the institution's two-day sports camp held June 30 and July 1, 2007. [NCAA Bylaw 13.12.1.3]

Specifically, on June 30, 2006, Meyer arranged a meeting between himself, Sampson, Elston and Elston's coach, Travis Daugherty, head boys' basketball coach at Tipton High School. The meeting took place on the evening of June 30 in the men's basketball coaches' locker room in Assembly Hall after Elston's team had finished competition for the day. During the meeting, Elston was told that he was the type of player they would like to have playing basketball at the institution. At the conclusion of the meeting, Meyer told Daugherty that the institution planned to offer Elston a scholarship at a later date. At the time of the meeting, Elston had not concluded all camp activities, and in fact, Elston participated in camp activities the following day, July 1, 2007.

- b. Concerning Meyer's provision of an impermissible benefit, it is alleged that Meyer provided Elston a gift of clothing and equipment prior to Elston's departure from this institutional camp. [NCAA Bylaw 13.2.2-(b)]

Specifically, after Elston had concluded camp activities July 1, 2007, but prior to Elston's departure from the institution's campus, Meyer again spoke with Elston and Daugherty. During the conversation, Meyer retrieved at least one drawstring backpack and at least one T-shirt from an area where Indiana University, Bloomington, merchandise was being sold. Meyer then handed the items to Daugherty while in the presence of Elston and made a statement indicating that Daugherty should give the items to Elston on their return home. On returning home, Daugherty gave the backpack and T-shirt to Elston.

Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. If the institution agrees that violations of NCAA legislation occurred, please indicate whether the institution believes that the violations are major or secondary violations. Submit evidence to support your response.

CONCLUSION

Concerning Allegation 5-(a), coach Sampson agrees that the information set forth in the paragraph is substantially correct and that he unknowingly was involved in a violation of NCAA Bylaw 13.12.1.3. Coach Sampson believes that his involvement in the violation, as detailed below, should be considered a secondary violation only, pursuant to Bylaw 19.02.2.1.

Coach Sampson was not named in, nor was he a party to, the violation of NCAA Bylaw 13.2.2-(b) set forth in Allegation 5-(b). Therefore, he offers no response to that allegation.

REVIEW OF THE EVIDENCE

The Indiana men's basketball staff hosted an institutional team camp on June 30 and July 1, 2007. Derek Elston, a prospective student-athlete from Tipton High School in Tipton, Indiana, participated in the camp with his high school team.

On the evening of June 30, 2007, Elston and his high school coach Travis Daugherty met with then men's basketball assistant coach Meyer and Sampson in the Indiana coaches' locker room. As previously reported by Sampson and Meyer, and as noted by the University in its secondary violation report, the meeting was arranged by Meyer earlier in the day on June 30. Meyer reported that he misinterpreted the rule mandating that an on-campus recruiting contact could not

take place with a prospective student-athlete during the prospect's participation in an institutional camp or clinic until after the prospective student-athlete had been "dismissed" from the camp. Meyer stated that he mistakenly believed that if Elston had completed camp activities for the day and did not return for the second day of the camp, his absence would be equivalent to "dismissal" and the coaches would be permitted to meet with Elston. Meyer relayed this mistaken interpretation of the rule to Sampson and asked him to meet with Elston and Daugherty. Meyer has advised Indiana University and the NCAA enforcement staff that he accepts full responsibility for the violation and for coach Sampson's unknowing involvement.

Coach Sampson and Meyer met with Elston and Daugherty on the evening of June 30, 2007, after the camp had concluded its activities for the day. Elston subsequently participated in the camp on July 1, 2007, with his teammates. Sampson and Meyer each reported that they were not aware that Elston intended to participate in the camp the next day (July 1).

Sampson was not informed that his and Meyer's meeting with Elston was impermissible until sometime in the fall of 2007. Sampson reported that he participated in the meeting with Elston only after speaking with Meyer and being told by Meyer that such a meeting was permissible.

Due to his minimal involvement in the violation, Sampson believes the violation described, with respect to his conduct, fits the definition of a secondary violation.

Also, please provide the following:

- a. A detailed description and explanation of all disciplinary actions taken against Meyer based on his involvement in or knowledge of violations of NCAA legislation, as determined by the institution and as detailed in this inquiry. In that regard, please provide an explanation as to the reasons the institution believes these actions were appropriate, indicate the dates that any disciplinary actions were taken and submit copies of all correspondence from the institution to Meyer describing the disciplinary actions taken.

Coach Sampson defers to Indiana University to respond to this request.

- b. The reason the impermissible recruiting contact occurred, in light of NCAA legislation prohibiting such conduct.

See Review of the Evidence for coach Sampson's explanation.

- c. The reason the impermissible benefit was provided to Elston, in light of NCAA legislation prohibiting such conduct.

Coach Sampson was not involved in this part of the violation and therefore cannot answer.

- d. The identities of all athletics department staff members involved in or having knowledge of the receipt of the impermissible benefit by Elston. Also, provide a description of this involvement or knowledge prior to, at the time of and subsequent to the receipt of the impermissible benefit.

Coach Sampson was not involved in this part of the violation and therefore cannot answer.

- e. A statement summarizing the institution's efforts to reinstate Elston's eligibility. Please include copies of the institution's October 26, 2007, reinstatement request for Elston; the institution's December 18, 2007, revised reinstatement request for Elston; and the reinstatement staffs decision letter. Please include copies of all written statements obtained from Sampson, Meyer, Elston and Daugherty during the institution's efforts to reinstate Elston's eligibility.

Coach Sampson defers to Indiana University to respond with the requested information, etc.