NOTICE OF ALLEGATIONS

to the

President of Kean University

1. [NCAA Bylaws 15.01.2, 15.01.3, 15.1.1-(g) and 16.02.3]

   The institution reported that during the 2010 spring semester, the head coach, and the former vice president of the institution provided an extra benefit by arranging for the offering of a three-credit hour course entitled exclusively for the team and in connection with the team’s foreign tour of Europe. By enrolling in the course, those student-athletes who could not pay their respective individual contribution to the cost of the foreign tour received an impermissible financial aid benefit. Specifically:

   a. The 2010 fall course had a total enrollment of students. Of those, were current student-athletes and one was a former member of the team. All participated in the team’s summer foreign tour. Although the tour took place in late August 2010, the course offering did not become “live” on the institution’s registration system until approximately two weeks after the fall semester add/drop period in September 2010, effectively precluding the general student body from enrolling in the course. [NCAA Bylaw 16.02.3]

   b. All current or former student-athletes who enrolled in the course during the 2010 fall semester received an impermissible financial aid benefit from the financial aid office ranging from $ to $ (a total value of $) and used this benefit to pay for their required contribution to the cost of the foreign tour. The institution previously had not provided this type of financial aid benefit to its students. [NCAA Bylaws 15.01.2, 15.01.3 and 15.1.1-(g)].

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.
2. [NCAA Bylaw 16.02.3]

The institution reported that January 4, 2011, the former [redacted] provided an extra benefit by changing [redacted] student-athlete’s, grade in her 2010 [redacted] summer course from an F to an incomplete. The former [redacted] provided this grade change before [redacted] had exhausted the remedies afforded her under the institution’s grade grievance policy and before making contact with the course instructor. Prior to the grade change, [redacted] had a grade-point average below 2.0, making her ineligible for competition under the institution’s definition of academic good standing. The former [redacted] grade change caused [redacted] grade-point average to rise above a 2.0, allowing her to participate in a January 5, 2011, competition.

Please indicate whether this information is substantially correct and whether the institution agrees that a violation of NCAA legislation occurred. Submit evidence to support your response.
3. [NCAA Bylaws 15.4.1-(a), 15.4.1-(d) and 15.4.5]

The NCAA alleges that the institution violated financial aid legislation in three separate instances. First, during the 2007-08 through the 2010-11 academic years, student-athletes received the Dr. James E. Dorsey Scholarship (Dorsey Scholarship) at a higher rate compared to those in the general student body. Second, during the 2007-08 through 2010-11 academic years, the percentage of the total dollar value of institutionally administered grants awarded to student-athletes lacked a sufficient equivalency to the percentage of student-athletes within the student body. The NCAA Division III financial aid reporting process determined that the percentage of available institutional gift aid awarded to student-athletes exceeded the percentage of student-athletes in the institution’s first-time, full-time student population during the 2007-08 through 2010-11 academic years. Finally, in the 2010-11 academic year, a member of the athletics department staff reviewed scholarship awards prior to the distribution of scholarship award letters and [REDACTED]. [REDACTED] had email correspondence with a member of [REDACTED] discussing financial aid and prospective student-athletes. Specifically:

a. In the 2007-08 academic year, [REDACTED] Dorsey Scholarship freshman awardees were student-athletes; in the 2008-09 academic year, [REDACTED] freshman awardees were student-athletes; in the 2009-10 academic year, [REDACTED] freshman awardees were student-athletes; and in the 2010-11 academic year, [REDACTED] freshman awardees were student-athletes. For each of the past four academic years, at least [REDACTED] freshman [REDACTED] student-athlete has received the award. [NCAA Bylaw 15.4.1-(a)]

b. The institution’s percentage of total dollar value of institutionally awarded grants awarded to student-athletes was not closely equivalent to the percentage of student-athletes within the student body during the following academic years [NCAA Bylaw 15.4.1-(d)]:

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Percentage Student-Athletes within the student body</th>
<th>Percentage Institutional Gift Aid for Student-Athletes</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>6.06</td>
<td>13.58</td>
<td>7.52</td>
</tr>
<tr>
<td>2008-09</td>
<td>5.71</td>
<td>13.47</td>
<td>7.75</td>
</tr>
<tr>
<td>2009-10</td>
<td>4.59</td>
<td>12.80</td>
<td>8.21</td>
</tr>
<tr>
<td>2010-11</td>
<td>3.87</td>
<td>16.81</td>
<td>12.94</td>
</tr>
</tbody>
</table>
c. In the 2010-11 academic year, the [Redacted] provided [Redacted], with a list of all scholarship awardees to review and identify all student-athletes prior to the distribution and formal awarding of scholarships. Additionally, on January 19, 2011, [Redacted] sent an email to [Redacted], discussing weighted grade-point averages and how the failure to consider weighted grade-point averages affects scholarship awards using a prospective student-athlete as an example. On May 18, 2011, [Redacted] sent an email to [Redacted] discussing [Redacted], a prospective student-athlete's, academic qualifications, family background and potential scholarships for [Redacted]. On March 4, 2010, [Redacted], current [Redacted] student-athlete, provided [Redacted] with a copy of [Redacted] scholarship application. [NCAA Bylaw 15.4.5]

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.
4. [NCAA Bylaw 11.1.2.1]

The NCAA alleges that [redacted], a coach, failed to promote an atmosphere for compliance within the [redacted] program because of [redacted] failure to involve or consult the athletics department on matters concerning the [redacted] program. [redacted] also failed to consult with the [redacted] or the [redacted] when arranging for the offering of the [redacted] course and the corresponding impermissible financial aid benefit, as previously discussed in Allegation No. 1. Additionally, [redacted] failed to discuss with the [redacted] the
the circumstances surrounding [REDACTED], student-athlete’s, grade change in [REDACTED], as previously discussed in Allegation No. 2. Finally, [REDACTED] exchanged emails with [REDACTED] and received a copy of a scholarship application from a current student-athlete, as previously discussed in Allegation No. 3.

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.

5. [NCAA Constitution 2.1, 2.8.1 and 6.01.1]

The NCAA enforcement staff alleges that the scope and nature of the violations set forth in Allegations Nos. 1, 2 and 3 demonstrate that the institution failed to monitor its athletics department and exhibited a lack of institutional control. The institution failed to adequately monitor the conduct of [REDACTED], the university’s administration acted in matters related to athletics without consulting the athletics department; the institution awarded a greater percentage of total dollar value scholarship aid to student-athletes compared to the general student body; and the institution involved athletics staff in the review of institutional financial assistance for student-athletes. Specifically:

a. The university administration and [REDACTED] authorized the creation of the 2010 [REDACTED] fall course and corresponding financial aid award without informing the athletics department and/or contemplating the impact of this action on NCAA legislation, as indicated in Allegation No. 1.

b. The university administration failed to consult with the athletics department when it changed the grade of [REDACTED], student-athlete, in her summer of 2010 [REDACTED] course providing [REDACTED] with the grade-point average necessary to compete, as indicated in Allegation No. 2.
c. The institution consistently provided financial aid to student-athletes at a higher proportion when compared to their peers from the general student body. Further, the athletics department reviewed scholarship awards for the 2010-11 academic year, prior to the formal awarding of scholarships, as indicated in Allegation No. 3.

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