



CONFIDENTIAL/VIA ELECTRONIC MAIL

April 2, 2014

P.O. Box 6222  
Indianapolis, Indiana 46206  
Telephone: 317/917-6222

Shipping/Overnight Address:  
1802 Alonzo Watford Sr. Drive  
Indianapolis, Indiana 46202

[www.ncaa.org](http://www.ncaa.org)

President Jere Morehead  
University of Georgia  
c/o Mr. Mike Glazier  
7500 College Boulevard, Ste. 910  
Overland Park, Kansas 66210-4035

RE: Notice of allegations, University of Georgia, Case No. 00122.

Dear President Morehead:

The purpose of this letter and enclosure(s) is to provide the University of Georgia with the results of an inquiry conducted by the NCAA regarding the institution's athletics policies and practices. This inquiry was initiated in accordance with NCAA Bylaw 32.2 of the 2012-13 NCAA Division I Manual, Bylaw 19 of the 2013-14 NCAA Division I Manual and described in the January 14, 2014 notice of inquiry. The available information appears to be of sufficient substance and reliability to warrant issuing a notice of allegations [NCAA Bylaws 32.6.1 (2012-13) and 19.7.1 (2013-14)]. Accordingly, this letter and its enclosure(s) constitute a notice of allegations and include (1) the details of the allegations, (2) the level of each allegation, (3) the factual information and any aggravating and/or mitigating factors on which the NCAA enforcement staff relied, and (4) the available hearing procedures and opportunity to respond to the allegations.

As indicated in the notice of inquiry, the cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff and the NCAA Division I Committee on Infractions in developing full information to determine whether a possible violation of NCAA legislation has occurred [NCAA Bylaws 19.01.3 (2012-13) and 19.2.3 (2013-14)]. The enforcement staff requests your continued cooperation for the purpose of obtaining all of the pertinent facts related to the allegations included with this letter and enclosure(s) until the case has been concluded.

Response to notice of allegations

Please thoroughly review the allegations and the requests for information and submit a written response. You will note that a statement following the allegations requests the institution to indicate whether (1) the institution agrees with the level of each allegation and, if not, to provide an explanation why the allegation should be designated at a different level; (2) the factual information is substantially correct; and (3) the institution agrees with the aggravating and/or mitigating factors

N a t i o n a l C o l l e g i a t e A t h l e t i c A s s o c i a t i o n

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and whether there are additional aggravating and/or mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4 (2013-14). If the institution's positions differ from those of the enforcement staff, the institution should provide all available information or evidence in support of its positions. In addition, pursuant to Bylaws 32.6.1.1 (2012-13) and 19.7.1.1 (2013-14), the institution has a responsibility to provide all relevant information including any information uncovered related to new violations.

Responses from the institution shall be submitted within 90 days from the date of this letter unless an extension is granted under Bylaws 32.6.5 (2012-13) and 19.7.5 (2013-14). In the interest of clarity and in accordance with the general procedures established by the committee, the institution is asked to copy each numbered item and the subparagraphs of each item from the notice of allegations. The institution's response, as well as the reasons for its position, should immediately follow each numbered item or subparagraph. Please submit the response and exhibits via email in Microsoft Word format to Joel McGormley, managing director of the Committees on Infractions, at [COI@ncaa.org](mailto:COI@ncaa.org) and to enforcement by uploading the response using the following link:

[REDACTED]

Please name the file(s) using the following naming convention:

[REDACTED]

Note that under Bylaw 19.7.2 (2013-14), the failure of an institution to submit a timely response to the notice of allegations may be viewed by the committee as an admission that a violation or violations occurred.

Your response presents a vital opportunity to assist the committee as it considers whether violations of the NCAA constitution or bylaws occurred. The information the committee will rely on will consist of the notice of inquiry; the notice of allegations and enclosures; your response; the enforcement staff's reply; the statement of the case; and, when applicable, any presentations at the hearing and/or written case submissions.

The enforcement staff has compiled a body of information relevant to this notice of allegations, including recorded interviews, interview transcripts, interview summaries and other evidentiary information. Pursuant to Bylaws 32.6.4 (2012-13) and 19.5.9 (2013-14), you are entitled to review that information either through a secure website or at the NCAA national office. If you have not yet made arrangements with the enforcement staff to review the information, please immediately contact the primary investigator in this case who is identified below. She is available to discuss the development of the institution's response and assist in locating various individuals who have, or may have, important information regarding the allegations. If you believe additional interviews would be helpful as you prepare the institution's response, please provide the enforcement staff the opportunity to participate.

#### Prehearing conference

Pursuant to Bylaw 19.7.3 (2013-14), within 60 days of the submission of the institution's response, the enforcement staff will conduct a prehearing conference with the institution to clarify the issues and to discuss whether additional investigation is necessary. Also, pursuant to Bylaw 19.7.4 (2013-14), within 60 days of the date you submit the institution's response to the notice of allegations, the enforcement staff is required to submit its reply. Unless the chief hearing officer of the Committee on Infractions orders otherwise, Bylaw 19.7.5 (2013-14) requires the parties to submit all relevant materials to the committee no later than 30 days before the date of the infractions hearing.

#### Committee on Infractions hearing

Because this matter is being processed as a Severe Breach of Conduct (Level I) case (Bylaw 19.1.1), a hearing panel of the Committee on Infractions will convene with the parties for an in-person hearing, unless the institution requests a remote hearing under Bylaw 19.7.7 (2013-14). The office of the Committees on Infractions will notify the institution, involved individuals and the enforcement staff of the final hearing date and, if an in-person hearing is scheduled, the location, once the final schedule is established.

The hearing panel's chief hearing officer will identify and notify all individuals whose participation is required at the hearing. Note that pursuant to Bylaws 32.10.1.1 (2012-13) and 19.10.2 (2013-14), an appeal of the hearing panel's decision is available only to institutions who participate in the hearing process. In keeping with the premise of presidential control of athletics, the committee will expect you, as the president of an institution allegedly involved in severe violations of NCAA legislation, to participate in the hearing and to discuss presidential control and the institution's commitment to compliance. Additionally, the chief hearing officer will request the attendance of the following representatives of the institution: Greg McGarity, director of athletics; David Shipley, faculty athletics representative; Jack Bauerle, head men's and women's swimming and diving coach; and Jim Booz, senior associate athletics director for compliance. Please inform Mr. McGormley on behalf of the committee at your earliest convenience if you anticipate difficulties in securing the attendance of these individuals. If you believe the hearing panel would benefit from the attendance of any other institutional representatives, please advise Mr. McGormley on behalf of the chief hearing officer of their names and titles as well. Note that the failure of any person to participate in the hearing, if specifically requested to participate, may constitute a violation of Bylaws 32.8.6.1 (2012-13) and 19.7.7.5.1 (2013-14).

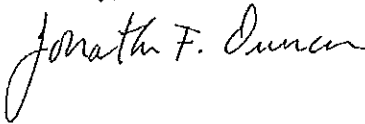
This letter addresses only a portion of the procedural information you will need to understand as we progress through the case. Please consult Bylaw 19 via the NCAA's Legislative Service Database (LSDB) for further information and guidance. You may direct any questions or requests for the hearing panel to Mr. McGormley. If the enforcement staff can be of assistance,

please contact me; Tom Hosty, director of enforcement, at [thosty@ncaa.org](mailto:thosty@ncaa.org); Katherine Sulentic, the primary investigator in this case, at [ksulentic@ncaa.org](mailto:ksulentic@ncaa.org); or Mr. Pike.

The NCAA enforcement program is a cooperative undertaking among individual member institutions, allied conferences and the enforcement staff, working together to improve the administration of intercollegiate athletics. If you believe that the enforcement staff acted contrary to the provisions of the enforcement procedures in Bylaw 19 during this investigation, please notify me immediately or raise the issue no later than in your response to the notice of allegations. Failure to do so could cause you to forfeit the opportunity to raise the issue at the hearing or on appeal.

Finally, on behalf of the enforcement staff and NCAA's leadership team, I again respectfully request that you, as the president of the University of Georgia, provide your full cooperation and assistance so that the final decision in this matter is based on complete and reliable information.

Sincerely,



Jonathan F. Duncan  
Interim Vice President of Enforcement

JFD:hlm

Enclosures

cc: Mr. Jim Booz  
Mr. Greg McGarity  
Mr. David Shipley  
Mr. Michael L. Slive  
NCAA Division I Committee on Infractions  
Selected NCAA Staff Members



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Mr. Jack Bauerle  
Head Men's and Women's  
Swimming and Diving Coach  
University of Georgia  
c/o Mr. William King  
The Clark Building  
400 20th Street North  
Birmingham, Alabama 35203

RE: Notice of allegations, University of Georgia, Case No. 00122.

Dear Mr. Bauerle:

The purpose of this letter and enclosure(s) is to provide you with the results of an inquiry conducted by the NCAA regarding the potential violations of NCAA legislation at the University of Georgia. This inquiry was initiated in accordance with NCAA Bylaw 32.2 of the 2012-13 NCAA Division I Manual and Bylaw 19 of the 2013-14 NCAA Division I Manual. The available information appears to be of sufficient substance and reliability to warrant issuing a notice of allegations and a full copy of the notice of allegations has been forwarded to the University of Georgia. [NCAA Bylaws 32.6.1 (2012-13) and 19.7.1 (2013-14)]

As a result of the NCAA's review of all information gathered, you are named as an individual involved in alleged NCAA violations. Accordingly, this letter and its enclosure(s) constitute a notice of allegations and include (1) the details of the allegation in which you are named, (2) the level of each allegation in which you are named, (3) the factual information and any aggravating and/or mitigating factors on which the NCAA enforcement staff relied, and (4) the available hearing procedures and opportunity to respond to the allegation.

The cooperative principle imposes an affirmative obligation to assist the enforcement staff and the NCAA Division I Committee on Infractions in developing full information to determine whether a possible violation of NCAA legislation has occurred. [NCAA Bylaws 19.01.3 (2012-13) and 19.2.3 (2013-14)] The enforcement staff requests your continued cooperation for the purpose of obtaining all of the pertinent facts related to the allegation included with this letter and enclosure(s) until the case has been concluded.

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Response to notice of allegations

You will note that a statement following the allegation in which you are named requests that you and the institution indicate whether (1) there is agreement with the level of each allegation and, if not, to provide an explanation why the allegation should be designated at a different level; (2) the factual information is substantially correct; and (3) there is agreement with the aggravating and/or mitigating factors, and whether there are additional aggravating and/or mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4 (2013-14). Pursuant to Bylaws 32.6.2 (2012-13) and 19.7.1.2 (2013-14), you are requested to provide to the Committee on Infractions information that you have or may reasonably obtain that is relevant to the allegation in which you are named. In addition, you are responsible to provide any information uncovered related to new violations until the case has been concluded.

Responses shall be submitted within 90 days from the date of this letter, unless an extension is granted under Bylaws 32.6.5 (2012-13) and 19.7.5 (2013-14). In the interest of clarity and in accordance with the general procedures established by the committee, you are asked to copy each numbered item and the subparagraphs of each item from the allegation in which you are named. Your response, as well as reasons for your position, should immediately follow each numbered item or subparagraph. Please submit the response and exhibits via email in Microsoft Word format to Joel McGormley, managing director of the Committees on Infractions, at [COI@ncaa.org](mailto:COI@ncaa.org) and to enforcement by uploading the response using the following link:

[REDACTED]

Please name the file(s) using the following naming convention:

[REDACTED]

Note that under Bylaw 19.7.2 (2013-14), the failure to submit a timely response to the notice of allegations may be viewed by the committee as an admission that a violation or violations occurred.

Your response presents a vital opportunity to assist the committee as it considers whether violations of the NCAA constitution or bylaws occurred. The information the committee will rely on will consist of the notice of inquiry, the notice of allegations and enclosures, your response, the enforcement staff's reply, the statement of the case and, when applicable, any presentations at the hearing and/or written case submissions.

The enforcement staff has compiled a body of information relevant to the allegation in which you are named, including recorded interviews, interview transcripts, interview summaries and other evidentiary information. Pursuant to Bylaws 32.6.4 (2012-13) and 19.5.9 (2013-14), you are entitled to review that information either through a secure website or at the NCAA national

office. If you have not yet made arrangements with the enforcement staff to review the information, please immediately contact the primary investigator in this case who is identified below. She is available to discuss the development of your response. If you believe additional interviews would be helpful as you prepare your response, please provide the enforcement staff the opportunity to participate.

#### Prehearing conference

Pursuant to Bylaw 19.7.3 (2013-14), within 60 days of the submission of the institution's and any involved individual's response, the enforcement staff will conduct a prehearing conference with you and/or your legal counsel, if applicable, in order to clarify the issues and to discuss whether additional investigation is necessary. Also, pursuant to Bylaw 19.7.4 (2013-14), within 60 days of the date the institution and all involved individuals submit responses to the notice of allegations, the enforcement staff is required to submit its reply. Unless the chief hearing officer of the Committee on Infractions orders otherwise, Bylaw 19.7.5 (2013-14) requires the parties to submit all relevant materials to the committee no later than 30 days before the date of the infractions hearing.

#### Committee on Infractions hearing

Because this matter is being processed as a Severe Breach of Conduct (Level I) case (Bylaw 19.1.1), a hearing panel of the Committee on Infractions will convene with the parties for an in-person hearing unless you, any other involved individual and/or the institution request a remote hearing under Bylaw 19.7.7 (2013-14). The office of Committees on Infractions will notify you of the final hearing date and, if an in-person hearing is scheduled, the location, once the final schedule is established. You may be accompanied by personal legal counsel if you so desire. Note that pursuant to Bylaws 32.10.1.1 (2012-13) and 19.10.2 (2013-14), an appeal of the hearing panel's decision is available only to those who participate in the hearing process. Additionally, the failure of any person to participate in the hearing, if specifically requested to participate, may constitute a violation of Bylaws 32.8.6.1 (2012-13) and 19.7.7.5.1 (2013-14).

This letter addresses only a portion of the procedural information you will need to understand as we progress through the case. Please consult Bylaw 19 via the NCAA's Legislative Service Database (LSDBi) for further information and guidance. You may direct any questions or requests for the hearing panel to Mr. McGormley. If the enforcement staff can be of assistance, please contact me; Tom Hosty, director of enforcement, at [thosty@ncaa.org](mailto:thosty@ncaa.org); Katherine Sulentic, the primary investigator in this case, at [ksulentic@ncaa.org](mailto:ksulentic@ncaa.org); or Mr. Pike.

The NCAA enforcement program is a cooperative undertaking among individual member institutions, allied conferences and the enforcement staff, working together to improve the administration of intercollegiate athletics. If you believe that the enforcement staff acted contrary to the provisions of the enforcement procedures in Bylaw 19 during this investigation,

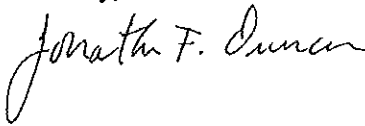
Mr. Jack Bauerle  
April 2, 2014  
Page No. 4

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please notify me immediately or raise the issue no later than in your response to the notice of allegations. Failure to do so could cause you to forfeit the opportunity to raise the issue at the hearing or on appeal.

Finally, on behalf of the enforcement staff and NCAA's leadership team, I again respectfully request that you provide your full cooperation and assistance so that the final decision in this matter is based on complete and reliable information.

Sincerely,



Jonathan F. Duncan  
Interim Vice President of Enforcement

JFD:hlm

Enclosures

cc: Mr. Jim Booz  
Mr. Greg McGarity  
President Jere Morehead  
Mr. David Shipley  
Mr. Michael L. Slive  
NCAA Division I Committee on Infractions  
Selected NCAA Staff Members



## NOTICE OF ALLEGATION

to the

President of the University of Georgia

### A. Processing Level of Case.

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

### B. Allegation.

[NCAA Bylaws 11.1.1.1 and 16.11.2.1 (2013-14 NCAA Division I Manual)]

It is alleged that at the end of the 2013 fall semester, Jack Bauerle (Bauerle), head men's and women's swimming and diving coach, violated head coach responsibility and extra benefit legislation when he provided an extra benefit to a men's swimming student-athlete, and in doing so, failed to promote an atmosphere of compliance within his program. Specifically:

On December 10, 2013, Bauerle made special arrangements with a [REDACTED] professor to add the [REDACTED] men's swimming student-athlete to [REDACTED] course for the 2013 fall semester. Classes for the fall semester had ended and the institution had already entered its finals period when Bauerle finalized the arrangements with the professor [REDACTED]. By contacting the professor and making these arrangements, Bauerle also violated the institution's internal policy prohibiting communications between coaches and instructors.

On December 16, 2013, the men's swimming student-athlete received a passing grade for the added [REDACTED] course despite not completing any work for the class. Bauerle had made special arrangements with the [REDACTED] instructor for the men's swimming student-athlete to receive an incomplete for the course. The special arrangement called for the men's swimming student-athlete to complete the work during late December 2013 and/or early January 2014 to receive a passing grade, so that the course would provide a buffer in case the student-athlete did not pass all of his fall semester classes. The [REDACTED] instructor, however, made a clerical error and provided the student-athlete with a passing grade for the course.

Further, Bauerle did not promote an atmosphere of compliance within his program. Specifically, Bauerle carried out his plan to have a course added to the men's swimming student-athlete's fall schedule despite repeated instructions from athletics department personnel not to proceed in this manner. This conduct resulted in Bauerle providing an extra benefit to a student-athlete.

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 2

---

**Level of the Allegation:**

The NCAA enforcement staff believes that the NCAA Division I Committee on Infractions could determine that the Allegation is a severe breach of conduct (Level I) because it includes an extra benefit violation that provided or was intended to provide a substantial competitive advantage, which seriously undermines the integrity of the NCAA Collegiate Model. Because the underlying extra-benefit violation is alleged to be a severe breach of conduct (Level I), the head coach responsibility violation is also alleged to be a severe breach of conduct (Level I). [NCAA Bylaws 19.1.1, 19.1.1-(e) and 19.1.1-(h)]

**Factual information (FI) on which the enforcement staff relies for the Allegation:**

- FI1: December 16, 2013 – [REDACTED] men's swimming student-athlete's, text message. This includes, but is not limited to, [REDACTED]  
(Text\_[REDACTED]AshleyMontgomery\_010814\_Georgia\_00122)
- FI2: January 8, 2014 – [REDACTED] audit trail. This includes, but is not limited to, entry showing the addition of [REDACTED] December 10, 2013.  
(AuditTrail\_[REDACTED]\_010814\_Georgia\_00122)
- FI3: January 8, 2014 – [REDACTED] academic transcript. This includes, but is not limited to, [REDACTED]  
(AcademicTranscript\_[REDACTED]\_010814\_Georgia\_00122)
- FI4: December 10, 2013 – [REDACTED] late add form. This includes, but is not limited to, the request to add [REDACTED]  
(LateAddForm\_[REDACTED]\_010814\_Georgia\_00122)
- FI5: December 9, 2013 – Glada Horvat's (Horvat), senior associate athletics director for academics and eligibility's, email to Ashley Montgomery (Montgomery), athletics academic advisor. This includes, but is not limited to, not recommending [REDACTED] late add a class.  
(Horvat-MontgomeryEmail\_012114\_Georgia\_00122)
- FI6: December 17, 2013 – Montgomery timeline. This includes, but is not limited to, the documentation of events leading up to the course addition and grade change.  
(Timeline\_AMontgomery\_011614\_Georgia\_00122)

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 3

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- FI7: December 6, 2013, through January 4, 2014 – Bauerle's phone records. This includes, but is not limited to, communications between Bauerle and [REDACTED] (PhoneRecords\_JBauerle\_120613-010414\_Georgia\_00122)
- FI8: January 5-16, 2014 – Bauerle's phone records. This includes, but is not limited to, communications between Bauerle and [REDACTED] (PhoneRecords\_UnbilledVoice\_JBauerle\_010514-011614\_Georgia\_0122)
- FI9: January 5-16, 2014 – Bauerle's phone records. This includes, but is not limited to, communications between Bauerle and [REDACTED] (PhoneRecords\_UnbilledMessaging\_JBauerle\_010514-011614\_Georgia\_00122)
- FI10: February 18, 2014 – Letter from [REDACTED] academic dean. This includes, but is not limited to, institution's finding that academic fraud did not occur. ([REDACTED]\_CO\_AcademicFraudDetermination\_021814\_Georgia\_00122)
- FI11: January 15, 2014 – Letter from the Committee on Infractions. This includes, but is not limited to, [REDACTED] ([REDACTED]\_011514\_Georgia\_00122\_ [REDACTED])
- FI12: January 8, 2014 – Memo from Mike Glazier (Glazier), counsel for the institution. This includes, but is not limited to, corrections made by Bauerle to his January 6, 2014, interview with the institution. (MGLazier\_CO\_Memo\_BauerleTranscriptReview\_010814\_Georgia\_00122)
- FI13: January 16, 2014 – Interview transcript of Ted White, associate athletics director for student services. This includes, but is not limited to, discussion of [REDACTED] academic status in [REDACTED] (TWhite\_TR\_011614\_Georgia\_00122)
- FI14: January 16, 2014 – Interview transcript of Brian Smith (Smith), associate head men's and women's swimming and diving coach. This includes, but is not limited to, Smith's discussions with Bauerle about adding another course for [REDACTED] (BSmith\_TR\_011614\_Georgia\_00122)
- FI15: January 16, 2014 – Interview transcript of [REDACTED] instructor. This includes, but is not limited to, discussion about enrolling in [REDACTED] for the 2013 fall semester and receiving an incomplete for the course. ([REDACTED]\_TR\_011614\_Georgia\_00122)

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 4

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- FI16: January 16, 2014 – Interview transcript of Bauerle. This includes, but is not limited to, Bauerle's acknowledgment that he wanted [REDACTED] to add the [REDACTED] course for the fall semester.  
(JBauerle\_TR\_011614\_Georgia\_00122)
- FI17: January 16, 2014 – Interview transcript of Horvat. This includes, but is not limited to, advice to Bauerle not to add an additional class to [REDACTED] 2013 fall semester schedule.  
(GHorvat\_TR\_011614\_Georgia\_00122)
- FI18: January 16, 2014 – Interview transcript of Montgomery. This includes, but is not limited to, Montgomery's discussions with the coaching staff and administration about adding another course to [REDACTED] schedule.  
(AMontgomery\_TR\_011614\_Georgia\_00122)
- FI19: January 16, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED].  
( [REDACTED] \_TR\_011614\_Georgia\_00122)
- FI20: January 9, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED].  
( [REDACTED] \_TR\_010914\_Georgia\_00122)
- FI21: January 3, 2014 – Interview transcript of [REDACTED] from an interview conducted only by the institution. This includes, but is not limited to, [REDACTED].  
( [REDACTED] \_TR\_010314\_Georgia\_00122\_DRAFT)
- FI22: January 3, 2014 – Interview transcript of Horvat from an interview conducted only by the institution. This includes, but is not limited to, Horvat's instruction to Bauerle not to add an additional course to [REDACTED] schedule.  
(GHorvat\_TR\_010314\_Georgia\_00122\_DRAFT)
- FI23: January 3, 2014 – Interview transcript of Smith from an interview conducted only by the institution. This includes, but is not limited to, Smith's role in the plan to add a course to [REDACTED] 2013 fall semester schedule.  
(BSmith\_TR\_010314\_Georgia\_00122\_DRAFT)

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 5

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- FI24: January 3, 2014 – Interview transcript of [REDACTED] from an interview conducted only by the institution. This includes, but is not limited to, acknowledgement that [REDACTED] intended to add the [REDACTED] course for the 2013 fall semester, provide [REDACTED] with an incomplete and have [REDACTED] make up the course work during the 2014 spring semester.  
([REDACTED]\_TR\_010314\_Georgia\_00122\_DRAFT)
- FI25: January 6, 2014 – Interview transcript of [REDACTED] from an interview conducted only by the institution. This includes, but is not limited to, acknowledgment that Bauerle called [REDACTED] to ask if he could add [REDACTED] in a course.  
([REDACTED]\_TR\_010614\_Georgia\_00122\_DRAFT)
- FI26: January 3, 2014 – Interview transcript of Bauerle from an interview conducted only by the institution. This includes, but is not limited to, Bauerle's acknowledgment that Horvat advised him not to add another course to [REDACTED] schedule.  
(JBauerle\_TR\_010314\_Georgia\_00122\_DRAFT)
- FI27: January 3, 2014 – Interview transcript of [REDACTED] from an interview conducted only by the institution. This includes, but is not limited to, [REDACTED]  
([REDACTED]\_TR\_010314\_Georgia\_00122\_DRAFT)
- FI28: January 3, 2014 – Interview transcript of Montgomery from an interview conducted only by the institution. This includes, but is not limited to, Montgomery reporting that Bauerle was advised not to add a course to [REDACTED] schedule.  
(AMontgomery\_TR\_010314\_Georgia\_00122\_DRAFT)
- FI29: March 17, 2014 – Email from Glazier to Katherine Sulentic, NCAA assistant director of enforcement. This includes, but is not limited to, the total number of late adds at the institution for the 2013 fall semester.  
(MGlazier\_CO\_NumberOfLateAdds\_031714\_Georgia\_00122)

The enforcement staff incorporates by reference all other documents posted on the secure website.

**Specific to the Allegation:**

- Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved party identified

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 6

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in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.

- If the institution and the involved party believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
- Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.

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

Pursuant to NCAA Bylaw 19.7.1, the enforcement staff has identified the following potential aggravating and mitigating factors.

**Institution:**

Aggravating factor. [NCAA Bylaw 19.9.3]

A history of major violations by the institution. [NCAA Bylaw 19.9.3-(b)]. They include:

- November 14, 1978 - Improper financial and transportation; extra benefits.
- September 20, 1982 - Improper recruiting contacts, inducements and transportation.
- January 4, 1985 - Improper financial aid and transportation; extra benefit, improper recruiting contacts.
- May 22, 1985 - Improper recruiting entertainment, inducements and transportation; unethical conduct; certification of compliance.
- March 5, 1997 - Improper recruiting and extra benefits.
- August 5, 2004 - Recruiting inducements, extra benefits, student-athlete competition while ineligible, academic fraud and unethical conduct.

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 7

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Mitigating factors. [NCAA Bylaw 19.9.4]

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

The institution discovered and reported the violations in a very short time frame.

2. Prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]

The institution acknowledged the violations within weeks of the discovery and has accepted responsibility.

3. Affirmative steps to expedite final resolution of the matter. [NCAA Bylaw 19.9.4-(c)]

The institution expedited the campus review of the professor's conduct to determine whether academic fraud occurred.

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

The institution has reported 71 Level III or secondary violations over a five-year period.

5. Implementation of a system of compliance methods designed to ensure rules compliance. [NCAA Bylaw 19.9.4-(e)]

The academic monitoring system designed by the athletics academic advising department helped discover this violation. Further, the institution has substantial NCAA rules education in place and resources dedicated to NCAA compliance.

**Involved party [Jack Bauerle (Bauerle), head men's and women's swimming and diving coach]:**

Aggravating factors. [NCAA Bylaw 19.9.3]

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

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 8

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Bauerle contacted institutional personnel about the possibility of adding an additional course to the men's swimming student-athlete's 2013 fall semester schedule well in advance of the December 9, 2013, addition of [REDACTED]

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

Although institutional personnel advised Bauerle against his involvement in the men's swimming student-athlete's academics, Bauerle acted contrary to this directive.

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

Because Bauerle holds the position of trust as the head coach, the men's swimming student-athlete felt obligated to follow his coach's instructions.

Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not find any mitigating factors for Bauerle.

**Request for Supplemental Information:**

1. Provide mailing and email addresses for all necessary parties to receive communications from the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.



NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 9

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5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee on Infractions, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions within the last 10 years.
6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:
  - The average number of initial and total grants-in-aid awarded during the past four academic years.
  - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
  - The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
  - Copies of the institution's squad lists for the past four academic years.

NOTICE OF ALLEGATIONS

Case No. 00122

April 2, 2014

Page No. 10

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- Copies of the institution's media guides for the past four academic years.
- A statement indicating whether the provisions of Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
- A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

Any additional information or comments regarding this case are welcome.