REPORT OF FACTUAL FINDINGS
OF INVESTIGATION INTO ALLEGED
IMPROPER CONTACT BY THE
RUTGERS HEAD FOOTBALL COACH
WITH A FACULTY MEMBER

September 15, 2015

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INTRODUCTION

On August 13, 2015, Rutgers, The State University of New Jersey ("Rutgers" or the "University") retained William F. Maderer, Esq., and his law firm Saiber LLC to conduct an investigation into allegations reported the previous day. Specifically, the allegations concerned alleged improper contact by the Rutgers Head Football Coach, Kyle J. Flood, with a faculty member regarding a student-athlete’s ("Student") academic performance, in violation of University policy which prohibits such contact ("no-contact" policy). In the course of our investigation, we were also asked to determine: (i) whether Coach Flood’s alleged conduct violated the University Code of Ethics; and (ii) whether Coach Flood’s assistance to the Student in connection with a paper the Student submitted to the faculty member violated the University’s Academic Integrity Policy.

SUMMARY OF FINDINGS

As a result of our investigation, we have reached the following conclusions with reference to Coach Flood’s conduct relating to the no-contact policy.

First, for many years, Rutgers has promulgated a clear and consistent policy prohibiting a coach from contacting a faculty member regarding a student’s academic performance. This policy has been publicly published on Rutgers’ Division of Intercollegiate Athletics ("DIA") website since at least 2007 and has been explained to coaches and other staff in annual compliance meetings, at least during the period 2005 to 2012, while Coach Flood was employed by Rutgers.

1 The University also retained Richard J. Evrard, Esq., of Bond Schoeneck & King, of Overland Park, Kansas, as outside counsel to advise the University on potential NCAA rules violations. Mr. Evrard assisted Mr. Maderer in certain fact-finding aspects of the investigation. Additionally, it was determined that all NCAA related issues in the investigation would be processed through the NCAA enforcement program and that Mr. Evrard would prepare a separate report in accordance with the University's conditions and obligations of membership of the Association.
Second, Coach Flood knew, or should have known, about this policy as a result of: (i) the posting of the policy on the DIA website; (ii) the annual compliance training; (iii) Coach Flood’s employment contract and NCAA Guidelines that charge Coach Flood with knowledge of relevant University and NCAA policies; and (iv) being specifically informed of the policy by a member of the Office of Academic Support Services for Student-Athletes (“Academic Support”).

Third, Coach Flood had repeated contact (by email and an in-person meeting) with a faculty member regarding: (i) a Student’s ineligibility because of academic performance, and (ii) his effort to have the faculty member afford the Student an opportunity to complete an additional assignment, in order to make the Student eligible for the 2015 football season.

Fourth, by engaging in repeated direct contacts with the faculty member, Coach Flood circumvented the responsibilities of Academic Support, which oversees the academic program for all student-athletes.

Fifth, as a result of the above, Coach Flood’s contact with the faculty member violated the University’s policy prohibiting direct contact by a coach with a faculty member regarding a student’s academic performance.

Additionally, it appears Coach Flood’s contact with the faculty member potentially violated the University Ethics Policy which generally prohibits a University faculty or staff member from using his position at the University to secure unwarranted privileges or advantages for himself or others.

Finally, we have concluded that no violation of the University Academic Integrity Policy occurred when Coach Flood assisted the Student with grammatical and punctuation changes in a paper the Student submitted to the faculty member, because that type of assistance is generally
available to other students through the University’s Learning Center, tutors and other University resources.

THE INVESTIGATION

As part of our investigation, we obtained and reviewed documents (including emails) from various individuals interviewed, the DIA and the University’s websites. In addition, we interviewed and/or obtained information from those persons whom we identified with relevant knowledge, including Coach Flood (on two occasions), the Student (on two occasions), the faculty member (“Professor”), members of Academic Support (“Academic Advisor”), the Chair of the Athletic Academic Oversight Committee, a Senior Associate Athletic Director and others associated with the University’s academic and athletics programs.

FACTUAL FINDINGS

The Student

On April 2, Academic Advisor #1 sent an email to Coach Flood including an email chain from the Professor to Academic Support and requested a meeting to discuss the Student’s

2 The factual findings addressed are the most significant in light of the issues investigated, but do not address all of the facts developed or documents reviewed during the course of the investigation.

3 In light of the federal statute protecting the privacy of a student’s educational records and other privacy concerns, we have omitted the names of any persons addressed in this Report, other than Coach Flood.
performance in the Class. On April 7, Academic Advisor #1 sent a follow-up email to Coach Flood and other coaches regarding an additional incident with the Student.

On or about May 18, final grades were posted [Redacted] This [Redacted] made the Student ineligible for the fall 2015 football season. Also, on May 18, the Student met with Academic Advisor #2 to discuss his ineligibility and they decided that the Student should send an email to the Professor [Redacted]. On May 18, the Student emailed the Professor, informed the Professor that he was ineligible for the next season and asked if there was a way for him “to work something out.” He asked that the Professor email him or his advisor back.

Later on May 18, the Professor responded to the Student’s email, with a copy to Academic Advisor #3 and the Chair of the Professor’s Department. In the email, the Professor stated: “I’m…very sorry that your grade will cause problems for you. However, I cannot change your grade.” In the email, the Professor included a screen shot reflecting the various grades the Student had received in the coursework [Redacted].

Still later on May 18, Academic Advisor #3 forwarded the Professor’s email to Academic Advisors #1 and #2.

On May 20, Academic Advisor #2 met with Coach Flood and advised him that the Student would not be eligible to play football in the fall season. They both agreed that this was a lousy situation and that the publicity was going to be difficult because the Student was considered a top recruit. Academic Advisor #2 expressed the view that the Student had to get his life back together and focus on becoming eligible for future seasons.

On May 21, Academic Advisor #2 forwarded the prior email exchange among the Student, the Professor and Academic Advisor #3 to Coach Flood, with a copy to Academic
Advisor #1. In the email, Academic Advisor #2 states: “Here is the email from the Professor....He is ineligible for the fall...

On or about May 22, the Student met again with Academic Advisor #2, asking for the Advisor’s assistance. Academic Advisor #2 advised the Student to draft an email to the Professor for the Advisor’s review. On May 25, the Student emailed the Professor asking to meet or speak regarding the course final. Later that day, the Professor responded to the Student by email, with a copy to Academic Advisor #3 and the Department Chair.

Immediately after responding to the Student, the Professor emailed Academic Advisor #3, stating, in part:

We have spoken previously about [the Student]. He is badgering me to change his grade. I just cc’d you on an email response to him. Please get back to me and let me know if you speak to him. I am happy to speak with him on the phone but only if it is a conference call with you or one of your staff members present....

Later on May 25, Academic Advisor #3 responded to the Professor “apologizing for the badgering by [the Student]....”

On May 28, Academic Advisor #1 emailed Coach Flood regarding a number of students and reiterated that the Student at issue is listed as ineligible.

On June 5, at the request of Coach Flood, the Student emailed Coach Flood a draft letter to the Professor explaining the last semester. The letter was not sent to the Professor at that time.
Email Exchange Between Coach Flood and the Professor

On July 26, in the morning, Coach Flood sent an email from his personal gmail account\(^4\) to the Professor,\(^5\) which stated as follows\(^6\):

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[the Professor],

I hope you are having a great summer. I am forwarding a letter I wanted [the Student] to compose to you.\(^7\) I am sending it from my personal email to your personal email to ensure there will be no public vetting of the correspondence. I want you to know that I have read the email you sent on 5/18 and if that is the final decision I am in full support of that decision. If there was any work that could be done to earn a grade change I would be willing to have it done during football hours [Redacted]. I believe [the Student] has owned this situation and I have advised him to expect no further opportunities in this class.
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Sincerely,

Kyle J. Flood
Head Football Coach
Rutgers University

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\(^4\) All of Coach Flood's emails to the Professor and the Student were sent from his personal gmail account.

\(^5\) In the fall 2014, Coach Flood had visited the Professor's class to introduce himself, because a number of football players regularly registered for the class.

\(^6\) During the interview, Coach Flood stated that this was the first time that he had ever contacted a professor regarding a student's grade.

\(^7\) The letter Coach Flood attached to his July 26 email was a revised version of the Student's draft email to the Professor of June 5, as requested by Coach Flood.
On July 30, the Professor responded by email to Coach Flood’s gmail account, in part, as follows:

Dear Coach Flood,

Thank you for your email....

In regards to [the Student] I’ve been able to previously change grades immediately after posting them [REDACTED], but I am unsure as to how to change a grade this long after they are submitted. I would have to contact my department director...to find out how to do this. Let me know how you wish me to proceed. I am in the area through August 7 and then in Europe from the 8th to the 22nd and will have limited access to email and internet at that time.

Warm regards,

[the Professor]

Later on July 30, Coach Flood responded to the Professor as follows:

Is there a way we could meet in person Mon or Tues? You choose the time and place.

Kyle Flood
Head Coach
Rutgers Football

Thereafter, between July 30 and August 3, Coach Flood wrote four additional emails to the Professor scheduling the date, time and place of the requested meeting. Ultimately, Coach Flood and the Professor agreed to meet in front of the Princeton Public Library in Princeton, on August 5 at about 5:45 p.m. Coach Flood’s last email in this series of email exchanges with the Professor was on August 3 at 10:15 a.m.
Telephone Call Between Coach Flood and Academic Advisor #1

On August 3, at approximately 9:30-10:00 a.m., Academic Advisor #1 received a telephone call from Coach Flood on the Advisor’s cell phone. The conversation lasted about three to four minutes. During our interviews, both Academic Advisor #1 and Coach Flood recalled that the conversation took place, but differ as to the substance. According to Academic Advisor #1, the conversation, in substance, was as follows:

Coach Flood: Sorry to bother you. I need to understand how a grade change happens.

The Advisor explained that it takes place by the Professor on line and that each department is different.

Coach Flood: I emailed the instructor from my personal email account so it can’t be subject to an OPRA request. I attached a letter [the Student] wrote, giving an explanation of his behavior last semester and I’m looking to meet with [the Professor].

Academic Advisor #1: Coach, you can’t have contact with the Professor. You certainly can’t have contact with faculty regarding grades or eligibility. This is going to be a big problem.

There was silence on the phone to the point that the Advisor asked: Coach, are you there?

Coach Flood: Yes, I’m just listening. This conversation stays between you and me.

Academic Advisor #1: We never had this conversation...I want no part of this.

According to Coach Flood, the conversation with the Academic Advisor was in substance as follows: In response to Coach Flood’s question about the procedure for a grade change, the Advisor told Coach Flood that if a teacher feels that a grade should be changed, the teacher

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8 The Academic Advisor was on vacation and believes had informed Coach Flood of the vacation schedule.
would go into the computer system and change the grade. Coach Flood stated that he may have told the Advisor that he used his gmail account to avoid an OPRA request.

Coach Flood also stated that he had told the Advisor he had contacted the Professor and attached a letter from the Student. Coach Flood believes he may have told the Advisor that the conversation was to remain between the two of them because he had concerns about potential leaks from others.

Significantly, during the interview, Coach Flood stated that the Advisor did not tell him it would be a problem if he had direct contact with the Professor and further, did not say anything to the effect that he, an Athletic Department staff member, could not make contact with a Professor. Coach Flood’s understanding was that the Advisor’s issue was that the grade had already been submitted, that the Student had not done a good job in the Class, and it was not something they should be pursuing to get changed.

**Meeting Between Coach Flood and the Professor**

On August 5, Coach Flood met with the Professor for about 50 minutes, in front of the Princeton Public Library at about 5:45 p.m. In scheduling the meeting, Coach Flood intended to see if the Professor would be willing to allow the Student to do extra work. Coach Flood told the Professor that he purposely didn’t wear any Rutgers’ apparel or insignia so he wouldn’t be recognized in public, meeting with the Professor.

Coach Flood’s and the Professor’s recollection of the meeting was substantially the same. After exchanging some small talk about the Professor’s recent teaching out-of-state, Coach Flood stated the following, in substance:

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9 Coach Flood stated that he did not tell anyone on the Athletics Staff that he had planned to have a meeting with the Professor.
I know you received a letter that [the Student] had sent to you and you received my email. If this was something that you were open to, I need you to understand that you're going to have my full support; and if this is something you're not open to, then you're going to have my full support regardless of ultimately what your decision is.

The Professor explained that even if the Professor were to give [the Student] another assignment, the Professor did not know how to change a grade so long after the final grades had been turned in. Coach Flood responded, telling the Professor that he had already spoken to someone in Academic Support and that all the Professor needed to do was to go into the computer system and change the grade, so the Professor had nothing to worry about.10

Coach Flood and the Professor also discussed the personal and academic struggles the Student was facing and Coach Flood explained that they were assigning a new mentor to work closely with the Student.

In accommodating Coach Flood's request that the Student be given an opportunity to write a paper, the Professor discussed a potential assignment – for the Student to write a paper. Coach Flood told the Professor that the Student did not know they were meeting and therefore suggested the Professor send an email to the Student telling him that the Professor had read the recent letter the Student had written and had decided to give him an opportunity to do an additional assignment. The Professor agreed to do so.

Professor's Reaction to Coach Flood's Contacts

Prior to meeting with Coach Flood, the Professor believed that the Coach was using his personal gmail account to signify that this was something they should keep between them. The

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10 Coach Flood’s meeting with the Professor occurred two days after his telephone conversation of August 3 with Academic Advisor #1, discussing this issue.
Professor understood the intent of Coach Flood reaching out to her was to get the Student’s grade changed. Although the meeting with Coach Flood was low key and collegial, and Coach Flood’s words at the meeting were not intimidating, his position as Head Coach and as an important person for the University, did have an intimidating effect. The Professor conveyed to the investigator that she felt unable to resist the implied pressure from someone like Coach Flood and thus felt uncomfortable not agreeing to an additional assignment to allow the Student to become eligible. The Professor stated she was relieved when contacted by the University’s Compliance Department on August 14 that this issue had been reported.

**Additional Assignment for the Student**

After the meeting, the Professor returned home and looked online for   that the Professor could assign the Student to attend and write about in a paper. the Professor decided to change the assignment and have the Student watch and write a paper on a video   .

On August 6, the Professor emailed the Student, responding to the Student’s May 25 email in which he had requested the opportunity to meet or talk to discuss the final paper. In the email, the Professor gave the Student the assignment and asked that it be submitted by August 16, at the latest. The email reads in part, as follows:

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11 We note that Coach Flood’s gmail emails of July 26 and 30 and August 3, had one of the following signature blocks:

Kyle J. Flood  
Head Football Coach  
Rutgers University

-or-

Kyle Flood  
Head Coach  
Rutgers Football
Dear [Student],

I received and read the letter you wrote to me regarding last semester.

* * *

I have decided to allow you to make up some of the work.

* * *

Looking forward to reading your paper.

Best,

[the Professor]

On August 6, Coach Flood emailed the Professor thanking the Professor “for your time yesterday.”

On August 7 at 8:38 a.m., the Professor responded to Coach Flood’s August 6 thank you email stating that the Professor had written to the Student but had not received a reply from him yet.

On August 7 at 9:51 a.m., Coach Flood responded to the Professor stating, “What email did you send it to? I was with him yesterday am and had him look.”

On August 7, at approximately 10:00 a.m., (four days after the August 3 telephone call), Coach Flood asked to meet with Academic Advisor #1 to discuss the Student. Coach Flood then told the Advisor that he thought there was going to be a grade change. The Advisor responded that the Advisor “didn’t want any part of this”.

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On August 7 at 10:06 a.m., Coach Flood wrote to the Professor as follows:

Can you send me a copy of the email, I want to make sure I'm on it!! Let me know from a timing standpoint when you make the change in the system. Again I appreciate the opportunity you are giving [the Student]. Enjoy Germany (& the food!!).

Kyle Flood  
Head Coach  
Rutgers Football

On August 7, at 1:03 p.m., Coach Flood emailed the Student with only the word, “TEST” in the subject and body of the email.

On August 7, at 1:33 p.m., the Student responded to Coach Flood’s email and attached a draft thank-you email to the Professor for the opportunity to earn a better grade.

On August 7, at 3:17 p.m., Coach Flood sent an email back to the Student with the following text in the body: “Couple of edits – use this version.” A comparison between the Student’s initial draft and the final draft of the thank-you email sent to the Professor reflects that certain changes had been made, which changes the Student and Coach Flood agree were suggested by Coach Flood.

On August 7, at 7:22 p.m., the Student emailed the Professor thanking the Professor for “the opportunity to earn a better grade in your class.”

On August 11, the Student emailed Coach Flood an initial draft of his paper entitled, and emailed a revised draft on August 12.

Coach Flood confirmed that he had received a draft of the Student’s paper, but did not read the Student’s draft until the morning of August 16. He reviewed the draft paper with the Student in his office and suggested some minor grammar and punctuation changes that the Student accepted and revised accordingly on the computer. Coach Flood also discussed the fact
that the former NFL football player, Tony Dorsett, studied [REDACTED]. The Student then decided to add a few sentences, attributing the idea to Coach Flood.

The Student emailed the final version of his [REDACTED] paper to the Professor on August 16 at 12:46 p.m. The date of “8/12/15” remained on the paper submitted to the Professor.

On August 16, at 1:50 p.m., Coach Flood emailed the Professor to confirm that the Professor had received the paper the Student had sent approximately one hour earlier.

On August 24, the Student emailed the Professor asking if the Professor had received his email with the paper attached.

On August 25, the Professor sent an email to Academic Advisor #2 stating in substance that the Professor would not be changing the Student’s grade from the spring 2015 class [REDACTED].

**Report of Coach Flood’s Contact With Professor**

On August 12, Academic Advisor #1 met with Academic Advisor #2 to discuss the telephone conversation with Coach Flood on August 3 and meeting on August 7 regarding Coach Flood’s contact with the Professor. Recognizing that this was a potential violation of University Policy, Academic Advisor #2 immediately contacted their direct supervisor, the Special Counsel for Academic Programs, Chair Athletic Academic Oversight Committee to report the potential violation. Later on August 12, the two Academic Advisors met with the Special Counsel and the NCAA Faculty Athletics Representative to discuss the information they

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12 On August 14, the Professor had received an email from the University informing the Professor that an investigation had commenced and requesting an interview to be scheduled.

13 We understand that the respective schedules of Academic Advisors #1 and #2 did not allow for an earlier meeting.
had obtained concerning the potential violation of the no-contact policy. During the meeting, the Special Counsel texted the President of the University to report the potential violation.

The President responded and directed the Special Counsel to speak with the University’s Vice President for Academic Affairs. On August 13, the Special Counsel met with the Senior Vice President for Academic Affairs, along with representatives of the OGC and the Interim Sr. Vice President for Enterprise Risk Management, Ethics & Compliance. The purpose of the meeting was to inform the legal and compliance offices of the potential violation of the no-contact policy. As noted above, on August 13, the University retained Mr. Maderer and his firm to conduct this investigation under the direction of the Office of Enterprise Risk Management, Ethics and Compliance.

**ANALYSIS OF RELEVANT UNIVERSITY POLICIES**

**Policy Regarding Contact Between Athletics, Staff Members and Academic Staff/Faculty Members**

For at least the past ten years, the University has promulgated and maintained a clear policy that prohibits a coach from contacting a faculty member regarding a student’s academic performance. This policy, publicly available on Rutgers’ DIA website (www.scarletknights.com/compliance/) since at least 2007, is found under the heading “Contacting Faculty and Academic Officials”. It reads as follows:

> In keeping with the DIA’s general policy regarding involvement of the DIA’s staff members in the academic pursuits of student-athletes, the following specific actions and similar actions are strictly prohibited:

- Coach-initiated contact of any type (e.g., oral, written, etc.) is not permitted between any member of the coaching staff and any Rutgers faculty member or associated instructional staff (teaching assistant, co-adjutant, part-time lecturer, etc.) with respect to any student-athlete. Coaching staff
members may however, contact the Academic Support Staff for Student-Athletes [...] in this regard.

* * *

• All contact with faculty members or instructional staff, if necessary, should be handled by the Academic Support staff.\textsuperscript{14}

In addition to being available on the DIA website, the Policy was specifically addressed at annual athletics compliance meetings, attended by coaches and other athletic staff, at least during the period from 2005 to 2012, while Coach Flood was employed by Rutgers. In addition to having coaches and athletic staff sign a required NCAA Compliance Form certifying that each person had reported any knowledge of violations of NCAA rules, the meetings provided a forum for training on significant aspects of the University’s athletic compliance program. Specifically, each year the University’s NCAA Faculty Representative made a presentation on “Academic Fraud” and presented orally to the attendees the no-contact policy that was set forth on the website.

Our review of the agenda for each meeting from 2005 to 2012 reflects that the following statement was presented each year:

It is departmental policy that coaches and administrators, except the academic support staff, are not permitted to have contact with professors, instructional staff and other academic personnel, like deans or assistant deans, at the university regarding a specific student-athlete.

Because these meetings generally occur in late August or early September at the beginning of the football season, the football coaches did not generally attend these meetings, but signed the NCAA Compliance Form prior to or after the meeting. However, the sign-in sheet for

\textsuperscript{14} Academic Support is charged with the responsibility of overseeing the entire academic program for all student-athletes.
the September 6, 2012 meeting reflects that the Director of Football Operations did attend the training session.

Based on all of the evidence developed during the course of our investigation, we conclude that Coach Flood knew, or should have known, about this long-standing University no-contact policy. The policy was available on the University website throughout Coach Flood's tenure at Rutgers and repeatedly discussed at the compliance meetings.15

Coach Flood's employment contract, effective as of January 31, 2012, also supports the conclusion that he is charged with the knowledge of relevant University policies, including the no-contact policy. Coach Flood's employment contract (§ XVII) states in part:

...Mr. Flood shall be subject to all University regulations, policies and procedures, and legal requirements...Further, Mr. Flood shall be subject to all regulations, policies and procedures of the Division of Intercollegiate Athletics Policy Manual.

*   *   *

Mr. Flood shall know and comply with all applicable rules, regulations and requirements of the NCAA, the Big East Conference, or other conference/organization of which Rutgers is a member, and Rutgers Athletics...Further, as Head Coach, Mr. Flood shall be responsible for himself and for all those persons associated with the Football program who are supervised by him...for compliance with all of the same rules, regulations and

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15 The no-contact policy is common among universities in Division I sports programs. During the course of the investigation, Coach Flood produced a document he had received in December 2013 from the Big Ten Conference entitled, "Standards for Safeguarding Institutional Governance of Intercollegiate Athletics". The document was intended "to set forth common principles of good governance...in the conduct of intercollegiate athletics". The document states, in pertinent part:

Each institution's operational standards shall, therefore, be designed to:

a. Prevent coaches from: ...(ii) attempting to influence inappropriately...any faculty member in order to obtain or maintain the academic eligibility of a student-athlete.

The Rutgers no-contact policy is consistent with this Big Ten standard.
requirements of which Mr. Flood must know and with which he must comply.

During his interviews, Coach Flood frankly admitted that (i) he was not familiar with the no-contact policy available on the DIA website; (ii) he had not attended any of the annual compliance training (including the September 2012 meeting when he was Head Coach), which reiterated the no-contact policy; and (iii) he took no affirmative steps to familiarize himself with what existed on the website or had occurred at those annual compliance meetings. That said, a plain reading of Coach Flood’s employment contract leads to the conclusion that Coach Flood had an affirmative obligation to know and comply with all University policies, including the no-contact policy.

Additionally, pursuant to the NCAA bylaws, head coaches of Division 1 programs have certain obligations and conditions under which they must operate. NCAA bylaw 11.1.1.1 requires that head coaches promote an atmosphere of compliance within their programs. Additionally, athletic department staff members, including head coaches, are responsible for knowledge of athletic department and institutional policies applicable to athletics.

Finally, we have developed credible evidence that on August 3, 2015, Academic Advisor #1 specifically admonished Coach Flood that he could not have contact with a faculty member, especially regarding a student-athlete’s grades or eligibility. Although Coach Flood denies having this conversation, based on the totality of the circumstances presented (including the lack of any motivation by the Advisor to inflate the substance of the admonition), and the Advisor’s reporting of this incident up the chain which initiated this investigation, we believe that Coach Flood knew or should have known about the no-contact policy prior to contacting the Professor.
In light of Coach Flood’s repeated contact with the Professor regarding the Student’s eligibility, we conclude that Coach Flood violated the no-contact policy.

**University Code of Ethics**

We have also briefly reviewed the University Code of Ethics ("Code")\(^\text{16}\) to determine whether Coach Flood’s conduct potentially violated the Code. The Code contains multiple ethical standards that are substantially based on New Jersey’s Conflict of Interest Laws, N.J.S.A. 52:13D, *et seq.* Section III (A)(4)(d) of the Code states:

> University governors, trustees, officers, faculty or staff members shall not use or attempt to use his or her position at the University to secure unwarranted privileges or advantages for himself, or others.

In light of the no-contact policy, it would appear that Coach Flood’s conduct potentially constitutes a violation of the Code. Coach Flood’s conduct was apparently intended to secure a benefit for himself by ensuring that a key player would remain eligible for the football team. Additionally, the Student would potentially receive an academic advantage along with remaining eligible to play football. Even though the conduct was unsuccessful, the Code also prohibits any attempt at securing an unwarranted privilege or advantage.

**Rutgers University Academic Integrity Policy**

During the course of the investigation, we learned that on August 16, Coach Flood reviewed the Student’s paper and suggested changes of grammar and punctuation that the Student accepted. We also learned that the Student added several sentences concerning Tony Dorsett, based on his conversation with Coach Flood. As a result, we were

\(^{16}\) The University Code of Ethics can be found at: http://erm.rutgers.edu/documents/CodeofEthics.pdf.
asked to determine if this conduct constituted “aiding” a violation of the University’s Academic Integrity Policy. That Policy states, in part:

The principles of academic integrity,\(^\text{17}\) require that a student:

\[ \text{* * * *} \]

- Make sure that all work submitted as his or her own in a course or other academic activity is produced without the aid of impermissible materials or impermissible collaboration...

In order to determine whether Coach Flood’s assistance on the paper would constitute aiding a violation of the University’s Academic Integrity Policy, a redlined copy of the paper was presented to three senior University academic officials (the Senior Vice President for Academic Affairs, the Chancellor, Rutgers-New Brunswick and the Chief of Staff to the Vice Chancellor for Student Affairs-New Brunswick) for their review of Coach Flood’s edits.

Based upon their individual reviews, it was their unanimous determination that the edits to the paper would not constitute “impermissible collaboration” in violation of the University’s Academic Integrity Policy. Moreover, the Senior Vice President for Academic Affairs and the Chancellor expressed the opinion that the editing assistance was equivalent to the assistance that any student would be able to receive through one of the University’s Learning Centers, tutors and other University resources to help students improve their writing.

As a result of the above review, we conclude that Coach Flood’s conduct did not constitute aiding of a violation of the University’s Academic Integrity Policy.

\(^\text{17}\) The Academic Integrity Policy is found at http://academicintegrity.rutgers.edu/academic-integrity-policy.
COACH FLOOD’S STATEMENT

During the second day of our interview with Coach Flood, Coach Flood asked for the opportunity to make a statement. That statement, in substance, was as follows:

I want to apologize for the mistake I made in process, in contacting that teacher. I understand now that that was against the rule, that I was unaware of at the time.

I have the utmost respect for the faculty at Rutgers. I have the utmost respect for the education that Student-athletes and Students in general receive at Rutgers, and in no way would I have intentionally broken any rule like that had I known about it. But I do understand that I’m the Head Football Coach and I am responsible to know these things, and I made a mistake in process that certainly will not happen again going forward.

CONCLUSION

Based on the totality of facts and circumstances developed during the investigation:

1. We conclude that Coach Flood violated the University’s Policy prohibiting contact by a coach with a faculty member regarding a Student-athlete;

2. We conclude that Coach Flood’s conduct potentially violated the University’s Code of Ethics; and

3. We conclude that Coach Flood did not violate the University’s Academic Integrity Policy.