



November 10, 2015

Oliver Luck
NCAA - Executive Vice President of Regulatory Affairs
P.O. Box 6222
Indianapolis, IN 46206

Dear Oliver,

On Friday, October 30, our respective staffs met in Lawrence, Kansas to discuss the initial-eligibility status of men's basketball student-athlete Cheick Diallo. Prior to and since that meeting there have been countless communications among our organizations on this matter – a matter which requires your immediate attention.

I acknowledge the work NCAA staff has done relative to Cheick, and while NCAA staff has many athletes like Cheick in similar situations, the University of Kansas has only one 'Cheick' situation – a situation where tremendous resources, time, and money have been expended. Our institutional investment is approaching six figures on all levels; I wholeheartedly support such exorbitant expenditures because we have uncovered serious and legitimate misrepresentations attributed to NCAA process, unfounded verbal statements, and inadequate professional standards. All of this is impacting Cheick unjustly and standing in your way of making him immediately eligible.

The first issue is **lack of partnership** among the institution, the University of Kansas, and NCAA staff. In several previous instances the institution and the NCAA have walked hand-in-hand seeking information pertaining to a student-athlete. However, not in this situation. The following examples suggest NCAA staff has had no desire and made no effort to work in partnership with the institution in this matter:

1. The Our Savior New American School (OSNAS), Cheick's high school, has been under evaluation for 3.5 years. During the recruitment of Cheick, our head and assistant coaches have visited the school on at least six occasions. Our Senior Associate AD for Compliance, David Reed, has met with OSNAS officials three times in person to discuss Cheick Diallo, NCAA rules and OSNAS core courses. During two of these visits he interviewed OSNAS administrators and teachers, and observed classroom instruction. We have witnessed first-hand the compliant operation of the school and did not identify red flags that would distinguish this school in any meaningful way from the hundreds of other schools visited. The NCAA staff has never set foot on OSNAS property.

2. On May 22, 2015 at NCAA headquarters during initial eligibility meetings in an open forum David Reed asked Nick Sproull to perform a site visit to OSNAS due to the sheer number of Division I men's basketball prospects attending OSNAS. To date, the NCAA has failed to visit OSNAS.
3. On a conference call with the Eligibility Center staff on Wednesday, November 4, the NCAA informed us of its position that a site visit to the school (e.g., observing the classroom environment, teacher-student interaction, and interviewing the teachers) was completely irrelevant and unnecessary in their evaluation of a class or the course work completed by the student-athlete(s).
4. On numerous occasions, Kansas staff has alerted NCAA staff when visiting OSNAS. The NCAA, until most recently, made no effort to accompany us on a visit.
5. At no point has Kansas been able to collaborate or participate in any fashion in this core course review process. I can assure you that if we were made aware of the specific concerns regarding this coursework, we could have visited the school again, collected any and all necessary information, and arranged for every teacher to be made available to the Eligibility Center staff to ask questions about the curriculum and course work being reviewed. We also have curriculum experts on our campus that could have provided meaningful input in the process. There has been no partnership between NCAA and the institution.

Second, the complete lack of partnership has been frustrating, but just as troubling is the minimal-to-nonexistent **communication** the Eligibility Center staff has had with both OSNAS and Cheick. Examples are:

6. The University of Kansas, over a period of months, has asked NCAA staff why OSNAS was placed under review and/or remains under review. Until late last week, NCAA staff did not respond.
7. In fall of 2011, the NCAA sent an email to OSNAS informing OSNAS that it was "under review by the NCAA". OSNAS stated that it was not aware of the email until it called the NCAA on another matter in the spring of 2012. Once OSNAS contacted the NCAA about this email, NCAA asked OSNAS to submit an enormous amount of information. After receiving this information, the Eligibility Center informed OSNAS in writing that: "The information received by the NCAA Eligibility Center revealed no immediate issues."

8. Cheick was completely unaware that questions had been raised about the legitimacy of his high school course work until late spring of his senior year, at a time when it was far too late to transfer or to make up the work in any fashion. The Eligibility Center has verified that its first communication to Cheick regarding his coursework was January 17, 2014. This communication was placed on his NCAA Task Chart. The NCAA statement relative to his course work was: "additional core course information *may be* requested." The NCAA made no subsequent communication efforts regarding core coursework relative to Cheick.
9. To make matters worse, the NCAA told the University of Kansas on September 2, 2015 that it would provide Kansas "general information regarding any concerns identified upon completion of the review (of the course work)." That did not happen. We did not receive any feedback regarding the concerns with Cheick's course work until our November 5 visit in Indianapolis. The next day, the Eligibility Center staff provided this information in writing. I am confident this matter would have been resolved had your staff provided Kansas with the requested information following the September 2 request.
10. During our October 30 meeting, Todd Leyden and Gary DeCastro stated, OSNAS had hired a consultant to help with curriculum development of the Contemporary World Views class. Then, on November 4, NCAA staff further stated the same consultant had been hired to help with curriculum development in all classes. When Kansas asked OSNAS the name of their consultant, it was informed no consultant had been hired. OSNAS further stated Contemporary World Views class has been taught no differently and by the same instructor. Compounding the matter, this same class was awarded as core-credit to an OSNAS student-athlete the year after Cheick.
11. At our request, on Thursday, November 5, one of my staff members and our counsel met with the Eligibility Center staff at the national office in order to learn (for the first time) the rationale and analysis for denying coursework. At that meeting and for the first time, we were informed that this analysis is based entirely on the information that had been in the Eligibility Center's possession at the start of the review process. If information deemed critical (e.g., class syllabus) to the analysis was missing, no attempt was made to follow-up with the high school to obtain that information: The NCAA sent no email; the NCAA placed no phone calls to the high school. In other words, if the file

is incomplete, the student-athlete is likely out of luck, as it appears is the case with Cheick.

While examples support a lack of partnership and communication, the third concern is the **undue-scrutiny** the NCAA has placed upon OSNAS. Examples are:

12. The Eligibility Center staff determined that only six of the courses Cheick completed at OSNAS constituted core courses under NCAA legislation. Cheick's courses were subjected to this scrutiny because the Eligibility Center placed OSNAS under "extended evaluation" status in May 2012 for reasons that are still unknown.
13. In addition, we have provided the teaching credentials, resumes and sworn statements from all of Cheick's teachers. Each of these teachers is accredited and most have significant experience teaching in the New York public school system or junior college. It is also important to note these teachers stated they teach their OSNAS classes in exactly the same State-certified acceptable manner as they did in the public school system – same textbooks, same syllabus, and the same course design. Yet, NCAA staff deemed them not to meet core-course standards.
14. The Eligibility Center staff attributed attendance to be a factor in Cheick's education. Kansas staff obtained these attendance records. Cheick's attendance exceeds the New York Public School System requirement of 85% class attendance. The NCAA staff made no attempt to obtain this information.
15. OSNAS, much like many public and private lower-resourced high schools, has room for improvement. It does not, however, resemble in any way the category of high schools the NCAA High School Review process was designed to address (e.g., Prime Prep). That is evident based solely on our visits to the school and the documentation Kansas shared with you and staff.

The above-mentioned examples on behalf of Cheick are troubling enough. Just as important however, are the **other optics**, such as:

16. Many OSNAS graduates, including two of Cheick's classmates, have gained immediate eligibility to compete through the waiver process. In fact, one of these student-athletes attended three different high schools, all of which are currently under extended evaluation by the Eligibility Center. Yet somehow Cheick has been singled out and treated differently. Based on the limited information the NCAA currently possesses about this school and its curriculum, it is not possible to distinguish between Cheick and

the student-athletes whose waivers have been approved. The NCAA must conduct more investigation before denying student-athletes' eligibility.

17. Transferring from OSNAS was never an option for Cheick given his total lack of awareness that there were questions being raised about his school. That is evidenced by the lack of any attempt by the NCAA to contact him or any other prospects in attendance or to even visit the school at any point in the last 3.5 years. Ironically, the NCAA has in fact educated high school prospects not to transfer high schools.
18. It is worth pointing out that it was not until we found factual evidence that refuted NCAA staff claims and processes did the same NCAA staff provide detailed information, agree to set meetings, and work together. I suggest this is far too little too late.
19. The amateurism process regarding Cheick has been especially frustrating. The NCAA Amateurism staff determined that Tidiane Drame (Cheick's guardian) was an agent based on Internet searches and Facebook. Drame was not formally interviewed, and Kansas was not consulted prior to the Amateurism staff submitting their facts to AMA for interpretation. In the interpretation request, which is allegedly designed to determine whether an individual meets the legislated definition of an agent, the Amateurism staff actually labeled Drame an agent in the first sentence of their written request. This undermines altogether the purpose of seeking an interpretation. Now the Amateurism staff is taking the unreasonable stance that the paperwork for guardianship is not legitimate, despite Cheick stating on the record that Drame is his guardian. The aggressive tactics of the Amateurism staff have been prevalent throughout this case.

In summary and considering all sobering examples, I am grossly concerned, not just because of the *lack of partnership, communication, undue influence, and other optics* which are all egregious. I am concerned also because the role NCAA staff has played during this misfit process has been that of investigator, not collaborator. There is still no closure for Cheick Diallo, a young man who deserves our very best efforts. Best efforts would include collaboration among us, walking together down a clear path and together discovering a timely process that would satisfy parties involved and bring closure for Cheick. Instead, the reality is the complete opposite. It is the University of Kansas communicating openly and uncovering facts that we could have discovered together all in the spirit of reaching conclusions and closure for Cheick.

I close where I began: Cheick Diallo should be eligible immediately, because when reviewing the totality of this situation, it is clear the NCAA has failed both to put forth an

open-minded best effort for a student-athlete and to uncover facts supporting eligibility. All of which the University of Kansas did.

Thank you and I, along with my staff, are 100% available to help bring timely closure to this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Sheahon Zenger', written over the printed name and title.

Sheahon Zenger
Director of Athletics

cc:

Mark Emmert, President – NCAA

Gary DeCastro, Managing Director – NCAA Eligibility Center

Todd Leyden, Vice President – NCAA Eligibility Center

Mike Massa, Director of Customer Service – NCAA Eligibility Center

Bob Bowlsby, Commissioner – Big 12

Bernadette Gray Little, Chancellor

Sean Lester, Deputy Athletic Director

David Reed, Senior Associate Athletic Director for Compliance

Bill Self, Head Basketball Coach

Geoff Silver, Counsel