



November 3, 2011

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President Gordon Gee
The Ohio State University
1001 Fawcett Center
2400 Olentangy River Road
Columbus, Ohio 43210-1027

RE: Supplemental notice of allegations, The Ohio State University, Case No. M352.

Dear President Gee:

This letter (and enclosure) is the result of an inquiry that has been conducted by the NCAA into the athletics policies and practices of The Ohio State University. This inquiry was initiated in accordance with Bylaw 32.2 of the 2010-11 NCAA Division I Manual and described in my April 1, 2011, letter.

A notice of allegations regarding this case was sent to you April 21, 2011. The institution and involved parties submitted responses to the notice of allegations and appeared before the Committee on Infractions during its August 12, 2011, meeting in Indianapolis. As noted prior to that hearing, additional review was necessary and the institution acknowledged the possibility of a second hearing. After additional review, the available information appears to be of sufficient substance and reliability to warrant a supplemental notice of allegations. Accordingly, this letter (and enclosure) constitutes a supplemental notice of allegations and includes specific allegations. The allegations contained herein are in addition to those previously heard by the Committee on Infractions during its August 12 meeting and constitute a continuation of that case.

In order that complete information may be presented for the record, several questions are submitted to obtain the facts of these matters, and also to determine the policies and practices of The Ohio State University in certain areas of athletics administration.

The institution is requested to thoroughly review these allegations and requests for information and submit a written response. You will note that the statement immediately following each allegation requests that the institution indicate whether the information is substantially correct and submit evidence to support its response. The committee's interest is for the NCAA enforcement staff, institution and involved individuals to collect, where possible, all relevant information

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for consideration in order for the committee to determine the validity of the allegations. If you believe that additional interviews are warranted, please ensure that the enforcement staff is given the opportunity to participate in those interviews if possible.

If the institution does not believe that the allegation is substantially correct, it should support its position with any evidence upon which the conclusion is based. Further, if the institution concludes that the allegation is substantially correct, but not complete or accurate in all respects, it should submit additional information to clarify or adjust the allegation as written.

In the interest of clarity and in accordance with the general procedures established by the NCAA Committee on Infractions, the institution is requested to copy each numbered item and the subparagraphs of each item contained in the notice of allegations. The institution's response, as well as the reasons for this position, should immediately follow each numbered item or subparagraph to which the information submitted is directly responsive. [Note: See attached suggested guidelines for submission of responses.]

Four copies of your response should be forwarded to me at the NCAA national office, and one copy should be forwarded to each member of the Committee on Infractions and its administrator, Shepard C. Cooper, at the following addresses. In addition, please email a copy of your response in Microsoft Word or Word Perfect format to Mr. Cooper (scooper@ncaa.org) and Amy Walker, executive assistant to the vice president of enforcement (ajwalker@ncaa.org).

Mr. Britton Banowsky (Chair)
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5201 N. O'Connor Boulevard, Suite 300
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Ms. Julie Roe Lach (four copies)
Vice President of Enforcement
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Mr. Shep Cooper
Director of the Committees
on Infractions
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As indicated in my April 1, 2011, letter, the Committee on Infractions reviews information concerning possible major violations either through the summary disposition process or an in-person hearing. Attached to this notice is a letter to the Committee on Infractions regarding options for processing the supplemental portion of this case.

Pursuant to discussions between the institution and enforcement staff, the institution agreed to waive the 90-day response time. Accordingly, responses from the institution should be on file with these individuals, including the writer, by November 16, 2011. Unless otherwise notified, it is anticipated that the Committee on Infractions will consider your response during its December 10, 2011, meeting in Fort Lauderdale, Florida, and would welcome an appearance by representatives of the institution at that time. You will be notified of the actual time, date and location well in advance of the institution's appearance. In keeping with the premise of presidential control of athletics, the committee expects that you, as the president of an institution involved in potential major violations of NCAA legislation, will want to attend the hearing to personally present your views on presidential control and the institution's commitment to compliance. As the president, the committee is most interested in your presentation. Additionally, the committee requests that at a minimum, the following individuals be included among the university representatives: Eugene Smith, director of athletics; John Bruno, faculty athletics representative; Heather Lyke, associate athletics director; Christopher Culley, senior vice president and general counsel; Julie Vannatta, senior assistant general counsel for athletics; Doug Archie, director of compliance; and Miechelle Willis, senior woman administrator. Please inform me at your earliest convenience if there are any anticipated difficulties in having the aforementioned individuals attend.

In the event the institution determines that additional time is required to prepare a response, the institution may request a delay in responding and submit the reasons the delay is necessary. The request should be forwarded to Shep Cooper, director of the Committees on Infractions, at the NCAA national office. The Committee on Infractions then will consider the request. It should be noted that a delay in responding could postpone the hearing date stated above.

Under the provisions of Bylaw 32.6.4, in preparation for submitting a written response to a notice of allegations or making an in-person appearance before the Committee on Infractions, the enforcement staff will provide reasonable access to all pertinent materials maintained by the staff that corroborate or refute the allegations. These materials may include recordings of interviews and documents that were obtained during the inquiry. Requests for access to such materials should be made to the enforcement staff, which also is responsible for maintaining custody of these materials. Therefore, upon request, the staff will provide access at the NCAA national office or on a secured Website in the near future for authorized individuals.

Your institution should understand that all of the alleged violations set forth in the document attached to this letter are considered to be potential major violations of NCAA legislation, unless designated as secondary. If the institution believes that any alleged violation should be considered a secondary violation, including any specifically identified as a secondary violation by the enforcement staff, the response should indicate why the alleged violation should be considered a secondary violation, and it should present information to support that conclusion. Also, if the institution believes that the enforcement staff has acted contrary to the provisions of the enforcement procedures (Bylaw 32), it is requested to advise the Committee on Infractions of this concern in its response; otherwise, it may forfeit the opportunity to raise this issue on appeal.

Following the hearing, the committee will determine if violations of NCAA legislation have occurred and whether those violations are major or secondary violations. If the committee finds that violations have occurred, then it will determine what penalties are appropriate as provided in Bylaw 19.5.2 of the online version of the 2011-12 NCAA Division I Manual. Inasmuch as your institution was previously found in violation of NCAA rules in Infractions Report No. 256 decided on March 10, 2006, your institution is subject to the penalties set forth in Bylaw 19.5.2.3. If you believe this rule is not applicable, you should so state in your response and submit the appropriate information to support your position. The Committee on Infractions will determine following the infractions hearing if your institution should be subject to the provisions of this bylaw and whether the enhanced penalties provided for in the bylaw should be imposed.

In making its decision in this case, the Committee on Infractions will consider information submitted by the enforcement staff, institution and all involved parties, and the testimony presented at the infractions hearing. It should be understood that at this juncture, the committee has not received any of the information gathered by the enforcement staff to substantiate that a violation occurred. The only information provided to the committee by the enforcement staff regarding this case will be the allegations (attached), the NCAA enforcement staff case summary per Bylaw 32.6.7 and its hearing presentation per Bylaw 32.8.7.2. If the institution wishes the

committee to consider any specific evidence, that information must be included in the institution's response to the notice of allegations. If any additional evidence should come to the institution's attention that previously was not available to it or that previously was not relevant that it believes the Committee on Infractions should consider, that information should be provided to the enforcement staff and the committee at least 10 days prior to the infractions hearing.

Your attention also is directed to Bylaw 32.8, which describes the procedures to be followed during the institution's appearance before the committee. In addition, you may wish to review the policies and guidelines set forth in Bylaw 19.4 of the enforcement procedures. Should you have additional questions concerning these procedures, please contact Mr. Cooper. Also, in the event members of the NCAA staff who have been involved in the investigation of this case can be of assistance to the institution in developing its response, please contact Stephanie Hannah, NCAA director of enforcement, for such assistance.

The enforcement program of the NCAA is a cooperative undertaking involving individual member institutions and allied conferences working together through the NCAA -- a unified effort designed to improve the administration of intercollegiate athletics. You are called upon as the president of The Ohio State University for your cooperation and assistance to the end that complete information related to this matter may be developed.

Sincerely,



Julie Roe Lach
Vice President of Enforcement

JRL:pjp

Enclosures

cc: Mr. Doug Archie
Dr. John Bruno
Mr. Shep Cooper
Mr. James Delaney
Mr. Eugene Smith
Mr. Chuck Smrt
NCAA Division I Committee on Infractions

NCAA COMMITTEE ON INFRACTIONS

Suggested Guidelines for Submission of Responses

This memorandum is the committee's suggested format for submitting responses to the notice of allegations. The following suggestions are made:

- The response should be contained in either three-ring loose-leaf or "comb" style binders ("comb" style preferred).
- Responses to the allegations should be separated by numbered tabs corresponding to the allegation numbers in the notice of allegations so as to be easily referenced by the reader.
- Responses should be paginated. It is suggested that each allegation have its own set of page numbers; e.g., page one of the section on allegation 1 would be page 1-1, page 6 of the section on Allegation No. 4 would be page 4-6, etc.
- Each allegation response should contain the allegation itself, the position of the responding party to the allegation (agree or disagree) and the rationale/supporting evidence for the position.
- If there is a large number of supporting attachments/exhibits, they should be placed in a binder separate from the actual response and divided by numbered tabs referenced to the application allegation. Multiple exhibits/attachments in support of individual allegations should be separated, labeled by number and indexed to the respective allegation (e.g., exhibit 1-1 would be the first exhibit in support of Allegation 1). In addition, and for ease of reference at hearings, all pages in exhibits should have page numbers running sequentially. The page numbers may be in sequence throughout all exhibits without regard to a particular exhibit number (e.g., 1 to 10 in exhibit 1, 11 to 17 in exhibit 2) or the page numbers may be in sequence within each exhibit (e.g., 1-1, 1-2, etc.; 2-1, 2-2, etc.). In the interest of limiting the size of responses and to avoid providing multiple copies of the same documents, only one copy of each exhibit/attachment is required. Any reference to exhibits/attachments throughout the response can be made to the appropriate exhibit number.