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April 21, 2011

CONFIDENTIAL VIA OVERNIGHT DELIVERY

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

RE: 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.

The available information appears to be of sufficient substance and reliability to warrant a notice of allegations. Accordingly, this letter (and enclosure) constitutes a notice of allegations as described in Bylaw 32.6.1 and includes specific allegations. 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 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
Commissioner
Conference USA
5201 N. O'Connor Boulevard, Suite 300
Irving, TX 75039

Mr. John S. Black
Polsinelli & Shughart P.C
700 West 47th Street, Suite 1000
Kansas City, MO 64112

Ms. Melissa Conboy
Deputy Athletic Director
University of Notre Dame
C113 Joyce Center
Notre Dame, IN 46556

Mr. Brian P. Halloran
Halloran Law Office
7036 Grasswood Avenue
Malibu, CA 90265

Mr. Roscoe C. Howard Jr.
Partner
Andrews Kurth LLP
1350 I Street NW
Suite 1100
Washington, DC 20005

Ms. Eleanor W. Myers
Professor of Law
Temple University School of Law
1719 North Broad Street
Klein Hall, Room 624
Philadelphia, PA 19122

Mr. James O'Fallon
University of Oregon School of Law
1515 Agate Street
Room 306B
Eugene, OR 97403-1221

Mr. Gregory Sankey
Associate Commissioner
Southeastern Conference
2201 Richard Arrington Boulevard North
Birmingham, AL 35242

Mr. Dennis Thomas (Chair)
Commissioner
Mid-Eastern Conference
2730 Ellsmere Avenue
Norfolk, VA 23513

Mr. Rodney Uphoff
Law Professor
University of Missouri-Columbia
School of Law
213 Hulston Hall
Columbia, MO 65211

Ms. Julie Roe Lach (four copies)
Vice President of Enforcement
NCAA Distribution Center
1802 Alonzo Watford Sr. Drive
Indianapolis, IN 46202

Mr. Shep Cooper
Director of the Committees
on Infractions
NCAA Distribution Center
1802 Alonzo Watford Sr. Drive
Indianapolis, IN 46202

In addition, a copy of the institution's response must be provided to the following involved individual and his respective counsel: Jim Tressel, head football coach.

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. It is my understanding that the enforcement staff has discussed the possibility of processing this case through the summary disposition process and that currently this process does not appear appropriate.

Responses from the institution and all involved parties should be on file with these individuals, including the writer, by July 5, 2011. It is anticipated that the Committee on Infractions will consider your response during its August 12, 2011, meeting in Indianapolis, 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; Jim Tressel, head football coach; and Doug Archie, director of compliance. 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.

In accordance with the procedures adopted by the Committee on Infractions, the enforcement staff shall notify in writing all present or former institutional staff members named in an allegation, and all prospective, present or former student-athletes whose eligibility could be affected based on involvement in an allegation of their opportunity to respond to any allegation involving them and participate in a hearing before the Committee on Infractions. A copy of these letters are included with the notice of allegations. Although these parties may be represented by personal legal counsel or represent themselves, the institution is requested to provide them with the opportunity to submit in writing any information they believe is relevant to the committee. Please note that under the provisions of Bylaw 32.8.6.1, the Committee on Infractions may subject the institution to a show-cause order as described in the provision of Bylaw 19.5.2.2 if any current staff member named for involvement in a major violation fails to attend a hearing. The enforcement staff also will notify certain individuals, and copies of those letters are enclosed. [Note: Because the violations involving football student-athletes [redacted] have been processed by the NCAA student-athlete reinstatement staff the eligibility of those individuals will not be affected by a finding by the Committee on Infractions. Thus, they did not receive notice of Allegation No. 1.]

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 2010-11 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 was not previously available to it or that was not previously 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

Julie Roe Lach
Vice President of Enforcement

JRL:dkm

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

ATTACHMENT

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.

NCAA/02/22/07