



Georgia Institute of Technology

Office of the President

October 11, 2010

Mr. Ameen Najjar

Director of Enforcement

National Collegiate Athletic Association

P.O. Box 6222

Indianapolis, Indiana 46206-6222

Dear Mr. Najjar:

This letter is in reference to your recent conversation with Chuck Smrt of The Compliance Group (TCG), who along with Stacey Karpinski, was recently retained by the institution to assist in responding to the Notice of Inquiry issued by the NCAA on September 13, 2010. I appreciate you talking with Mr. Smrt and providing Georgia Tech the opportunity to submit this letter.

I understand that the NCAA Enforcement Staff is reviewing a few issues, including whether Georgia Tech violated the conditions and obligations of NCAA membership by allowing their football student-athletes Demaryius Thomas and Morgan Burnett to compete in the institution's contests against University of Georgia on November 28, Clemson University on December 5, 2009, and the University of Iowa on January 5, 2010.

Although I am not familiar with NCAA enforcement processes and precedent, I do believe that the question of whether the institution violated the conditions and obligations of membership should focus on whether the decision the institution made was reasonable. I assume that well-intended individuals can disagree on the effect of a set of facts; however, in such situations, the overriding principle should be whether the involved parties acted in good faith. In order for a "finding" regarding the conditions and obligations of membership to occur (i.e. it did not act in good faith), it would seem to be necessary for the Enforcement Staff to demonstrate that an institution did not utilize its existing procedures and processes and purposely disregarded information. I assure you that the decision to play the two young men in question was ultimately decided by me, based upon the available information that I had at that time and utilizing established procedures.

In regard to the use of a reasonable process by the institution, the institution's athletics department's policies and procedures manual specifically indicates that the compliance office, director of athletics, and FAR are involved in a review of information concerning possible NCAA violations. Due to the nature of this information, including that the NCAA's AGA Staff commented that the information appeared to suggest that the young men's eligibility could be affected, I specifically requested that the institution's legal counsel participate in the interviews. As a result of my request Randy Nordin, Chief Legal Advisor, attended the interviews with Thomas, Burnett and others. Later in this letter, I will address the information that I had available to me. However, I reiterate that the institution had a process, and it was followed.

In regard to purposely disregarding information, based upon the recent review by TCG, it appears the institution had the same information upon which the AGA Staff based its belief that the two student-athletes may be ineligible. The institution evaluated that information in late November 2009 and believed that the information did not support the conclusion to withhold the young men from competition. The institution also reviewed that information with the Atlantic Coast Conference and

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was advised by the ACC staff that the information was insufficient to declare the student-athletes ineligible.

As you know, in your March 12, 2010, letter to Director of Athletics Dan Radakovich, you asked several questions, including the reasons the University allowed both Thomas and Burnett to participate in these games. Mr. Radakovich responded in an April 22, 2010, letter to you. In the April 22 letter, Mr. Radakovich responded that the three primary reasons the institution allowed the young men to participate were: (i) an interpretation received from the Atlantic Coast Conference; (ii) an institutional interview with Thomas on November 24, 2009; and (iii) a recommendation from legal counsel that there was insufficient information to declare the student-athletes ineligible.

The institution asked TCG to: (i) talk informally with Director Radakovich and FAR Sue Ann Allen to understand the institution's evaluation of the information in November 2009 (the institution's legal counsel involved in these discussions is no longer employed by Georgia Tech); and (ii) review the information in this case, including the April 22 letter. As a result of these discussions, I want to note a few of the items that I discovered during my conversations with TCG:

The decision to allow the student-athlete to play was likely incorrect. One of my primary reasons for not declaring the young men ineligible was an e-mail I received from the institution's Office of Legal Affairs. I have attached this e-mail. This email was not mentioned in the April 22 letter from Radakovich. Again, I reiterate that institutional policies were followed, and based on the information available at the time I made the decision. However, in hindsight, more detailed and accurate information might have been helpful and may have resulted in a different decision.

We may have misinterpreted NCAA preferential treatment legislation. The e-mail to me inferred that regardless of the source of the clothes (Thomas' cousin or his cousin's roommate), due to a long-standing relationship between Thomas and the two individuals, no violation occurred. We are now advised that this interpretation may not have been correct. This misinterpretation was not deliberate, but resulted from incorrectly applying NCAA legislation to the relationship between Hilliard and Thomas.

The institution did not understand the necessity to continue to further review the information. Once the decision was made in late November, no reevaluation of the information occurred nor was additional information obtained. This was based upon the misinterpretation noted above that regardless of the source of clothes, no violation occurred. I can understand that it now seems that the institution's decision to allow the young men to continue to compete over that six week period appears to be in defiance of the NCAA.

In summary, Georgia Tech may have misinterpreted legislation, failed to forward detailed information through the chain of command to the President's Office, and received bad advice from the legal counsel assigned. However, Georgia Tech did not abandon its principles of integrity nor its obligations under NCAA legislation in allowing one or more student-athletes to compete when it knew the student-athletes should have been withheld.

I appreciate the opportunity for continued dialogue on these issues.

Sincerely,



G. P. "Bud" Peterson
President

Attachment

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