



July 13, 2011

VIA ELECTRONIC MAIL/OVERNIGHT

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President G.P. "Bud" Peterson
Georgia Institute of Technology
225 North Avenue NW
Atlanta, Georgia 30332-0325

Dear President Peterson:

The enclosed Infractions Report No. 345, Case No. M340 (Confidential Report) is being forwarded to you in accordance with NCAA Bylaw 32.9. This report contains the NCAA Division I Committee on Infractions' findings of violations and the penalties the committee adopted and imposed upon Georgia Institute of Technology.

Pursuant to Bylaw 32.9.2, the NCAA will release the enclosed public report and press release to the public at 3 p.m. on Thursday, July 14, 2011. The committee requests that Georgia Tech refrain from making any public disclosure about its receipt of the report and also refrain from public announcement regarding the case and the contents of the report until after the conclusion of the NCAA's press conference.

In accordance with Bylaw 32.10, the institution has the opportunity to appeal the findings of violations, the penalties or both to the NCAA Division I Infractions Appeals Committee. The NCAA staff liaison to the Infractions Appeals Committee (Wendy Walters) must receive written notice of appeal within 15 calendar days of the date of the public release of the infractions report. If your institution wishes to appeal, you must submit the enclosed notice of appeal to the Infractions Appeal Committee's liaison via regular mail or facsimile (317/917-6737) by July 28, 2011.

Please note that the notice of appeal must indicate the specific findings of violations and/or penalties the institution wishes to appeal. After the Infractions Appeals Committee's liaison receives a timely notice of appeal, and you have received a letter from the NCAA acknowledging receipt of the notice of appeal, you will have approximately 30 days to submit your written appeal. The exact date the written appeal is due will be specified in the letter acknowledging the receipt of the notice of appeal. The Infractions Appeals Committee may accept the Committee on Infractions' findings of violations and penalties or alter either/both. For additional information on the appeals process please contact Wendy Walters at the NCAA.

National Collegiate Athletic Association

An association of over 1,200 members serving the student-athlete
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If there is no appeal, the committee's findings and penalties are effective when the 15-day appeal period has expired, in this case July 28.

Please contact Shepard C. Cooper or James A. Elworth, directors of the Committees on Infractions, if you have any questions.

Sincerely,



Dennis E. Thomas
Commissioner, Mid-Eastern Athletic Conference
Chair, NCAA Division I
Committee on Infractions

DET:ksm

Enclosures

cc: Dr. Sue Ann Bistrup Allen
Mr. Dan Radakovich
Mr. Chuck Smrt
Mr. John Swofford
NCAA Division I Committee on Infractions
Selected NCAA Staff Members

NOTICE OF APPEAL

Georgia Institute of Technology

If you intend to appeal any of the findings of violations and/or penalties imposed by the NCAA Division I Committee on Infractions in Infractions Report No. 345 or participate as a silent observer in the appeal of any other party of Report No. 345, you must complete and submit this form to the Infractions Appeals Committee via its staff liaison by July 28, 2011.

- I (We) am appealing findings of violations and/or penalties and wish to attend as a silent observer of the appeal (in-person) of other parties of Report No. 345 (please complete sections I., II., and VI.)
- I (We) am appealing findings of violations and/or penalties and WILL NOT attend as a silent observer of the appeal (in-person) of other parties of Report No. 345 (please complete sections I., II., and VI.)
- I (We) am NOT appealing findings of violation and/or penalties and wish to attend as a silent observer of the appeal (in-person) of the other parties of Report No. 345 (please complete section VI only.)

I. BASIS FOR AN APPEAL.

- A. Finding of violation -- You may appeal the Committee on Infractions' determinations of fact and violations on any of the following grounds:
 - 1. The committee's finding is clearly contrary to the evidence presented to the committee;
 - 2. The facts found by the committee do not constitute a violation of NCAA rules; or
 - 3. There was a procedural error and but for the error, the Committee on Infractions would not have made the finding of violation.
- B. Penalty -- You may appeal a penalty imposed by the Committee on Infractions on the grounds that the penalty is excessive such that it constitutes an abuse of discretion.

II. SPECIFICATION OF FINDINGS/PENALTIES APPEALED.

You must identify in this section all findings of violations and/or penalties that are being appealed.

- A. Specific findings of violations (place an "X" next to each appealed finding).

| | |
|-----------|-------------|
| _____ B-1 | _____ C-1 |
| _____ B-2 | _____ C-1-a |
| _____ B-3 | _____ C-2 |
| _____ B-4 | _____ C-3 |

Please specify the basis for appeal.

B. Specific penalties (place an "X" next to each appealed penalty).

| | |
|------------------------------|---------------------------------|
| <input type="checkbox"/> D-1 | <input type="checkbox"/> D-9-a |
| <input type="checkbox"/> D-2 | <input type="checkbox"/> D-9-b |
| <input type="checkbox"/> D-3 | <input type="checkbox"/> D-9-c |
| <input type="checkbox"/> D-5 | <input type="checkbox"/> D-10-a |
| <input type="checkbox"/> D-6 | <input type="checkbox"/> D-10-b |
| <input type="checkbox"/> D-7 | <input type="checkbox"/> D-11 |
| <input type="checkbox"/> D-8 | <input type="checkbox"/> D-12 |

Please note that any penalties which are appealed are automatically stayed until the appeal is concluded. All other penalties remain in effect.

C. You wish to have the Infractions Appeals Committee consider the appeal (select one):

at an in-person hearing.

based only on the written record.

III. TIME FRAME FOR AN APPEAL.

- The Infractions Appeals Committee will acknowledge receipt of the timely Notice of Appeal.
- Subsequent to receipt of the acknowledgment, you will have 30 days to file your written appeal.
- The Committee on Infractions will receive your written appeal and will have 30 days to submit its response.
- Subsequent to the acknowledgement of the receipt of the response of the Committee on Infractions and you will have 14 days to submit a rebuttal.
- The enforcement staff may submit written information regarding perceived new information, errors, misstatements and omissions related to the written appeal, Committee on Infractions response and rebuttal within 10 days.
- You will have 10 days to provide a response to the written information submitted by the enforcement staff.
- After receiving the appeal materials, the Infractions Appeals Committee will consider the appeal at an in-person hearing or based on the written record.
- The Infractions Appeals Committee will issue a report of its decision after it considers the appeal.

IV. THE APPELLATE RECORD THE INFRACTIONS APPEALS COMMITTEE WILL CONSIDER CONSISTS OF:

- The official transcript from the Committee on Infractions hearing.

- Your Notice of Appeal and written appeal. Any relevant sections from your response to the letter of official inquiry may be attached to the written appeal.
- The Committee on Infractions' response.
- Your rebuttal.

V. ACCESS TO WRITTEN MATERIAL RELATING TO THE APPEAL

- Written material such as the transcript of the infractions hearing, documents included in the record before the committee on infractions, and the response of the Committee on Infractions will be available through a custodial site.

VI. POINT OF CONTACT FOR APPEAL

- Please confirm the name, mailing address, email address, fax number and telephone number of the individual serving as the point of contact for this appeal and/or the appeal of another party.
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VII. SUBMITTING CURRENT EMPLOYMENT

- In the case of an individual appellant, the Notice of Appeal must state whether that individual is currently employed at an NCAA institution (regardless of the division of the institution). Further, if the individual's employment changes during the course of the appeal process (that is, from the time of the submission of the notice of appeal through the release of final Infractions Appeals Committee report), the individual must notify the Infractions Appeals Committee, through its liaisons, of that change, including the identity of the new employer. If employed at an NCAA institution please identify the institution below:
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Please refer to NCAA Bylaws 32.10 and 32.11 for additional information related to the appeal process.