

PETITIONERS:

Patricia 'TRISH' Thompson (Parent of Moe Thompson)
On Behalf of, and,
Moe Thompson (Student-Athlete)

PETITION TO:

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA)

President, NCAA, Mr. Myles Brand

Division I Academics/Eligibility/Compliance Cabinet

Division I Legislative Review and Interpretations Committee

Division I Progress Toward Degree Waivers Committee

Division I Student-Athlete Reinstatement Committee

Enforcement

MEMBER INSTITUTION:

University of South Carolina, Columbia, South Carolina

PETITION SUBMITTED:

August 28, 2007

PETITION FOR CONSIDERATION:

1. Review of Applicable NCAA Constitutions;
2. Assessment of Applicable NCAA Constitutions;
3. Review of Applicable NCAA Bylaws;
4. Assessment of Applicable NCAA Bylaws;
5. Review of Applicable NCAA Bylaws Waivers;
6. Assessment of Applicable NCAA Bylaw Waivers;
7. Favorable Consideration of Same;
8. Favorable Determination of Same; and,
9. Favorable Enforcement of Same

**On Behalf of Student-Athlete, Moe Thompson,
Per Legislation and Governance of Applicable and Effective
Constitution Articles and NCAA Bylaws 2002 – 2003 NCAA Division I Manual
As Follows:**

NCAA CONSTITUTIONS:

Constitution, Article 2 – Principles for Conduct of Intercollegiate Athletics

Constitution, Article 6 – Institutional Control

NCAA BYLAWS:

BYLAW, ARTICLE 14 ELIGIBILITY: ACADEMIC and GENERAL REQUIREMENTS

14.4 – PROGRESS TOWARD DEGREE REQUIREMENTS

- 14.4.1 – Progress Toward Degree Requirements;
- 14.4.3 –Eligibility for Competition;
- 14.4.3.1 - Fulfillment of Credit-Hour Requirements;
- 14.4.3.1.3 – Hours Earned During Regular Academic Year;
- 14.4.3.1.3.2 – Waiver Procedures;
- 14.4.3.1.4 – Designation of Degree Program;
- 14.4.3.1.4.1 – Documentation of Degree Program Designation;
- 14.4.3.1.4.1.1 – Eligibility Ramifications;
- 14.4.3.1.5 – Hours Earned or Accepted for Degree Credit;
- 14.4.3.2 – Fulfillment of Percentage of Degree Requirements;
- 14.4.3.2.2 – Application of Rule to Transfer and Continuing Student;
- 14.4.3.2.3 – Timing of Certification;
- 14.4.3.2.4 – Waiver Procedures;
- 14.4.3.3 –Fulfillment of Minimum Grade-Point Average Requirements;
- 14.4.3.3.1 – General Rule;
- 14.4.3.4 – Regulations for Administration of Progress Toward Degree;
- 14.4.3.4.4 – Prior Approval–Summer Courses at Other Institutions;
- 14.4.3.4.8 – Repeated Courses, subparagraph (a);
- 14.4.3.4.9 – “Banked” Credit Hours;
- 14.4.3.8 – Waiver—Learning-Disabled and Handicapped Student-Athletes;
- 14.4.3.9 – Additional Progress Toward Degree Waivers

14.2 – SEASONS OF COMPETITION: FIVE YEAR/10-SEMESTER RULE

14.2.1 – Five Year Rule

14.11 - INELIGIBILITY

14.12 – RESTORATION OF ELIGIBILITY

BYLAW, ARTICLE 12 AMATEURISM

12.1 – AMATEURISM GENERAL RULES

12.1.1 – Amateur Status, subparagraph (f);

12.2 – INVOLVEMENT WITH PROFESSIONAL TEAMS

12.2.4 – Draft and Inquiry;

12.2.4.2 – Draft List

12.3 – USE OF AGENTS

12.3.1 – General Rule

BYLAW, ARTICLE 11 CONDUCT and EMPLOYMENT of ATHLETICS PERSONNEL

BYLAW, ARTICLE 10 ETHICAL CONDUCT

BYLAW, ARTICLE 19 ENFORCEMENT

SUPPORTING DOCUMENTATION

1. NCAA Memorandum from NCAA Disability Services, dated June 24, 2002, Subject: Response to Information Submitted on Accommodations for Students with Disabilities to Thomas Moe Thompson;
2. Section 504 Referral for Determination of Eligibility, dated April 25, 2002, referred by University of South Carolina Athletic Department on behalf of Thomas 'Moe' Thompson;
3. Section 504 Evaluation Report, dated April 25, 2002 on behalf of Thomas 'Moe' Thompson;
4. Section 504 Student Accommodation Plan, dated April 25, 2002 on behalf of Thomas 'Moe' Thompson;
5. Section 504 Notice of Completion of Evaluation (Student Is Eligible), dated April 29, 2002;
6. Psychological Evaluation, dated February 2, 2002 on behalf of Thomas 'Moe' Thompson; and,
7. Letter with aforementioned supporting documentation to the University of South Carolina, Compliance Officer, dated June 21, 2005 RE: Progress Toward Degree Waiver – MOE THOMPSON

SUPPORTING COMPLAINT

Please take into consideration the following circumstances, based on the following facts presented, during your review and assessment of same, per the Legislation and Governance of applicable and effective NCAA Bylaws 2002 – 2003 NCAA Division I Manual, and render a favorable determination and enforcement of same by authorizing my son, Moe Thompson, a year of collegiate eligibility. It is our belief that your member institution, the University of South Carolina, failed to follow their own published policies and procedures in addition to their failure to accord due process to Moe Thompson (student-athlete), and thereby, thwarted his effort to transfer to another member institution.

1. I am the natural birth mother and parent of Moe Thompson. Moe was born on January 27th, 1984. From that time, through present, Moe has been and continues to be my dependent relative.

This Petition is to obtain redress for my son, Moe, a former “Mr. Football” in South Carolina, blue-chip, and three year–starter for the University of South Carolina Gamecocks, who was deprived of an opportunity to transfer to another program by reason of negligence, malfeasance, and unlawful discrimination by the University. Aside from being Black, Moe also has a documented certified learning disability.

The unlawful actions by the University are the subject of litigation in the United States District Court for the District of South Carolina, Moe Thompson v. Walter Parham, et.al. Case No.3:06-2064-CMC.

The purpose of this Petition is to attempt to administratively rectify the impact of the University’s actions on Moe’s eligibility.

2. Moe was a highly touted, blue-chip, high school student-athlete and had received numerous requests for consideration from colleges and universities across the nation to accept a football scholarship. Moe accepted the University of South Carolina’s offer and signed a Letter of Intent toward the University of South Carolina on National Signing Day, February 3, 2002.

3. In late January, 2002, and just prior to National Signing Day (February 3rd, 2002), Moe was contacted, and then I was contacted, by football administrators from the University of South Carolina inquiring as to if Moe had any type of learning disability, of which I informed them Moe had been diagnosed with a reading disability during middle-school. I was instructed to, immediately, have Moe’s learning disability updated and was sent a list of referrals so an appointment could be scheduled for a Psychological Evaluation to reevaluate Moe’s learning disability.

4. On February 2, 2002, (the day before National Signing Day) a Psychological Evaluation was conducted by Dr. Brian Keith, and the DIAGNOSIS: Axis I: 315.00 Reading Disorder, of Moe Thompson, was certified. Copies of Moe's updated Psychological Evaluation were also provided to the University of South Carolina football administrators who had contacted me and requested that Moe's learning disability be updated and re-certified.

5. On or about April 22nd, 2002, I was contacted by Moe's Guidance Counselor, Mrs. Stephanie Easterly, regarding a phone call she had received from a University of South Carolina football administrator requesting a referral for a Section 504 Referral for Determination of Eligibility on Moe. An appointment was scheduled for April 25th, 2002, at which time I met with Moe's guidance counselor and his teachers for the Section 504 Referral meeting.

6. The meeting administrators accepted the Psychological Evaluation of Moe, dated February 2, 2002, and concurred with Dr. Keith's certification and DIAGNOSIS: Axis I: 315.00 Reading Disorder. A copy of the Section 504 Referral for Determination of Eligibility, Section 504 Evaluation Report, Section 504 Student Accommodation Plan, and Section 504 Notice of Completion of Evaluation (Student is Eligible), dated April 29, 2002, to the NCAA Disability Services Division were forwarded to the appropriate University of South Carolina administrators located in the Athletic Department (Football).

7. Sometime in May, 2002, University of South Carolina administrators located in the Athletic Department (Football) forwarded Moe's Psychological Evaluation, Section 504 Referral for Determination of Eligibility, Section 504 Evaluation Report, Section 504 Student Accommodation Plan, and Section 504 Notice of Completion of Evaluation (Student is Eligible), dated April 29, 2002, to the NCAA Disability Services Division.

8. An NCAA Memorandum from NCAA Disability Services, Subject: Response to Information Submitted on Accommodations for Students with Disabilities to Thomas Moe Thompson, dated June 24, 2002, was received along with notification that the supporting documentation of Section 504 Referral for Determination of Eligibility, Section 504 Evaluation Report, and Section 504 Student Accommodation Plan, dated April 25, 2002; Section 504 Notice of Completion of Evaluation (Student Is Eligible), dated April 29, 2002; and, the Psychological Evaluation by Dr. Brian Keith, dated February 2, 2002, had been accepted for certification by the NCAA Disability Services.

9. A copy of the aforementioned (paragraph 8) was also received by the University of South Carolina administrators located in the Athletic Department (Football) who had initiated and requested the updated certification of Moe's learning disability in late January 2002. It was my understanding, this process was necessary as a "safety net" for the University of South Carolina, and Moe, in case Moe did not pass his final SAT attempt scheduled for June 2002.

10. In June 2002, Moe's SAT reflected enough points for Moe to be considered a "qualifier" at the University of South Carolina.

11. In August 2002, Moe entered the University of South Carolina as a student-athlete and gifted football player. During the 2002 Fall and Spring Semesters, Moe was a Freshman under the Liberal Arts Program.

12. In June 2003, (Summer Session I) Moe declared the College of Hotel, Restaurant, Tourism and Management (HRTM) for his Designation of Degree Program.

13. As far as I am aware, Moe's certified learning disability and Progress Toward Degree Waiver were *never* and have never been appropriately addressed by the administration within the University of South Carolina. **Even after I placed the Progress Toward Degree Waiver request in writing and, again, provided supporting documentation of Moe's certified learning disability in my letter to the University of South Carolina (NCAA Compliance Office) on June 21, 2005, Moe's certified learning disability was not and has never been addressed.**

14. The *Carolina Catalog* (a publication of the University of South Carolina outlines the university's policies and procedures as well as college course curriculums, etc.), provided information regarding complete withdrawal from the university and requesting the grade of W after the six week non-penalty period had ended.

15. The policies and procedures outlined, offered a student the opportunity to withdraw completely from the university, and, per the Registrars published policies and procedures, that student had until the end of the next major term to complete the withdrawal process before any grade would be assigned to their academic record. In the interim the academic record would reflect the annotation "NR." In Moe's case, he would have had until the end of the 2005 Fall term to complete the withdrawal process without academic penalty.

16. Additionally, the policies and procedures outlined, offered a student the opportunity to request the grade of W to be assigned for their semester courses if the student was withdrawing after the six week non-penalty period.

17. On March 27, 2005, prior to any grades being posted to Moe's academic record, and prior to any other activity affecting Moe's academic record (i.e., academic suspension) via email transmission, I, officially, notified Moe's instructors of our intent to withdraw Moe completely from the University of South Carolina. Additionally, I informed them of our desire to exercise Moe's right to request the grade of W be assigned to each of his courses. Furthermore, we requested to be provided with guidance on how to properly affect the procedure to accomplish our request of the W grades being assigned for Moe's 2005 Spring Semester courses in effort to protect Moe's Grade-Point-Average in the event of his transfer to another Div I-A or Div I-AA college or university program.

18. Therefore, I believe, by reason of the University of South Carolina's failure to follow their own published institutional policies and procedures, Moe's opportunity to transfer to another Division I-A or Division I-AA college or university was thwarted, and,

19. I believe, by reason of the University of South Carolina's failure to accord due process, to Moe, his opportunity to transfer to another Division I-A or Division I-AA college or university was thwarted, and,

20. I know, based on the aforementioned reasons, Moe believed he had no other alternatives or options available to him in order for him to continue to pursue his collegiate opportunities.

Therefore, due to the aforementioned documented facts, please take into consideration these circumstances, during your review and assessment of same, per the Legislation and Governance of applicable and effective NCAA Bylaws 2002 – 2003 NCAA Division I Manual, and render a favorable determination and enforcement of same, to authorize my son, Moe, a year of collegiate eligibility.

It is our, steadfast, belief that your member institution, the University of South Carolina, failed to follow their own published policies and procedures in addition to their failure to accord due process to Moe Thompson (student-athlete), thereby, thwarting his effort to transfer to another member institution.

As previously stated, the purpose of this Petition is to attempt to administratively rectify the impact of the University's actions on Moe's eligibility.

Respectfully submitted, on behalf of my son, Moe Thompson, by Patricia 'Trish' Thompson.

Original Hardcopy Signed and Mailed by FedEx
Patricia 'Trish' Thompson
POB 24831
Columbia, SC 29224

April 28, 2007
Date

cc: NCAA President, Mr. Myles Brand
Learning Disabilities
Division I Academics/Eligibility/Compliance Cabinet
Division I Legislative Review and Interpretations Committee
Rules & Eligibility Interpretations
Progress Toward Degree Waivers Committee
Progress Toward Degree Waivers (Bill Regan)
Committee on Athletics Certification
Athletics Certification Division (Paul Parker)
Athletics Certification Division (Mira Colman)
Committee on Infractions:
Infractions (Shep Cooper)
Infractions (Chris Strobel)
Enforcement
Enforcement (David Price)
Enforcement (Chris Strobel)
Minority Issues
Student Athletic Issues (Bernard Franklin)
Student Athlete Reinstatement Committee
NCAA Student Athlete Reinstatement Staff, Jennifer Strawley