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June 5, 2020

Jeffrey Benz, Esq.
Chair, Infractions Referral Committee
c/o Wendy Walters
Managing Director of the NCAA Office of Hearing Operations
700 West Washington Street
Indianapolis, IN 46204

via case management system

Re: Committee on Infraction's Referral Request in the Infractions Case of the University of Kansas (Case No. 00874)

Dear Mr. Benz,

This letter is University of Kansas assistant men's basketball coach Kurtis Townsend's reply to your letter of May 19, 2020, regarding the above-referenced referral request by the Committee on Infractions ("COI").

It is clear to Kurtis that the COI prefers not to hear or decide the Kansas case. Kurtis is concerned that if he objects to the case being referred to the Independent Accountability Resolution Process ("IARP") and the COI is subsequently required to hear the case despite its contrary preference then the COI may be predisposed against him. Therefore, Kurtis asks the Infractions Referral Committee to make the referral requested by the COI.

Kurtis does not doubt the intent of the Independent Resolution Panel to provide conscientious review and consideration of any case that comes before it. However, for two reasons, Kurtis regrets that he now feels obliged to depart from the traditional peer review system for processing infractions cases:

(1) Before, but not after, reading the COI's referral request, Kurtis felt confident that he could receive an efficient, timely, and fair peer review of the record in this case and of case precedents that would conclude (a) Kurtis' conduct in question is the type of transparent, normal conduct regularly engaged in by NCAA men's basketball coaches and (b) the case record clearly does not support finding Level 1 violations (the most egregious violation level) by Kurtis as sought by the enforcement staff.

(2) The NCAA did not follow the recommendation of the Commission on College Basketball to create an IARP with at least some opportunity for appellate review. Kurtis does not believe that as a result of participating in the IARP he should be subject to adverse findings or penalties warranting appellate review. However, it disappoints and concerns Kurtis that, as a result of the COI's desire not to engage in the traditional peer review process involving the COI and Infractions Appeals Committee, the alternative of pursuing the IARP means the elimination of a reasonable appellate opportunity which is critical to any fairly-designed process.

If this case is referred to the IARP, as Kurtis believes is necessary based on the implications of the COI's referral request, Kurtis will continue to fully, earnestly, and timely cooperate with the processing of the case, just as he has always done.

Sincerely,

Stuart L. Brown, LLC



Stuart L. Brown, for the firm