
From: Gene Marsh <gmarsh@lightfootlaw.com>
Sent: Thursday, July 19, 2012 8:46 PM
To: Erickson, Rodney; Stephen S Dunham; Guadagnino, Frank T.
Cc: William H. King, III
Subject: Update

Remy and Berst called me a short while ago after they ended their sessions with the NCAA BD.

They assured me again and again that the majority sentiment on the BD is that the death penalty should be imposed - for more than a year. I returned to that idea numerous times to make sure the discussion of the group was not being oversold. I think they are reporting things accurately.

They also assured me that in the discussion, all the arguments I made today were weighed and that those we added at the end of the day were also discussed. The penalties as proposed come after consideration of such things as PSU's lack of major infractions history, the involvement of the Freeh Group (and cost), full acceptance of all Freeh recommendations and full acceptance of all recommendations coming in the future, the change in personnel, etc.

Even with that the BD sees this as the worst case ever of loss of institutional control and a culture problem that warrants the death penalty. They said it's not about the individuals involved, it's about the culture. They WILL accept less than the death penalty - or so it ended today. They also said these dramatic penalties are consistent with the philosophy of the Working Group that is about to come out with some major changes to impact the culture on campus. "In some respects the PSU case will jump start the work of the Working Groups" - their words.

SPECIFICS

1. They dropped the post-season ban from 5 years to 4. They said the discussion of four was linked to the standard period to matriculate. And they thought this would be a sufficient time to cause a change in culture.
2. Scholarship limitations to go from 25 initials to 15 initials for a 4 or 5 year period - they could not say exactly. So it will end up at a loss of 40 or 50 - 10 a year.
3. They will drop the restriction on PSU board members as to tickets to athletic events and the idea that PSU should participate in some association-wide effort on best practices to change culture.

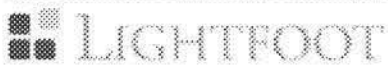
They thought it important for PSU leadership to understand that the NCAA BD thought this case was the worst lack of institutional control case ever - and that it was unique - beyond any other case.

They did not think any direct advocacy with the NCAA BD would help and would not be available in any formal setting.

They thought if the case was processed through the normal infractions process, it would come out the same way.

I could make some editorial comments, but I won't here.

Call me any time - [REDACTED]



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