

Message

From: Ray, Ed [Ed.Ray@oregonstate.edu]
Sent: 7/21/2012 3:23:19 PM
To: Mark Emmert [mae@ncaa.org]
CC: Isch, Jim [jisch@ncaa.org]; Renfro, Wally I. [warenfro@ncaa.org]; Roe, Julie [jroe@ncaa.org]
Subject: My Two Cents Worth

Mark:

I have given a great deal of thought to the matter at hand and my primary objective is to suggest a course that leaves you in the strongest possible leadership position and corresponds to my personal sense of what it means to do the right thing when you know you will be criticized for whatever you do.

I suggest you tell people on the call that this is your decision but you want their input regarding a summary disposition of the case. Tell them there are two options that are harsher than what one could expect out of the current enforcement process but either would offer the school closure now rather than in two years. Describe plan A and plan B, with plan B including lesser penalties in every category than A but including the additional penalty we discussed. Both plans attempt to impose harsher penalties than staff believe can be gained through the standard enforcement process. Clearly, I prefer B because it puts you in the strongest position whether or not it is accepted.

Do not ask the committee for a vote for your preferred option unless the conversation suggests the votes are there. Lawyers tell us to never ask a question you don't know the answer to.

Once you have decided on the summary judgment, present it as such and indicate that they can accept that or go through a year or two of process to find out if they can get a lesser judgment from the current enforcement process, which you did not create and you are reforming at the direction of the association members. I recommend you offer plan B but that is your call.

If they accept the summary judgment we are done and you are in the strongest leadership position possible and you can announce the specifics in the press conference on Monday. If they reject the summary judgment, you should indicate in the press conference on Monday that you offered a summary judgment that is harsher than one might expect from the current enforcement process and they rejected that so we will go through the normal one or two year process. Either way, you are on the record as having offered closure at a stiff penalty price and it was accepted or rejected. And, by the way, we continue to move toward much tougher penalties for future cases.

I hope this is helpful and I will support whatever you decide to do. Obviously, I can support plan B most enthusiastically.

Ed

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