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Message

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**Sent:** 7/23/2012 12:57:18 AM  
**To:** Mark Emmert [mae@ncaa.org]  
**CC:** Isch, Jim [jisch@ncaa.org]; Renfro, Wally I. [warenfro@ncaa.org]  
**Subject:** Penn State Statement

My edits are attached. Bob

PERGAD-Bayonne, N. J.  
**PLAINTIFF'S  
EXHIBIT**  
*Williams 23*

## Penn State statement

The Penn State case has provoked in all of us deeply powerful emotions and shaken our most fundamental confidence in many ways. As we – the Executive Committee, the Division 1 Board and myself – have examined and discussed this case we have kept foremost in our thoughts the tragic damage that has been done to the victims and their families. No matter what we do here, there is no action we can take that will remove their pain and anguish. But, what we can do is impose sanctions that both reflect the magnitude of these terrible acts and that also ensure Penn State will rebuild an athletic culture that went horribly awry.

Our goal is not to just to be punitive, but to make sure the University establishes an athletic culture and daily mindset in which football will never again be placed ahead of educating, nurturing, and protecting young people. More than 100 years ago the NCAA was created to assure that sports are fully integrated into our colleges and universities and that athletic programs wholly embrace the values of higher education. Our Constitution and By-Laws make it perfectly clear that the Association exists not simply to promote fair play on the field, but to insist that athletics programs provide positive moral models for our students, enhance the integrity of higher education, and promote the values of civility, honesty and responsibility. The sanctions we are imposing are based upon these most fundamental principles of the NCAA.

With these intentions in mind, the Executive Committee, the Division 1 Board and I have agreed to the following sanctions.

First, the NCAA is imposing a fine of \$60 million upon the University with the funds to be used to establish an endowment to support programs around the nation that serve the victims of child sexual abuse and seek to prevent such abuse from happening. This amount is the equivalent to one year's gross revenue by the football team.

Second, Penn State football will be banned from bowl games and any other post-season play for four years.

Third, the Penn State football team will have its initial scholarships reduced from 25 to 15 for a period of four years.

In order to minimize the negative impact on students-athletes, the NCAA will allow any entering or returning football student-athletes to transfer and immediately compete at the transfer university, provided he is otherwise eligible. Further, any football student-athlete who wants to remain at Penn State may retain his athletic grant-in-aid as long as he meets and maintains applicable academic requirements, regardless of whether he competes on the football team.

Fourth, the NCAA vacates all wins of the Penn State football team from 1998 to 2011 and the records will reflect these changes.

Fifth, the University's athletic program will serve a five-year period of probation, during which it must work with an Academic Integrity monitor of the Association's choosing.

Finally, the NCAA is reserving the right to initiate a formal investigatory and disciplinary process and to impose sanctions on individuals involved in this case after the conclusion of any criminal proceedings.

Beyond these sanctions, the NCAA is imposing other corrective actions to ensure that the intended change of culture actually occurs.

The NCAA is requiring that the University adopt the reforms delineated in Chapter 10 of the Freeh Report, particularly Section 5.0.

Additionally, the Association is requiring that Penn State enter into an "Athletic Integrity Agreement" with the NCAA and the Big Ten conference. This Agreement will require the establishment of a Chief Compliance Officer position, a Compliance Council and an array of control mechanisms that are intended to ensure the athletic culture will be fully integrated into the broader university.

And finally, the NCAA will select an independent Athletics Integrity Monitor who will, for a five-year period, report quarterly to the NCAA, the University's Board of Trustees, and the Big Ten Conference on the progress Penn State is making in implementing all the provisions of the agreement.

Let me also address the issue of the so-called "death penalty." The Executive Committee, the Division 1 Board and I had extensive discussions about the appropriateness of imposing a suspension of the football program for one or more years. An argument can be made that the egregiousness of the behavior in this case is greater than any other seen in NCAA history and that therefore a multi-year suspension is warranted. After much debate, however, we concluded that sanctions needed to reflect our goal of driving cultural change as much as apply punitive actions. Suspension of the football program would bring with it significant unintended harm to many who had nothing to do with this case. The sanctions we have crafted are more focused and impactful than a blanket penalty. Moreover, the actions already taken by the new Chair of the Board of Trustees, Karen Peetz, and the new President, Rodney Erickson, have demonstrated a strong desire and determination to take the steps necessary for Penn State to right these severe wrongs. For the next several years Penn State can focus on the work of rebuilding its athletics culture, not worrying about whether or not it is going to a bowl game. With the sanctions imposed today and the new leadership of the University we hope, indeed we intend to ensure that is the case.

In closing, let me say that this case involves tragic and tragically unnecessary circumstances. One of the grave dangers stemming from our love of sports is that the sports themselves can become "too big to fail," or even too big to challenge. The result can be an erosion of academic values that are replaced by the value of hero worship and winning at all costs. All involved in intercollegiate athletics must be watchful that programs and individuals do not overwhelm the values of higher education. In the Penn State case, the results were perverse and unconscionable. No price the NCAA can levy will repair the grievous damage inflicted by Jerry Sandusky on his victims. However, we can make clear that the culture, actions, and inactions that allowed them to be victimized will not be tolerated in collegiate athletics.

