

Message

From: Berst, David [/O=NCAA/OU=NCAA/CN=RECIPIENTS/CN=DBERST]
Sent: 7/23/2012 5:32:42 PM
To: Patty Viverito [pattyv@mvc.org]
Subject: RE: PSU press conference--see web site link for full report

My early opposition was more re jurisdiction. I was a voice of reason regarding the student-athlete points you made, but my views there were not supported. I probably think of it about the same way you do and had previous experience to draw on as well. I look forward to a cold beer together in our next life when I'll share all my wise insights.

From: Patty Viverito [mailto:pattyv@mvc.org]
Sent: Monday, July 23, 2012 1:21 PM
To: Berst, David
Subject: RE: PSU press conference--see web site link for full report

David,

Thanks for sharing your insight. For me, toppling the statue was the best place for Penn State to initiate change and I support NCAA vacating wins. Both these actions impact the Paterno legacy in important and meaningful ways. I am, however, struggling with understanding the timing and justification for the other NCAA sanctions. Jail time for the guilty (not just Sandusky) and implementation of the Freeh report recommendations seem to be the appropriate actions to affect change at Penn State. Bowl bans and financial penalties and wholesale transferring seem to be unwarranted grand standing by the NCAA. Someday I'd like to learn how you got from early opposition to support for the actions taken today. It will take more insight that what has been provided thus far to get me there.

Patty

From: Berst, David [mailto:dberst@ncaa.org]
Sent: Monday, July 23, 2012 10:10 AM
To: Tom Douple; John Swofford; Jamie Zaninovich; Tom Burnett; Carolyn Schlie Femovich; Larry Scott; Jon Steinbrecher; John Iamarino; Craig Thompson; Doug Elgin; Dennis Thomas; Richard Ensor; Thomas Yeager; Dennis Farrell; James Delany; Kyle Kallander; Doug Fullerton; Ted Gumbart; Patty Viverito; Britton Banowsky; Bernadette McGlade; mlaslive@sec.org; Beth DeBauche; Amy Huchthausen; Jon LeCrone; Robin Harris; Noreen Morris; Duer Sharp; Jeff Hurd; Karl Benson; Bob Bowlsby; Joseph Bailey
Cc: Greg Sankey; Big Ten - Jennifer Heppel; Joseph D'Antonio; Kevin Weiberg
Subject: PSU press conference--see web site link for full report

CCA members,

A few comments on how/why action has taken place. I have worked with our legal counsel and the university's to design the consent decree that Penn State eventually agreed to. Mark communicated with Jim Delany and Anna Lou Simon of MSU serves on the Board of Directors and Exec Com.

I want to comment to you on jurisdiction and where we go from here regarding future potential cases. We and the Exec Com believed the "athletic culture" of PSU over a 14 year period created the opportunity and maybe even the safe harbor for despicable criminal activities to take place. This cuts so deeply into the value structure of intercollegiate athletics that in the interests of taking action to resolve a "core issue of the Assn", the Exec Com exercised its jurisdiction

and then permitted the staff to develop a set of conclusions based on the Freeh report and Sandusky trial as well as penalties, subject to Exec Com and a sign off by the President of Penn State. This was not a negotiation. The NCAA established the penalties and absent the signature of the President, the matter would have been referred to the more cumbersome enforcement process.

Many presidents favored the so-called death penalty, but it also was clear that none of the perpetrators remained and the new president and Board chair are clearly attempting to reestablish proper control. The intent on a set of penalties is to require the school to rebalance its athletics culture and to some degree provide the innocent athletes opportunities to compete or transfer.

The message going forward is that you should encourage schools to look carefully at "power" programs and whether the athletics culture could be overwhelming the proper educational, competitive and recruiting values at our schools in addition to whether it could become a sanctuary for criminal activity as occurred at Penn State.

Our hope going forward is to develop clear legislation to place responsibility to call these matters into question through the usual enforcement program. I am sure you will hear more about empanelling a group to make legislative recommendations and I'll do my best to keep CCA involved in this process.

Having participated in both the SMU and Penn State cases, I am now comfortable with the process here (I was opposed early on) and I believe this case offers the most realistic opportunity going forward to address the unconditional broad support for or inattention to inconsistent conduct in some athletics programs with institutional, conference, Assn and even societal values systems.

Best to all and I'm glad to answer questions.

David Berst

This email and any attachments may contain NCAA confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return email, delete this message and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.