



November 17, 2011

Mark A. Emmert
President

P.O. Box 6222
Indianapolis, Indiana 46206
317/917-6222

President Rodney Erickson
Pennsylvania State University
201 Old Main
University Park, Pennsylvania 16802

Dear President Erickson:

As we have discussed, on November 5, 2011, the NCAA first learned about allegations of sexual abuse of young boys occurring in the athletic facilities of Pennsylvania State University, perpetrated by a former assistant head football coach. Further, at the same time the NCAA learned that these alleged acts occurred over two decades and that individuals with present or former administrative or coaching responsibilities may have been aware of this behavior. The recount of these tragic events in the Grand Jury Report is deeply troubling, and if true, individuals who were in a position to monitor and act upon learning of potential abuses appear to have been acting starkly contrary to the values of higher education, as well as the NCAA. I am writing to notify you that the NCAA will examine Penn State's exercise of institutional control over its intercollegiate athletics program, as well as the actions, and inactions, of relevant responsible personnel. I also have notified the NCAA Division I Board of Directors of the NCAA approach. We recognize that there are ongoing federal and state investigations and the NCAA does not intend to interfere with those probes. Moreover, we respect that under our criminal justice system there is a defined process to ascertain the facts, as well as determine criminal guilt or innocence. We will utilize any information gained from the criminal justice process in our review and have posed additional questions below to gather information that we believe relevant to this review.

As you undoubtedly are aware, the NCAA Constitution contains principles regarding institutional control and responsibility, as well as ethical conduct. Specifically, under Article 2.1, "it is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program" Further, that "includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution." These principles of institutional control are further elaborated on in Articles 6.01.1 and 6.4 of the Constitution, and universities are often held accountable in our infractions process for failure to meet them. Under Article 2.4, the NCAA Constitution requires that "for intercollegiate athletics to promote the character development of participants, to

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enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program." These principles are bedrock to the foundation of intercollegiate athletics; and the membership of the Association has made clear through the enactment of relevant bylaws that they are expected to be respected and followed.

Indeed, NCAA Bylaw 10.1 identifies 10 types of unethical conduct, but specifically makes clear that the list of 10 *is not limited to* those delineated. Among other things, that list captures the general principle of honesty embedded in Bylaw 10.01.1, which requires individuals to "act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports." While admittedly, the actions alleged to have occurred in this instance are not specifically listed in the bylaw, it is clear that deceitful and dishonest behavior can be found to be unethical conduct. Surely, the spirit of this bylaw also constrains behavior that endangers young people. To be clear, the requirement is so important that the language is repeated verbatim in Bylaw 11.1.1, governing the conduct of athletics personnel. Bylaw 11.1.2.1 goes on to state that "it shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach." Under this same bylaw governing the conduct and employment of athletics personnel, it makes clear that "institutional staff members found in violation of NCAA regulations shall be subject to disciplinary or corrective action . . . whether such violations occurred at the certifying institution or during the individual's previous employment . . ."

Lastly, it is important to bring to your attention that Bylaw 19.01.2 affirmatively states that "individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen." This provision has been cited by enforcement in at least a half dozen major infractions cases in the past. Those who exhibit this behavior are meeting the ethical expectations of the NCAA membership. Those who do not, fail us all.

With this as a backdrop and to prepare for potential inquiry, the university should provide relevant information and data in response to the following questions:

1. How has Penn State and/or its employees complied with the Articles of the Constitution and bylaws that are cited in this letter?

2. How has Penn State exercised institutional control over the issues identified in and related to the Grand Jury Report? Were there procedures in place that were or were not followed? What are the institution's expectations and policies to address the conduct that has been alleged in this matter upon discovery by any party?
3. Have each of the alleged persons to have been involved or have notice of the issues identified in and related to the Grand Jury Report behaved consistent with principles and requirements governing ethical conduct and honesty? If so, how? If not, how?
4. What policies and procedures does Penn State have in place to monitor, prevent and detect the issues identified in and related to the Grand Jury Report or to take disciplinary or corrective action if such behaviors are found?

The behaviors and failures described in the allegations set forth by the grand jury try not only the integrity of the university, but that of intercollegiate athletics as a whole and the NCAA member institutions that conduct college sports. It is critical that each campus and the NCAA as an Association re-examine how we constrain or encourage behaviors that lift up young people rather than making them victims. As you and I have discussed, it is essential that Penn State respond to the questions I have posed so that any failures in the management of athletics programs – both real and perceived – can be rectified. Unless you provide reason for a different timeline, your responses should be submitted by December 16 in order for the NCAA to determine next steps.

I look forward to the complete cooperation of Penn State in our review and any future action that we may take.

Sincerely,



Mark Emmert
President

ME:dbv

cc: Division I Board of Directors
Selected NCAA Staff Members