

Message

**From:** McGormley, Joel [/O=NCAA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JMC GORMLEY]  
**Sent:** 7/27/2012 11:43:10 PM  
**To:** Cooper, Shep [scooper@ncaa.org]  
**Subject:** Re: Crazyiness

I would like to refrain from offering up info and assistance even to past COI members re psu. We need to talk to Donald. Whether Gene or Larry they both have additional, even if good motives. Donald needs to clear and perhaps he will. Thanks.

Sent from my iPhone

On Jul 27, 2012, at 4:36 PM, "Cooper, Shep" <scooper@ncaa.org> wrote:  
Joel-

Please take a look at the below email exchange between former COI member Jerry Parkinson and me. Jerry was the long-time Dean of the University of Wyoming's law school and served as the COI's first coordinator of appeals. Jerry is an absolutely terrific guy and is exceptionally bright (as you would expect most law school deans to be). He termed off the COI in 2010.

As you will read, he is interested in getting involved with the monitorship aspect of the PSU case. He would be ideal, from every aspect -- temperament, intelligence and above all, experience. I will "reach out" to Guidepost Solutions and recommend Jerry to them.

Jerry's email prompted some questions I have about the monitorship measures articulated in the Consent Decree. To whom at the national office is this monitor to report? Does the senior leadership expect the OCOI and the COI to be involved? Not sure if all of this has been completely thought through.

PS -- Jerry has a twin brother, Larry, who he mentions in his below email. Donald knows Larry, through Donald's work at the DOJ and when Larry was the FBI's chief legal counsel.

*Shep Cooper*  
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**From:** Jerry Parkinson [mailto:JParkins@uwyo.edu]  
**Sent:** Friday, July 27, 2012 2:18 PM  
**To:** Cooper, Shep  
**Subject:** RE: Crazyiness

Hi Shep,



Thanks so much for your thoughtful response. I'm glad to hear you had at least some role in the consent decree -- a fascinating document, and one that made this whole scenario palatable. Initially I was concerned that the imposition of sanctions by NCAA leadership, without involvement of the COI, might undermine not only the COI and the infractions process, but also the very foundation of NCAA governance as a member-driven organization. But the Penn State case truly involved a "perfect storm" of circumstances -- as you say, a unique situation that defied a normal enforcement process; a thorough Freeh report that was as exhaustive as any the enforcement staff could do; a Freeh investigation that was commissioned by Penn State, so that in the end, the institution had little choice but to accept the findings as its own; a consent decree under which the university agreed to the sanctions and relinquished any avenues for appeal; and unanimous support of both the executive committee and the board of directors, which represents the membership as a whole. All in all, I'd say a masterful job, and I thought Presidents Emmert and Ray did a superb job of addressing concerns at the press conference.

Very interesting to learn that the integrity monitor concept has been considered for months. I can see why the concept had little support earlier -- would seem to me to be rather duplicative of the work you already do with schools on probation. But as you say, now that the concept is a significant part of Penn State's probationary status, there seems to be no turning back now. Very interesting attachment you sent -- thanks much. Is it your sense that Guidepost Solutions has the inside track on appointment in the Penn State case? I'll have to do a little research on the company, but I think it is very likely that I will approach them (soon) and offer myself up as a person with valuable experience in both worlds -- NCAA infractions and higher education leadership. On campus at Wyoming, I served two stints on the university's Athletics Planning Council (both academic integrity and gender equity/Title IX committees) and the NCAA recertification committee.

I may have told you that in April I decided to reduce my commitment to the Univ. of Wyoming to one semester so that I could spend more time in Portland with Deb, granddaughter Maya, and other family members. UW wanted me to teach in the spring rather than the fall, so I am scheduled to go back to Laramie in January to teach a couple of classes. Because I've got such a good gig at Wyoming, even at half-pay, I haven't been looking seriously at other employment opportunities here in Oregon. But if the opportunity presents itself to do something interesting (and earn some income) from a Portland home base, I would cut ties with Wyoming earlier. I've retained my Oregon bar membership for 27 years, so I could go to work as a lawyer again, but I'd rather not reinvent myself entirely at this stage of my career. An opportunity to use some of my NCAA experience would seem to be a good fit, particularly in a position with a broader focus like athletics/academics balance. I've always considered myself to be a teacher first.

So . . . If you don't mind communicating with the Guidepost Solutions people about me (particularly if you think they have a good shot at becoming a leader in this potentially growing business), I certainly would be grateful. And I will send my own letter and CV to them shortly. I do know the Freeh Group (an entity separate and apart from the law firm Freeh Sporkin & Sullivan that did the PSU investigation and report) is interested in moving more into NCAA matters. They had a role in the USC case too, as you probably know. It may not surprise you that both twin brother Larry and I connected with Louis Freeh last December, after the PSU scandal broke, to offer our services in that case. (Larry, you will remember, served as Judge Freeh's general counsel at the FBI, and they still have a great relationship.) At the time, Judge Freeh had his team put together, but we did start communications about a possible role in the Freeh Group for both of us. In fact, I flew to the east coast last winter for an exploratory meeting with Judge Freeh, but it was cancelled at the last minute because of a conflict on the judge's part. I suspect that the "success" of Freeh's work in PSU has whetted the Freeh Group's appetite and they may be eager to play a broader role in the future. In other words, the Freeh Group may be a serious competitor to Guidepost Solutions (perhaps not in the Penn State case itself, but in other cases if this concept has legs). Larry and I probably will be reaching out again soon to Judge Freeh . . . but in the meantime it seems that communication with Guidepost would be in order.

Thanks again for the information, insight, and assistance, Shep. I do hope our paths cross again soon.

Best,  
Jerry

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**From:** Cooper, Shep [[scooper@ncaa.org](mailto:scooper@ncaa.org)]

**Sent:** Friday, July 27, 2012 7:50 AM

**To:** Jerry Parkinson

**Subject:** RE: Crazyiness

Hey Jerry-

Great hearing from you. Yes, the Penn State "case" stirred things up around here. Although I had a hand in "scrubbing" some the language of the Consent Decree, it was exclusively the product of the VP for Legal Affairs (which we now fall under), President Emmert, the Executive Committee and the Div I Board of Directors. No COI input. This caused a bit of "grumbling" by some members of the COI, but after some conference calls with the COI, led by current Chair, Britton Banowsky, the COI's new Managing Director (Joel McGormley) and me, they were less concerned. This was truly a unique situation that defied a normal enforcement process. It was thought that, if the enforcement process was employed, it would have taken too long and, in all likelihood, many, if not most of the principals in the case would not have been inclined to speak with the NCAA, because they are no longer employed at PSU and two of them are under criminal indictment. Further, the Freeh report was available which made conclusions and it was highly unlikely that an NCAA investigation would have been more comprehensive.

With regard to your question about an athletic integrity monitor, that concept has been "on the radar" of the Enforcement Working Group for months, even before the PSU "case" broke. To be honest, before the Penn State "case," there was little support for this from the members of the COI, (as well as Joel, the Managing Director, and me). However, now that it is part of the Penn State penalties, it has come back to the forefront. Early this year, I (along with Julie Roe and others in Academic and Membership Affairs) attended a presentation by a company, Guidepost Solutions, who "pitched" themselves as an organization which could do such monitorships. I asked them if they had staff members who had the background to do such work, and the reply was no, they would contract with such individuals. You, in my view, would be an ideal choice for them to hire for such work.

I've attached to this email a White Paper this company put together for their presentation to us back in January. It includes contact information. I certainly would be happy to communicate with these folks about your qualifications and expertise in this area. You might contact them as well.

We miss you, too, Jerry. Let me know your reaction to my email and the attached document.

Give my best to Deb!

Fondly,  
*Shep*

*Shep Cooper*

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**From:** Jerry Parkinson [mailto:JParkins@uwyo.edu]  
**Sent:** Thursday, July 26, 2012 7:24 PM  
**To:** Cooper, Shep  
**Subject:** Crazyiness

Hi Shep,

Wow, must be an interesting time in NCAA headquarters. Hope you're doing well. The Penn State case has been intriguing to say the least. I haven't spoken with Rod or anyone else on the COI, but I'm sure the committee members have a variety of opinions on what came down (and how it came down).

I keep wondering if there is a way to use some of my NCAA experience from a home base in Portland. I am intrigued by the "athletics integrity monitor" to be appointed in the Penn State case. It seems to me that the COI model that you have administered for all these years -- schools on probation reporting to you their compliance efforts -- may be a good place to start. Do you know whether the NCAA and Penn State might be looking for someone with experience in both higher education leadership and NCAA matters? I've considered applying, but don't want to waste my time if this is already a done deal and they know who they're going to appoint. (But even then, I might put myself out there as "supporting staff.") On the other hand, you may tell me to run as far away from this thing as possible, which I would understand as well.

I'm sure the many changes surrounding your work are nerve-racking. Hope you're hanging in there OK, and hope you and the family are enjoying your summer. I miss seeing you.

Best,  
Jerry

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