

06071-075 -

**Branstetter, Jennifer**

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**From:** Ammerman, Paula [REDACTED]  
**Sent:** Sunday, February 26, 2012 9:05 AM  
**Subject:** CONFIDENTIAL Feb 25 Final Version -- Report of the Board of Trustees on November 9 Decisions and Op Ed on Coach Paterno Decision  
**Attachments:** Report from the Penn State Board of Trustees-LD revisions as of 2-25.doc; Penn State -- draft op ed on Paterno decision by the Board--2-25 version.doc

TO: Members of the Board of Trustees

Lanny Davis asked that I forward the attached/below communications to you for discussion at this evening's call.

Paula

Hi Paula -

See below. Attachments of Board Report and Op Ed - final versions + text cut and pasted.

Regards,

Lanny

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**From:** Lanny J. Davis  
**To:** Lanny J. Davis  
**Sent:** Sat Feb 25 17:44:49 2012  
**Subject:** Feb 25 Final Version -- Report of the Board of Trustees on November 9 Decisions and Op Ed on Coach Paterno Decision

**Report from the Penn State Board of Trustees:**

**The November 9, 2011 Decisions  
Concerning Removing President Graham Spanier as PSU President  
and Coach Paterno as Head Coach**

While the unanimous decisions of the members of the Board of Trustees made on November 9, 2011 were heart-wrenching for all involved, they were nothing compared to the pain, suffering and humiliation that child victims of sexual assault feel throughout their entire lives. Our focus today, as it was on November 9, 2011, is on the protection of innocent children.

***Why We Are Sharing This Information***

The Board of Trustees met on February 18th and 19th in State College for a retreat. Just prior to the retreat, several board members participated in "Listening Tours" with faculty and staff. It has become apparent to us that many Alumni, faculty, staff, and students do not feel as if the Board has ever given a clear explanation for the November 9, 2011, decisions. We write, not to create any more pain for any one, but in an effort to provide a clear and concise explanation for our decisions.

***Coach Paterno's Legacy And Our Regret For The Manner In Which We Delivered The Decision***

For those outside the Penn State community, it is difficult to understand how much Coach Paterno meant to every facet of our University. He made many contributions to Penn State – not just to the football program, but to the values of academic excellence through his personal generosity and commitment to our University.

Sue Paterno was right. Coach Paterno did deserve better. He deserved better than a telephone call at 10 p.m. removing him as the head coach. We understand the hurt, anger and resentment that such a delivery caused not only to the Paterno family, but also to the entire Penn State family. For this, we are sorry, and express deep regret in the manner in which we delivered our November 9, 2011 decision to Coach Paterno.

### ***The Decision Making Process***

Each of our Board members has their own unique story but the Board ultimately made its decisions unanimously because we knew we owe a legal and fiduciary obligation to this University as a whole, not to any one person, or to any one department.

#### **Dr. Graham Spanier**

After considering whether we could give Dr. Spanier the vote of confidence he requested, the Board agreed it could not do so for three primary reasons: (1) the Board felt that Dr. Spanier had not adequately kept the Board informed as to conduct that reportedly occurred in 2002 regarding Jerry Sandusky, the Grand Jury investigation or the potential negative impact on the University; (2) Dr. Spanier did not consult with the Board regarding the Grand Jury presentment prior to announcing his statement of full support of Timothy Curley and Gary Schultz after they were indicted; and (3) Dr. Spanier's involvement in the drafting and issuance of a press release on November 7, 2011 in response to the Grand Jury Presentment that contained content contrary to the Board's express instructions.

#### **Coach Joseph V. Paterno**

There were three primary reasons that led to this difficult decision to remove him as head football coach while still retaining him as a tenured member of the faculty.

First, the Grand Jury Presentment stated that Coach Paterno had testified under oath that he was told in 2002 that his former assistant coach, Jerry Sandusky, had engaged in "conduct of a sexual nature" with a young boy, including "fondling." While Coach Paterno had fulfilled his legal duty by reporting what he knew to his immediate superior, we determined that Coach Paterno should have done more to reach out to the alleged child victim and to possibly other child victims in the future, particularly since he was such an important and influential leader in the Penn State community.

Second, the Board perceived Coach Paterno's actions from November 6, 2011 through November 9, 2011 not to be in the best interest of the University. Specifically, (1) on November 6th, 2011, Coach Paterno issued a press release without any input or consultation with the University; (2) on November 8th, Coach Paterno expressed his displeasure with the University canceling the scheduled press conference by announcing that he would schedule his own off-campus press conference; and (3) on November 9th, Coach Paterno announced his intentions to retire at the end of the football season without having consulted with the University. The Board perceived Coach Paterno's statement that the Board "should not spend a single minute discussing my status. They have far more important matters to address," as an unacceptable direct challenge to the Board's legal and institutional responsibilities under our bylaws and state law.

Third, the Board determined it was not in the University's best interest, Coach Paterno's best interest, or in the football players' best interest, for Coach Paterno to be in front of the press corps for the remainder of the season as the dominant, if not only, topic would be his admitted grand jury testimony.

This decision was reached at 9 p.m. Due to various leaks that had already occurred that week, the Board felt that if the message was not delivered immediately, it would be leaked to the press by the next morning. It was important for the Board to deliver three messages directly to Coach Paterno: (1) that he was removed as head football coach effective immediately; (2) that we regretted having to deliver the message over the telephone; and (3) that we intended to honor his employment contract.

Not only had the press corps surrounded the Paterno family home, but it had also surrounded the Penn Stater Hotel and Conference Center, where the Board was meeting. The Board did not feel that it could ask Coach Paterno to leave his home at that time, nor did the Board feel that it could arrive at the Paterno home, deliver the three messages privately and respectfully, and leave without serious safety issues. While it was admittedly undignified to deliver the three messages via telephone, the Board felt it would be equally undignified for us to demand that Coach Paterno leave his home to come to us, or for the delivery of those messages to be caught on camera by the press.

#### ***How We Plan To Honor Coach Paterno***

Understandably, many alumni, faculty, staff and students are inquiring how we plan on honoring the many contributions that Coach Paterno made to the University. It has always been the Board's intention to honor Coach Paterno's employment contract, including, but not limited to naming him Head Coach Emeritus. While other options to honor Coach Paterno are currently being considered, we will not make any final decisions until the Special Investigative Task Force completes its report which is currently expected in September 2012.

The Board is committed to openness and recognizes our Alumni, faculty, staff, students and the entire Penn State community deserve a clear explanation of our actions on November 9, 2011. While we will likely never be able to completely satisfy all inquiries, we are committed to repairing and rebuilding the many relationships which have deteriorated within the Penn State community since November 9, 2011.

We invite you to visit our new "Openness" website at <http://openness.psu.edu/> to learn more.

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### **Our Difficult Decision on Coach Paterno's Removal**

**By the Board of Trustees, Penn State University**

We write this column as the entire Board of Trustees because there are many people from within the greater Penn State community as well as the public, who still don't understand the reasons why we made the difficult and heart-felt decision on the evening of November 9, 2011, to remove Coach Joe Paterno as head football coach for the remaining three games of the 2011 season – or the undisputed facts that most influenced us.

We do so aware of the grief we share at the passing of Coach Joe Paterno and the respect we all feel for his great contributions to Penn State over many years. We are also sorry about the way we handled communicating the decision. Sue Paterno was right. Coach Paterno did deserve better. He deserved better than a telephone call at 10 p.m. removing him as the head coach. We understand the hurt, anger and resentment that such a delivery caused not only to the Paterno family, but also to the entire Penn State family. For this, we are sorry, and express deep regret in the manner in which we delivered our November 9, 2011 decision to Coach Paterno.

There were three reasons for our decision. First, the Grand Jury Presentment stated that Coach Paterno had testified under oath that he was told in 2002 that his former assistant coach, Jerry Sandusky, had engaged in "conduct of a sexual nature" with a young boy, including "fondling." While Coach Paterno had fulfilled his legal duty by reporting what he knew to his immediate superior, we determined that Coach Paterno should have done more to reach out to the alleged child victim and to possibly other child victims in the future, particularly since he was such an important and influential leader in the Penn State community.

Second, the Board perceived Coach Paterno's actions from November 6, 2011 through November 9, 2011 not to be in the best interest of the University. Specifically, on November 6th, 2011, Coach Paterno issued a press release without any input or consultation with the University. On November 8th, Coach Paterno expressed his displeasure with the University canceling the scheduled press conference by announcing that he would schedule his own off-campus press conference. Then on November 9th, Coach Paterno announced his intentions to retire at the end of the football season without having consulted with the University. Then he stated publicly that the Board "should not spend a single minute discussing my status --they have far more important matters to address." The Board perceived that public statement and the prior ones as an unacceptable direct challenge to the Board's legal and institutional responsibilities under our bylaws and state law.

Third, the Board determined it was not in the University's best interest, Coach Paterno's best interest, or in the football players' best interest, for Coach Paterno to be in front of the press corps for the remainder of the season as the dominant, if not only, topic would be his admitted grand jury testimony.

This decision was reached at 9 p.m. Due to various leaks that had already occurred that week, the Board felt that if the message was not delivered immediately, it would be leaked to the press by the next morning. It was important for the Board to deliver three messages directly to Coach Paterno: (1) that he was removed as head football coach effective immediately; (2) that we regretted having to deliver the message over the telephone; and (3) that we intended to honor his employment contract. The Board member who delivered the message never had a chance to state the second and third point, since Coach Paterno hung up after the first point.

Not only had the press corps surrounded the Paterno family home, but it had also surrounded the Penn State Hotel and Conference Center, where the Board was meeting. The Board did not feel that it could ask Coach Paterno to leave his home at that time, nor did the Board feel that it could arrive at the Paterno home, deliver the three messages privately and respectfully, and leave without serious safety issues. While it was admittedly undignified to deliver the three messages via telephone, the Board felt it would be equally undignified for us to demand that Coach Paterno leave his home to come to us, or for the delivery of those messages to be caught on camera by the press.

Regarding the future, we remain committed to remember the children who may have been assaulted and whose lives may be scarred forever. The University has offered the victims counseling and related health care services. We have contributed financially to organizations

dedicated to protecting victims of sexual assault and child abuse. And we hope to sponsor a national forum on child abuse – to turn this tragedy that may have occurred at Penn State into an important teaching moment for the nation on recognizing early signs of child sexual abuse and on reporting obligations, legal and moral.

As one of the Board of Trustees, Ken Frazier, put it so well:

“...[E]very adult has a responsibility for every other child in our community. And ...we have a responsibility not to do the minimum, the legal requirement. We have a responsibility for ensuring that we can make every effort that’s within our power not only to prevent further harm to that one child, but to every other child.”

That is our commitment to the children...and to the core values that have always been what makes Penn State a great university.

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