

Feuchtenberger, Karen

From: Ammerman, Paula <PRA4@psu.edu>
Sent: Tuesday, February 28, 2012 3:06 PM
Subject: Briefing Call Scheduled for TODAY, Tuesday, February 28; Paula 814-308-4148
Attachments: PENN STATE -- OP ED ON PATERNO DECISION - FINAL 2-28-12.doc; PENN STATE -- Board Report FINAL 2-28-12.doc

Importance: High

TO: Members of the Board of Trustees
Also Lanny Davis, Adam Goldberg, Frank Guadagnino, Eleanor McManus, Tom Poole

Chairman Peetz Chairman Peetz has asked that I advise of a briefing call planned for tonight, **Tuesday, February 28, at 7 pm Eastern** for the voting membership of the Board. Please use the 866-393-1766 conference call in number and the individual access codes provided separately. In the event you do not have this information available to you, contact me at pra4@psu.edu or at the cell number listed in the subject line.

The purpose of the call is to review the final drafts of the Op Ed and longer editorial, attached.

Please advise if you will participate in the call at your earliest convenience.

Thank you.
Paula

Our Difficult Decision on Coach Paterno's Removal

By Karen Peetz, Chairperson, and Keith Masser, Vice Chairperson, on behalf of the Board of Trustees, Penn State University

We write this column as Penn State's Board of Trustees to explain clearly our reasons for the difficult and heart-felt decision we made unanimously 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.

We share the widespread grief of the Penn State family and many others at the passing of Coach Joe Paterno. All of us felt grateful for all that he had done for Penn State and the greater community. We still feel that way. That is what made our decision to relieve him as football coach so personally difficult for each of us. We regret to this day the way we felt we had to deliver the news of this decision to Coach Paterno by telephone, which we will explain below.

There were three primary reasons for this decision.

The first – and by far the most important – reason was that we learned on November 5 that, according to the Grand Jury presentment, 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 he should have done more to follow up on these serious allegations of child sexual abuse. It was primarily this failure of leadership on this issue that caused us to remove him as football coach.

Second, we perceived Coach Paterno's public statements between November 5-9, especially his November 9 statement that he would remain as coach for the remainder of the season and that the Board "should not spend a single minute discussing my status -- they have far more important matters to address" – to be a direct and unacceptable challenge to the Board's legal and institutional responsibilities under its by-laws and state law. The Board was the only entity with direct responsibility for Coach Paterno, since his immediate supervisor, the Athletic Director, was on administrative leave and the President of the University had been removed from his position.

Third, we believed that, in light of his admitted Grand Jury testimony referenced above, Coach Paterno should not continue to be in front of the public for the last three games of the season. It was our unanimous view that that this would create a continuing distraction that would compromise the coach's effectiveness and not be in the best interests of the University or the football team.

We regret for the unfortunate way we delivered the news on the telephone to Coach Paterno late in the evening of November 9. A review of the facts and circumstances we faced at the time should explain why the Board believed it had no better choice.

The Board spent many hours between November 5 and 9 discussing what to do after the publication of the Grand Jury report on November 5. Finally, at 9 p.m. on that Wednesday evening, November 9, we reached the unanimous decision that, although Coach Paterno had already announced that day his plan to retire at the end of the 2011 season, he would have to step down as football coach effective immediately.

We wish we could have delivered the news of that decision in person. But we knew that Coach Paterno's house was surrounded at that time by media and others, and thus, it was not possible to deliver the message to him in person and privately. We were also concerned about security issues had we tried to do so that night. We might have waited until the next day, but had we done so we were concerned he probably would have heard the news from other sources, which we believed would be improper. Thus, we made what we thought was the only practical available choice – as unfortunate as it was – and sent a representative of the Athletic Department to ask Coach Paterno to call us.

The coach did call a member of the Board around 10 pm. That Board member planned to tell the coach that (1) the Board had decided unanimously to remove him as coach; (2) the Board regretted having to deliver the message over the telephone; and (3) his employment contract would continue, including all financial benefits and his continued status as a tenured faculty member. However, after this Board member communicated the first message, Coach Paterno hung up, so the second and third messages could not be delivered.

Regarding the future, we remain committed to remembering 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 ethical.

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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**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 that we 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 Now

We met on February 18th and 19th in State College for a retreat. Prior to the retreat, several board members participated in "Listening Tours" with alumni, faculty, students, and staff. It was apparent that we needed to communicate more clearly these constituents our reasons for the decisions we made on November 9, 2011. We write in an effort to create a greater understanding so we can all move on for the greater good of Penn State University.

The Decision Making Process

Board members have their own unique reasons but we ultimately made our decisions unanimously. We are charged with a legal and fiduciary obligation to this University as a whole, not to any one person or to any one department. It is our responsibility not to determine the guilt or innocence of anyone, but to properly manage and govern the University, including determining whether our leaders have fulfilled their responsibilities.

We began our discussion on November 5 immediately after the publication of the Grand Jury presentment concerning alleged child sexual abuse that had occurred at Penn State. We continued those discussions during hours of conference calls and an in-person meeting on November 9, 2011. We took our time, focused on facts that were not in dispute, debated and discussed alternatives, and finally reached decisions all of us found very difficult and still do. We will explain briefly the reasons why we made the decisions to remove Dr. Spanier as President and Coach Paterno as football coach.

Dr. Graham Spanier

Dr. Spanier had served Penn State as president with distinction for many years. On Wednesday, November 9, the Board determined unanimously that we could not give Dr. Spanier a vote of confidence, and thus, removed him from his position as President of the University. We did so because: (1) Dr. Spanier had not kept all of us adequately informed regarding the conduct that is alleged to have occurred in 2002 regarding Jerry Sandusky and a young boy on the Penn State campus, the Grand Jury investigation including himself and other senior

administration officials, and the potential negative impact of these events on the University; (2) he did not consult with us ahead of time when he issued a public statement of full support of Timothy Curley and Gary Schultz after their indictment was made public; and (3) he was involved in the drafting and issuance of a press release on November 7, 2011 concerning the Grand Jury Presentment that contained content contrary to what we believed had been our instructions.

While Dr. Spanier was removed from his position as President, he remains a tenured member of the faculty. We continue to respect and appreciate him for all he did for Penn State.

Coach Joseph V. Paterno

We share the widespread grief of the Penn State family and many others at the passing of Coach Joe Paterno. All of us felt grateful for all that he had done for Penn State and the greater community. We still feel that way. That is what made our decision to relieve him as football coach so personally difficult for each of us. We regret to this day the way we felt we had to deliver the news of this decision to Coach Paterno by telephone, which we will explain below.

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We wish we could have delivered the news of that decision in person. But we knew that Coach Paterno's house was surrounded at that time by media and others, and thus, it was not possible to deliver the message to him in person and privately. We were also concerned about security issues had we tried to do so that night. We might have waited until the next day, but had we done so we were concerned he probably would have heard the news from other sources, which we believed would be improper. Thus, we made what we thought was the only practical available choice – as unfortunate as it was – and sent a representative of the Athletic Department to ask Coach Paterno to call us.

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How We Plan To Honor Coach Paterno

Understandably, many alumni, faculty, staff and students are making inquiries regarding how we plan to honor the many contributions that Coach Paterno made to the University. It has always been the Board's intention to fulfill Coach Paterno's employment contract, including naming him Head Coach Emeritus. While other options to honor Coach Paterno are currently being considered, we believe it would be premature to make any final decisions until the independent Special Investigations Task Force headed by Judge Louis Freeh completes its report.

Our Commitment to Openness and Communication

We are committed to openness and recognize that 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 that have deteriorated within the Penn State community since then.

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

Our Future Focus on the Children

Regarding the future, we remain committed to remembering the children who may have been sexually 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 ethical.

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