

Branstetter, Jennifer

From: Ammerman, Paula [REDACTED]
Sent: Thursday, July 19, 2012 9:12 AM
Subject: Briefing Call Planned for Thursday, July 19; 8 pm Eastern; Paula Cell [REDACTED]

Importance: High

TO: Members of the Board of Trustees
(also to Dunham, Guadagnino, Poole, Thompson and Bakaly)

Chairman Peetz asked that I advise of a briefing call planned for the voting members of the Board of Trustees later today, Thursday, July 19, at 8 PM Eastern. Please use the [REDACTED] call in number and your individual access code.

Please advise by reply email if you plan to participate in the call.

Additionally, she requested that I provide the below opinion piece from today's *Wall Street Journal* for your review.

Thanks,
Paula

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- OPINION
July 18, 2012, 7:29 p.m. ET

Johnson and Taylor: Penn State, Duke and Integrity

Two universities, two scandals, two leadership crises. That's where the comparison ends.

- **Article**

By KC JOHNSON
AND STUART TAYLOR JR.

In recent years, two prominent American universities have experienced catastrophic leadership failures that exposed young people in their charge to horrible abuse. The failures grew out of a lack of courage to resist the demands of powerful special interests. As Penn State tries to reform its campus culture, what can it teach Duke?

You probably know about Penn State, where top administrators, according to a recent report by former FBI head Louis Freeh, concealed critical facts about years of child molestation committed by assistant football coach Jerry Sandusky, all in an effort to protect the image of its football program. After the scandal became public, trustees

fired the university's president and its longtime football coach; two senior administrators left their jobs. The trustees then commissioned a multimillion-dollar investigation headed by Mr. Freeh, and they have promised to implement most of his 119 recommended reforms.

You may not have known, or remember, the leadership scandal at Duke, which became manifest in 2006 but led to no punishment or even censure of any kind for any of the professors and administrators who behaved disgracefully, including President Richard Brodhead.

We refer to the rapidly disproven allegation of a savage gang rape hurled at three Duke lacrosse players, with dozens more accused of complicity, by an African-American stripper whom they had hired to perform at a team party. Scores of professors formed themselves into what can most kindly be called a rush-to-judgment mob, adding their denunciations of the falsely accused lacrosse players (three were indicted) to the damage already done by a rogue district attorney, Mike Nifong.

In the weeks after the allegation went public in March 2006, 88 Duke faculty members endorsed an advertisement, paid for by university funds, that thanked students who were protesting "about what happened to this woman" (the only thing she said that happened was that three Duke lacrosse players raped her). It also thanked student protesters for not waiting for the police to conclude their investigation before they went out in protest—protests that included signs demanding that the lacrosse captains be castrated.

Mr. Brodhead's initial public statement said that people must uphold the presumption of innocence. But at a private meeting that included faculty members who signed the ad, he was excoriated for that statement. (We interviewed a number of people at the meeting and reported on it in our book in 2007.) Mr. Brodhead subsequently emailed key administrators that "we can't do anything to side with [the lacrosse players]." (His email came to light in a later lawsuit.)

In a subsequent open letter to the Duke community, Mr. Brodhead canceled the lacrosse season, accepted the coach's resignation, and added several sentences about the evils of rape and the legacy of racism and misogyny. It made no reference to the lacrosse players' presumption of innocence.

As publicly available evidence mounted that the accuser, Crystal Mangum, was not telling the truth, and that Nifong was hiding exculpatory evidence of the lacrosse players' innocence, the Brodhead administration was asked by an alumni group to issue a statement about the presumption of innocence. In his reply, he said he could make no comment about due process and didn't mention Nifong (whose ethical improprieties were subsequently documented by the state bar).

Why this willingness to demonize a university's own students? The contemporary academy's obsessive focus on matters of race, class and gender predisposed too many on Duke's faculty to uncritically accept Ms. Mangum's wild claims against supposedly privileged white jocks.

In the end, justice was done, to some extent. North Carolina Attorney General Roy Cooper, who took over the case from Nifong, concluded an exhaustive investigation by publicly declaring that the evidence proved that

nobody raped, otherwise assaulted, or had sexual contact with the woman. The lacrosse players, a generally admirable group of young men (we got to know most of them while researching a 2007 book on the case), have gotten on with their lives. Nifong was disbarred.

Duke avoided even the pretense of accountability. In sharp contrast to Mr. Freeh's inquiry at Penn State, Duke's two investigators of the administration's conduct spent less than a week on campus. Their report hailed the "eloquent" and "widely applauded" open letter of Mr. Brodhead, for whom the investigators expressed "compassion" and "support." The report maintained "there is clearly more to be done" to "increase diversity" among the faculty and administration.

Mr. Brodhead and the professors in the rush-to-judgment mob have sailed through the episode. Most of the Group of 88—the professors who signed the spring 2006 advertisement—endorsed a second open letter (after Nifong dropped the rape charges and the state bar had filed ethics charges against him) that they would never apologize for the first ad. Duke recently named one signatory (Paula McClain) the dean of the graduate school, even as a university official conceded to the campus newspaper, the Duke Chronicle, that her signature on the original advertisement and the open letter might not have stood on "the right side of history."

In May, Duke trustees renewed Mr. Brodhead's contract for five years, praising his "inspired leadership."

In two critical, and positive, ways, Penn State has already moved in a far different direction than Duke. Penn State implemented change from the top when trustees fired the president and football coach. And instead of the laughable investigation at Duke, the Freeh investigation demonstrated the trustees' willingness to identify how and what went wrong, even when the revelations caused short-term embarrassment.

But in another area, Penn State may be doomed to follow Duke's unfortunate example. Duke's appeasing of its faculty extremists symbolized its failed response to the lacrosse case. Penn State, similarly, has shown little willingness to deal with its bitter-enders—those among the campus community who prefer to hide their eyes and ears from the evidence and cling to the belief that the late Coach Joe Paterno was somehow mistreated. Such views exist even among the board of trustees, two of whose recently elected members, Anthony Lubrano and Ryan McCombie, campaigned on a platform demanding that the board apologize to the Paterno family.

It's possible that Penn State will fail to rehabilitate its currently tarnished image. But, unlike Duke, at least the school's leaders appear to understand that, in responding to scandal, a university must position itself on the right side of history.

Mr. Johnson is a history professor at Brooklyn College and CUNY Graduate Center. Mr. Taylor is a journalist and author. They co-authored "Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case" (Thomas Dunne/St. Martin's, 2007).