



December 12, 2011



By First Class Mail and Email to Russlynn.Ali@ed.gov

Russlynn Ali
Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100



Re: Request for OCR Title IX Compliance Review of Penn State's
Handling of Sexual Harassment/Violence Allegations and OCR
Examination of Whether Schools Apply Different Standards to
Complaints Against Athletic Department Members



Dear Assistant Secretary Ali:



The undersigned legal advocacy organizations and individuals are dedicated to the enforcement of Title IX and the improvement of educational institutions' responses to allegations of sexual harassment and violence. We are appalled by recent reports that Penn State University failed to properly respond to allegations of sexual abuse by an assistant football coach and that Penn State University regularly treats its football players differently (and more favorably) when they are accused of wrongdoing.



Accordingly, we hereby request that the Office for Civil Rights undertake a Title IX compliance review of how Penn State University handles allegations of sexual harassment and violence – especially allegations against athletes and other members of the athletic department. Based upon our work and experience, we are concerned that many schools do not have adequate procedures in place or ignore those procedures when athletes or other athletic department personnel are involved. Accordingly, we urge OCR to focus on these issues more broadly in its own investigations.



OCR has already announced that it will investigate whether Penn State complied with the Clery Act's requirements to disclose criminal offenses that occur on campus. We ask OCR to also undertake a compliance review to determine whether Penn State has properly handled complaints of sexual harassment and/or violence committed by student athletes as



required by Title IX or whether athletic department personnel improperly influenced or ignored any procedures in place at Penn State to address such complaints.

This request is consistent with the specific statement in OCR's April 2011 "Dear Colleague" letter that procedures applying to the adjudication of sexual harassment and sexual violence complaints "must apply to all students, including athletes." The "Dear Colleague" letter also states that "If a complaint of sexual violence involves a student athlete, the school must follow its standard procedures for resolving sexual violence complaints. Such complaints must not be addressed solely by athletics department procedures."¹

OCR's specific reference to athletes was particularly warranted given the frequency with which college athletes perpetrate sexual assault and athletic administrators interfere in the discipline of athletes.² A 1995 study of campus police and internal judicial affairs records at twenty NCAA Division I institutions found that, while male student-athletes comprised only 3.3% of the total male population, they made up 19% of reported sexual assault perpetrators.³ Recent cases involving sexual assaults by athletes at major universities could have been prevented by university officials who were aware of but concealed prior sexual assaults by the accused athletes and/or protected accused athletes generally. Such cases raise serious questions about whether victims are subjected to an uneven playing field when the accused is an athlete, whether athletic department officials are improperly involved in responding to allegations of sexual assault by athletes, and whether universities are failing to respond appropriately to sexual assaults by athletes.⁴

¹ Letter from Russlynn Ali, Assistant Sec'y for Civil Rights, U.S. Dep't of Educ., Dear Colleague Letter: Title IX 8, n.22 (Apr. 4, 2011), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

² Barbara A. Lee, *Liability for Sexual Assault by College Athletes Under Title IX*, NACUA Notes, Nov. 7, 2008, available at http://www.nacua.org/nacualert/docs/SexualAssault/Sexual%20Assault%20by%20College%20Athletes_110708.pdf

³ Jeff Benedict, *An Alarming Number of College Athletes Charged With Serious Crime*, Sports Illustrated, Sept. 8, 2010, http://sportsillustrated.cnn.com/2010/writers/jeff_benedict/09/08/athletes.crime/index.html (last visited Oct. 5, 2011).

⁴ See *Simpson v. Univ. of Colo. Boulder*, 500 F.3d 1170, 1178 (10th Cir. 2007) (reversing summary judgment in favor of the university in a case brought by two students who alleged they were raped by football players and recruits, finding that the football coach had general knowledge of the serious risk of sexual harassment and assault during college-football recruiting efforts, knew that such assaults had indeed occurred during recruiting visits, and failed to provide supervision, therefore the school could reasonably be said to have been deliberately indifferent to the sexual violence by athletes); *J.K. v. Ariz. Bd. of Regents*, 2008 U.S. Dist. LEXIS 83855 (D. Ariz. 2008) (denying defendants' motion for summary judgment because plaintiff may be able to establish that defendants were liable under both the U.S. Constitution, for affirmatively placing the plaintiff at risk by failing to respond appropriately to a prior complaint of sexual harassment, and Title IX, for failing to respond appropriately to football player's prior misconduct and rape of plaintiff); see also Lee Rood, *College Athletes and Criminal Charges: Some Work to Keep Allegations Quiet*, Des Moines Register, Aug. 31, 2008, <http://www.desmoinesregister.com/article/20080831/NEWS10/808310335/College-athletes-and-criminal-charges-Some-work-to-keep-allegations-quietn> (last visited Oct. 5, 2011).

Publicly available information about actual cases involving athletes at Penn State suggests that Penn State may have engaged in improper conduct with respect to sexual harassment complaints against student-athletes. In a case involving a complaint of sexual assault by two Penn State wrestlers in 1999 that was brought to Penn State's Judicial Affairs office, the assistant vice president of the Office of Student Affairs, which oversees Judicial Affairs, sent a letter to the judge overseeing the criminal sentencing attesting to the good character of one of the wrestlers. See *Group Says PSU Treats Athletes Differently*, Center Daily Times, Nov. 29, 2001, attached hereto as Ex. A. In 2002, after football player Anwar Phillips admitted to sexual assault and Penn State's Office of Judicial Affairs suspended him for two semesters, the football program allowed him to play in a January bowl game that took place during his suspension. See *Group Asks For NCAA Inquiry Into Bowl Game*, Collegian Online, Apr. 28, 2003, attached hereto as Ex. B. In 2004, another football player, Scott Paxson, was allowed to avoid suspension by merely agreeing to stay away from the football facilities --despite the fact that he was facing criminal charges and a judicial affairs complaint for sexual assault. See *Paxson Replies to State Charges*, Collegian Online Mar 3, 2006, attached hereto as Ex. C.

More recent news reports indicate that these examples are not isolated. Vicky Triponey, former Penn State Vice President for Student Affairs in charge of judicial affairs, has spoken up about ways in which the football program at Penn State resisted judicial affairs' handling of discipline involving its players. See *Philadelphia Inquirer, Did PSU Players Get Special Treatment* Nov. 16, 2011, attached hereto as Ex. D, and *Statement by Vicky L. Triponey* Nov. 22, 2011, attached hereto as Ex. E.

Penn State must be held accountable and must be required to take corrective action to prevent and promptly address sexual harassment and violence on its campus and of its students. This is true for any children who were victims of a senior athletic department staffer and for others victimized by student athletes. If Penn State improperly influences the proper application of campus police or judicial affairs procedures and provides favorable treatment to student athletes, immediate steps must be taken to eliminate such improper conduct and to ensure that Penn State's procedures in the future are equitable and impartial, as required under Title IX.

For all of these reasons, we request that OCR conduct a Title IX compliance review of how Penn State University handles allegations of sexual harassment and violence, particularly those against members of the athletic department. Specifically, we ask that OCR review Penn State's policies and procedures relating to sexual harassment and violence and their implementation, including police and judicial affairs files pertaining to such complaints for the past 15 years, and that OCR interview individuals familiar with the handling of such cases, including current and former athletic, police, and judicial affairs personnel. We also urge OCR to formally add handling of complaints against athletic department members as an area of focus for its own investigations.

OCR's intervention at this time would serve the students of Penn State and would educate the public about how schools should properly respond in these situations. We urge OCR to seize this opportunity to raise awareness about how schools can improve their policies and procedures to ensure that such gross failures to respond do not happen at Penn State or elsewhere.

Thank you for your prompt consideration of this request.

Very truly yours,



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EXHIBIT A

CENTRE DAILY TIMES

Thursday www.centredaily.com
50 cents

Corrections

◆ A story in Wednesday's Centre Daily Times incorrectly stated the author of a letter sent to Judge Thomas Kistler before sentencing Jean Celestin, a Penn State student convicted of sexual assault. Arthur Carter, assistant vice president of the university's Office of Student Affairs, wrote a letter, not William Asbury, the office's vice president.

11-29-2001

Group says PSU treats athletes differently

*Double standard alleged
in Celestin sexual assault*

By Angela Pomponio
apomponi@centredaily.com

UNIVERSITY PARK — Members of a Penn State student watchdog group are accusing Penn State officials of giving special treatment to athletes, including a former wrestler recently convicted of sexual assault.

In a letter sent Wednesday to university President Graham Spanier, Martin Austermuhle, co-founder of Students for Accountability and Reform, questioned university officials' influence in the criminal case against Jean Celestin, who was sentenced to six to 12 months for sexual assaulting a former student.

During the Nov. 19 sentencing, Judge Thomas Kistler said he received numerous letters from Celestin's friends and university peers, including Arthur Carter, assistant vice president of the Office of Student Affairs; Lawrence Young, director of the Paul Robeson Cultural Center; and Terrell Jones, vice provost for educational equity.

"It begs the question," Austermuhle's letter states, "Has the university, indirectly or directly, influenced the judicial process in Centre County?... This case seems to verify the assertion that the university will go out of its way to protect certain individuals."

University spokesman Steve MacCarthy, who had not yet seen Austermuhle's letter, called the claims of special treatment "ludicrous."

Austermuhle also asked why dozens of students charged with offenses in three State College riots were "quickly" suspended or expelled from the university before the outcome of their criminal cases and Celestin remained in school. Austermuhle said he believed university officials showed preferential treatment in 2000 to former quarterback Rashard Casey by allowing him to play for the football team while

PSU accused of double standards

University, continued from A1

a grand jury weighed evidence against him of assaulting an off-duty police officer in New Jersey. The grand jury refused to indict him in the case.

"There seems to exist a double standard by which certain cases are given careful consideration by the administration, while others find students guilty prior to any sort of trial or investigation," said Austermuhle, who was placed on probation with the university before he pleaded guilty in court to failing to leave one of the riots.

His letter came a day after leaders of the national Security on Campus Inc. group urged Spanier to expel Celestin before his graduation next month. At Celestin's request, Kistler agreed to allow his sentence to begin on Dec. 20, five days after graduation.

MacCarthy reiterated the university's position. "It's just simply not true," he said of Austermuhle's accusations. He said that Celestin was scheduled to go before Penn State's Office of Judicial Affairs shortly after his arrest in 1999.

Celestin's victim, however, told university officials she wanted them to hold off on a hearing until after the court trial.

"In this particular case, we

were prepared to have a hearing before Judicial Affairs. The reason it didn't happen is because we were trying to honor the victim's request," he said.

MacCarthy said Celestin could have a hearing before Judicial Affairs by the end of this week or next week.

"I know they are trying to expedite the situation so they can bring it to a conclusion by the end of the semester," he said.

Austermuhle, however, said he wonders whether that hearing was compromised when the administrators, particularly Carter, wrote letters to Kistler to consider before crafting his sentence.

"Being that the Office of Judicial Affairs is under the Department of Student Affairs, can we expect a fair and impartial decision to be rendered?" he wrote.

Carter and Jones did not return calls for comment Wednesday. Joseph Puzycki, director of Judicial Affairs, was out of town and could not be reached for comment.

MacCarthy said university officials who wrote the letters were doing so on their own behalf.

"The letters in no way have any reflection on the university's position or whether Judicial Affairs will handle this in an even-handed way," MacCarthy said.

"There seems to exist a double standard by which certain cases are given careful consideration by the administration, while others find students guilty prior to any sort of trial or investigation."

Martin Austermuhle,

co-founder of Students for Accountability and Reform

In his letter, Young said he asked Kistler for fairness when sentencing Celestin, who was involved in Penn State's Black Caucus and numerous activities at the Paul Robeson Cultural Center during the past three years.

"It was basically about what I saw in a young man who I think has a great deal of promise as an individual and the hope that a single mistake would not ruin his life forever," said Jones, who has written letters in the past for other students charged with crimes.

Meanwhile, the victim, who said she awoke to find Celestin forcing oral sex upon her after a night of drinking with his roommate, Nate Parker, also has written to the university, asking Puzycki why no one contacted her after Celestin's sentencing. Parker was acquitted of all charges in a joint trial with Celestin.

"I am also disappointed with Penn State at the fact that they allowed (Celestin) on campus even after there was a criminal proceeding and a guilty verdict," she wrote. "There should not have to be yet another process to put this matter to an end."

On Tuesday, a post-sentence motion was filed from District Attorney Ray Gricar's office, asking that Kistler instead order Celestin to the requested three to six years in state prison. Gricar said if Kistler refuses, he will appeal the sentence in state Superior Court.

EXHIBIT B

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Group asks for NCAA inquiry into bowl game

By Chris Korman

A victim's rights group has requested that the NCAA investigate whether or not Anwar Phillips was eligible to play in the Capital One Bowl on Jan. 1 after his university suspension was levied in mid-December.

Security On Campus, Inc. (SOC) Executive Director Howard K. Clery III wrote to NCAA President Myles Brand on April 14 to ask for a probe of the incident. He has yet to hear from Brand or anyone at the NCAA.

"We are hoping that we will hear something from them soon," said Daniel Carter, a senior vice president with SOC. "We are certainly hoping that they will investigate."

Phillips, a defensive back on the football team, allegedly sexually assaulted a woman in her on-campus apartment on Nov. 12. He appeared before the Office of Judicial Affairs a month later and accepted a two-semester deferred expulsion as punishment.

That punishment, according to the university, did not officially begin until the spring semester so that Phillips could finish his fall semester.

However, the letter sent to the NCAA by Clery cites Article 14 of the NCAA bylaws as requiring "that players be students in good standing" and also "places responsibility on the school to withhold any ineligible student-athlete from competition."

According to the letter, Penn State violated this rule by allowing Phillips to play in the bowl game three weeks after he had been punished and 11 days after the end of the semester.

Clery wrote: "It is clear to us that Anwar Phillips could not have been a student in good standing after December 21st and that Penn State allowed him to compete anyway. In addition to being an outrageous slap in the face of the victim, and sending the message that NCAA institutions tolerate criminal behavior by their student-athletes, we believe that an NCAA rules violation may have occurred."

Article 14 is often scrutinized because it deals with the issue of athlete eligibility. It is 47 pages long and has 11 sub-categories. Under the General Principles section, it says "a student-athlete shall be in good academic standing as determined by the academic authorities who determine the meaning of such phrases for all students of the institution."

A spokesman for the NCAA could not be reached, and it is not known if the organization is currently conducting an investigation.

Penn State football coach Joe Paterno has repeatedly refused comment on the situation. Before the Blue-White game on Saturday he said that he did not know what would happen with the "incidents."

SOC, a non-profit group based in King of Prussia, has dealt with sexual assault cases at Penn State before. When former Nittany Lions wrestler Jean Celestin was convicted of sexual assault in November 2001, SOC wrote a letter to Penn State President Graham Spanier to bring attention to the fact that Celestin was set to graduate that semester. After a review by Judicial Affairs, Celestin was expelled for two years and has yet to receive his degree.



INFO OPTIONS HOPE

According to Carter, SOC will not attempt to contact Spanier regarding the Phillips case because, "based on what he has said and done already, we don't think it would do any good."

Spanier originally said he thought the university had handled the situation "reasonably well" but released a statement about a week later saying he felt an athlete should not be allowed to participate in his or her sport after a suspension has been handed down.

In the Celestin case, SOC worked as an advocate for the victim. Carter says SOC has had no contact with the victim in the Phillips case.

"This is a bit unusual for us because we have not been asked to do this by anyone," Carter said. "We follow all reports of crimes, and this one stood out because we were familiar with the climate at Penn State."

Phillips is currently free on \$10,000 unsecured bail and waived his right to a preliminary hearing on March 26. His trial for sexual assault and indecent aggravated assault charges is scheduled to begin following jury selection June 9. A pre-trial conference is set for May 22.



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News

March 3, 2006

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SEARCH

Paxson replies to state charges

By Krystle Kopacz

A day after former football player Scott Paxson left his Nittany Apartments residence in handcuffs, he proclaimed his innocence in connection with the sexual assault charges, calling his arrest "very embarrassing," and saying he is "terrified" of the potential damage to his career.

Paxson was arrested Tuesday and now faces criminal charges levied by the state. Penn State Judicial Affairs and Paxson confirmed yesterday that Paxson was given two university hearings -- and found responsible in the first -- for the December 2004 incident, in which a former Penn State student said he had vaginal intercourse with her and finger penetrated her without consent.

Judicial Affairs deals only with issues that violate the university's code of conduct and is completely separate from the Pennsylvania justice system that is currently prosecuting Paxson.

In an e-mail message to The Daily Collegian, Paxson explained the situation -- how he appealed the first university hearing's verdict because of certain factors regarding how the hearing was conducted, such as who was allowed to testify and that the hearing wasn't recorded.

"I just didn't feel it was an impartial hearing," Paxson wrote.

Although Paxson was found responsible in the first hearing in April 2005, the appeals hearing reversed the charge and found him not responsible on all counts in June 2005. Paxson wrote that his first hearing found him responsible for engaging in nonconsensual finger penetration but did not find him responsible for nonconsensual vaginal intercourse. His second hearing cleared him of both, he confirmed.

Despite the cleared charge from the university, controversy has been brewing about the politics of the situation -- in short, the reason Paxson was convicted and then cleared.

Judicial Affairs Director Joe Puzycki said Paxson was subject to the same process as other students who are charged through his office.

"This kid did not get preferential treatment," Puzycki said. "The process is the same for every student at the university whether you're an athlete or not."

Puzycki confirmed that a Penn State hearing board made up of students and faculty originally found Paxson responsible. However, upon Paxson's letter of appeal to Judicial Affairs, he was granted an appeal hearing by Penn State Student Activities Director Vicky Triponey on the grounds of "procedural error."

Puzycki would not elaborate on what exactly that meant for Paxson's case. Triponey did not return phone calls made by the Daily Collegian by press time yesterday.

Now, Paxson is being criminally prosecuted by Centre County Assistant District Attorney Lance Marshall, a move Paxson wrote is a "change of heart."

"I thought this was behind me. I was cleared at school and [former acting District Attorney] Mark Smith saw the charges and evidence and didn't feel a crime was committed," he wrote.

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EXHIBIT D



AL MESSERSCHMIDT / Getty Images

An ex-Penn State disciplinarian said Joe Paterno interfered with judicial affairs decisions and procedures at the school.

Penn State scandal

All five Centre County Court judges withdraw from Jerry Sandusky case. Story, **B Section**.

Did PSU players get special treatment?

The school's former disciplinarian said Joe Paterno got in the way of the school's judicial process.

By Frank Fitzpatrick
INQUIRER STAFF WRITER

In December 2002, following a Penn State judicial affairs hearing into allegations that he had sexually assaulted a female student on campus, cornerback Anwar Phillips was suspended by the university for two semesters.

But since the next semester was not scheduled to start until mid-January, Phillips, who had participated in every Nittany Lions game that sea-

son, was allowed to play in Penn State's New Year's Day loss to Auburn in the Capital One Bowl.

The following March, when news of the suspension became public, Paterno and the athletic department came under withering criticism.

Athletic director Tim Curley explained that based on the information he had, "we felt it was appropriate that [Phillips] could participate." And when Paterno was pressed for an explanation, he responded defiantly.

"That's nobody's business but mine," he told reporters. "It's not the fans' business and it's not yours."

Phillips was eventually acquitted of See **PENN STATE** on D7

Special treatment for Penn St. players?

PENN STATE from D1 the charges in court and returned to the team, but the incident remains indicative of the stonewalling and defiance of authority that apparently was standard procedure for the football team and the athletic department it dominated.

Now, nine years later, after a child sexual abuse scandal that has cost Paterno, Curley, and university president Graham Spanier their jobs and shaken the school to its core, it is becoming increasingly clear that Paterno felt player discipline "nobody's business" but his.

That attitude might help explain why Curley and ex-Penn State official Gary Schultz allegedly tried to cover up the behavior of longtime football assistant, Jerry Sandusky, who has been accused of sexually assaulting eight boys.

According to e-mails obtained by the Wall Street Journal, Vicky Triponey, a vice president for student affairs who headed the university's disciplinary arm, judicial affairs, bumped heads with Paterno whenever a football player was in trouble.

The coach, those messages indicated, wanted Triponey to consult with him before deciding on punishment for his

players, even though Penn State's regulations did not require that.

Frustrated by Paterno's efforts to keep all discipline within the program, Triponey said that on several occasions she pleaded with Spanier to intervene. Instead, she said, Spanier told her "you can't expect to change the culture."

In a 2005 e-mail to the president that in light of the current scandal, seems prescient, Triponey wrote:

"Please do something to stop this atrocious behavior before this team and an entire generation of Penn State students leave here believing that this is appropriate and acceptable behavior within a civil university community."

Perhaps not coincidentally, beginning with Triponey's 2003 arrival, there was an unprecedented increase in the number of Nittany Lions whose behavior invited university intervention.

Asked about it at the time, Paterno blamed it on the increased scrutiny his team attracted. As a result, he said, it was impossible to keep those transgressions private.

"The cops would call me," Paterno said, "and I used to put them [offending players] to bed

in my house and run their rear ends off the next day. Nobody knew about it. That's the way we handled it."

At Penn State, judicial affairs has the power to enforce the school's code of conduct, as well as the authority to conduct investigations into incidents involving any student, whether the alleged offense took place on or off campus.

Triponey told the Journal that Paterno did not believe she had any authority in off-campus cases and that he ought to be consulted about anything else.

One of those Penn State players caught up in an incident that pitted Triponey and Paterno was Dan Connor, a star linebacker from Strath Haven High who now plays for the NFL's Carolina Panthers.

In 2005, judicial affairs suspended Connor after he was implicated in a series of prank phone calls to an aging Paterno assistant. Nonetheless, Paterno, according to Triponey, told Connor to suit up for practice.

Triponey, when informed, let Connor know that if he did participate in practice, he would be violating the terms of the suspension and could be expelled.

Spanier, Triponey said, then told her Paterno had given him an ultimatum — fire her or the coach would cease his lucrative fund-raising efforts for the school. Ultimately, the suspension was reduced to 10 days and Triponey stayed in her position.

Triponey, who served until 2007, said Spanier told her, "Vicky, you're one of the handful of people who have seen the darker side of Joe Paterno."

Triponey's account comes as the Sandusky scandal exposes the bubble of secrecy Paterno helped create around his team and, to some extent, the university.

Police say Paterno, who, as policy required, informed Curley about one incident of alleged abuse committed by Sandusky, never reported that alleged abuse to local law enforcement. Neither, according to a grand jury report, did Spanier, Curley, or Schultz.

In April 2007, more than 20

football players were accused of assaulting several students at an off-campus party. Six were charged with criminal offenses. Many of those charges were dismissed, though two players pleaded guilty to misdemeanors.

Triponey said Spanier ordered her to meet with Paterno during the judicial affairs investigation. Triponey said she refused, saying that would compromise her integrity.

"The coach was literally telling his players that they couldn't cooperate with judicial affairs or they would get kicked off the team," Triponey told USA Today. "I said to the coach, 'This would be so much easier if you would tell your players just to tell the truth.'"

"He was livid, and the message to me was, 'I can't do that. They have to play for me and I can't ask them to rat on each other.' The president also chimed in and said, 'Vicky, the coach is right. We can't expect the players to tell the truth.' So that's the environment that was underlying this whole debate about who's in charge."

According to Triponey, the penalties imposed in most of the cases involving football players were "nowhere near in line" with what regulations mandated.

Paterno has not commented on anything since being fired on Nov. 16, but his attorney told the Journal that "the allegations that have been described are out of context, misleading, and filled with inaccuracies."

State College police chief Tom King, however, told USA Today that he was never pressured by school officials in any case involving a university athlete. And in 2008, Paterno told ESPN he had "never asked" judicial affairs to alter a decision.

After Triponey left Penn State, judicial affairs had its authority diminished. Decisions about whether a disciplined athlete could compete were left to coaches.

Contact staff writer Frank Fitzpatrick at 215-854-5068, ffitzpatrick@phillynews.com, or @philaftz on Twitter. Read his blog, "Giving 'Em Fitz," at www.philly.com/fitz

EXHIBIT E

November 22, 2011

Statement by Vicky L. Triponey, Ph.D

Former Vice President for Student Affairs at Penn State University (2003-2007)

During my tenure as Vice President for Student Affairs at Penn State, there was an ongoing internal debate regarding who should be responsible for making decisions about the disciplinary status of Penn State Football players.

Conversations surrounding this debate included among others, the student affairs professionals charged with enforcing the student code of conduct, members of athletic administration, the head football coach, the President of the University, and me as the Vice President for Student Affairs.

Furthermore, over several years, there were numerous meetings and discussions about specific and pending student discipline cases that involved football players. Those conversations included the President of the University, the head football coach and sometimes both the President and the coach. The nature of those interactions consisted of suggestions, requests and at times demands that we adjust our process, alter the outcome and/or reduce the sanctions imposed on football players who were found responsible for various violations of the student code of conduct.

As a result of these various meetings and conversations, my staff and I felt compelled to alter how we handled cases involving Penn State football players. The consequence of these accommodations put us in the position of treating football players more favorably than other students accused of violating the community standards as defined by the student code of conduct.