

Dear Michael and Celeste,

Thank you for writing on behalf of the Berkeley Faculty Association.

Let me begin by saying that the health and well being of our student-athletes is critically important to me. Like you, I was troubled by the article that appeared earlier this week in the *Chronicle*. We all agree that it is imperative that the Cal Football program do everything it can to protect our student-athletes from injury or harm. This has been a frequent topic of discussion with the leadership of Intercollegiate Athletics, and I have been assured that these commitments are understood and supported throughout the program. In fact, IA has recently adopted a robust new policy implementing new NCAA regulations in this area.

In the wake of Ted Agu's tragic death two years ago, IA has instituted many new forms of oversight over the Football program, all designed to ensure that all football practices are not only fully compliant with NCAA guidelines, but go well beyond what they require to fully and consistently ensure the safety of our student-athletes. For example, practice plans are approved in advance by medical staff, medically-trained staff are on hand at all practices, coaches (including head strength and conditioning coach Damon Harrington) are appropriately trained on how to handle sickle cell trait-afflicted student-athletes, and other medical conditions. Just last week, my chief of staff Nils Gilman met with the IA staff and the medical leadership at University Health Services, where the principle of the medical professionals' authority was resoundingly affirmed and agreed upon by all.

It is important for me to say that I have had no reason to believe there was any cover-up in relation to the football team's strength and conditioning program, or its coach, during 2013-14. At that time IA reported to then-VCAF John Wilton, who made the decisions regarding how to investigate the incidents, and whether to discipline Coach Harrington or others in connection with the incidents in 2013-14. Several points are worth underscoring in this regard.

The first pertains to the investigation of the assault that took place between the two students in November 2013. As would take place with any other such incident, the matter was referred to the UC police department. Completed in December 2013, the findings of the police investigation were then referred to the Alameda district attorney, who declined to file charges in the matter, and to our Center for Student Conduct, which addressed the incident according to the confidential process the law demands in such cases. Because some people asked whether Coach Harrington may have had some responsibility for the alleged assault, UCPD specifically investigated this question, and concluded at that time Harrington had done nothing wrong.

The second point pertains to the report by UC Davis's Dr. Jeffrey Tanji, which is attached in its original, unedited form (with only student names and identifiers deleted). This report was commissioned by Wilton and then-Athletic Director Sandy Barbour in the aftermath of Agu's death in February 2014. Dr. Tanji was specifically charged with reviewing Cal Football's training practices to see whether they endangered the players. As the report makes clear, some of the student-athletes Dr. Tanji interviewed were selected simply because they had been direct witnesses to the workouts in question, while about 20 additional student-athletes were selected completely at random to speak with Dr. Tanji. At the same time, it was made clear to all

members of the team that anyone who wished to speak to the investigators was welcome to do so. Dr. Tanji interviewed every single student who responded to the interviews or came forward. It is important to underscore that the Tanji review was never intended to be an investigation into the responsibility of coach Harrington for the assault in the Fall, as this matter had already been investigated by the UCPD months earlier.

The central finding of the Tanji report is clear: the football team's strength and conditioning program differed in no significant respect from football conditioning programs all over the country. In terms of the safety of the program, what stood out about it was its normalcy. Yes, it was rigorous and challenging, but so are all effective strength and conditioning programs. Indeed, many student-athletes are passionate supporters of Coach Harrington – as we can see here:

<http://www.californiagoldenblogs.com/2016/6/30/12069990/california-golden-bears-defend-strength-coach-damon-harrington>.

However, in light of the questions that have persisted regarding the strength and conditioning program, Athletic Director Mike Williams and I agree that we must assure ourselves, and the Cal community at large, that the policies, practices, and personnel we now have in place, including the new measures we have adopted since the Tanji review, not only meet contemporary intercollegiate standards, but go further to maximize health and safety of our student athletes. For that reason we intend to identify and appoint an independent investigator to assess the current state of the program and the efficacy of the many changes we have made in recent years. We will also ask for and expect recommendations to address any gaps that may be found between our practices and best practices. We stand ready to make any necessary changes to our policies, practices, or personnel. I will of course consult with the leadership of the Academic Senate on this matter.

In addition, I am available next week to meet in person with any members of the faculty who would like to discuss this matter in more detail. My office will work with you to find times that might work. In the interest of transparency, below/attached you will also find an exact copy of the responses we provided to questions posed by the *Chronicle* reporter so that we all have a similar and fully factual point of departure for the discussions and work in front of us.

Thank you again for bringing your concerns to my attention.

Nicholas Dirks