Dear Faculty Colleagues,

I want to share with you a letter (below) that I have just sent to Professors Burawoy and Langan of the Berkeley Faculty Association regarding our football team's strength and conditioning program. I understand that issues raised by a recent San Francisco Chronicle story on this subject are a matter of general concern, and I want to ensure that our entire community is aware of our response and plans going forward.

Note: Because CalMessages cannot accommodate attachments, documents that are referenced in, and attached to the letter to the BFA leadership can be found below.

Sincerely,

Nick

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.

Nick Dirks

ATTACHMENTS

TANJI REPORT

June 9, 2014 Mr. John Wilton Vice Chancellor-Administration and Finance University of California, Berkeley

Dear Mr. Wilton:

Thank you very much for the opportunity to review the University of California, Berkeley Football strength and conditioning program at your request. John Murray, Strength and Conditioning Coach in private practice and I had the pleasure of doing so over a three day site visit. Mr. Murray and I were asked to answer four specific questions and I shall structure my report around these four topics.

I wish to acknowledge the expert and timely collaboration of Associate Athletic Director, Ryan Cobb, whose organizational support was invaluable in preparing this report. Ryan coordinated the meetings with coaches,

athletic trainers, team doctor and randomly selected a panel of student -athletes for the interview process. Please note the attachment to this document which clarifies the selection criteria.

In summary, after formal interviews with the strength and conditioning coaching staff, three members of the athletic training staff for football, the head team physician, and over a dozen randomly selected student -athletes this report finds the practices of the strength and conditioning staff to be consistent with health and safety standards in college and university sports programs at the Division I level. The medical monitoring of workouts by the strength staff, athletic training staff and team physician are entirely appropriate with standards at the NCAA Division I level.

The Four Questions

1. Are the program's training practices, and in particular, the intensity of workouts, consistent with protection of student -athlete health and safety with training practices in college and university sports programs at this level?

The training practices, in particular the intensity of workouts at Cal, are consistent with the protection of student athlete health and safety. Nearly every athlete interviewed appreciated and understood the highly competitive nature of the strength and conditioning program as led by head strength coach Damon Harrington. The athletes, athletic trainers and team physician understood the logic of the training program. Only one athlete clearly preferred the more academic approach and rationale by Coach Harrington's predecessor, Mike Blasquez. This athlete had prior experiences with minor league professional baseball and preferred a less

competitive more data driven rationale for conditioning. One observation that John Murray made was that some of the running drills were done on asphalt or concrete, which can be difficult for athletes dealing with ankle and foot injuries, or in rehabilitation from

injuries to those areas. While a concern for improvement in the program, this did not constitute a major flaw in the program.

2. Has the strength and conditioning staff used training inappropriately for punitive purposes?

No, they have not used training inappropriately. It is not unusual to have a team do additional drills for a missed practice, but this was not applied inappropriately in our review.

During the interview process an incident came to light raised by one of the members of the athletic training staff. During the season one member of the football team punched another member of the team in the locker room for not participating in a workout which resulted in the team having to do additional training. While the athlete who punched was suspended—the sentiment was that this athlete "sent a message from the rest of the team" to the athlete who missed the workout. The other athletes not directly involved in the incident felt that this was not encouraged or sanctioned by the strength and conditioning staff, but the action of one athlete to another.

3. Have strength and conditioning coaches used abusive language or engaged in abusive actions toward players?

While athletes, athletic trainers and team physician note that strength

coaches will use profanity during training sessions, no one interviewed felt that the language was focused on an athlete in an abusive fashion, or at the team in an abusive manner.

4. Is the level of medical monitoring of workouts appropriate and has the medical team responded appropriately when student-athletes have shown signs of distress?

The level of medical monitoring and awareness of student-athlete pre-existing conditions, current injuries and distress are appropriate both in a general sense and in the specific case of Ted Agu, the student- athlete who met an untimely death in February 2014.

In a general sense, the strength coaching staff, the athletic trainers and team physician are continuously aware of pre-existing conditions, such as sickle cell trait and ongoing injuries among the student- athletes. Annual pre-participation screening physical exams are done according to NCAA standards. An emergency medical plan is in place with automated electronic defibrillators, coordination with ambulance and EMT personnel in the city and chain of command for coordination of an emergency. In the specific case of Ted Agu, I reviewed the sequence of events as they unfolded with the head football athletic trainer, the graduate assistant athletic trainer, the strength coach and the team physician and there was consistency and uniformity on their description of events. The autopsy report from the County Coroner's Office became public the day I arrived for my interviews confirming the diagnosis of hypertrophic cardiomyopathy (HCM) as the cause of death for Ted Agu. From the perspective of a sports medicine physician who has practiced for nearly thirty years and has dealt

with athletes with HCM, the genetically acquired condition could result in sudden cardiac death at any time, not just as the result of sport participation.

Disclosures

John Murray discloses that he is a friend and colleague to Mike

Blasquez, the director of strength and conditioning at Cal. Jeff Tanji discloses that he trained head team physician Casey Batten during his fellowship training. Both of us felt that these relationships did not color the outcome of the requested investigation.

Thank you for your request for information. If you have any questions please do not hesitate to contact me at 916-901-4202.

Sincerely yours,

Jeffrey L. Tanji, MD Associate Medical Director, Sports Medicine UC Davis Health System

Random List, Computer Generated:

Football, [redacted]	[redacted]	[redacted]
Football, [redacted]	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	Declined
Football, [redacted]	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	Declined
Football, [redacted]	[redacted]	YES, 4/24
Football, [redacted]	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	YES, May 6
Football, [redacted]	[redacted]	Invited, never responded
Foo ball [redacted]	[redacted]	Declined
Football, [redacted]	[redacted]	YES, 4/24
ootball, [redacted]	[redacted]	YES, 4/24 (no showed appointment)
Football, [redacted]	[redacted]	YES, 4/24
Football, [redacted]	[redacted]	YES, May 6
Football [redacted]	[redacted]	Declined
Football, [redacted]	[redacted]	Invited, never responded
Football	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	Invited, never responded
Football, [redacted]	[redacted]	YES, Scheduled

Asked to Join:

Football	[redacted]	YES, May 6
Football	[redacted]	YES, Scheduled
Football	[redacted]	YES, May 6
b l	[redacted]	YES, Scheduled
	[redacted]	YES, May 6
	[redacted]	Declined
	[redacted]	Declined
	[redacted]	YES, May 6
	[redacted]	YES, May 6

MEDIA RESPONSE

June 10, 2016

Background and Overview

The November 2013 locker room incident was initially investigated by law enforcement and referred to the University's Office of Student Conduct.

In early 2014, students approached members of the Intercollegiate Athletics' administration with concerns about the football strength and conditioning program, including the circumstances surrounding the locker room incident. Former Director of Intercollegiate Athletics, Sandy Barbour, and Deputy Director of Intercollegiate Athletics, Solly Fulp, took immediate steps to address the issue.

Solly Fulp reports that he promptly reached out to the students, their parents and the coaches. In addition, Fulp recommended that the campus initiate a third-party review of the coaching practices in this area. As a result, the campus retained Jeff Tanji, M.D., who specializes in sports medicine at the University of California, Davis. In addition, at the request of Dr. Tanji, the campus retained an independent strength and conditioning coach, John Murray, to assist Dr. Tanji with the review.

These experts were retained to conduct a comprehensive review of football's strength and conditioning program. (*Please note: the letter from the University requesting the independent, third party inquiry is attached*).

Dr. Tanji and Mr. Murray determined how to conduct this investigation and were provided unfettered access to student-athletes, coaches and anyone they wanted to talk to in connection

with their review.

Our records show 20 student-athletes were chosen at random to interview (of which seven participated) and another nine invited to be interviewed (of which seven agreed to interview). Dr. Tanji and Mr. Murray interviewed students separately, not in groups, for approximately 20-40 minutes each and also interviewed coaches and other individuals involved with the program. The information they provided was confidential in that it was not attributed directly to any individual. In addition, throughout the course of the investigation, additional individuals who were referred to them were also included in the interview process.

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Dr. Tanji's and Murray's final report concluded that Coach Harrington's coaching style and approach was appropriate and consistent with the standards, values and best practices of Division I athletic programs and found no issues with the program's strength and conditioning practices.

I want to clarify a few other points that I have verified with our Coach and Assistant Coaches.

It is also important to note that Athletics does not investigate nor adjudicate cases involving student-athletes; these are referred to the University's Office of Student Conduct where all student discipline is addressed. There is not a separate disciplinary approach for student-athletes v. non-student-athletes.

Given the FERPA laws that protect students, I cannot comment further on the specifics surrounding the report from student conduct. But, I can tell you that we followed all required procedures and the Office of Student Conduct was involved throughout this process.

Dr. Tanji's Report: Review of Football's Strength and

Conditioning Program

While Dr. Tanji's report found that Cal Football's strength and conditioning program met contemporary standards of practice, we have made changes that in many cases go beyond those standards. We continue to explore measures that can further enhance the safety of our student-athletes.

Coach Harrington’s direct supervisor reviews the design of all football workouts and personally observes all but the most routine team workouts. Where warranted, medical staff review of workout design is included to insure safety. All workouts are reviewed based and have a second level of review as indicated. Also, a member of the sports medicine staff is present at every workout (and has been for years), and, our sports medicine staff has the unquestionable authority to stop workouts.

The student-athlete involved in the locker room incident was on the sideline for the game but there was never intention that he would play. The incident occurred on a Friday evening, the game the following morning, and at the time we were still in the process of addressing the issue and determining the facts through the appropriate campus processes.

Current Culture of Our Football Program

Finally, with regard to the culture and norms of our football team, as with any team, we want our student-athletes to be accountable to each other. We try to make sure they are motivated and understand the importance of doing things the right way. In no way do we encourage or condone any conflict between members of the team. Coach Harrington has clarified what he hoped and expected with regard to peer accountability. He expected the teammates of the student-athlete involved in the locker room incident to express to him

the importance of being accountable and doing things the right way, but in no way did he encourage or condone any physical contact between members of the team. He has and will continue to condemn what happened without reservation.

Coach Dykes has also condemned these acts and has been supportive and leading the effort to continue to enforce accountability. He responded immediately to these incidents too and ensured that all policies and procedures were followed.

We are focused on building a culture of accountability and trust within our football program (as we are with all of our sports). The academic and athletic turnaround with football is significant and well documented. The culture within our football program is noticeably improved and our student-athletes understand what is expected from them and know they should hold themselves and one another to the highest standards at all times, whether that's on the field, in the classroom or in the community. We are very proud of the strides our team has taken both on the field and in the classroom and will continue to get better every day in all we do.

Thank you for your inquiry. We appreciate your time and professionalism on this matter and trust our responses will not be taken out of context.

Sincerely,

Wesley Mallette Associate Athletics Director Cal Athletics