

Purdue University Fort Wayne Senate
Ad Hoc Committee
to Investigate Procedural Handling
of Allegations of Misconduct
in the PFW Women's Basketball Program

Spring 2021 Committee Report

This Ad Hoc committee was created after a resolution (Document A below), passed by voice vote on January 25, 2021, charged the Senate with creating an Ad Hoc committee charged with the following characteristics, as laid out in that resolution's "BE IT RESOLVED" clauses:

"BE IT RESOLVED, that the FW Senate immediately sets up an ad hoc Senate committee that will be responsible for fielding confidential reports from athletes while the FW Senate sets up its independent investigation; and

BE IT FURTHER RESOLVED, that this ad hoc Senate committee does not include any current or past members of the Mastodon Athletics Advisory Subcommittee to ensure impartiality; and

BE IT FURTHER RESOLVED, that contact information for members of this ad hoc Senate committee will be made available to all student athletes at PFW; and

BE IT FURTHER RESOLVED, that the FW Senate take the necessary steps to set up or participate in an independent investigation, ensuring that the people involved in the first version of the investigation are not allowed to be voting members of the investigative team; and

BE IT FURTHER RESOLVED, that Senate takes AAUP's suggestion to "conduct an internal investigation led by an independent committee composed of a majority of faculty and academic administrators, and chaired by a faculty member elected by the Faculty Senate. The charge of this committee will be to examine the manner in which the university handled these allegations initially, how it reached its decision to reinstate the women's basketball coach, and whether the university followed its own internal policies as well as those of Purdue University in the handling of both the allegations as well as the investigation;" and

BE IT FURTHER RESOLVED, that the university administration and all athletics staff, including the Chancellor and Athletic Director, make clear to the students that the university does not tolerate retaliation and will protect all students and staff who participate in the investigation by ensuring that all allegations of retaliation will be investigated thoroughly."

Subsequent to the passing of this resolution, the Senate Executive Committee met the resolution's charge by meeting with various parties, including Purdue's Chief Privacy Officer and Deputy General Counsel, Trent D. Klingerman, and PFW Associate Director of Compliance and Title IX Coordinator, Christine Marcuccilli. The

Executive Committee learned that certain legal obstacles prevented creating a committee to meet all charges in the Senate resolution. The Executive Committee issued a February 15, 2021 memorandum (Document B below) that explained these matters and created a specific set of tasks for the Ad Hoc committee to carry out.

The Executive Committee then charged the Senate Nominations and Elections Committee (via a separate February 15, 2021 memorandum (Document C below)) with receiving names of nominees and, when a complete slate of candidates was received, conducting an election. Because the committee received few faculty nominees (initially limited only to Senators, who are limited to serving on four committees), the Executive Committee expanded the scope of faculty who could submit their names to all Voting Faculty as well as up to one administrator with or without Faculty rank (previously any administrative member of the committee was required to have Faculty rank). After this revision, Nominations and Elections received a full slate of nominees on March 22, 2021.

The Committee conducted an election and announced on April 2, 2021 that the following faculty members were elected to the committee:

Janet Badia (POLS)
Stephen Buttes (ILCS)
Steven Carr (COM)
Michelle Kelsey (COM)
Ann Livschiz (HIST)

In addition to these faculty members, **Sharon Wight**, Senior Academic Advisor and Assessment Administrator, serves on this committee.

The faculty members of the committee engaged in email discussion regarding who would serve as chair of the committee. Stephen Buttes submitted his name for selection as chair. As no others on the committee wished to serve as chair, he was declared elected as chair of this committee.

In advance of any committee meeting (and with knowledge that the Senate would need to re-approve this committee to complete its work in the next academic year), Stephen Buttes notified the faculty members of the committee in an April 11, 2021 email (Document D below) that outlined some preliminary information gathering that would need to take place before the first meeting of the committee.

In an April 24, 2021 email to the full committee (Document E below), Buttes notified everyone that he created a SharePoint site with all supporting documents he had gathered in relation to this investigation, the initial January 25 resolution creating the committee, the Executive Committee's February 15 charging memo and an initial outline of committee tasks for meeting each of the four charges in the Executive Committee memo. Buttes reminded everyone that the Ad Hoc Committee needed to be re-approved by the Senate in its April 26, 2021 continuance meeting.

The Senate did re-approve the committee (SD 20-45) (Document F below) in its April 26, 2021 continuance.

The Committee will plan to meet to begin engaging with and potentially revising the set of tasks Buttes proposed to the committee and will hope to submit a report to the Executive Committee in Fall 2021.

Report submitted April 28, 2021 by Stephen Buttes, Chair, Senate Ad Hoc Committee

Document A:
Senate Resolution Creating Ad Hoc Committee

MEMORANDUM

TO: Fort Wayne Senate

FROM: Janet Badia, Ann Livschiz, Steven Carr

DATE: 1/25/21

SUBJ: Senate Oversight in Abuse Allegations Against Coach Nelson

WHEREAS, the article in *Indianapolis Star* on January 20, 2021 and the slow trickle of additional information reveal serious allegations of abuse by Coach Nelson and failures by the university to protect members of the university community;

WHEREAS, evidence in the article suggests the university may have engaged in cover up of the abuse, discreditation of the victims, and coercion of possible victims;

WHEREAS, allegations detailed in the *Indianapolis Star* report suggest that the investigation that was carried out by the university was inadequate;

WHEREAS, the FW Senate has a responsibility to protect PFW staff and students from mistreatment and injustice;

WHEREAS, the FW Senate has a responsibility to ensure that PFW's policies and procedures are followed and applied fairly and consistently;

WHEREAS, a proper and truly independent investigation is necessary, though it may take time to properly organize;

WHEREAS, PFW chapter of AAUP issued a statement on 1/21/21, outlining suggested steps that need to be taken on this matter;

WHEREAS, as long as Coach Nelson, who has serious allegations of abuse against her, and others in positions of power at PFW who may have helped cover up her abuses continue to have power over the young women on or affiliated with the women's basketball team;

BE IT RESOLVED, that the FW Senate immediately sets up an ad hoc Senate committee that will be responsible for fielding confidential reports from athletes while the FW Senate sets up its independent investigation; and

BE IT FURTHER RESOLVED, that this ad hoc Senate committee does not include any current or past members of the Mastodon Athletics Advisory Subcommittee to ensure impartiality; and

BE IT FURTHER RESOLVED, that contact information for members of this ad hoc Senate committee will be made available to all student athletes at PFW; and

BE IT FURTHER RESOLVED, that the FW Senate take the necessary steps to set up or participate in an independent investigation, ensuring that the people involved in the first version of the investigation are not allowed to be voting members of the investigative team; and

BE IT FURTHER RESOLVED, that Senate takes AAUP's suggestion to "conduct an internal investigation led by an independent committee composed of a majority of faculty and academic administrators, and chaired by a

faculty member elected by the Faculty Senate. The charge of this committee will be to examine the manner in which the university handled these allegations initially, how it reached its decision to reinstate the women's basketball coach, and whether the university followed its own internal policies as well as those of Purdue University in the handling of both the allegations as well as the investigation;" and

BE IT FURTHER RESOLVED, that the university administration and all athletics staff, including the Chancellor and Athletic Director, make clear to the students that the university does not tolerate retaliation and will protect all students and staff who participate in the investigation by ensuring that all allegations of retaliation will be investigated thoroughly.

Document B:
Senate Executive Committee Charging Memorandum
(February 15, 2021)

M E M O R A N D U M

To: XXX, Chair
Ad hoc committee of the Fort Wayne Senate

From: Bernd Buldt, Chair
Executive Committee of the Fort Wayne Senate

Date: February, 15

Subj: Charge to Conduct an Independent Investigation

As you know, SD 20-34 (which passed on a voice vote January 25) instructs the Fort Wayne Senate to form an ad hoc committee and to charge it with conducting an “independent investigation” into allegations of misconduct by the Purdue Fort Wayne Women’s Basketball Coach and how these were addressed by the Purdue Fort Wayne Administration. Acting on behalf of the Senate, the Executive Committee (henceforth: EC) herewith responds to the charges outlined in SD 20-34, albeit with some with qualifications.

First, SD 20-34 wants the ad hoc committee to “field[...] confidential reports from athletes” and to make “contact information for members of this ad hoc Senate committee [...] available to all student athletes at PFW.” The EC finds that it is unable to fulfill this charge.

The EC arrived at that conclusion after it had received legal counsel from both Christine Marcuccilli, Associate Director of Compliance and Title IX Coordinator at Purdue Fort Wayne, and Trenten D. Klingerman, Deputy General Counsel and Chief Privacy Officer at Purdue West Lafayette. The reason for the decision is that faculty and staff on the ad hoc committee could not guarantee confidentiality as requested by SD 20-34 since they would be mandatory reporters under Title IX. And even if these concerns were addressed by making sure student athletes understood what a suitable qualified concept of confidentiality can and cannot mean in the given context, committee members would still be acting outside their scope of employment (they were not hired nor trained to investigate such matters) and thus exposing themselves to possibly very significant individual legal risks and liabilities without having any protection from Purdue University (see Purdue’s indemnification policy at <https://www.purdue.edu/policies/business-finance/indemnification.html>).

Second, SD 20-34 charges the ad hoc committee with examining:

- (1) “the manner in which the university handled these allegations initially”;
- (2) “how it reached it [sic!] decision to reinstate the women’s basketball coach”; and
- (3) “whether the university followed its own internal policies as well as those of Purdue University in the handling of both the allegations as well as the investigation.”

Since concerns were raised also whether current policies are sufficient for faculty to exercise their responsibilities—in particular the responsibility to be “concerned with the general social, cultural, and practical welfare of all PFW students. Specific non-classroom matters of concern shall include but not be limited to intramural and intercollegiate athletics [...]” (By-Laws, 5.3.4.2.)—the EC wishes to add a fourth charge, namely, to examine:

- (4) whether existing policies are adequate or need to be revised.

We therefore ask the ad hoc committee to do the following:

1. Complete the tasks (1) through (4) listed above.
2. Report to the EC on the outcomes of all four tasks.

While the quality and thoroughness of the investigation should take priority, the EC requests to receive, if not the final report, then an interim progress report in time for the last Senate meeting of the AY 2020-21 in April. This is important since the By-laws stipulate “[a]d hoc committees cannot be carried over to a new academic year without special authorization by the Senate” (5.4.3.). Any decision by the Senate as to whether the investigation should carry over to the next academic year can then be informed by the preliminary report.

We, the members of the Executive Committee, appreciate the work that this may entail, and we are grateful in advance for the commitment that you devote to it.

Sincerely,

Bernd Buldt
Senate Executive Committee, Chair

Document C:
Senate Executive Committee Memorandum
to Senate Nominations and Elections Committee
(February 15, 2021; revised March 5, 2021)

M E M O R A N D U M

To: Suining Ding, Chair
Nominations and Elections Committee of the Fort Wayne Senate

From: Bernd Buldt, Chair
Executive Committee of the Fort Wayne Senate

Date: February 15, 2021; revised March 5, 2021

Subj: Charge to help form an ad hoc committee and to help elect its chair

As you know, SD 20-34 (which passed on a voice vote January 25) instructs the Fort Wayne Senate to form an ad hoc committee and to charge it with conducting an “independent investigation” into allegations of misconduct by the Purdue Fort Wayne Women’s Basketball Coach and how these were addressed by the Purdue Fort Wayne Administration. Acting on behalf of the Senate, the Executive Committee (henceforth: EC) herewith responds to the charges outlined in SD 20-34 and requests the help of the Nominations and Elections Committee (henceforth: NEC).

First, SD 20-34 states that the ad hoc committee will be

(1) “composed of a majority of faculty and academic administrators.”

Combining this with the permission stated in the By-Laws—that the work of an ad hoc committee or subcommittee can be “conducted by a group specially appointed for the purpose”—and thus allowing for one administrator and one staff member to serve on said committee, the EC suggests a size of up to seven committee members:

(2) five senators and/or faculty, up to one administrator with or without faculty rank, and up to one staff person.

Here, the number of senators and/or faculty is mandatory; the other two seats may or may not be filled depending on whether people volunteer or not. When soliciting names of people who wish to serve on the ad hoc committee, NEC should communicate clearly that not everyone is eligible to serve for two reasons. The By-laws stipulate that

(3) “No one may serve on more than four Senate committees and/or subcommittees in a given academic year” (5.1.2.)

and SD 20-34 states that the committee will not

- (4) "include any current or past members of the Mastodon Athletics Advisory Subcommittee."

Moreover, it should also be communicated that according to SD 20-34 voting rights will not be granted

- (5) "to people involved in the first version of the investigation."

Second, SD 20-34 states the ad hoc committee will be

- (6) "chaired by a faculty member elected by the Faculty Senate."

We therefore ask the Nominations and Elections Committee to do the following:

- (a) Solicit names from senators and Voting Faculty who are willing to serve on the ad hoc committee as a member and/or its chair if elected;
- (b) circulate a call among all academic administrators (i.e., administrators who hold academic rank) and APSAC and ask for volunteers willing to serve on the ad hoc committee as a member if elected;
- (c) solicit from CSSAC names of staff persons willing to serve on the ad hoc committee as a member if elected;
- (d) run an election among senators based on a preferential voting system if there are more volunteers than seats;
- (e) run an election among senators to elect a chair from among the volunteers on the ad hoc committee.
- (f) Complete tasks (a) through (e) as quickly as possible but within the limits determined by (1) through (6) above.

Please, find the charge of the ad hoc committee attached. You may want to use it, or parts of it, for the solicitation process.

We would very much appreciate if you could find ways to expedite the process. We are aware that everyone is unduly busy and feel therefore grateful for the time you will devote to this.

Sincerely,



Bernd Buldt

Senate Executive Committee, Chair

Document D:
Buttes email to Faculty Members of the Committee
(April 11, 2021)

Ad Hoc Committee - Beginning Our Work

Stephen Buttes <buttes@pfw.edu>

Sun 4/11/2021 3:37 PM

To: Janet Badia <badiaj@pfw.edu>; Steve Carr <carr@pfw.edu>; Michelle Kelsey <kelseym@pfw.edu>; Ann Livschiz <livschia@pfw.edu>

1 attachments (47 KB)

Charging Memo AdHoc.pdf;

Hi everyone:

I am attaching to this email the charging memo for our ad hoc committee as well as an agenda for our first meeting. I am also attaching the AAUP statement on Faculty oversight of athletics.

We have four tasks charged to us from the Senate (see below), and we need to work pretty quickly since a continuation of this committee would require extension.

So, to facilitate our process, I'm gathering together all the information I have. I am creating an initial summary of what we know in terms of allegations prompting the 2019 investigation (which, as I read documents, looks like it might actually be two investigations (an athletics investigation in "late 2018/early 2019" that prompted "an additional review" from the Office of Institutional Equity [not clear, but questions are prompted by reading the official university statement on this]) and other pertinent timelines.

I'm also going to create a summary of our institutional processes, particularly the senate governance bodies and what minutes are available from the Mastodon Athletics Advisor Subcommittee and its parent committee, the Student Affairs Committee.

Once I have these documents created early this week, I will send them for your review and will schedule our first meeting.

Thanks,

Steve B.

Second, SD 20-34 charges the ad hoc committee with examining:

- (1) “the manner in which the university handled these allegations initially”;
- (2) “how it reached it [sic!] decision to reinstate the women’s basketball coach”; and
- (3) “whether the university followed its own internal policies as well as those of Purdue University in the handling of both the allegations as well as the investigation.”

Since concerns were raised also whether current policies are sufficient for faculty to exercise their responsibilities—in particular the responsibility to be “concerned with the general social, cultural, and practical welfare of all PFW students. Specific non-classroom matters of concern shall include but not be limited to intramural and intercollegiate athletics [...]” (By-Laws, 5.3.4.2.)—the EC wishes to add a fourth charge, namely, to examine:

- (4) whether existing policies are adequate or need to be revised.

**Document E:
Buttes email to Full Committee
(April 24, 2021)**

Senate Ad Hoc Committee on Allegations

Stephen Buttes <buttess@pfw.edu>

Sat 4/24/2021 5:50 PM

To: Janet Badia <badiaj@pfw.edu>; Steve Carr <carr@pfw.edu>; Michelle Kelsey <kelseym@pfw.edu>; Ann Livschiz <livschia@pfw.edu>; Sharon Wight <wighsl01@pfw.edu>

Hi everyone:

I've just created a SharePoint site for our committee and have added all of you as members.

There you will find a lot of documents I've been collecting. But the main thing I'd like you to take a look at is the resolution creating our committee, the Senate Executive Committee's charging memo and the plan of work I'm proposing for us in order to meet these charges.

These three documents are located in the first folder on the SharePoint site: [📁 01 - Ad Hoc Committee Charge and Plan of Work](#)

The Senate needs to vote to extend our committee into the new academic year since we are ad hoc. This may happen on Monday, or it may happen at a special Senate meeting in May, which I've heard may take place if we do not make it all the way through the agenda in Monday's continuance.

If our committee is extended into the next academic year, I will send out a Doodle poll to have our first meeting to determine a more concrete calendar of getting the various tasks completed so that we can write our report.

In the meantime, you'll see on the SharePoint site a folder I've created for agendas, minutes and working documents (currently empty since we don't have any of these) and a folder with supporting documents, where I've tried to collect as many pertinent things as I've been able. It's a little messy right now, but I will clean it up once we get working (assuming we are approved to do so).

Let me know if you have any suggestions for clarifying the plan of work, improving it or oversights I've made.

Hopefully the Senate will approve the extension of our committee so that we can engage in this work in full.

Thanks, everyone!

Steve Buttes

Document F:
SD 20-45

Senate Document SD 20-45

MEMORANDUM

To: Fort Wayne Senate

From: Bernd Buldt, Chair
Executive Committee of the Fort Wayne Senate

Date: March 31, 2021

Subj: Request to re-authorize the ad-hoc committee established by SD 20-34 for the next AY

WHEREAS Senate voted to create an Ad-hoc Senate Committee to examine questions and investigate issues that emerged when faculty learned about allegations of abuse surrounding the Women's Basketball team; and

WHEREAS the Executive Committee (EC) immediately acted upon the resolution, made preparatory inquiries, then wrote a charge for said committee and asked Nominations and Elections Committee (NEC) to populate the committee February 15; and

WHEREAS the NEC was able to populate said committee only after its composition had been changed by the EC March 5; and

WHEREAS for the reasons mentioned above the ad-hoc committee is unable to submit their final report in time for the last meeting of Senate in April of 2021 and can therefore be expected to have to continue their work in the fall of 2021; and

WHEREAS, Bylaws 5.4.3 states that an "Ad hoc committees cannot be carried over to a new academic year without special authorization by the Senate;"

BE IT RESOLVED that Senate authorizes the ad-hoc committee formed as per SD 20-34 to continue their work in the AY 2021-22.

Approved
Bernd Buldt
Hui Di
Peter Dragnev
John Egger
Ann Marshall
James Toole
Nash Younis

Opposed

Abstained

Absent

Non-Voting
Craig Ortsey