

Message

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**From:** jh104 [jack\_hayes@brown.edu]  
**on behalf of** jh104 <jack\_hayes@brown.edu> [jack\_hayes@brown.edu]  
**Sent:** 6/4/2020 8:40:30 PM  
**To:** Samuel Mencoff [smencoff@mdcp.com]  
**Subject:** Rosters

University undergraduate enrollment trending to 52% female 48% male

Using our planned roster totals

407 male athletes 47.2%

456 female athletes 52.8%

863 total athletes

Using our planned roster totals and adding men's track (60 participants)

467 male athletes 50.6%

456 female athletes 49.4%

923 total athletes

Using our planned roster totals and adding men's track (60 participants) and women's equestrian (32 participants)

467 male athletes 48.9%

488 female athletes 51.1%

955 total athletes

The variance in the third example is about 1%. If the undergraduate female enrollment rose slightly above 52%, we could make slight reductions to selected men's teams and/or increases to selected women's teams to remain in proportionality.

Sent from my iPad

Message

**From:** Mencoff, Samuel M. [smencoff@mdcp.com]  
**on behalf of** Mencoff, Samuel M. <smencoff@mdcp.com> [smencoff@mdcp.com]  
**Sent:** 6/4/2020 8:56:52 PM  
**To:** jack\_hayes@brown.edu  
**Subject:** FW: Athletics  
**Attachments:** 2018-19 Ivy League EADA Participation Comparison.xlsx

**EXHIBIT**  
**1**  
**Hayes**  
**8/15/2020**

Hi Jack,  
Just sent to Chris.  
Sam

**From:** Mencoff, Samuel M.  
**Sent:** Thursday, June 4, 2020 8:50 PM  
**To:** 'Christina' 'Paxson' (christina\_paxson@brown.edu) <christina\_paxson@brown.edu>  
**Subject:** Athletics

Hi Chris,

I am attaching data on our Ivy League peers that I requested from Jack. It's really interesting. It shows that Brown has the highest % female undergraduate population in the Ivy League. For our peers who are not subject to the Consent Decree, there is a positive correlation between a high female % population and a high variance. Penn, who has the second-highest female % in the population is managing to a 10.8% band. Cornell, with the third-highest female % is managing to a 7.9% band. Under the Consent Decree Brown is required by the court to manage to a 3.5% band, going to 2.25% proforma for the new configuration.

As we know, the existence of the Consent Decree, and the math behind it, leads us to the *Excellence in Athletics* strategy. That needs to be explained clearly as the predicate for why we have come out the door we have.

But here's an idea. Could we use this moment, where anger and frustration, especially from track and squash, are intense and building to go after the Consent Decree once and for all? Could we channel all this emotion away from anger at Brown to anger at the court and kill this pestilential thing? The argument would be that the Consent Decree is forcing us to eliminate these sports, and the court would then be bombarded with e-mails and calls as we are now. We would be aligned then with all who oppose us now.

I have asked Jack to analyze whether, if we were no longer subject to the Consent Decree and had the latitude to operate within the bands of our Ivy peers, we could achieve the roster size realignment that we are seeking even while retaining track, for example. We might be able to get to the same place in a different way. I'm not suggesting a change of strategy, but it would be worth knowing what our options are.

Sam

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Brown University  
 Department of Athletics and Physical Education  
 2018 - 2019 EADA Data

Institution Name	Undergraduates				Student - Athletes				Variance
	Male		Female		Male		Female		
Brown University	3,113	46.3%	3,613	53.7%	498	48.9%	521	51.1%	2.6%
Columbia University	4,085	53.3%	3,581	46.7%	505	55.1%	411	44.9%	1.8%
Cornell University	7,108	47.1%	7,990	52.9%	700	55.0%	573	45.0%	7.9%
Dartmouth College	2,193	50.9%	2,118	49.1%	587	53.4%	512	46.6%	2.5%
Harvard University	3,583	51.3%	3,397	48.7%	654	53.5%	569	46.5%	2.1%
Princeton University	2,707	51.1%	2,594	48.9%	665	58.2%	478	41.8%	7.1%
University of Pennsylvania	4,857	46.9%	5,499	53.1%	609	57.7%	447	42.3%	10.8%
Yale University	2,952	49.7%	2,986	50.3%	584	55.4%	471	44.6%	5.6%

#### Notes

Of the schools with variances similar to Brown (Columbia, Dartmouth and Harvard), they all have more men than women in their undergraduate population.

Message

**From:** Hayes, Jack [jack\_hayes@brown.edu]  
**on behalf of** Hayes, Jack <jack\_hayes@brown.edu> [jack\_hayes@brown.edu]  
**Sent:** 6/4/2020 9:47:17 PM  
**To:** Mencoff, Samuel M. [smencoff@mdcp.com]  
**Subject:** Re: Rosters

**EXHIBIT**  
**18**  
Hayes  
8/15/2020

Yes. I'd say we would probably want to adjust a few men's rosters (down) and a few women's rosters (up) and we would be in a good place.

On Thu, Jun 4, 2020 at 9:42 PM Mencoff, Samuel M. <smencoff@mdcp.com> wrote:

Thanks, Jack. If we weren't subject to the Consent Decree couldn't we easily operate even in Scenario II? The variance would only be 3.6% ( $53.7 - 50.1 = 3.6\%$ ). Sam

**From:** Hayes, Jack <jack\_hayes@brown.edu>  
**Sent:** Thursday, June 4, 2020 9:31 PM  
**To:** Mencoff, Samuel M. <SMencoff@MDCP.com>  
**Subject:** Re: Rosters

**[From External Sender]**

The percentages improve for women in each example when using the EADA count.

I 44.2% men & 55.8% women

II 49.9% men & 50.1% women

III 48.4% men & 51.6% women

In the third one, minor tweaks to men's and women's rosters would put us within proportionality.

On Thu, Jun 4, 2020 at 8:40 PM jh104 <[jack\\_hayes@brown.edu](mailto:jack_hayes@brown.edu)> wrote:

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Sent from my iPad

--

Jack Hayes

Director of Athletics

Brown University

235 Hope Street

Providence, RI 02912

(401) 863-2972

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Providence, RI 02912

(401) 863-2972

Message

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**on behalf of** Hayes, Jack <jack\_hayes@brown.edu> [jack\_hayes@brown.edu]  
**Sent:** 6/4/2020 9:56:00 PM  
**To:** Mencoff, Samuel M. [smencoff@mdcp.com]  
**Subject:** Re: Rosters

**EXHIBIT**  
**2**  
**Hayes**  
**8/15/2020**

Since we have been previously sued, we would likely be best off if we were as close to 52% as possible. We can get there easily in scenario III.

On Thu, Jun 4, 2020 at 9:42 PM Mencoff, Samuel M. <smencoff@mdcp.com> wrote:

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Jack Hayes

Director of Athletics

Brown University

235 Hope Street

Providence, RI 02912

(401) 863-2972

Message

**From:** Paxson, Christina [christina\_paxson@brown.edu]  
**on behalf of** Paxson, Christina <christina\_paxson@brown.edu> [christina\_paxson@brown.edu]  
**Sent:** 6/5/2020 12:06:08 PM  
**To:** Mencoff, Samuel M. [smencoff@mdcp.com]  
**Subject:** Re: Athletics

**EXHIBIT**  
**3**  
Paxson  
8/14/2020

I spoke with Jack about this. I think it's a good idea. He is talking with Eileen, and I will follow up. This might be the perfect moment to petition the court to get us out of this agreement, which would let us restore men's track, field and CC and still remain in compliance with Title IX. The question would be how quickly can we do this.

On Thu, Jun 4, 2020 at 8:50 PM Mencoff, Samuel M. <smencoff@mdcp.com> wrote:

Hi Chris,

I am attaching data on our Ivy League peers that I requested from Jack. It's really interesting. It shows that Brown has the highest % female undergraduate population in the Ivy League. For our peers who are not subject to the Consent Decree, there is a positive correlation between a high female % population and a high variance. Penn, who has the second-highest female % in the population is managing to a 10.8% band. Cornell, with the third-highest female % is managing to a 7.9% band. Under the Consent Decree Brown is required by the court to manage to a 3.5% band, going to 2.25% proforma for the new configuration.

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Sam

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--

Christina H. Paxson  
President  
Professor of Economics and Public Policy  
Brown University

Message

**From:** Paxson, Christina [christina\_paxson@brown.edu]  
**on behalf of** Paxson, Christina <christina\_paxson@brown.edu> [christina\_paxson@brown.edu]  
**Sent:** 6/5/2020 1:30:42 PM  
**To:** Cass Cliatt [cass\_cliatt@brown.edu]  
**Subject:** Fwd: [EXTERNAL] Re: FW: Cutting Men's Track and Field

**EXHIBIT**  
**2**  
**Mundt**  
**8/17/2020**

Cass,

See Kevin's plea for the letter to make it clear that the committee was advisory only and that the decisions were made by me and the Corporation.

----- Forwarded message -----

**From:** Kevin Mundt [REDACTED]  
**Date:** Fri, Jun 5, 2020 at 1:27 PM  
**Subject:** Re: [EXTERNAL] Re: FW: Cutting Men's Track and Field  
**To:** Paxson, Christina <christina\_paxson@brown.edu>

First, I think your last thought has tremendous merit and we should pursue that path.

I don't know what effect further communication will have at this point. I do know that it is necessary. It could be incendiary and cause further outrage. But we must state our case clearly, compelling and with whatever data you feel we can share at this point.

I do think stating clearly that this is the university's and corporation's decision, and that our committee was there to help analyze and recommend, may help anyone on the committee whose business e-mail is being used avoid further harassment which, honestly, at this point, it has become.

Sent from my iPad

On Jun 5, 2020, at 12:55 PM, Paxson, Christina <christina\_paxson@brown.edu> wrote:

How can I help? We are sending out a more detailed letter today so people will have a fuller understanding of the issues (including the consent decree.) If nothing else this will re-direct energy toward Brown.

Honestly, if we were not under the consent decree, we could bring back men's track and field and stay in compliance with Title IX (as it is applied to every other university.) I have been thinking about using this as a moment to petition the court for relief.

Chris

On Fri, Jun 5, 2020 at 12:40 PM Kevin Mundt [REDACTED] wrote:  
I really would appreciate the university getting these people off my back.

-----Original Message-----

**From:** Franco Martins <FrancoM@dpr.com>  
**Sent:** Friday, June 5, 2020 12:05 PM

To: Kevin Mundt <[REDACTED]>  
Subject: [EXTERNAL] Cutting Men's Track and Field

Hello,

I know virtually no information as to who you are or what your job is but I've been told two things and I wanted to get more information from you;

- 1- was there a vote that decided to end our program
- 2- if there was PLEASE tell me you voted against this
- 3- if there wasn't can you describe the process

Thank you

--  
Christina H. Paxson  
President  
Professor of Economics and Public Policy  
Brown University

--  
Christina H. Paxson  
President  
Professor of Economics and Public Policy  
Brown University

Message

**From:** Paxson, Christina [christina\_paxson@brown.edu]  
**on behalf of** Paxson, Christina <christina\_paxson@brown.edu> [christina\_paxson@brown.edu]  
**Sent:** 6/7/2020 12:00:51 PM  
**To:** Mencoff, Samuel M. [smencoff@mdcp.com]  
**Subject:** Re: Excellence in Athletics

**EXHIBIT**  
**15**  
Paxson  
8/14/2020

Thanks, Sam. I appreciate your response to Rich. I think the decision to reinstate track, field and CC, but hold firm on the others, is the right thing to do. I hope I can hold that consensus on Tuesday.

I've also been having a number of internal conversations about athletics--mainly about [REDACTED]

[REDACTED] Would you have time later today to discuss? I'm free from 1 to 4, and after 5.

On Sun, Jun 7, 2020 at 11:52 AM Mencoff, Samuel M. <smencoff@mdcp.com> wrote:

Chris,

When I became Chancellor I promised that there would be no secrets between us. I am forwarding, in confidence, this e-mail exchange with Rich in that spirit. I think it summarizes well where things stand, at least from my perspective. Best to start at the bottom and read up from there. If I am off-base on anything, or missing something, I hope that you will correct me. I believe that we are on the right path, and my goal is to be as helpful and supportive of you in the coming days as I possibly can.

Sam

Begin forwarded message:

**From:** "Friedman, Rich - Merchant Bkg" <rich.friedman@gs.com>  
**Date:** June 7, 2020 at 10:25:38 AM EDT  
**To:** "Mencoff, Samuel M." <SMencoff@MDCP.com>  
**Subject:** RE: Excellence in Athletics

[>From External Sender]

Very good points

Will be interesting

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**From:** Mencoff, Samuel M. <smencoff@mdcp.com>  
**Date:** Sunday, Jun 07, 2020, 10:22 AM  
**To:** Friedman, Rich - Merchant Bkg [MBD] <rich.friedman@ny.ibd.email.gs.com>  
**Subject:** Re: Excellence in Athletics

Rich,

Yes, I agree that we would have benefited from more discussion. You couldn't be more right about that.

The fact is that while we have pockets of excellence in athletics, we are far from excellent. We are the least excellent member of the Ivy League. Women's squash is 0-42 over the last several years in Ivy League play. It's hard to paint that as excellent.

Almost everyone agrees that one impediment (among others) is that we simply have too many varsity sports. The combination of that fact and the unique standard to which we are held under the consent decree, results in the forced under-rostering of our men's teams. Brown has the second-most varsity teams in the Ivy League and the lowest number of male athletes.

Addressing that doesn't guarantee excellence, but until we do we won't even have a shot at broad excellence.

While most agree that we have to reduce the number of varsity sports, reasonable people could differ over which ones, and memories and emotions play a big part in this. The Ad Hoc committee came up with a recommendation on how best to do this. And now issues of race have entered into it. That is where we are today.

As you have pointed out, while we might have the right math and the right text book answer, we are now in a real-world crisis where all of that matters less.

I think that we have a reasonable plan now to be open and transparent on the facts about what drove us to the decision on track et. al. I wish that we had done that from the start, but there was some legal hesitation to be explicit about this. The consent decree drove us to eliminate a big men's sport, and football was out. I think that disclosing that we plan to try to overturn the consent decree also gives us a somewhat graceful way to back down and reinstate track. I still wonder about some of the nuances about how to position this, as we discussed yesterday.

We have no such graceful way or logical underpinning for the other sports, and putting them back in will undercut the basic rostering purpose of this whole exercise. Besides, squash is the only other sport kicking up any dust at all. I think we have to tough it out on the rest of the sports and support Chris, otherwise this whole thing unravels.

Sorry for rambling. Those are my thoughts, but I would welcome better ideas - truly.

As far as Tuesday's call goes, I'm worried about exactly what you are. I've been speaking with many Corporation members this weekend and will continue to for the next few days. I am trying to set the table for Chris in advance as best I can.

██████████ He and his wife ██████████ are Brown alumni and parents of a son on the track team. They are lovely, high quality people who are not bomb throwers. They recently made their first leadership gift to Brown ██████████ and feel let down and possibly misled. I can't say that I blame them.

Thanks sincerely for your help and thoughts.

Ugh is right.

Warm regards,  
Sam



On Jun 7, 2020, at 9:05 AM, Friedman, Rich - Merchant Bkg  
<[rich.friedman@gs.com](mailto:rich.friedman@gs.com)> wrote:

[From External Sender]

Sam

I woke up this morning and thought more about yesterday's call and our discussion on Thursday. I've come to the conclusion that I supported Chris' plan because I wanted to support Chris and I bet that most of the Board did so as well.

With the best of intentions, Chris proved that she has the full support of the Board, but because of the current circumstances, the Board was not in a position to discuss fully all of the collateral consequences of the plan. People may have kept their questions to themselves because of the circumstances.

Will be interesting to see what happens on the call this week. We could easily end up in the proverbial rabbit hole as Zoom is not the same as an in person meeting.

ReInstating XC/TF will be good but may not go far enough. I bet most Board members aren't so sure we are landing in the right place. Like years ago, it is the small minority of people who need to be outspoken to save a sport. I am still surprised that no one defended women's squash in which we are good and is in my opinion a legitimate varsity sport. And, despite our inadequate facilities we still attract great talent

Some of the varsity sports we are eliminating continue to be Ivy League Varsity sports. (Squash, Fencing; maybe others).

Finally, Alison's report of her discussion with [REDACTED] (not sure who he is) bothered me with the narrative of "Are we not Excellent in Athletics" on the daily Zooms?

Ugh

RAF

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Christina H. Paxson  
President  
Professor of Economics and Public Policy  
Brown University

Message

**From:** Paxson, Christina [christina\_paxson@brown.edu]  
**on behalf of** Paxson, Christina <christina\_paxson@brown.edu> [christina\_paxson@brown.edu]  
**Sent:** 6/9/2020 9:26:05 AM  
**To:** Mencoff, Samuel M. [smencoff@mdcp.com]; Kevin A. Mundt '76 [REDACTED]  
**Subject:** Fwd: Read this one

**EXHIBIT**  
**4**  
Paxson  
8/14/2020

Sam, Kevin,

I wanted you to see the letter that we intend to send out after the students are told about reinstating men's track, field and cross country. I expect both of you may have wanted us to be more explicit about our intention to fight the consent decree. Our concern is that this could rile up the Cohens of the world and put us in a defensive posture. We need space to work out a rock-solid legal strategy and then go on the offensive. That said, I'd really value your reaction to the letter. Thanks.

--  
Christina H. Paxson  
President  
Professor of Economics and Public Policy  
Brown University

Date for distribution: 8 p.m. Tuesday, June 9  
Display name: President Christina H. Paxson  
From: [president@brown.edu](mailto:president@brown.edu)

**Subject: Decision on track and field and cross country**

Dear Brown Community,

We have heard clearly from our community over the past couple of weeks that the University's decision to transition men's varsity track and field and cross country to club status will have real and lasting implications for efforts to build and sustain diverse and inclusive communities for our students at Brown, and particularly our community of black students and alumni.

Our students, alumni and parents took the time to share their deeply personal stories of the transformative impact that participation in track, field and cross country has had on their lives. Many noted that, through Brown's history, these sports have been a point of entry to higher education for academically talented students who otherwise would not have had the opportunity, many of them students of color. In addition, we heard from members of the women's track, field and cross country teams who made a compelling case that eliminating the men's program would adversely impact the women's program.

Considering these and other factors, the University has decided to reinstate the varsity status of men's track, field and cross country at Brown. This change is effective immediately and does not alter other decisions to reduce the number of varsity sports as part of the Excellence in Brown Athletics Initiative.

As I wrote in my letter to the community on Saturday, the primary reason for eliminating men's track, field and cross country was to help Brown remain in compliance with a 1998 settlement agreement stemming from a Title IX lawsuit. This was not the case for any of the other teams that were transitioned out of varsity status.

This settlement agreement created tight constraints specific to Brown regarding the balance of varsity athletics opportunities for women relative to men. The University has achieved the required balance historically by maintaining squad sizes of men's teams that, on average, are below Ivy League squad sizes. As a result, Brown has a larger fraction of athletics opportunities for women than most of its peers.

The reinstatement of men's track, field and cross country will have implications for the squad sizes of Brown's varsity teams. However, we have determined that with some modifications, Brown will be able to remain in compliance with the requirements of the legal settlement along with Title IX for the time being. In the coming year, the University will examine alternative strategies for addressing the issues that arise from the settlement agreement.

Maintaining and strengthening diversity was a foundational principle in considering the final makeup of varsity teams from the outset of the Excellence in Brown Athletics Initiative. The original revised roster of varsity sports maintained Brown's overall diversity in varsity athletics, but we now more fully appreciate the consequences of eliminating men's track, field and cross country for black students in our community and among our extended community of black alumni.

As I shared this weekend, members of the Brown athletics community will receive invitations in the coming days to participate in virtual meetings to hear directly from Director of Athletics Jack Hayes and me about the decisions underlying the athletics initiative. We hope to address common questions being raised and ongoing areas of concern.

Again, I remain committed to the decision to reduce the number of varsity teams to increase the competitiveness of athletics at Brown. We will do so while providing equal opportunities to participate in athletics, regardless of sex, and remaining true to our values of supporting diversity and inclusion.

Sincerely,

Christina H. Paxson  
President