

IN RE: RACIAL DISCRIMINATION ALLEGATION  
OF CALVIN MAGEE AGAINST LARRY ASCHEBROOK

**AFFIDAVIT IN RESPONSE TO  
ALLEGATIONS OF RACIAL DISCRIMINATION**

State of West Virginia,

County of Monongalia, to-wit:

I, Larry Aschebrook, being duly sworn, depose and say that:

1. Based on the letter of Jennifer A. McIntosh, Executive Officer for Social Justice and Director, AA/EEO and ADA Compliance, dated March 14, 2008 (and the excerpts of notes Ms. McIntosh took as a result of her conversation with Calvin Magee), I understand that Calvin Magee has made an allegation against me of racial discrimination. Specifically, Mr. Magee has asserted that I told him that he would not be considered for the position of head football coach at West Virginia University (sometimes hereinafter "WVU") because of the color of skin, and he also asserts that I stated that "this is West Virginia, they ain't (sic) up to the times yet, you know why . . . a lot of the big boosters won't relate to you." Finally, Mr. Magee claims that I gestured to the top of his wrist as further evidence that his skin color was the reason for him not receiving consideration for the position of head football coach at West Virginia University. These remarks were alleged to have been made during the mid-morning of Wednesday, December 19, 2007 in Mr. Magee's office.

2. I make this affidavit as my formal response to Mr. Magee's allegations.

**I categorically deny all of the assertions/allegations of Mr. Magee.**

3. To begin with, Mr. Magee, as first reported by the Pittsburgh Post-Gazette,

recalled the gesture, remarks and conversation as having taken place on Friday, December 21, 2007. My family and I were in Wisconsin for the Christmas Holiday on the date first suggested by Mr. Magee, and I could not have possibly been in two places at once (Wisconsin and Morgantown, West Virginia). Evidently, Mr. Magee realized the error of his statement. He then advised Ms. McIntosh that the gesture, remarks and conversation took place on Wednesday, December 19, 2007. However, on December 19, 2007, my wife and I attended my son's elementary school Christmas pageant that morning. The event began at 11:00 o'clock a.m. I spent the entire morning at home with my family before the pageant. I did not go to my office at the Puskar Center the morning of December 19<sup>th</sup>, much less Mr. Magee's office. At the conclusion of the Christmas show, we traveled to Pittsburgh, Pennsylvania boarded a flight to Wisconsin, and spent the holiday in Wisconsin with family. Again, I deny that I made any of the gestures or remarks attributed to me by Mr. Magee and I did not engage in any conversation with Mr. Magee or Greg Frey on December 19, 2007. *So there can be no misunderstanding, I NEVER made any racially discriminatory gesture, remark or engaged in any such conversation with Mr. Magee during his entire time at West Virginia University.*

4. Mr. Magee and I became close friends during his tenure with West Virginia University, at least I thought that was the case. This perceived friendship continued even after he left the University for employment with the University of Michigan.

5. I personally maintain that Mr. Magee's allegations of racial discrimination are intended as nothing more than an attempt to aid former West Virginia University football coach, Rich Rodriguez's, defense in the lawsuit brought by the University to enforce the buy-out provision of his contract.

6. On March 13, 2008, while attending the Big East basketball tournament in New York City, I was contacted by Ms. McIntosh via telephone. During that conversation she informed me that Calvin Magee had asserted that I thought the University racist, and that West Virginia University wasn't ready for a black head football coach.

7. After that conversation, while I was in the lobby of Macy's department store, I decided to contact Rich Rodriguez to find out what was going on. I specifically asked Mr. Rodriguez, "What is going on? I am going to be fired over this BS," I was assured by Mr. Rodriguez that "They aren't going to fire you." I explained my conversation with Ms. McIntosh, and asked "Why is Calvin saying things to make it appear that I think the University is racist?" Mr. Rodriguez informed me that Calvin did not want to bring me in to this, but he (Calvin) did not have a choice. I asked Mr. Rodriguez to get Calvin on the phone, and then said "this is fu...ed up." To which Mr. Rodriguez responded, "No, WVU is fu...ed up, they are suing me for \$4 million." He went on to say that all WVU does is lie, and that Ed Pastilong, Mike Garrison and Jennifer McIntosh were liars, at which point Calvin Magee came in to the room.

8. Mr. Magee asked "What's up Larry?" My response was "What's up? You are throwing me into something that I have nothing to do with." Mr. Magee then informed me that he told Jennifer McIntosh that I had nothing to do with this, and that his issue is with Ed Pastilong and Mike Garrison. He then said "Larry, I know you are upset but listen to me . . . I told her that my problem is with Ed Pastilong and Mike Garrison."

9. I then asked Mr. Magee, "Then why is she telling me that you stated that I said that about you . . . that's BS." Mr. Magee responded by telling me I knew the way WVU treated him, and "its fu...ed up, you know it is." I then asked, "Why are you bringing me into this? And

what's with Greg Frey? Why would he say I said that?" Mr. Magee responded that Ms. McIntosh called him a liar, that Greg Frey did not want him (Mr. Magee) to look like a liar . . . and that he (Greg Frey) knows the way WVU is.

10. I then asked "Calvin, why me? This is going to ruin my career. I can't afford to be fired. I'm not like you and Rich, I don't have a contract. They are going to fire me over this BS. I've always supported you Calvin." To which Mr. Magee said, "Larry . . . I know you have . . . she's (Ms. McIntosh) calling me a liar, she sent me a letter telling me that I'm a liar. I didn't know you don't have a contract. You don't want to be there anyway. What about my career . . . they treated me like shit." I then told Mr. Magee, I could not afford this kind of trouble because I did not make the kind of money that he and Mr. Rodriguez made.

11. At that point Mr. Rodriguez spoke up and said, "This isn't about you Larry, its about me. You can't afford it, I can't afford it. I don't have \$200,000 in the bank. I'm paying for Rita's family, my family, and they (WVU) are doing this to me. I'm sorry about this, but its business not friendship." My response to Mr. Rodriguez was "That's fu...ed up Rich. . . its not about friendships? I've been through a lot here because I've been your friend." Then Mr. Rodriguez questioned who has been treated the worst, me or him. He said they (WVU) lied to him, over and over. They treated Calvin like shit. They fired Dusty. They (WVU) told him all of these lies, then he left because they (WVU) didn't do what they said, and now they are ruining my life.

12. I told Mr. Rodriguez that I was sorry about all of that, but that I am being portrayed as a racist. Mr. Rodriguez said he would "tell the press that it had nothing to do with me. . . so will Calvin." I responded, "I'm supposed to get fired and you'll tell the press that I'm

not a racist?" Mr. Magee then added that they would tell the press that I was supportive, and that WVU used me as a scapegoat. I then asked, "You will you tell who? Chuck Finder?" Mr. Rodriguez said, "Yes." Mr. Magee said, "Yeah, Chuck will help us."

13. I then told both Mr. Rodriguez and Mr. Magee that these allegations were going to get me fired, and ruin my life. I told them that I had worked hard to get where I am, and now they were ruining my career in college athletics. Mr. Rodriguez said "Don't worry about it. I'll get you a job up here. You've been loyal to me, I'll be loyal to you." I said, "That's great . . . I get painted like a racist, and I can come up there. That's fu...ed up." Mr. Rodriguez said he was working on something for me. I asked what. He suggested I could raise money for Michigan football and work at his football camp.

14. I then asked, "Why are you guys messing with my career? I'm not admitting to something that isn't true." Mr. Rodriguez then said, "Like I said, I'll get you a job tomorrow. You'll be fine." I then responded, "Fu... that, you'll be fine if I do this, I'll be screwed. You, Calvin, and Greg are screwing me!" Mr. Rodriguez then said, "What about me? They (WVU) are suing me for \$4 million." I said, "That's not my problem." Mr. Rodriguez then suggested, "Just tell her (Ms. McIntosh) how fu...ed it is there, and we'll get it all worked out." I said I'd be fired on the spot. To which Mr. Rodriguez said, "If so, I'll get you up here." I told both of them that I was not going out like this, and told them that is "fu...ed up." I then hung up the phone.

15. If I am a racist, why would Mr. Rodriguez want me to join his staff which includes the very person that is making these allegations? If I am a racist, why would Mr. Magee offer to contact the press, and explain that I am not a racist? If I am a racist, why would Mr. Magee acknowledge that I supported him while he was employed at West Virginia University?

16. Mr. Magee's allegations have no basis in fact. It is my firm belief that Mr. Magee has made these allegations simply to divert attention away from the valid buy-out provision in Mr. Rodriguez's contract with the University so as to taint the University in hopes that the litigation can be resolved. Why else would I be offered a position at the University of Michigan, provided I tell Ms. McIntosh how "fu...ed it is [at WVU]?" It is clear to me that Calvin Magee has made these discrimination allegations against not only me, but Ed Pastilong and Mike Garrison as a means of furthering his bosses' defense in the lawsuit brought against Mr. Rodriguez by the University.

17. It is my opinion that neither the Athletic Department at West Virginia University nor the President's Office at the University discriminated against Calvin Magee in their search for a replacement for Rich Rodriguez. When Mr. Magee boarded the plane with Mr. Rodriguez for the University of Michigan, his intent was abundantly clear - he was now a "Michigan Man." He appeared at a press conference with Mr. Rodriguez, was announced to the press as the new offensive coordinator for Michigan Football, and essentially withdrew his name as a potential candidate for the vacated head football coaching job at West Virginia University. Why would he be considered a candidate for a job under those circumstances?

Further your affiant sayeth naught.

*Larry Aschebrook*  
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 Larry Aschebrook

Sworn to and subscribed to before me this 25<sup>th</sup> day of March, 2008.

*Janice L. Runner*  
 \_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_

(S E A L)

