

Saiber Investigates Allegations of Bullying by Rutgers Football Coach

By David Gialanella

Saiber, often the firm of choice for New Jersey colleges faced with possible misconduct within their walls, is investigating allegations of bullying in Rutgers University's football program.

Managing partner William Maderer and partner DanaLynn Colao are heading the probe, which stems from a complaint that defensive coordinator Dave Cohen abused a player who ultimately quit the team.

Cohen, during a spring study hall session, allegedly lambasted freshman defensive back Jevon Tyree in front of teammates, calling him a "bitch" and a "pussy" and threatening to head butt him.

Tyree claims the incident prompted others on the team to shun him. The accusations became public in November, when he quit the team.

Several facts are disputed. Rutgers claims that Cohen apologized to Tyree the next day and was reprimanded by head football coach Kyle Flood, and that Flood twice met with Tyree and his parents to iron out the issue.

According to ESPN, Rutgers has agreed to honor Tyree's scholarship for this academic year and to allow him to pursue a spot in another school's football program for the next season.

In the meantime, Tyree's family is seeking discipline for Cohen.

Rutgers general counsel John Farmer Jr. removed himself from the investigation. He is a potential witness due to his administrative role, university spokesman Peter McDonough Jr. says.

On Nov. 22, the university chose Maderer, who has conducted investigations and provided litigation defense for several New Jersey institutions, including Rutgers.

Saiber is on the university's list of "prequalified" firms, McDonough says.

Earlier this year, the university enlisted Maderer to look into alleged player abuse by men's lacrosse coach Brian Brecht. He was suspended with pay but reinstated after the investigation found that he spoke and acted inappropriately but cleared him of any legal or university policy violations.

"They did do a real good job at that, a real thorough job, and that's why they were selected" for the current investigation, McDonough says.

The university is paying \$215 per hour—its standard hourly rate for such work, he adds.

"We're expecting the review to be conducted and completed very much in the near term," McDonough says. "This isn't something that should take a long time. So we're talking weeks, not months."

Maderer has significant investigatory experience. He spent six years in the U.S. Attorney's Office in Newark from 1974 to 1980, the last three heading the Special Prosecution Division. At Saiber since then, he devotes his practice to white-collar criminal defense, employment litigation, business litigation and higher education law, as well as internal investigations.

Maderer has headed probes on behalf of other schools, including Princeton University. In 2002, Princeton picked him to investigate repeated breaches—by admission director Stephen LeMenager



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and others—of Yale University's database to check the status of numerous applicants.

Maderer conducted two dozen interviews, reviewed documents, examined computer hard drives and issued findings, leading to LeMenager's resignation and transfer outside the admissions office, as well as discipline for others.

Colao has been with Saiber since her 1998 graduation from Seton Hall University School of Law, and concentrates on business, employment and higher-education matters. She also works closely with Maderer on internal investigations.

Maderer says such investigations, once rare, have become a practice area. "These internal investigations have almost become a cottage industry in and of itself," he adds. "It's become an important part of...the institution's ability to bring closure and move forward."

He declines to comment on the Rutgers matter. ■