



## **MEMORANDUM**

**To:** Chief Executives  
Club Presidents

**From:** Commissioner Goodell

**Date:** December 9, 2014

**Re:** Personal Conduct Policy

On Wednesday, we will review in detail the work that has been done since the October meeting to develop a framework for a new Personal Conduct Policy. That work has been informed by literally hundreds of discussions with you and your key executives, current and former players, representatives of the NFLPA, officials from police, prosecutorial, and military organizations, academics with broad subject matter expertise, public officials, leaders of public interest and advocacy groups, religious leaders, and many others.

Out of these many discussions have come a few simple principles that have guided our work:

First, the NFL occupies a position in American society that requires us to lead and to be accountable for our decisions and our actions. We embrace that responsibility.

Second, our standards of conduct, the educational and other services that we provide to support those standards, and the disciplinary procedures that we use to enforce them are all important components of a policy that reflects well on our game and on everyone involved in the NFL.

Third, these standards and policies will be meaningful only if we continuously review and refresh them, and only if we ensure that everyone associated with the NFL understands that the values they reflect are at the core of what our league stands for. As I have said, we did not adequately accomplish those tasks in recent years.

Our recent focus has been on domestic violence, child abuse, and sexual assault, all of which are complex and difficult subjects. Each is a societal problem that is frequently underreported. As a league, we must have a continued focus on the needs of victims and families; among other things, we must encourage victims and those who observe such misconduct to come forward, to report offenses, and to seek help. We can no longer defer entirely to the decisions of the criminal justice system, which is governed by processes and considerations that are not appropriate to a workplace, especially a workplace as visible and influential as ours.

No Personal Conduct Policy will satisfy everyone because there is no perfect policy. But we believe that the framework that will be reviewed on Wednesday gives thorough consideration to all of the competing interests that were identified over the course of months of discussions and that a new policy will strike the appropriate balance. Moreover, because it is a living policy, we will seek continuously to refine and improve it.

In outlining a new Personal Conduct Policy, we should not lose sight of one fundamental fact: as you know from the information presented in October, the vast majority of individuals associated with the NFL – and in particular the vast majority of NFL players – conduct themselves according to the highest personal standards. The Personal Conduct Policy has always been intended in part to ensure that the reputations of the thousands of men and women in the NFL who act every day with honor and integrity are not tainted by the misconduct of a very few.

We will review these issues in detail on Wednesday, but I want to highlight a number of the key elements of the draft Policy to help inform our discussion at the meeting.

- **Reporting** – The new Policy will emphasize the importance of promptly reporting to the league office any incident that may be a violation of the Personal Conduct Policy. We want to encourage reports from victims and witnesses, and to make sure that club and league executives understand that the obligation to report incidents is broad and that this obligation will be enforced on all of us.
- **Services** – The new Policy will be supported by a greater network of services to address the needs of victims and families and to support our goal of encouraging members of the NFL family to report and seek help. The available services include resources provided by the league office and member clubs, as well as by independent community organizations. The support will include the formation of Critical Response Teams, which will work with standard protocols to respond to reported incidents of domestic or family violence, sexual assault, child abuse, or other violent incidents.
- **Investigations** – The new Policy will embrace the use of independent investigations; we will no longer rely solely on information developed in law enforcement proceedings. While we will always respect and seek not to interfere with law enforcement, we recognize that the standards that apply in a workplace are substantially different from those that apply in the criminal justice system. We are confident that we can address issues within the NFL in a way that respects and supports law enforcement activity.

- **Leave with Pay** – The new Policy will include an element of leave with pay for individuals charged with crimes of violence. A program of paid leave can be implemented promptly for non-player employees. As it applies to players, this element may be subject to changes based on our ongoing discussions with the NFLPA. The union has thus far taken the position that paid leave is appropriate only when a player is charged with a felony, and even then only with the player’s agreement. We have said that we believe that a system of paid leave must be uniform and consistent across the league.
  
- **Discipline** – The new Policy essentially removes the Commissioner from the initial disciplinary proceedings, a goal that many of you have identified. The Policy preserves the Commissioner’s role in the context of appeals and establishes a more rigorous and transparent process for those initial disciplinary decisions. My expectation is that we will hire a new Special Counsel for Investigations and Conduct. This will be a new staff position filled by someone with broad experience in the criminal justice system who will be charged with ensuring that disciplinary decisions are made on a consistent basis, and through a fair process that respects the interests of the NFL and the rights of the individual employee. This person’s obligations will include assessing reports to our office, initiating and supervising investigations, reviewing investigatory reports and other factual findings, serving as one of our primary liaisons to law enforcement officials, communicating with employees and their representatives and, as the Commissioner’s designee, conducting hearings for employees subject to discipline and making initial disciplinary decisions under the Commissioner’s authority, subject to the employee’s right of appeal.

The Special Counsel and the Commissioner will also have available a panel of independent experts in a range of disciplines who can be consulted on individual cases as need be. We will invite the NFLPA to name a member of that panel for cases involving players.

Appeals will be heard under our collective bargaining agreements or the NFL Constitution and Bylaws, as appropriate. The Commissioner or his designated appeal officer will have available a panel of outside experts who may be consulted in the course of an appeal. The goal is to have a layered evaluation and discipline process with a number of clear steps, defined procedures, and substantive expertise.

- **Prevention** – Through an ongoing program of education and specialized training, we will seek to prevent incidents of misconduct from occurring within the NFL. We will also continue our work of disseminating to young people at all levels information and guidance on proper standards of conduct, taking advantage of the NFL’s reach and the respect that young people have for NFL players. In conjunction with these efforts, we will continue our support of national advocacy and service groups, such as No More, the National Domestic Violence Hotline, the National Sexual Violence Resource Center, and other organizations.

- **Conduct Committee** – On Wednesday, I will name a committee of owners that will be responsible for ensuring that our Policy remains current and reflective of evolving legal and societal standards. The Committee will have access to advice from a wide range of outside experts and will be expected to review the Policy at least annually and recommend appropriate changes in it.

We have also attached a statement of Mission and Values, which builds on the discussions we had in October and the additional work done over the past 60 days. We look forward to reviewing this important statement of our principles with you on Wednesday.

The NFL has had an outstanding season on the field, and this weekend's games were the most recent confirmation of that fact. We will address a number of significant issues on Wednesday, and I look forward to a productive meeting. Over the past several months, I have been most grateful for the strong support and excellent advice that I have received from so many of you on our Personal Conduct Policy, and I look forward to continuing this important work with you this Wednesday. In the meantime, if you have any questions or comments, please feel free to call any of Adolpho Birch, Jeff Pash, or me.