

Quite A Character

Written by {ga=gdbenz}

Sunday, January 20 2008 7:00 PM -

For all those Ohio State fans still lamenting head coach Jim Tressel's second straight loss in the national championship game, Gary has two words for you: Rich Rodriguez. Rodriguez has barely been head coach of the Michigan Wolverines for a month yet in that short period of time he's created enough adversity for himself that the Michigan administration might as well fly a red flag permanently. And with each passing day, Buckeye fans discover a new reason to appreciate what they have in Tressel as the contrast between him and Rodriguez couldn't be starker.



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Rodriguez has barely been head coach of the Michigan Wolverines for a month yet in that short period of time he's created enough adversity for himself that the Michigan administration might as well fly a red flag permanently. And with each passing day, Buckeye fans discover a new reason to appreciate what they have in Tressel as the contrast between him and Rodriguez couldn't be starker. As Tressel might say and probably has, adversity doesn't build character it reveals it.

The first indication of the kind of person the Wolverines got with their third choice was the fact that Rodriguez didn't have the guts to deliver his resignation personally. He wrote it out and had his graduate assistant deliver it to West Virginia University athletic director Ed Pastilong. Good message that ought to grace the entrance of the Michigan weight room: "When the going gets tough, get a graduate student to do your work." If that's the kind of

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toughness and courage that Rodriguez will bring to the Michigan program, it won't be long before its fans are screaming for Lloyd Carr to come out of retirement.

Rodriguez's cowardly resignation may be partially explainable, however, by the next sign of his questionable values. Before either Mountaineers administration or players knew of the resignation, Rodriguez was on the telephone with highly-prized recruit Terrelle Pryor of Pennsylvania to tell him that he was leaving for Michigan. Now word is trickling out that Rodriguez didn't just call Pryor, he may have also called two other recruits while still technically employed by West Virginia. The West Virginia administration has gathered Rodriguez's cell phone records and is still investigating.

Rodriguez at present is denying the timeline although Pryor's statement at the time, as [reported](#) by the Pittsburgh Tribune-Review, certainly indicates otherwise. But the fact Rodriguez put himself in this position peels away still another layer of what's turning out to be a quickly rotting onion. One would think, for example, that Rodriguez might be more concerned about the reaction his leaving might have on the players he had already personally recruited and coached for several years at West Virginia. Instead, he seemed much more interested at that moment with trying to lure Pryor to Michigan, almost as if his hiring there had depended on it. Hmm.

More insidious, though, as [reported](#) by the West Virginia Gazette-Mail, is that Rodriguez's call to Pryor may also have simultaneously prevented West Virginia from making a call to a recruit who had publicly announced that the Mountaineers were high on his list of possible choices. At the time of the call, there was a so-called quiet period with respect to recruits in effect under the NCAA's rules, meaning that coaches could only contact a potential recruit once a week. Since Rodriguez was still technically in the employ of West Virginia at the time, that prevented anyone else from the West Virginia program from contacting Pryor for the rest of the week. One wonders whether Rodriguez, on behalf of the Michigan program, called Pryor again that same week after he officially became Michigan's coach. Hmm.

If Pryor ends up in Michigan, the Wolverines athletic director, William C. Martin, should probably expect a friendly call from an NCAA investigator. As Desi said to Lucy, there will be some splaining to do.

As it turns out, the calls to recruits is turning out to be the least of the issues. Underlying this whole mess is the little matter of the \$4 million that Rodriguez is trying to deprive West Virginia for ditching the program just one season into a multi-year extension he had signed last August. Rodriguez, through his lawyers, has rattled enough sabers to make it pretty clear that the administration shouldn't expect a check anytime soon, so much so that West Virginia filed a pre-emptive lawsuit to ensure it would be able to collect.

The \$4 million is owed under what is referred to as a liquidated damages provision in Rodriguez's contract. In simple terms, when a person breaches a contract, he will owe the other party damages or money in an amount that would make that person whole as if the breach had never occurred. The nature of some contracts makes it difficult to measure the amount of the damage. This is particularly true with coaching contracts because a coach of a successful program that quits while under contract can devastate his former program. There is potential lost revenue from season tickets and loges, lost recruits, lost booster and advertising income and the like, all of which is very difficult to calculate. Consequently, the parties often will add a liquidated damages provision to basically define up front the monetary damage that they believe the school will incur if the coach leaves. Courts will generally enforce a liquidated damages clause unless they believe it is a penalty in disguise. That is because courts will not typically impose a penalty, in addition to damages, against a party for breaching a contract.

This is the rub in the Rodriguez case. Through intermediaries Rodriguez has made it known that he believes that West Virginia breached its contract first and thus the liquidated damages provision doesn't apply. When that argument doesn't work, and it probably won't, his lawyers will turn to their best argument, that the \$4 million doesn't represent damages but instead is a penalty because of the amount. This, too, will be an uphill battle given the unique circumstances of this case: a popular relatively long-term coach who has brought a program twice to the brink of the national championship game. It's fair to say that West Virginia will

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suffer financially and for awhile. Whatever one thinks of Rodriguez's successor at West Virginia, one thing is clear he has a lot to rebuild in the wake of this mess.

Rodriguez didn't help himself by taking a shredder to all of his files, the latest questionable act of his that West Virginia is now investigating. Whether the files were official files of a state university and hence public records is a legal matter still to be sorted out. If they were, Rodriguez may have some legal trouble to boot. But even if they were not, they clearly had some value to the program and will be difficult to re-create, meaning that Rodriguez unwittingly enhanced the cause of his former school in its quest to enforce the \$4 million liquidated damages clause by causing damage that's difficult to calculate. Moreover, yet to be answered is whether Rodriguez's little Enron incident was done out of simple spite or to hide some unflattering truths about the program he ran. Hmm.

With the controversy intensifying each day, you would think that Rodriguez and his new employers would try to make it go away. Instead, Rodriguez has fanned the flames by laughingly [claiming](#) to the Toledo Blade that he can't understand why he's being smeared by the West Virginia administration. After all, he says, he's tried to take the high road. If Rodriguez defines the high road by his conduct, from how he hid his interview from his employers, to how he then denied it took place, to how he then delivered his resignation, to how he then called a recruit before telling his own players, to how he then shredded his files, then the bar truly has been lowered to new depths in college athletics.

Fortunately, that's not quite the case. Though Ohio State, like virtually every program, has had its share of athletes in trouble, no one has yet to question the ethics of Tressel. The national media may complain about the Buckeyes playing the lower-division Youngstown State, but what they miss is Tressel using that game as a way of repaying a debt of gratitude he feels he owed to the school and the program that gave him a chance. Right now, Rodriguez won't even pay the debt he actually owes to West Virginia.

I suppose there are coaches who have had worse starts to their new jobs than

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Rodriguez, George O'Leary at Notre Dame comes to mind, but not many. If he's going to overcome these self-inflicted wounds, Rodriguez better hope that recruits and their parents do not put much stock in the questionable backgrounds of the coaches they let into their living rooms.

The success Tressel continues to have in recruiting each year says otherwise. But if Rodriguez is banking on parental indifference to cover his sins, then the good news for Buckeyes fans is that their team should continue to enjoy the competitive advantage they currently hold over the Wolverines for at least as long as Tressel remains in Columbus.