

IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY
STATE OF OKLAHOMA

THE SUSTAINABLE JOURNALISM)
FOUNDATION *d/b/a* NONDOC MEDIA,)
and WILLIAM W. SAVAGE III,)
Plaintiffs,)

vs.)

Case No. CV-2021-1770

Judge Walkley

THE STATE OF OKLAHOMA *ex rel.*)
BOARD OF REGENTS OF)
THE UNIVERSITY OF OKLAHOMA,)
Defendant.)

AFFIDAVIT OF WILLIAM W. SAVAGE III
IN SUPPORT OF PLAINTIFFS' RESPONSE TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

I, Tres Savage, state under penalty of perjury under the laws of Oklahoma and in accordance with 12 O.S. § 426 that the following is true and correct to the best of my knowledge:

1. My name is William W. Savage III ("Tres Savage"), and I am the editor in chief of NonDoc Media, a nonprofit community journalism publication in Oklahoma.

2. I graduated from the University of Oklahoma's Gaylord College of Journalism and Mass Communication in 2007 and served in leadership positions for The OU Daily student newspaper. My father is a professor emeritus in the university's Department of History. I have also taught a journalism course in an adjunct capacity at OU's Gaylord College. As an alumnus, I am routinely solicited for donations from OU.

3. I have a deep appreciation for my alma mater, and I believe that careful and consistent reporting about its leaders and systems is of utmost importance.

4. To the best of my ability, I have in recent years committed to attending all meetings of the OU Board of Regents in my capacity as a journalist. Often, members of the

Board ask why I bother to show up at 8:00 a.m. for the short open session that precedes hours of closed executive sessions. I reply that too few people were paying attention for too long.

5. In one such meeting that I attended on March 4–5, 2021, former Chairman Gary Pierson spoke about my and NonDoc’s work, stating, “The press has dealt with us over the last year in a fair and objective way. . . . they’re really watchful of what’s going on, not in a gotcha mentality, but rather in a *if it’s important, we’ll report it* both positive and negative. . . . [A]s a Board of Regents[,] I personally want to say thank you to Tres Savage. He and I had quite a conversation about this about a year ago, and I can tell you, I’ve never been more impressed with a journalist than I have in the way that he has dealt with us over the last year.”

6. In the same meeting, Chairman Pierson described the state of the university’s Development office (later renamed the University Advancement program) during the years preceding his 2021 remarks as “inoperative” and “broken to its core.”

7. These remarks were made within the context of the University’s Development/Advancement employees transitioning to employment with the University of Oklahoma Foundation. I believe, based on my reporting, *While Seeking Open Records Exemption, OU Foundation set to Absorb University’s Entire Fundraising Operation*, NonDoc (Mar. 4, 2021), <https://nondoc.com/2021/03/04/ou-foundation-open-records/>, that both this transition and Chairman Pierson’s comments related at least in part to the Development office’s misrepresentation of alumni data to external publications like U.S. News & World Reports, as well as other misrepresentations of donor funds made by the Development office.

8. While I was learning the trade of journalism at OU, no individual stood larger on campus than President David Boren, one of the most influential and engaging politicians in Oklahoma’s history. Yet, from class to class in OU’s journalism program, rumors of Boren’s

alleged sexual contact with university students and employees were widely discussed but not reported.

9. By the time OU hired Jones Day in late 2018 to investigate Boren's interactions with male aides, however, the nation had experienced the #MeToo movement. As a journalist learning to recognize the realities and impacts of sexual misconduct based on power dynamics, encountering Jess Eddy when he was ready to tell his story committed me to pursuing the Jones Day Reports for the sake of understanding the extent of Boren's alleged misconduct and the systemic failures involved within the University.

10. Based on my reporting, including *Jones Day Assessment: Jess Eddy 'Generally Credible' on Boren Allegation*, NonDoc, May 28, 2019, <https://nondoc.com/2019/05/28/jones-day-assessment-jess-eddy-generally-credible-on-boren-allegation/>, I understand that some of the people interviewed by Jones Day were not promised confidentiality. I also understand that Eddy, Boren, and Jim "Tripp" Hall did not receive anonymity in the version of Jones Day's second report shown to Mr. Eddy.

11. Based on my reporting, *Joe Harroz Spoke to Jones Day, Confirms Title IX Review*, NonDoc, Jun. 27, 2019, <https://nondoc.com/2019/06/27/joe-harroz-spoke-to-jones-day-confirms-title-ix-review/>, and the above May 28, 2019, story, I understand that Jones Day reached out to witnesses it sought to interview, rather than those witnesses volunteering information to Jones Day.

12. Based on my reporting, *During Exit, Boren Ensured Top OU Vice Presidents Got 'Retention Incentive' Payments*, NonDoc, Mar. 5, 2020, <https://nondoc.com/2020/03/05/boren-ensured-top-ou-vice-presidents-got-bonuses/>, I understand that former President Boren requested that the Board of Regents create a "retention incentive" program for bonus payments to six vice

presidents prior to announcing his retirement from the office of university president in 2018. These agreements included “one-time lump sum payments” equal to their annual salaries in the event that “there is a change in the administration at the presidential level” and the executive was “removed from [their] current role.” Ultimately, these payments totaled more than \$800,000 over subsequent years.

13. A true and correct copy of the set of letters authorizing these incentive payments, each dated June 22, 2017, which I obtained following an Open Records Act request is attached hereto as **Exhibit T**.

14. Based on my reporting, *Feds, Faculty and audit cause Title IX Changes at OU*, NonDoc, Sept. 15, 2020, <https://nondoc.com/2020/09/15/feds-faculty-audit-cause-ou-title-ix-changes/>, I understand that important constituents within the OU community, including the Faculty Senate and the Provosts Advisory Committee for Women’s Issues (PACWI) have raised concerns that OU “has been ineffective at building a reputation in the community for appropriately supporting claimants or reporting findings in a transparent manner, thus undermining trust” in OU’s Title IX office.

15. A true and correct copy of the joint letter sent by the Faculty Senate and PACWI, dated May 16, 2019, which I obtained through an Open Records Act Request is attached hereto as **Exhibit U**.

16. Based on my reporting, *James Lankford: ‘There Will Have to Be a Report’ on Boren Investigation*, NonDoc, Oct. 8, 2019, <https://nondoc.com/2019/10/08/james-lankford-wants-report-boren-investigation/>, I understand that leading Oklahoma elected officials—including some members of the Board of Regents—believe that there is a strong public interest

in the public being made aware of the findings of the Jones Day Reports, as well as any steps that have been taken to protect against similar problems in the future.

June 15, 2023, Oklahoma City

(Date and Place)

William W. Savage III

(Signature)