



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

March 14, 2016

**VIA EMAIL AND UPS**

Mr. Robert Gulliver  
Chief Human Resources Officer  
National Football League  
345 Park Avenue  
New York, NY 10154

Re: Sexual Orientation Non-Discrimination

Dear: Mr. Gulliver:

Since 2013, the Office of the Attorney General has sought to work with the National Football League ("League") to combat discrimination based on sexual orientation. I am deeply committed to eliminating such discrimination and am mindful of the significant cultural influence the League has in New York State and across our country. I write today with serious concerns regarding the persistence of conduct at League-affiliated recruiting events that may violate New York State law concerning sexual orientation discrimination, and specifically regarding reports of an incident at this year's Scouting Combine that appears nearly identical to the incident which triggered my office's initial inquiry to the League.

Under New York State law, my office has the authority to investigate allegations of employment discrimination by companies, like the League, that are operating in or registered to do business in the State of New York. As you know, I contacted the League in March 2013 following reports the previous month that three prospective League recruits were asked questions related to sexual orientation at the national recruitment Scouting Combine in Indianapolis. Following a productive engagement with our office, the League instituted a number of steps aimed at eradicating sexual orientation discrimination within the League, including a revised player Code of Conduct and new policies and procedures concerning the same.

I was thus concerned to learn, in early 2014, of new reports of a similar incident occurring at the January 2014 Senior Bowl in Mobile—an event in which the League itself is involved, including, *e.g.*, the selection of coaching staff for the North and South teams. At that event, media reports suggested that franchise team scouts asked an agent of 2014 draft prospect Michael Sam whether

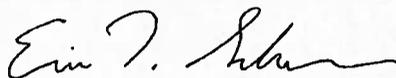
he “had seen [Mr. Sam] around girls.” This inquiry was similar to questions posed to three recruits at the 2013 Scouting Combine, and stood in clear violation of New York State law.

Following the 2014 reports, my office again met with representatives from the League and learned of additional steps the League intended to take to eliminate sexual orientation discrimination within the League and at recruiting and promotional events like the Scouting Combine and Senior Bowl. Among these steps was a sexual orientation non-discrimination component at a symposium for aspiring head coaches and general managers hosted by the Wharton School in May/June 2014. At that meeting, our office also requested that the League consider how to incorporate training or guidelines for franchise team scouts into the future steps it intended to take.

In light of this background and prior dialogue, I was deeply troubled to learn of still new reports of nearly identical behavior by a franchise team coach at this year’s national Scouting Combine in Indianapolis. As you know, during the Combine recruit Eli Apple stated that he was asked by a coach for the Atlanta Falcons, “So do you like men?” as one of the first questions posed to him—a question virtually identical to the inquiries made in 2013 and 2014 at League-affiliated events. In a statement following the press report, Falcons coach Dan Quinn stated that the team’s entire coaching staff met with a “League-approved counselor” in the aftermath of the incident. While such a step is obviously necessary, and I appreciate the League’s use of its resources to address the incident, what troubles me is the persistence of such incidents at League-sponsored events despite the League’s past efforts on this score. This incident highlights the need for the League to, at minimum, require head and assistant coaches, as well as franchise scouts, to complete an enhanced training on the League’s non-discrimination policy, including sexual orientation non-discrimination, and their responsibilities to abide by and enforce the policy.

I request that the League provide a detailed summary of the steps it has taken to eliminate sexual orientation discrimination and to prevent such incidents as these from occurring since our first engagement in 2013. Please include documentation, beyond any previously provided, to confirm that the League did in fact implement the specific courses of action discussed at our meeting in 2014 and memorialized in my office’s letter to you dated April 16, 2014. Further, I request that the League identify any reports of similar inquiries since April 2014 and any disciplinary or remedial actions taken in response to such reports. Please include with this information a detailed description of the steps taken, if any, by the Atlanta Falcons or the League in response to the Eli Apple incident, aside from the coaching staff meeting with a League-approved counselor.

Sincerely,



Eric T. Schneiderman

cc: Adolpho Birch