

1 **AFFIDAVIT OF JAMIE HAGAR, Ed.D.**

2 STATE OF OREGON            )  
3 County of Duniway         ) ss.  
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5 Jamie Hagar, Ed.D., first duly sworn, under oath, states as follows:

6 1. I am 47 years old and live in Chinook, Oregon, with my spouse and two children. I am  
7 currently the Assistant Principal of Eastside High School. I am also the school's Athletic  
8 Director. I am being considered to replace our current Principal who is due to retire at the end of  
9 this school year.

10 2. I graduated from the University of Oregon in 1979 with a degree in Education. I received  
11 my Masters in Education in 1981, also from the U of O. I taught at a high school in Tucson for 8  
12 years before returning to the U of O for my Doctor of Education, which I received in 1991. I then  
13 moved to Chinook and taught at Eastside for 3 years before being offered the job as Assistant  
14 Principal in 1994. I was a basketball coach for the school at that time. I remained a coach until  
15 2000, when I was asked to be the school's Athletic Director.

16 3. Eastside is a private high school. We employ the best teachers and produce the best  
17 students. This does not come cheap. Our students' parents pay tuition, \$15,000 per year, but this  
18 is a small price to pay for the level of education we provide. As with most schools that charge  
19 tuition, we do offer scholarships--both academic and need-based.

20 4. Because of the level of professionalism we expect, our teachers are paid more than most.  
21 Additionally, those teachers who take on the extra assignment of coaching receive a higher salary.  
22 This is complemented by a "Parent Pool." This Pool is funded by parents' pledges at the  
23 beginning of the year. The better the student or team does, the greater the bonus for the coach.  
24 The parents generally enjoy this incentive system, because it increases the notoriety of our  
25 athletics as well as the scholarship chances of our students.

26 5. As one would expect from a school such as ours, we have a rigid Zero Tolerance Policy  
27 when it comes to substance abuse. Whenever a student is found to have possessed or abused a  
28 controlled substance, there are a number of steps we must follow.

a. First, the offending student is suspended from extracurricular activities. In this

1 regard, if the student is an athlete, that student is immediately suspended from the next  
2 tournament or game. The student may continue to participate in practices, so that the student  
3 remains in competitive shape, but the student must sit out the next competition. Upon the second  
4 violation, the student athlete is banned for 8 weeks--a substantial penalty because it means most  
5 of the season is lost. The suspension may be reduced to 3 weeks if the student agrees to see one  
6 of our school counselors. Upon the third violation, the student athlete is banned from competition  
7 permanently.

8           b. Second, parents are notified regardless of whether the student has attained the age of  
9 majority.

10           c. Third, additional action may be taken by the school as is appropriate. This includes,  
11 but is not limited to, detention, suspension from school, and expulsion.

12           d. Finally, if the student is found in possession of a controlled substance, the police are  
13 contacted immediately.

14           6. Since 2000, when I became the Athletic Director, there have been 20 violations of the  
15 policy by student athletes--at least one in every sport. These violations all have been reported by  
16 the coach, the team captain, or another teammate. Every sport except track has had at least one  
17 student use a form of steroid in violation of the policy. Only two students have violated the  
18 policy a second time. One was a sophomore, the other a junior. Both were members of the  
19 football team. On both occasions, the second violation took place midway through the season, so  
20 the students were suspended for the remainder of the season.

21           7. Coaches at Eastside are held to a similarly high standard. Any coach who may have had  
22 knowledge of a student's substance abuse, and promoted or remained silent about the abuse,  
23 immediately will be placed on administrative leave. A formal inquiry then will be conducted. If  
24 found to be in violation of the policy, the coach immediately will be terminated, and the  
25 authorities may be contacted, if criminal conduct is suspected. No coaches ever have violated this  
26 policy, although Terry Swift remains on administrative leave.

27           8. All coaches are required to attend a workshop at the beginning of the school year.  
28 Among other things, the workshop provides training on the abuse of all forms of controlled

1 substances. Coaches are taught how to recognize use, and are instructed on the appropriate  
2 actions to take in the event use is suspected. Additionally, coaches are provided with a copy of  
3 Section 14.13 of the Oregon Interscholastic Association (“OIA”) Bylaws and OIA Form 14.13.  
4 They are required to explain the policy and form to the students and then obtain signatures from  
5 the students on a copy of the form. Coaches also are provided pamphlets, posters and other  
6 instructive materials to post in locker rooms and training facilities, and to distribute to students. It  
7 is within each coach’s discretion how to use these materials.

8 9. I am aware that Coach Terry Swift did not attend the workshop at the beginning of the  
9 2004-2008 school year. Terry requested leave in order to take a much-needed vacation. I granted  
10 the request because I knew Terry had attended the workshop in years past, and the training really  
11 had not changed in years. I told Terry that I would obtain copies of all materials distributed in  
12 case Terry wanted them. The materials distributed included (among other things) the documents  
13 in the exhibits. Terry asked for the OIA forms, but not the other materials.

14 10. I also am aware that Jordan Simon did not sign that OIA form this past year. I was told  
15 that this was because Jordan was ill and not present on the first day of the track season. I do  
16 know that Jordan has signed the form in the past.

17 11. Jordan Simon’s death came as a shock to the faculty, staff and students of Eastside. I  
18 knew Jordan personally. As Athletic Director, I attend as many athletic competitions as my  
19 schedule will allow and enjoyed watching Jordan blossom into a star sprinter. Jordan had a great  
20 attitude, and worked hard. When you work hard, you get positive results, and that’s what I saw  
21 with Jordan--positive results. I never suspected Jordan would use steroids.

22 12. Understandably, Jordan’s death as well as recent media attention involving professional  
23 athletes has raised the issue of random drug testing. Eastside does not currently test student  
24 athletes, and I do not see such testing in our foreseeable future. One reason is that drug testing  
25 simply isn’t reliable. It isn’t 100% effective. For instance, there are numerous substances for  
26 which there currently is no test. Another, more significant reason, is that we simply can’t afford  
27 it. We have over 100 student athletes and these athletes would need to be tested regularly in order  
28 for the testing to be effective. Although our school tuition seems high, I assure you we are on a

1 very tight budget. We currently need to update our computer lab, add additional space for classes  
2 and hire additional teachers. We are forced to turn away a large number of students because we  
3 simply do not have the space. If testing were effective and affordable, I would certainly consider  
4 it.

5 13. At Eastside, we have focused on education and prevention when it comes to drug use. In  
6 this regard, we have implemented a comprehensive program designed to educate students on the  
7 harmful effects of drug use. All students are required to take a Health course their freshman year.  
8 This course deals with a range of issues from sex education to general health needs. It is  
9 mandated that one week be spent specifically on drugs, including steroids. Emphasis is placed on  
10 the physical dangers of drug use, legal consequences, and how to recognize whether a friend is  
11 using drugs. We also instruct students on our confidentiality policy when it comes to reporting  
12 the drug use of fellow students.

13 14. After Jordan's death, we asked a local physician to speak with the students about the  
14 dangers of steroid use. He has volunteered his services in the future and we have accepted. Now  
15 we will have a similar lecture every school year.

16 15. I find it hard to believe that Terry Swift is being sued for Jordan's death. I have the  
17 utmost respect for Terry. Terry puts in as much time, if not more, than any of our other coaches.  
18 This includes practice, off-season training sessions, chairing the scholarship committee and even  
19 tutoring students who are struggling to make eligibility because of poor grades. As a result of this  
20 effort, Terry was a district finalist two years ago for teacher-coach of the year. This is an award  
21 for which students nominate coaches. Students write an essay explaining how the coach has  
22 made a positive impact on their life, both on and off the field.

23 16. Our track team finished first in the state last year. In fact, we have finished first three  
24 times in the past five years, and we never have finished below third during that period. This is  
25 due to the effort and dedication of Terry. I know that winning isn't everything for Terry. Terry  
26 would be happy if the team didn't win, so long as the students gave their best.

27 17. It is true that I have received three complaints from parents regarding Terry. The  
28 concerns were that Terry was pushing their children too hard. I take these complaints seriously. I

1 personally investigated the claims to determine if there was any merit, and I found none. I was  
2 not surprised. As a basketball coach I must have received two or three complaints per year for  
3 being too hard on students or not playing someone's child enough. I assure you there was no  
4 merit to those complaints. Some parents just don't understand that participation in athletics isn't  
5 all high-fives and smiles.

6 18. Our school has taken steps to prevent students from abusing internet privileges on the  
7 school's computers. Each student is assigned a username and password. When a student prints a  
8 document, the document is printed out on a printer behind the library reference desk. A cover  
9 sheet is printed with the student's name and ID number. The student then must ask the librarian  
10 for the printout. The librarian briefly will review the content, and so long as it is appropriate, will  
11 hand it to the student. If the student doesn't pick up the printout, it will be placed alphabetically  
12 in a file in case the student requests it later. This process is followed with every printout from a  
13 school computer.

14 19. On April 11, 2008, I received a visit from Mrs. Andrews, our school librarian. She had a  
15 printout that she was about to file, which is marked as Exhibit 10, and thought I should see it.  
16 The printout was an article titled "Enhancing Your Performance The Unnatural Way: A Look At  
17 The Banned Substance EPO" written by Chris Tull. It appeared on the beginnertriathlete.com  
18 website on April 10, 2008. The cover sheet that printed with the article bears Jordan's name and  
19 student ID.

20 20. On the afternoon of April 12, 2008, I gave a copy of the article to Terry. I asked Terry to  
21 have a talk with Jordan. I wanted Terry to determine if there was a chance Jordan was using this  
22 EPO substance and to remind Jordan once again of the school's Zero Tolerance Policy. I was  
23 sure that Terry would talk with Jordan and let me know if there was a problem, so I didn't give it  
24 another thought.

25 21. I cannot express in words how devastating Jordan's death has been for me. I cannot  
26 escape the feeling that there is something I could have done to prevent this tragedy. I realize,  
27 however, that I have done everything I can. At Eastside the education and well-being of our  
28 students is our primary concern. We have done the best we can to prevent and deter drug use, but

1 the simple fact is this--no matter what we do, if a student wants to use illegal substances, the  
2 student will find a way.

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/s/ Jamie Hagar

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SUBSCRIBED AND SWORN to before me, a Notary Public, on January 5, 2008, by Jamie  
6 Hagar.

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/s/ Leslie Smith

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My Commission Expires:

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February 12, 2010

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