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MONSON
 Continued from Page 1
 poor record to the quality of the athletes at Oregon.
 "We had athletes of lesser caliber ... than the teams we were competing against," he said.
 When asked why, if the team was doing so poorly, he gave Monson a rating of "outstanding" on his performance evaluations. Byrne replied he gave all of his coaches such ratings in order to maintain their sense of confidence.
 However, Byrne said Monson "is a wonderful coach."
 Byrne said the decision to reassign Monson came at the end of the season, which Oregon finished with an overall record of 6-21. Byrne said the position of golf coach had become available in January when then-coach Scott Kreiger left for a job in Portland.
 Byrne informed Monson of his decision March 17, 1992. Byrne described Monson's reaction as "the most profane, vulgar ... coarsest language I have ever heard in my life."
 In his cross-examination of Byrne, Monson's attorney Harold Gillis attempted to paint a picture of the athletic department surreptitiously funneling money received from other sources, such as Nike, Nike Chairman Phil Knight and the Oregon Club of Portland, an athletic booster organization, through the Oregon Sports Network and on to Monson.
 Byrne said he had received a \$50,000 check from Knight after Nike reduced Monson's shoe consulting fee from \$50,000 to \$15,000. Byrne split the check between Monson and head football coach Rich Brooks, with Monson receiving \$35,000 and Brooks getting \$15,000.
 Byrne said he had lobbied Knight for recompense for Monson after his Nike income had been reduced but said he was not in a position to guarantee the amount would be made up for Monson.
 Byrne also denied that the athletic department was attempting

to circumvent any channels by distributing money received by other sources through the OSN and said boosters can pay coaches directly, so long as the athletic director approves.
 Gillis asked Byrne whether Monson had ever been told his continued employment depended on the basketball program making a profit. Byrne said no, he had never actually told Monson the program must make money, but said, "I think it was just assumed."
 Byrne dropped a bombshell during his testimony when discussing former Oregon guard Terrell Brandon, who was drafted by the NBA's Cleveland Cavaliers following his junior year, 1990-91.
 Earlier, Monson attributed part of his losing record to the fact that Brandon was no longer on the team because he had been drafted into the pros. However, Byrne said Brandon would not have been available in any case because he "was academically expelled" from the University.
 It came as something of a surprise that Byrne would reveal otherwise private student information in open court but was apparently an attempt to illustrate his comments on Monson's evaluation that "the largest number of marginal academic students is on the men's basketball team."
 Wednesday also brought testimony from University Vice President for Administration Dan Williams, President Myles Brand, senior associate athletic director Sandy Walton and Oregon State Board of Higher Education attorney Melinda Grier.
 Before being re-assigned, Monson came to Williams to discuss the status of his job at the University, according to Williams.
 Williams said he did not discuss specifics with Monson but said he "was not encouraged about the direction the program was taking."
 Grier was called by state attorney James Casby to testify as to

how the Board of Higher Education interprets the Oregon Administrative Rule that the state contends gives it the authority to re-assign personnel.
 However, Gillis objected to the testimony, saying it was the court's role to interpret matters of law, not that of witnesses, regardless of their qualifications. Grier had been a party to the drafting of the OAR in question.
 The OAR states that "personnel may be transferred or re-assigned within an institution in accordance with the staff needs of the institution." In the state's earlier motion to dismiss the case, Judge Cottrell interpreted the phrase "in accordance with the staff needs of the institution" to mean that the University could not re-assign personnel without first establishing a need for the new position to be filled.
 Without the jury present, Grier testified that the rule was, in fact, a virtual blanket authority for the University to re-assign personnel except in the case of sanctions. She said the wording concerning "staff needs" was added solely to make clear that the rule was not applicable in cases of re-assignment for disciplinary reasons.
 Cottrell had suggested that, unless it could be proven the golf coach job was vacant and Monson was qualified to fill it, the re-assignment of Monson did not meet the University's "staff needs."
 However, Grier said that removing a person from a job in which performance was sub-par could be considered meeting a "staff need," making the position available to someone who might perform the job better.
 Cottrell eventually refused to allow Grier's testimony concerning the OAR to be heard by the jury, and the state concluded its case.
 Closing statements are expected to be heard this morning and the jury could deliver its verdict later today.

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