

**PUBLIC SUMMARY  
OF INDEPENDENT INVESTIGATION REPORT**

**Submitted on July 27, 2018**

This is the public summary of the investigative report that was submitted by Dan Beebe and Pat Olsson, who have been engaged as independent consultants by the University of Idaho (UI) to review the matters set forth below. Neither of us is an alumnus and we have not been employees of the University of Idaho. We are not related to nor have we worked closely with those who were involved with the issues at question. We are not serving in a legal capacity and this is not submitted as a legal opinion. This public summary is organized by the topics: Issues, Findings Regarding Issue No. 1, Findings Regarding Issue No. 2 and Improvements.

**ISSUES**

1. Did the University properly address and respond to allegations of misconduct during the 2012-13 academic year?
2. Was there improper influence exerted in Spring 2018 over student-athletes in the Volleyball and/or Women's Soccer programs require support of the Athletics Director?

We analyzed this case in the context of the the April 4, 2011, Dear Colleague Letter (DCL) sent by the Department of Education Office of Civil Rights (OCR) to all institutions of higher education. The DCL provided guidance on processing of sexual misconduct under Title IX, which included, as related to this case: clarification that off-campus sexual misconduct must be addressed by the educational institution, that universities are responsible for training students, staff and faculty, and that the issue of whether there was capacity to consent must be investigated. It is important to note, however, that based on media reports and experience working with other universities, many of the most prominent institutions in the country, including Idaho, took time to absorb and implement the DCL guidance, stretching well past the incidents of 2012-13 that are the subjects of this case.

**FINDINGS REGARDING ISSUE NO. 1:** Did the University properly address and respond to allegations of misconduct during the 2012-13 academic year?

We found there were a number of ways the University failed to respond appropriately to allegations of misconduct:

- Idaho failed to provide proper notice and education to the University community of changes to its policies related to ensuring that off-campus sexual misconduct would be subject to the jurisdiction of the institution. In addition, Idaho did not provide its employees, students and staff training about sexual harassment (including sexual violence), as directed by the DCL. Finally, the University missed an opportunity when amending its sexual misconduct policies to also make it clear that any reports of

violations must immediately be submitted to the Title IX Coordinator, as required by the DCL.

- The result of the failures to provide proper notice of policy changes and education regarding Title IX resulted in those in the Athletics Department (as well as in other departments) lacking an understanding of the appropriate processes to address allegations of misconduct. In addition, the lack of training contributed to insensitivity of the Athletics Director; however, he must shoulder some of the responsibility for the manner in which he responded inadequately.
- We reviewed and provided input about the University's flawed processes for investigation in 2012-13; however, by the end of the academic year, certain offices on campus provided proper support and response to sexual misconduct.
- In 2013, the University launched an investigation of the Athletics Department response; however, it stopped after the gathering of facts. Had the investigation been fully processed, the inadequate response by those in Athletics could have been identified at the time and proper amends made to affected parties.

**FINDINGS REGARDING ISSUE NO. 2: Was there improper influence exerted in Spring 2018 over student-athletes in the Volleyball and/or Women's Soccer programs to require support of the Athletics Director?**

- The Associated Students of the University of Idaho (ASUI) held a meeting in April 2018 to consider recommending dismissal of the Athletics Director, and a petition was circulating on campus demanding that he be terminated. Related to the effort to terminate the Athletics Director, an allegation was made indicating he pressured the coaches of the women's soccer and volleyball teams, and possibly the student-athletes themselves, to support him.
- During the week before final exams, we interviewed almost every member of the soccer and volleyball teams (25 soccer and 11 volleyball student-athletes) to determine if the allegation of improper influence was accurate and we found it to be without merit.

**IMPROVEMENTS**

We were charged with reporting on improvements that have been implemented since 2012-13. We found:

- Evidence revealed that the Athletics Director was committed after finding out of the policy misunderstandings related to this case to ensure that the Athletics Department would be trained about sexual misconduct and Title IX. He requested such training the very next semester. Some reported he was more engaged in seeking such training than other departments on campus. Those involved in detailed campus training didn't roll it out until the 2014-15 academic year. Since then, the Athletics Department has had

significant training for sexual misconduct under the Athletics Director's insistence and leadership.

- Concerns were expressed about the football program's culture in 2012-13; therefore, we felt it necessary to state that in the course of our investigation, several staff members and student-athletes indicated that the current head football coach has completely transformed for the better the culture of the team. Some of the female student-athletes reported feeling that the football players protected them and made them feel safe, which was contrary to the perception of the football student-athletes recruited by the previous staff. The football coach has taken a very strong stand with his team regarding any mistreatment of women.
- Since 2012-13, the University has improved its processes for investigating and adjudicating sexual misconduct. It has moved from a group of volunteer investigators to a professionally trained team, who continue to advance their understanding by attending educational conferences.

In conclusion, the University has made vast improvements in its training and processing of sexual misconduct allegations. This is such an important function that continued attention must be given to this area, which the University seems committed to devoting effort to doing.