

To: Investigation File

From: Martha Alexander, Institutional Equity and Equal Opportunity

Re: Investigation Summary of Allegations regarding UK Cheerleading Team

Date: May 8, 2020

This serves as a summary of the Office of Institutional Equity and Equal Opportunity's investigation into allegations related to activities undertaken by members of the Cheerleading team.

I. Introduction and Background

The Office of Institutional Equity and Equal Opportunity ("Institutional Equity") became aware of this matter on or about February 5, 2020. After review of the initial report, Institutional Equity referred this matter to the Office of Student Conduct ("Student Conduct") for review as potential hazing. At that time, the information provided was such that there was no indication that any of the behavior alleged fell within the purview of Institutional Equity. Specifically, there was no indication that any individual had experienced any unwanted or unwelcome behavior or non-consensual behavior.

Institutional Equity began working with [REDACTED] representatives from Student and Academic Life in mid-February 2020 to further explore the allegations, brought by [REDACTED] ("Reporting Party"), to determine appropriate action by the University. These allegations included financial mismanagement, that the team members were encouraged to drink to excess, perform a lewd chant, engage in nudity at team events, engage in sexual activity with each other, and that the coaches operated businesses that used the Cheerleading team or the University's brand in an unethical manner. [REDACTED]

[REDACTED] the University implemented interim measures designed to ensure that the behavior alleged if occurring could not continue, including but not limited to, limiting contact of the coaching staff and advisor with the team and not permitting coaches to travel with the team.

On March 10, 2020, Institutional Equity interviewed two current cheerleaders who were identified by the Reporting Party as having experienced the reported behavior. Neither individual confirmed that they had experienced or witnessed the alleged behavior but affirmed that they had heard others talk about the alleged behavior. The Office of Student Conduct began its investigation into the allegations of hazing on March 12, 2020. Institutional Equity assisted with the investigation due to the number of interviews to take place and some of the subject matter of the allegations raised by the Reporting Party. Interviews of the team concluded the second week of April 2020.¹

¹ This phase of the investigation was unusually long due to the implementation of various restrictions by the University and federal and state government related to COVID-19.

After review of all information provided during the team interviews, Institutional Equity determined there were three areas of concern that are within its purview. There were multiple allegations made by the Reporting Party that the interviews with team members did not corroborate. These include that some team members were touched in a sexual manner without their consent, that male team members compared sizes of their genitalia, and that students were forced to engage in oral sex. There were no individuals who confirmed any of these allegations. With no information provided by any individual interviewed to suggest that these allegations occurred, Institutional Equity has concluded these allegations are without merit.

Additionally, Reporting Party made reports that implicated individual behavior. Those were investigated on an individual basis. By way of summary, Reporting Party indicated that a [REDACTED] Institutional Equity spoke with the team member who was alleged to have experienced the behavior. That team member indicated [REDACTED] had not experienced that behavior. [REDACTED]

The three sets of allegations that Institutional Equity determined were within its purview² are (1) that the team engaged in topless or bottomless basket-tosses, depending on their sex, while on their team retreat, (2) that students were told to wear no underwear to their “initiation” as a cheerleader while at the UCA cheer camp, and (3) that while at the team retreat students were encouraged to be naked on a boat provided by alumni. On April 14, 2020 Institutional Equity began an investigation into whether employees associated with the Cheerleading team had allowed a hostile environment on the basis of sex to exist within the team. The employees associated with the team who are the subject of this investigation are those who interacted most with the team and who the team members saw as figures of authority. Those individuals are Jomo Thompson, Head Coach, Ben Head, Assistant Coach, Spencer Clan, Assistant Coach, Kelsey LaCroix, Assistant Coach, and T. Lynn Williams, Advisor. At the outset of that investigation, Institutional Equity recommended that those four individuals be suspended pending investigation. T. Lynn Williamson had retired from UK employment and previously ceased contact with the Cheerleading team.

² There are additional allegations and aspects of these allegations that may fall within the purview of other offices as well. Those offices will address those allegations as appropriate pursuant to their policies.

II. Investigation Summary

Institutional Equity interviewed the following individuals over the course of two days.

1. Spencer Clan, Assistant Coach, on April 16, 2020;
2. Kelsey LaCroix, Assistant Coach, on April 17, 2020;
3. Ben Head, Assistant Coach, on April 16, 2020;
4. Jomo Thompson, Head Coach, on April 17, 2020; and
5. T. Lynn Williamson, Advisor, on April 17, 2020.

Jomo Thompson serves as the head coach, is responsible for all facets of the team's administration, and serves as the primary coach for the blue squad. T. Lynn Williamson does not have an official position with the team, but serves as a mentor to Jomo Thompson, assists the team as needed, is able to serve as a coach when needed³, and attends most team events, competitions, and games. The three Assistant Coaches all receive a stipend for their work with the team. Ben Head serves as the primary assistant coach and as the coach for the white squad. Kelsey LaCroix and Spencer Clan serve as assistant coaches but on an as needed basis with no specific assignment. All three assistant coaches attend most team events, practices, and competitions. All coaches and the advisor are responsible employees as defined by University policy. Additionally, their positions give them authority over the team members and their actions, particularly during team sponsored events. Mr. Thompson acknowledged this, indicating that there were "55 kids that we're in charge of."

1. Scope of Investigation

The information provided by the team interviews is sufficient to establish (1) that the team engaged in topless or bottomless basket-tosses, depending on their sex, while on their team retreat, (2) that students were told to wear no underwear to their "initiation" as a cheerleader while at the UCA cheer camp, and (3) that while at the team retreat students were encouraged to be naked on a boat provided by alumni. Information provided by members of the team indicates that several individuals felt uncomfortable seeing or engaging in the basket-tosses to the point that some avoided the area the basket tosses occurred. Team members provided no information that any of the coaches or other administrators involved were aware of any initiation ceremony. There was likewise no information provided by team members to suggest that any coach or administrator was aware of any nudity occurring on a boat at the retreat. Thus, the subject of Institutional Equity's investigation is whether the coaches and administrator knew or should have known that team members were engaging in some level of nudity at the team retreat and that members of the team were made to feel uncomfortable by that.

The two events that are relevant to Institutional Equity's investigation are the team retreat and the UCA camp.

³ UCA rules require that an individual who has received training from UCA related to safety be present when the team is performing or practicing. It is Institutional Equity's understanding that UCA identifies individuals who have received this training as coaches.

A. UCA Camp

The UCA camp, a three-day long event in mid-July at East Tennessee State University, is a camp that the team is required to attend to be eligible to participate in competition. This event is highly scheduled, and the team typically has sessions scheduled from approximately 7:30 a.m. to 9:30 p.m. The camp imposes a curfew every night of 11:00 p.m. During this camp, the team has very little free time, but on the last night of the camp the coaches of all the teams and UCA employees attend a dinner together. During that period, the team has free time.

One of the allegations corroborated by the team interviews occurred at the UCA Camp. The substance of that allegation is that both female and male team members were required to learn a lewd chant⁴ that the team did at off-campus parties. The team split by gender at the UCA Camp to learn this chant. There were allegations brought by the Reporting Party that the females were required to remove clothing and/or do the chant while topless, but no team member corroborated these allegations. Institutional Equity considers these allegations to be without merit. However, team members did corroborate that the males were told to come into a room wearing a specific set of clothing, which did not include underwear, and were told that if they got the chant wrong they had to remove clothing. While there is sufficient information from the team members to corroborate that this occurred, there is no information to suggest that the coaches or advisor knew or should have known about this activity. There is also no indication of how long standing this initiation activity is. Mr. Thompson stated he had never heard of this event occurring before this investigation and [REDACTED].

B. Team Retreat

The team retreat occurs at a College of Agriculture, Food and Environment 4-H Leadership Center Camp in Jaebez, Kentucky, which is located on Lake Cumberland in south-central Kentucky. The retreat is an event the team is required to attend in order to encourage bonding. There are no practices; instead this event is described as a time for the team to learn University rules and get to know one another better.

Two of the allegations corroborated by the team interviews occurred at the team retreat. Each of these will be addressed in turn.

i. Basket-tosses

The allegation related to the basket tosses is that members of the team either voluntarily, or through peer pressure⁵, do basket tosses either topless or bottomless, depending on the sex of the individual, off the boat dock at the 4-H camp into the water. Through the team investigation, two individuals stated they did a basket-toss while topless, eleven individuals stated that they observed a topless

⁴ The coaches, who are all former members of the team, were aware of the chant itself, but indicated they have not participated in it or heard the team do it since they were members of the team.

⁵ This distinction is relevant to Student Conduct's investigation but is not relevant to Institutional Equity's investigation as there is no indication that the individuals engaging in the behavior found it to be unwanted or unwelcome so as to meet the threshold for sexual harassment.

or bottomless basket-toss during their time on the team, and seven individuals stated they had not done or seen one done, but had heard about others engaging in topless or bottomless basket-tosses. Several individuals stated that the coaches typically were on the dock or the shore nearby and at least fifteen team members indicated they believed the coaches were watching the basket tosses occur. Some team members stated that the coaches were not around for the basket-tosses and that Mr. Thompson would be mad if he saw them. Most team members said that a coach was always at the lake if the team members were there.

The three assistant coaches are all recent graduates of the program. Kelsey LaCroix and Spencer Clan graduated from the University in May 2018, while Ben Head graduated in May 2017. Kelsey LaCroix indicated that she was aware that the team did topless basket-tosses [REDACTED]. Ms. LaCroix stated that these basket-tosses do happen in front of the coaches, she believes they did happen during the 2019 retreat, and that she's not aware of a coach ever telling team members to stop doing them. [REDACTED]

[REDACTED]. Mr. Clan indicated he had never seen basket tossing being done in this state of undress but did acknowledge that the team members do baskets into the lake and that he had seen them being done. Mr. Head states that he is aware that the team does basket-tosses into the lake and that this year he participated in the basket-tosses but stated that he is unaware of anyone doing a basket-toss topless.

Jomo Thompson is also a graduate of the University of Kentucky Cheerleading program albeit a much less recent graduate. Mr. Thompson cheered for the University of Kentucky in the late 1990's. Mr. Thompson stated he knows that the team do basket-tosses into the lake but has not witnessed or heard of anyone doing a basket-toss topless or bottomless. He also affirmed that he does watch the basket-tosses and emphasized he has never seen anyone do one partially nude. Mr. Thompson stated that if he had witnessed this occurring he would have intervened. He did state that he has heard rumors that team members sometimes skinny-dip after the coaches are in bed.⁶

T. Lynn Williamson has been with the Cheerleading program since its inception in the early 1980's. Mr. Williamson served as the team's official staff sponsor for many years but has in recent years moved into an informal advisory capacity. The assistant coaches referred to him as the "grandfather" of the team and team members saw him as a disciplinarian. Although Mr. Williamson attended the camp and the retreat and travelled a great deal with the team, the team members were not overly familiar with him. Instead, they appear to revere him and do not take criticism or feedback from him lightly. When team members were asked where Mr. Williamson was during the basket-tosses, the overwhelming majority stated he was in the kitchen preparing meals for the team, an activity that by all accounts takes most of the day. The team members who did not say he was preparing meals, were unaware of where he was. All team members and all coaches indicate that Mr. Williamson does not spend any significant amount of time at the lake. It appears that he spends most of his time at the retreat preparing meals, speaking with the team about university and team rules, and approximately once a day goes to the lake for a swim across the cove. When asked whether he was aware of people doing topless or bottomless basket-tosses, Mr.

⁶ There were no team members interviewed who indicated that they had engaged in this behavior.

Williamson indicated that he was aware. He was unable to give an exact date but stated that either during the 2017 or 2018 retreat, he went to the dock from the kitchen for a swim and noted that the team was doing basket-tosses. Mr. Williamson stated that while he was preparing to swim, including taking off his glasses and putting them in his bag, he heard the team members laughing and yelling and “generally having fun.” When he looked up, he said he saw a male cheerleader throw a life belt to the female cheerleader who had just been tossed into the lake. As he watched, he noticed it happening again, and then realized that the female cheerleaders were taking off their tops before they were thrown and that the male cheerleaders were throwing their tops to them in the lake. Mr. Williamson indicated he wasn’t able to see clearly because his glasses had already been removed and was in a state of shock because this had never happened in the almost 40 years he had been attending the retreat. Mr. Williamson stated he bent down, picked up his bag, turned around, went back to the kitchen, and did not mention this event to anyone. Mr. Williamson also stated he was not sure whether any of the team members saw him at the dock. When asked why he didn’t report it or intervene, he simply said he wanted to believe it didn’t happen. Mr. Williamson was unable to recall whether there were any coaches around while this was occurring.

ii. Boating

The final allegation that was the subject of Institutional Equity’s investigation is that there was nudity on the boats and that some participants were made to feel uncomfortable. Through the investigation with the team members, Institutional Equity was able to corroborate that three team members saw individuals naked on a boat, three other team members had heard about it, and no team members said that they engaged in the behavior. In speaking with the coaches, it appears the practice of alumni members of the team bringing boats to the retreat for the team members to engage in water sports is a decades long practice. Mr. Williamson stated that for many years he asked a former cheerleader, who was also a friend, to bring his boat. Mr. Thompson stated that after Mr. Williamson’s friend stopped bringing his boat, he arranged for other alumni of the team to bring boats. Mr. Head, Mr. Clan, Mr. Thompson, Ms. LaCroix, and Mr. Williamson all stated that they were unaware of any nudity on the boats.

III. Discussion and recommendations

The scope of Institutional Equity’s review of this matter is limited to the matters that fall within the purview of the University’s *Policy on Discrimination and Harassment* (Administrative Regulation 6:1) or the University’s *Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, Domestic Violence, and Sexual Exploitation* (Administrative Regulation 6:2). There are no allegations in this matter that implicate Administrative Regulation 6:2⁷. During this investigation, Institutional Equity became aware of several issues that may implicate other University policy and require attention from other offices. These matters have been referred to other offices as appropriate.

⁷ As noted above, through the course of this investigation, Institutional Equity became aware of individual students who may have experienced behavior outside the context of their involvement with the Cheerleading team constituting a violation of Administrative Regulation 6:2. Institutional Equity has followed its procedures in addressing those concerns.

The scope of this inquiry is limited to matters that may fall within the University's *Policy on Discrimination and Harassment*. Because this is an investigation into the actions of an organization, the relevant inquiry is whether the coaching staff and administrators responsible for the team during team activities knew or reasonably should have known that the team was engaging in activities that created a hostile environment for other members of the team. In relation to the activities occurring at the UCA camp and the alleged nudity on the boats, there is no implication that the coaches knew or should have known about that behavior. The focus on this inquiry is whether the coaches knew or should have known about the nudity involved in the basket-tosses.

There is no implication that the coaching staff and administrators actively encouraged the team to engage in harassing behavior. However, there can be no doubt that the coaches and administrator knew or should have known that there were members of the team engaging in topless or bottomless basket-tosses. Two assistant coaches indicated they knew, and Mr. Williamson indicated he observed this activity in either 2017 or 2018. Only Mr. Head, who indicated that he joined in the basket-tossed this year, and Mr. Thompson stated they were unaware that some people engaged in topless or bottomless basket-tosses.

Three of the five employees responsible for the behavior of the team members indicated they were aware and many team members indicated that coaches watched them do basket-tosses. It is reasonable to believe that either Mr. Head and Mr. Thompson knew about the nudity in the basket-tosses or that they reasonably should have known. This assumption is given more credence when one considers that both Mr. Head and Mr. Thompson told Institutional Equity in regard to two other activities⁸ that they instructed team members to not engage in the behavior in a way that they were aware of it. When one considers all the information provided, the most charitable reading of Mr. Head and Mr. Thompson is that they are extraordinarily unobservant. Given the information provided, the more probable explanation is that Mr. Head and Mr. Thompson were willfully ignorant of the activities of the team members. This explanation becomes more probable upon consideration of Mr. Thompson statement that he is aware that team members bring alcohol to the retreat, despite being told not to do so, because [REDACTED]

[REDACTED] When asked what actions he took to prevent this action, Mr. Thompson indicated he told them not to bring alcohol but didn't engage in other preventative measures. During the 2019 retreat after many team members became visibly intoxicated to the point of needing medical attention, Mr. Thompson made the entire team run as punishment. Several team members interpreted this as punishment, not for drinking, but for being so indiscreet that it was obvious to the coaches that they were drinking.

The weight of the information provided is sufficient to establish that the coaching staff were aware or reasonably should have been aware that team members were engaging in nudity while at a team activity and did not take action to prevent that activity from occurring. In failing to act, the coaching staff failed to properly discharge their duties as University employees. The failure of the coaching staff to properly supervise their team allowed conditions to exist that could have resulted in the creation of a hostile environment based on sex. Based on the coaching staff's failure or refusal to intervene in those activities, Institutional Equity recommends that Jomo Thompson, Ben

⁸ These activities were the use of alcohol on the boats and the lewd chant.

Head, Spencer Clan, and Kelsey LaCroix be discharged from their duties as coaches for the University of Kentucky. During the course of this investigation, Institutional Equity learned Mr. Williamson was aware of this behavior and did not intervene. Institutional Equity is also aware that during this investigation, Mr. Williamson retired from the University of Kentucky effective immediately. Given that Mr. Williamson no longer has a position with the University, Institutional Equity has no authority to make recommendations regarding his former University of Kentucky employment.