

May 8, 2020

Nathan Schwake  
nathan.schwake@uky.edu

Dear Mr. Schwake:

Beginning on or about April 7, 2020, you met with the Office of Institutional Equity and Equal Opportunity (“Institutional Equity”) in conjunction with Institutional Equity’s review of a potential violation of the University’s *Policy on Discrimination and Harassment*. As explained at that time, the University received allegations relating to the Cheerleading Team. There are a number of allegations that do not fall within the purview of the Office of Institutional Equity and Equal Opportunity. It is Institutional Equity’s understanding that you are working with the appropriate offices to resolve those concerns. The allegations falling within the purview of Institutional Equity that were corroborated by the statements of team members follow:

1. While at the UCA Camp at East Tennessee State University, the male cheerleaders hold an initiation ceremony in which new team members are given a prescribed set of clothing to wear, that specifically excludes underwear, and are instructed to remove an article of clothing if they are unable to chant the words to a lewd chant;
2. While at the team retreat, which is a University event that occurs on University property (the Lake Cumberland 4-H Camp), team members were engaging in basket-tosses in varying degrees of nudity;
3. While at the team retreat, team members were engaging in nudity while on boats, which were operated by private parties whose presence was arranged for by the head coach.

Discrimination and harassment are serious violations of University policy and it is the University’s policy to address incidents or comments that are inappropriate for the University environment even if those incidents or comments do not rise to the level of unlawful harassment or discrimination.

Members of Institutional Equity staff have conducted a thorough investigation into the concerns in accordance with the process outlined in University policy. In determining whether conduct constitutes a violation of the University’s *Policy on Discrimination and Harassment*, as well as other applicable University administrative guidelines and policies, University officials look at the record as a whole and at all of the circumstances of the situation. The rights of all parties are considered in conducting investigations of complaints under these policies.

Based on the information provided during interviews with the coaching staff, advisor, and team members, Institutional Equity found no information to support that the coaching staff or advisor knew or reasonably should have known of the activities occurring at the UCA Camp or on the boats. However, there was sufficient information to suggest that some members of the coaching staff and

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the advisor knew that team members were performing basket-tosses in varying degrees of undress while at the team retreat. Additionally, Institutional Equity finds that there is sufficient information to suggest the head coach and assistant coaches knew or reasonably should have known that team members were performing basket-tosses at the team retreat while not fully dressed.

After reviewing all information provided, 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 behavior that could lead to the creation of a hostile environment. The coaching staff failed to exercise a reasonable degree of control over the team members to prevent the formation of a hostile environment on the basis of sex. This constitutes a failure of the coaching staff to properly discharge their duties as University employees. Based on the coaching staff's failure or refusal to intervene in those activities, Institutional Equity makes the following recommendations:

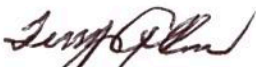
1. In regard to Jomo Thompson, Head Coach, Institutional Equity recommends he be discharged from his employment with the University of Kentucky and be ineligible for rehire in the future.
2. In regard to Ben Head, Assistant Coach, Institutional Equity recommends that his assignment as an Assistant Coach be terminated and that he be ineligible for rehire in the future.
3. In regard to Spencer Clan, Assistant Coach, Institutional Equity recommends that his assignment as an Assistant Coach be terminated and that he be ineligible for rehire in the future.
4. In regard to Kelsey LaCroix, Assistant Coach, Institutional Equity recommends that her assignment as Assistant Coach be terminated, and she not be eligible for rehire within the cheerleading program at the University of Kentucky.

You are reminded of the University's policy against retaliation for having made a complaint of discrimination. Do not engage in a retaliatory course of action against Complainant or any individual who participated in this investigation. Engaging in retaliatory behavior or encouraging others to engage in retaliatory behavior is a violation of University policy and will result in corrective action.

The contents of this investigation are considered private and will be disclosed only to those individuals who have a legitimate business reason to know or as otherwise may be required by law.

Should you have any questions about the investigation now or in the future regarding this review, please let me know.

Sincerely,



Terry Allen

Associate Vice President, Institutional Equity