

University of Kentucky Cheerleader Program Report and Recommendations

This report is based on the investigations completed by the University's Office of Student Conduct and Office of Institutional Equity and Equal Opportunity.

I. Summary Overview

A family member of a cheerleader contacted a faculty member and raised concerns about the cheerleading program. The faculty member made a written report of the family member's concerns to the Dean of Students which provided:

"I received a call from XXXXXXXX regarding the cheerleading team. She informed me that the squad was on a boat, drinking was involved, and the cheerleaders were encouraged to go topless. She also said during the retreat in [Tennessee], the cheerleaders were required to stand up on a table and sing a song that had major sexual content. After they sang it once, they were encouraged to sing it again with their clothes off. She said both [the cheerleading advisor] T. Lynn [Williamson] and the head coach, [Jomo Thompson] were there. She said that a previous assistant coach, Debbie [Love] videotaped this as one point but was forced to remove the video from her phone."

Initial interim measures were put in place pending investigation of the family member's concerns, including prohibiting coaches from traveling with cheerleaders and instead sending a non-coach chaperone to travel with the team, and directing the cheerleader advisor to not interact with cheerleaders pending the investigation. During the investigation as additional information came to light, the Office for Institutional Equity and Equal Opportunity recommended suspension pending the investigation. The University's Vice President for Human Resources concurred in that recommendation.

During the investigation, an attorney came forward on behalf of two cheerleaders. The attorney advised university officials of concerns from one of his clients and that the other had confirmed those concerns. The Office of Institutional Equity and Equal Opportunity ("OIEEO") and the Office of Student Conduct interviewed 54 cheerleaders.¹ The University made efforts to contact those team members who missed their interviews and who did not reschedule. The OIEEO and Human Resources interviewed the coaches and the advisor.

II. Summary of Alleged Concerns

- Cheerleaders singing/chanting sexually explicit song
- Universal Cheerleading Association Camp (East Tennessee State University):
 - Cheerleaders bringing/drinking alcohol
 - Initiation involving use of sexually explicit cheerleader chant/hazing
- Annual retreat (4H Leadership Camp on Lake Cumberland before the start of the season):
 - Alcohol on boats owned or rented by cheerleader alumni
 - Some cheerleaders removing clothing while on boats owned or rented by cheerleader alumni

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

- Some cheerleaders sneaking in alcohol and drinking at the dock
- Some cheerleaders being partially nude when performing basket-toss stunt off the dock
- Skinny dipping
- Use of per diem cards by cheerleaders
- Potential conflict of interest between Assistant Coach Spencer Clan's Cheer Expert business and the University:
 - Cheerleaders working for Cheer Expert
 - Cheerleaders drawing an inference they had to utilize Cheer Expert's services in order to tryout at UK
 - Cheerleader misconduct during Cheer Expert travel
- Potential conflict of interest between Assistant Coach Ben Head's gym and UK:
 - Cheerleaders performing work at the gym such as cleaning
 - Cheerleaders performing cheer routines and stunts for potential clients of the gym
 - Use of the University's logo and relationship with University cheerleading program for marketing by the gym
 - Cheerleaders using gym to practice on spring floor for competition without paying a fee
- Cheerleaders performing work at the cheerleader advisor's home

III. Summary of Investigation Interviews

A. Cheerleader Song/Chant

In the late 1970's, the cheerleaders wrote a song/chant. This song/chant became a tradition among the male and female cheerleaders to sing/chant to each other at cheerleader off-campus parties. It was described by some team members as a "midnight toast" at the off-campus cheerleader parties. The song/chant is sexually explicit.

The coaches, who are all former members of the team, were aware of the song/chant itself, but indicated they had not participated in it or heard the team do it since years before when they were members of the team. The advisor was aware of the chant but had not heard it being sung/chanted in many years.

There is no evidence to suggest that there was a directive by the coaches or the advisor to the team to not do the song/chant.

Unrelated to the song/chant, Head Coach Thompson recalled telling the cheerleaders they can no longer engage in the activity of the new team members doing a "roast" of the more senior team members because he had heard from one of his assistant coaches that the roasts were "mean." Head Coach Thompson told the cheerleaders to stop the roasts and he is not aware of the roasts continuing after his directive. Team members confirmed Head Coach Thompson told them anyone doing the roast would be dismissed from the team. Coach LaCroix believed the roast stopped two years ago.

B. Misconduct at Universal Cheerleading Association Camp

There were allegations that the cheerleader song/chant was part of an initiation activity at the 2019 Universal Cheerleading Association ("UCA") camp. The UCA camp is a three-day event in mid-July at East Tennessee State U that the team is required to attend to be eligible to participate in UCA competitions.

This event is tightly 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 p.m.

Team members corroborated that at the 2019 UCA camp, new members of the team were required by other cheerleaders to learn the words to the song/chant. The new team members split by sex in separate rooms to learn the song/chant. The team also split by sex for the new cheerleaders to sing/chant it one at a time in front of the other team members of the same sex. There was an initial allegation that the females were required to remove clothing and/or do the song/chant while topless, but no team member corroborated this allegation. The OIEEO found this allegation to be without merit.

Male cheerleaders corroborated that the new male team members were told to come into a room where they would perform the song/chant one at a time in front of the other male team members. The new male team members were told to wear a specific set of clothing, which did not include underwear, and were told by other male cheerleaders that if they got the chant wrong, they would have to remove a piece of clothing. The pieces of clothing removed during this activity were described as a shoe or a sock. No team member corroborated that anyone removed their shorts/pants. Male team members also corroborated that the lights were sometimes turned off during the chant to “intimidate.”

The coaches and the advisor denied knowing about this initiation activity or being present at it. Team members provided no information to indicate the coaches or the advisor were aware of the initiation activity or were present at it.

The OIEEO found there was sufficient information from the team members to corroborate that the initiation type singing/chanting occurred at the UCA Camp, but no information to suggest the coaches or advisor knew or should have known about this activity. The Office of Student Conduct found the manner in which the more senior cheerleaders made the new team members sing/chant at the UCA Camp was participation in hazing behavior and a recommended chargeable offense of the Code of Student Conduct, Administrative Regulation 4:10.VI.M.

Team members provided no information to indicate the length of time this type of initiation activity has been ongoing. Neither the advisor nor the coaches had heard of an initiation activity like the one in 2019. Even when part of the team, the coaches had not known of or participated in such an initiation activity.

Prior to leaving for the trip to the UCA cheer camp, Head Coach Thompson advised all team members this was a University sponsored trip, which meant no alcohol. With regard to the 2019 camp, team members corroborated that some of them brought and drank alcohol on the night they took part in the initiation activity. There was no information that anyone was forced to drink alcohol. There was no information to indicate the coaches or the advisor knew of this activity, but sufficient steps were not taken to enforce the no-alcohol rule. The Office of Student Conduct found the activity of some team members planning and bringing alcohol to UCA camp was a recommended chargeable offense of the Code of Student Conduct, Administrative Regulation 4:10.VI.P. Misuse of Alcohol.

Head Coach Thompson was aware that during the time he was a cheerleader, some team members had brought alcohol to camp. Sufficient steps were not taken to enforce the non-alcohol rules at the UCA camp.

C. Annual Retreat

The cheerleading team annual retreat occurs at the College of Agriculture, Food and Environment 4-H Leadership Center Camp in Jabez, Kentucky, which is located on Lake Cumberland in south-central Kentucky. The retreat is an event the team is required to attend to encourage team bonding. There are no team practices; instead this event is described as a time for the team to learn University rules and get to know one another better. The cheerleaders were told this was a non-alcohol University sponsored event prior to leaving for the trip.

1. Alcohol

Some of the team members admit sneaking in alcohol to the 2019 retreat and drinking it on the dock, with some becoming visibly intoxicated. Two team members who drank too much, and did not appear for dinner that evening, were sent to alcohol counseling through campus procedures.

Head Coach Thompson spoke with all the cheerleaders at the retreat about alcohol being brought to the retreat. He expressed anger and frustration with them. Head Coach Thompson told them he was very disappointed in their behavior. The other coaches and the advisor confirmed there was a talk delivered to the cheerleaders as Head Coach Thompson described it.

As punishment, Head Coach Thompson also made all the cheerleaders run, except the two who stayed in their room instead of coming to dinner that evening. The other coaches and the advisor confirmed Head Coach Thompson made all the cheerleaders run that evening. Head Coach Thompson explained he had a trainer present in case one of the cheerleaders became ill while running. He said he later learned he was not to use this type of physical workout in response to misconduct of this nature by the cheerleaders.

A summary of the comments from the cheerleaders regarding alcohol is as follows:

- People were talking about drinking and planning to drink at the retreat; they hid alcohol in their bags
- Think people were talking about drinking/planning to drink. People were hiding the alcohol in their bags and they were talking about hiding it so they wouldn't get caught
- BYOB – drink it in cabins – pour it in the Gatorade bottles that are provided – people bring liquor not beer – will drink to pre-game in the cabins – a lot of things happen without the knowledge of coaches.
- Secretive drinking – hide it from coaches, but also other members. Coaches wouldn't know that alcohol was present. Not sure what alcohol was there. I'm assuming they brought mixed drinks – Gatorade with clear.
- Advisor T. Lynn Williamson and Head Coach Jomo Thompson do a long presentation about rules and expectations, including no drinking or alcohol use for the entire year, Head Coach Thompson tells them that there is a no drinking and no drugs policy
- Head Coach Thompson told them to meet at the field to play kickball; when they got to the field Head Coach Thompson yelled and made cheerleaders run because of the alcohol, basket-tosses, and someone was harassing someone.

The cheerleaders are talked to before University sponsored trips, UCA cheer camp and the annual retreat about these events being “no alcohol” or “non-alcohol” trips. Head Coach Thompson stated that if he caught a team member bringing alcohol to these events in prior years, he punished them by making them run or suspending them from a game or two. Head Coach Thompson was aware that during the time he was a cheerleader, some team members had snuck in alcohol to the retreat. Sufficient steps were not taken to enforce the non-alcohol rules at the retreat.

2. Alcohol on the Boats Owned/Rented by Alumni

There is a decades-long practice of alumni members of the team bringing boats to the retreat for the team members to engage in water sports such as water skiing and tubing. The Coaches were aware the alumni brought alcohol on the boats. Head Coach Thompson said that he told all the cheerleaders they cannot drink on the boats, even if they are of legal drinking age. He says it is a University rule and the retreat is an alcohol-free activity. Head Coach Thompson said the alcohol was for the alumni only. Head Coach Thompson denied that any alcohol was consumed when he was on the boats.

A summary of cheerleader comments about the alcohol and drinking on alumni boats is as follows:

- A former cheerleader owned one of the boats. There were Jello shots, white claws. Doesn't know who brought the alcohol, but it was on their boat.
- Coach Head was drinking and drinking in front of them. Student was on boat with Coach Head and saw him drink. There were Jello shots, white claws.
- Beer, wine cooler type drink and liquor - tequila. It was available for them to drink. The older cheerleaders were getting in the cooler. Available for anybody. Did drink on the boat - no idea if all people drank. His boat most people did drink. Big cooler on the floor. Coaches on the docks while they were on the boats.
- Cooler of alcohol on the boat, student was only on a boat with Advisor T. Lynn Williamson and people were drinking in front of him. Beer, seltzer (previous year) Believes these people were 21 or older
- Alcohol on the boats – recalls beer, white claws, similar things., beer has been there all three years
- Head Coach Thompson is very adamant about not seeing alcohol at retreat – doesn't want to see it, doesn't want there to be any. Alcohol is provided by the boat owners – they will offer it and say this drink is in this container. On the boats, each boat has separate containers with Jello shots, tequila mixers, etc. Make sure you throw this out before you go back to dock.
- To my knowledge Head Coach Thompson has been on the boats – he isn't ignorant about anything, which is why they try to hide it.

Head Coach Thompson knew the alumni were bringing alcohol on the boats and that, while he was a cheerleader, there were instances of cheerleaders sneaking in alcohol at the retreat, but he did not take sufficient steps to ensure the cheerleaders did not drink the alcohol. He also did not take sufficient steps to supervise the cheerleaders during the boat related activities. The other coaches and the advisor were also aware of alcohol being brought by alumni on the boats and took no specific steps to supervise the boats related activities.

3. Nudity on the Boats

Three cheerleaders said they saw individuals naked on a boat at a retreat. Three other cheerleaders had heard of it but denied seeing it. No cheerleader admitted to engaging in the behavior. The coaches and the advisor said that they were unaware of any nudity on the boats. There was no information provided by team members to suggest that any coach or the advisor was aware of any nudity occurring on a boat at the retreat.

4. Basket-Tosses

A cheerleader tradition that developed over the years at the annual retreat was for some cheerleaders to perform the basket-toss stunt from the dock with the cheerleader being thrown from the basket into the water. The tradition is for freshman cheerleaders, new cheerleaders, and anyone who could not safely do the basket-toss on land to have the experience of doing the basket-toss and landing in the water. Other cheerleaders also participated in the basket-toss stunt.

During the investigation, it came to light that some team members voluntarily, or through peer pressure, did the basket-toss stunt either topless (females) or bottomless (males). Two team members stated in their interviews that they did a basket-toss while topless, 11 stated that they observed a topless or bottomless basket-toss during their time on the team, and seven individuals stated that although they had not done or seen one done they had heard about others engaging in topless or bottomless basket-tosses. There is no indication that the individuals engaging in this behavior found it to be unwanted or unwelcome.

Several team members stated the coaches typically were on the dock or the shore nearby and at least 15 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 Head Coach 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. Several team members said the advisor was sometimes on the dock but often in the kitchen working on getting the next meal ready for the team.

The coaches stated they could have been somewhere on the dock, on boats, on the bank of the lake in the cove, in the kitchen, or driving students up to the restrooms when this activity occurred at the retreat. All denied supervising it.

Head Coach Thompson denied seeing any nudity during the basket-toss stunts while serving as head coach. Head Coach Thompson said when he was a cheerleader, there were no topless basket-toss stunts done at the retreat. When asked what he would have done as head coach, if he had seen topless-baskets, Head Coach Thompson said he would tell them to stop. When asked about male cheerleaders doing the basket-tosses while bottomless, Head Coach Thompson said he had never seen that happen.

Coach Head was aware of the basket-tosses being done and participated in them but denied seeing any nudity in connection with the basket-tosses. Coach Clan said when he was a cheerleader some of the cheerleaders did topless baskets. He did not believe anyone was forced to do it. He was unaware of any male cheerleaders doing basket-tosses without pants.

When team members were asked where Advisor 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 during the basket-tosses. All team members and all coaches indicated that the advisor did not spend any significant amount of time at the lake. It appears that he spent most of his time at the retreat preparing meals, speaking with the team about University and team rules, and approximately once a day went to the lake for a swim across the cove.

When Advisor Williamson was asked whether he was aware of people doing topless or bottomless basket-tosses, he indicated that, after thinking about it, he recalled one incident in the past. He was unable to give an exact date but stated that either during the 2017 or 2018 retreat, he recalled having seen a female cheerleader do a basket-toss while topless. He did not have his glasses on at the time as he had just walked down to the dock and was about to go swimming. At first, he was unsure what he was seeing, and it shocked him because he had never seen anything like this in his many years at the retreat. When he realized what the cheerleader had done, he left the dock area. He did not say anything to anyone about it because he wanted to believe it did not happen. Advisor Williamson was not sure whether any of the team members saw him at the dock. He was unable to recall whether there were any coaches were present when this occurred.

A summary of cheerleader comments about the basket-tosses is as follows:

- Topless baskets happened in 2019. This year about $\frac{3}{4}$ of the girls went topless. $\frac{3}{4}$ - $\frac{1}{2}$ went topless the year prior. If they start baskets- start with those on dock, then others go when they get back from boat they filter in. Some will go pants-less - a handful, 2-3 persons maybe. Guys usually asked the same two questions. Do you want to do it? Do you want to go pants-less?
- Stated that coaches try to keep lost in conversation. Further asked what was meant by that, the student stated that the coaches try not to observe them. Knows it's going on but not address it. Just tell them to make sure people are launching far enough away from dock, so they don't get hurt.
- Well technically it wasn't supposed to happen around the coaches but they saw it and the group got in trouble; weren't supposed to do it around coaches because some people take their clothes off; some people are just a little crazy; all of the coaches saw—they were on a boat close by, watching; the team was supposed to wait until later but didn't so they did it in front of the coaches and the advisor. Maybe 2-3 women did it topless; 1-2 guys went bottomless.

Given their experiences as cheerleaders and the area in the cove where the dock is located, the coaches knew or reasonably should have known about this activity and should have taken action to stop the inappropriate conduct. The advisor knew of one incident and should have taken action to stop the inappropriate conduct. The coaches knew or reasonably should have known that continuous and appropriate adult supervision of the basket-toss stunts was within the scope of their job responsibilities.

5. Skinny Dipping

One cheerleader described skinny dipping at the retreat as follows:

Some will go swimming at night – half mile walk – will be intoxicated and go down – I went my first year because of seniors telling me – normally the first night – skinny dip – post in group message “who wants to go skinny dipping” Don't know if it occurred this year – was pushed back to second night because of weather – tired from running – first three years it did okay.

No team members interviewed indicated they had actually engaged in this behavior.

When asked about skinny dipping during the retreat, Head Coach Thompson said he had never seen it, but had heard rumors that team members sometimes skinny-dip after the coaches are in bed. There was no information that indicated the other coaches, or the advisor knew about skinny dipping by cheerleaders at the retreat.

D. Potential Business Conflicts of Interest

Assistant Coach Head and Assistant Coach Clan, own and operate independent businesses in addition to their duties for the University cheerleading program. Coach Head owns a gym and Coach Clan owns a company called Cheer Expert. Concerns were raised during the investigation regarding the following:

- Potential conflict of interest between Coach Clan’s Cheer Expert business and UK
 - Cheerleaders working for Cheer Expert
 - Cheerleaders drawing an inference they had to do so to tryout at UK
 - Cheerleader misconduct during Cheer Expert travel
- Potential conflict of interest between Coach Head’s gym and UK
 - Cheerleaders performing work at the gym such as cleaning
 - Cheerleaders performing cheer routines and stunts for potential clients of the gym
 - Use of UK logo and relationship with UK cheerleaders for marketing by the gym
 - Cheerleaders using gym to practice on spring floor for competition without paying a fee

These issues will be reviewed through appropriate University and Athletics Department protocols.

E. Per Diem Cards

In 2019, the cheerleading program began using per-diem cards for meals during University-authorized travel. The per-diem cards are pre-paid credit cards, which can be used anywhere the credit card is accepted.

Comments from the cheerleaders regarding the per-diem cards are as follows:

- Limited guidelines, provided equally based on trips
- Guidelines for spending - They tell us it needs to be for food, I don’t really eat all that much so [it’s] Christmas money too
- Don’t spend it all in one place and be responsible; no other real guideline but Head Coach Thompson would remind the group what it’s for—“it’s your money but don’t waste it;” no rules about what they couldn’t spend it on, just reminders about what it’s supposed to be used for

The investigation did not reveal there was any wrongdoing by the coaches or the advisor with regard to the per-diem cards. Communication with the cheerleaders regarding per-diem cards could, however, have been clearer.

F. Cheerleaders Performing Personal Work for the Advisor

For many years, Advisor Williamson has asked cheerleaders and some assistant coaches to perform personal work for him, largely at his home, such as lawncare. Advisor Williamson stated he pays \$15 per hour and rounds up the hours. It does not appear procedures were in place to make sure cheerleaders/coaches did not feel they had to perform this work given the power differential between the Advisor and the cheerleaders/coaches.

IV. Findings

Based upon the OIEEO and Office of Student Conduct reports, it is clear the Cheerleader Coaches and the Advisor knew or reasonably should have known:

- Of inappropriate conduct by cheerleaders and failed to take sufficient steps to address the conduct
- That properly supervising activities at the retreat such as the basket-toss stunt, water skiing, and tubing was within the scope of their responsibilities
- That there were inappropriate cheerleader traditions such as the song/chant and that taking appropriate steps to stop this conduct was within the scope of their responsibilities
- They should have taken additional steps to enforce the no-alcohol rules at UCA camp and retreat
- Potential conflicts of interest could exist between the University and Assistant Coach Head's gym or the University and Coach Clan's Cheer Expert business warranting review through appropriate University and Athletics Department processes
- That the propriety of Advisor Williamson asking cheerleaders/coaches to work at his home should have been evaluated and procedures put in place to make sure cheerleaders/coaches did not feel they had to perform this work
- That a higher level of leadership for the cheerleading program was within the scope of their responsibilities

V. Immediate Actions

Based upon the OIEEO and Office of Student Conduct reports, the University cheerleading program will be under the supervision of the Athletics Department. Additionally, based on the reports, the Athletics Department will, at a minimum, put the following oversight functions in place:

1. All coaches, including graduate assistant coaches, will comply with NCAA rules on outside income.
2. All outside income opportunities for cheerleading coaches, including graduate assistant coaches, will be reviewed in advance through established University and Athletics Department protocols for potential or actual conflicts of interest.
3. Per-diem cards for cheerleaders on University-authorized travel will be administered on the same terms and conditions as for other student-athletes.
4. Cheerleaders will adhere to the same drug/alcohol testing processes, procedures, and rules as other student-athletes.
5. All University-sponsored team activities will be appropriately supervised to ensure University policies are followed at all times.

6. Access will be provided to ongoing programming from the Office of Institutional Equity and Equal Opportunity and hazing prevention resources from Student and Academic Life on campus for all cheerleaders. All members of the cheerleading team will be required to attend such programming annually.
7. All potential violations of the Code of Student Conduct and other University policies should be reported through the Executive Associate Athletics Director and Senior Womens' Administrator to the Office of Student Conduct and/or directly to the Office of Institutional Equity and Equal Opportunity including, but not limited to, potential violations of Title IX and Title VII. Disciplinary action for infractions may be instituted by the appropriate institutional office.
8. Cheerleading coaches, other than the Head Coach, will be clearly designated as either assistant coaches or graduate assistants with defined job descriptions for each position.