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**INVESTIGATION REPORT REGARDING ALLEGATIONS OF
SEXUAL MISCONDUCT INVOLVING THE UNIVERSITY OF SAN
FRANCISCO MEN'S SOCCER TEAM**

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INVESTIGATION REPORT REGARDING ALLEGATIONS OF SEXUAL MISCONDUCT INVOLVING THE USF MEN'S SOCCER TEAM¹

In mid-July 2020, a male University of San Francisco ("USF") alumnus posted a meme on Instagram alleging a toxic environment of sexual assault created by the USF men's soccer team. Numerous individuals contributed supportive posts, including women sharing personal survivor stories. On July 13, 2020, the same alumnus initiated a Change.org petition alleging that USF does not hold student-athletes accountable for sexual misconduct and demanding that USF investigate past claims of sexual misconduct involving the men's soccer team and diligently investigate any future claims. The petition, which includes survivor stories of alleged sexual misconduct by members of the USF men's soccer team, alleges that USF's system for reporting cases is not effective and that USF diminishes and dismisses allegations of sexual misconduct against soccer players. The petition also alleges that the men's soccer team fostered a homophobic and misogynistic environment. Over 5000 individuals signed the petition.

On July 20, 2020, USF engaged Hulst & Handler LLP to conduct an impartial investigation of alleged sexual misconduct involving the men's soccer team and of USF's handling of any such misconduct.

I. Scope

Our investigation focused on the following issues:

- A. Is it more likely than not that over the past decade, sexual misconduct and/or disrespectful behavior toward women and/or LGBTQIA individuals was pervasive among members of the USF men's soccer team?
- B. Is it more likely than not that over the past decade, USF's Title IX office, Athletics Department and/or Administration were aware that certain members of the men's soccer team engaged in behavior that violated USF's sexual misconduct policies, and did not act to address such behavior?

II. Summary of Findings

- A. After conducting nearly 90 interviews and reviewing numerous documents and relevant data, we find it more likely than not that sexual misconduct and/or disrespectful behavior toward women and/or LGBTQIA individuals was not pervasive among members of the USF men's soccer team over the past decade. Rather, the facts demonstrate that a limited number of USF men's soccer players engaged in such conduct during this time period. The

¹ Our findings concerning the evidence are based on a "more likely than not standard," also known as a preponderance of the evidence standard.

facts do not reveal that this behavior is reflective of a team or coach mindset condoning sexual misconduct or disrespectful treatment of women and others.

During our investigation, we identified 11 soccer players accused of engaging in sexual misconduct over the past decade (four were involved in one series of incidents). However, only four complaints of alleged sexual misconduct were reported to USF prior to July 2020 (when allegations about the soccer team arose on social media and in an online petition). USF imposed discipline in three cases involving six named soccer players after allegations were reported and USF investigated. An additional incident involving an unnamed soccer player was reported to USF but was not investigated because the survivor did not want to proceed with the investigation process (and the name of the soccer player was not reported).

After July 2020, anonymous sources alleged that four additional soccer players engaged in various incidents of sexual misconduct. These allegations either do not appear substantiated by the facts or could not be thoroughly investigated because the complainants remained anonymous and we were unable to uncover relevant facts despite our best efforts.

While we regard each allegation and experience of sexual misconduct as significant and concerning, we conclude that sexual misconduct involving this limited number of soccer players over the past decade does not represent pervasive sexual misconduct within the soccer program. Further, we did not uncover any facts demonstrating that the coaches, or the team as a whole, were aware of, condoned or supported sexual misconduct during the relevant time periods.

We recognize that our findings may not appear consistent with widely held beliefs within the USF student community about pervasive sexual misconduct involving the soccer team. We identified some key factors that may explain this discrepancy. First, some survivors have chosen to remain anonymous. While we do not have reason to doubt the veracity of the anonymous stories disclosed in the petition or in online postings, we cannot reach conclusions about these allegations or about the culture of the men's soccer team based on unsubstantiated reports. Second, we discovered that a number of the social media postings and petition comments referenced rumors or incidents that did not involve soccer players. Third, we discovered that multiple online comments referenced nonspecific warnings or general opinions and rumors about the soccer team without any basis in specific facts. Lastly, a number of social media and petition posts referenced incidents involving the 11 soccer players we identified.

Our investigation also concludes that a few players engaged in disrespectful talk about women and LGBTQIA individuals; however, such commentary does not appear pervasive among the team as a whole. Although one former Head Coach did not strictly monitor off the field behavior of soccer players,

he addressed egregious behavior. Further, disrespectful behavior toward women and others was not pervasive under his leadership. The current Head Coach appears focused on individual player behavior and character, the culture of the team as a whole, and the soccer team's role in the community. Further, when presented with potential problematic behavior involving soccer players, the current Head Coach has held the soccer players accountable, both before and after learning of the July 2020 social media disclosures and petition.

- B. Against the backdrop of USF's overall comprehensive Title IX program, we find it more likely than not that USF has acted diligently in response to reported allegations of sexual misconduct involving soccer players over the past ten years. Further, soccer players who were found to have violated USF's sexual misconduct policies were held accountable.

In the decade prior to the July 2020 social media disclosures and petition that resulted in this investigation, USF received a total of four reports of soccer players allegedly engaging in sexual misconduct. As noted above, in response to three reports involving six named soccer players, USF held the soccer players accountable and imposed discipline. Only one of those cases involved nonconsensual sexual intercourse; USF suspended that player, and he did not return to USF. USF was unable to investigate allegations it received against one additional soccer player because the survivor did not want to proceed with the investigation process and the name of the soccer player was not reported. Thus, the facts demonstrate that USF investigated each report of alleged sexual misconduct involving named soccer players and held each soccer player accountable. Further, the facts do not demonstrate that USF had reason to believe sexual misconduct was pervasive among members of the men's soccer team over the past decade.

Data and documents reveal that USF has imposed consistent sanctions on non-athletes and soccer players for similar sexual misconduct, and in some cases imposed more severe sanctions on soccer players.

The facts do not demonstrate that USF employees attempted to dissuade any complainant from proceeding with a complaint against a soccer player or were dismissive of such complaints. However, it appears that widespread misinformation concerning the facts related to certain cases has contributed to the misperception that soccer players are "rapists," and that USF does not hold them accountable; this misperception may have dissuaded some complainants from coming forward. USF's obligation to protect the privacy and confidentiality of those involved has prevented the school from publicly communicating facts that could dispel this misinformation.

We found that a number of factors have contributed to the misperception among students that USF "does nothing" about alleged sexual misconduct involving soccer players or does not hold soccer players accountable for their

misbehavior. These factors include inaccurate rumors about the incidents, a lack of awareness that a survivor may have chosen not to proceed in a Title IX investigation or that a female student may have consented to a sexual encounter, a lack of understanding of Title IX and sanctions processes, and/or a lack of communication within the Athletics Department about the outcome and sanctions imposed in a now-high-profile 2015 Title IX case.

In particular, this lack of communication within the Athletics Department about this now-high-profile 2015 Title IX outcome, although motivated by an effort to keep the matter confidential, contributed to the misperception that the player received no meaningful consequences and that soccer players are not held accountable for sexual misconduct.

Ultimately, the facts do not support this misperception and instead demonstrate that USF is responsive to reports of soccer player sexual misconduct and that USF has held soccer players accountable for violations of its sexual misconduct policies.

III. Investigative Methodology

In the course of our investigation, we requested interviews of just over 120 individuals. We conducted interviews of nearly 90 individuals, including current students and alumni, current and former soccer players, employees involved in responding to allegations of sexual misconduct, members of USF's administration, and members of USF's Athletics Department.²

We identified witnesses and potential survivors via 1) an email hotline that allowed individuals to contact us directly; 2) outreach to individuals who identified themselves on the petition or social media as having potentially relevant information; 3) witness interviews; and 4) documentation we requested and received from USF or from other witnesses. We use the term "complainant" or "survivor" to refer to individuals who reported experiencing sexual misconduct involving a soccer player.

To encourage the participation of survivors and witnesses in the investigation and to protect the privacy of those involved, we committed to not disclosing the names of individuals who spoke with us. For consistency, we refer to job titles rather than names of USF employees.

We reviewed numerous documents and data that we requested from USF including but not limited to the following categories of information: sexual misconduct reporting data; documents related to USF's investigations of and response to prior and recent relevant reports of sexual misconduct and related conduct; Title IX policies and procedures; documents relating to Title IX education and training; Student Conduct handbooks, policies and procedures; Athletics Department handbooks, policies and

² Due to COVID-19, all interviews were conducted via Zoom video.

procedures; documents related to sexual health and sexual relationships education and training at USF; materials related to sexual violence prevention efforts at USF.

We also reviewed a number of documents we received from non-employee USF witnesses, including current and former students.

USF gave us autonomy and independence to conduct our investigation. USF did not influence us or attempt to interfere with our findings. USF employees were consistently responsive to our requests for information, some of which required considerable time and effort to fulfill. We are grateful to the members of the USF community who agreed to speak with us, particularly those who shared painful experiences.

IV. Background Facts regarding USF's Title IX Program and USF's Education and Programming on Sexual Assault Prevention and Consent

In order to address allegations that USF's Title IX department has a pattern of dismissing claims against soccer players and/or has inadequately responded to such claims, it is useful to understand the history of Title IX at USF, its processes, and USF's efforts to educate students about sexual assault prevention and consent. The facts we gathered during this investigation demonstrate that USF has implemented a comprehensive Title IX program in response to evolving Title IX requirements over the past decade and has taken a proactive approach to sexual assault prevention and education.

History of Title IX Program at USF

In April 2011, the U.S. Department of Education issued a "Dear Colleague" letter requiring universities to designate one or more Title IX coordinators to handle sexual harassment complaints and oversee Title IX compliance efforts. The letter required that coordinators receive training on investigating sexual harassment complaints, and that schools adopt and publish grievance procedures for prompt and equitable resolution of complaints. The letter also provided that the same disciplinary procedures used to resolve other types of complaints could be used to resolve Title IX complaints.

In response to the 2011 Dear Colleague letter, USF designated a Title IX coordinator and four deputy Title IX coordinators, including one in Student Life, one in the Athletics Department, and one in Human Resources. In 2011, the five coordinators attended Title IX training provided by the Association of Title IX Administrators (ATIXA). In 2013, four additional USF employees involved in responding to reports of sexual misconduct attended Title IX training with ATIXA. Five more USF employees involved in responding to reports of sexual misconduct attended ATIXA training in 2018 and received additional training from the current Title IX Coordinator. USF also hosted at least one ATIXA conference.

Following ATIXA training in 2011, USF developed and distributed a "red folder" to faculty and staff. This folder contained information about Title IX and also educated

faculty and staff about their roles and responsibilities as mandatory reporters. USF's Sexual Offense policy at the time provided that survivors/complainants should contact the Assistant Dean of Students to initiate a formal complaint and that the complaint would be handled in accordance with USF's Conduct and Disciplinary Procedures, as described in the Fogcutter Student Handbook.

Following a lengthy budget approval process, in or around 2014, USF's Board of Trustees approved funding for a full-time Title IX Coordinator position at USF. With the exception of an interim Title IX Coordinator working in the position on a part-time basis in the fall of 2018, USF has filled that position with a full-time coordinator since 2015.³

Until 2015, USF's Office of Student Conduct Rights and Responsibilities (OSCRR) and other employees within USF's Student Life division generally worked collaboratively to investigate sexual misconduct complaints and reach findings.

In 2015, USF substantially revised its Title IX procedures and sexual misconduct policy. The new policy provided a detailed description of USF's Title IX procedures and specified that Title IX complaints should be submitted to the Title IX Coordinator. Two employees from USF's Public Safety department served as primary investigators (both participated in ATIXA training) and the Title IX Coordinator reached findings of responsibility.⁴ From 2015 until 2019, OSCRR was responsible for implementing sanctions and interim measures in Title IX cases.⁵

In January 2019, a California Court of Appeal case held that students facing severe disciplinary sanctions are entitled to a hearing before a neutral adjudicator and are entitled to cross-examine witnesses. Subsequently, USF (along with other universities) modified its Title IX procedures to comply with the Court's decision. Currently, the Title IX Coordinator appoints a panel of three neutral hearing officers (all USF employees) to reach findings and determine sanctions in these cases (the complainant and respondent

³ Due to space limitations, USF's Title IX Coordinator does not have an office and is seated in an open pod. The Title IX Coordinator can schedule time in a private office when needed for confidentiality or privacy reasons. A number of witnesses acknowledge that an open workspace is not ideal for a Title IX officer, even with access to a private office for confidential meetings or phone calls.

⁴ This process required the Title IX Coordinator to write an investigation report without having conducted the investigation interviews. Some of the former Title IX Coordinators we interviewed told us that although they collaborated with the investigators, they found it challenging that they did not directly supervise the investigators and that the investigators did not write investigation reports. The current Title IX Coordinator requires investigators to write reports on the facts gathered during their investigations.

⁵ One witness reported that the OSCRR Director initially continued to participate in collaborative Title IX briefings after OSCRR became responsible for implementing sanctions and interim measures in pending Title IX investigations. If OSCRR's collaboration in Title IX briefings continued, it appears to be for a brief period.

can object to hearing panelists). Five USF employees currently conduct investigations as needed in addition to their regular job duties.

On July 17, 2020, following the social media disclosures and petition that resulted in this investigation, USF announced that it will hire a second full-time Title IX officer within Student Life, with responsibility for Title IX issues that arise within the Athletics Department. USF also announced it will hire a full-time student advocacy professional who will serve as a confidential resource for students.⁶ Additionally, USF has a Crisis Management Team that coordinates across departments to provide support to students as appropriate. USF's Center for Academic and Student Achievement (CASA) coordinates with the Title IX office to provide academic support and accommodations as needed.

Administration witnesses report that USF's Title IX program will undergo an external program review in 2021.

Title IX Reporting Options at USF

Most Title IX reports are communicated verbally to the Title IX office, USF's Public Safety office, Residence Hall employees (often Resident Advisors) or other mandatory reporters.

Since 2013, USF additionally has offered students an online report submission option known as Maxient. The Title IX Coordinator receives reports submitted via Maxient. If the complainant identifies themselves, it is USF's policy and procedure for the Title IX Coordinator to contact the complainant to provide options, including supportive measures and the option to initiate a formal grievance under USF's Title IX process. USF also has an anonymous whistleblower hotline administered by a third-party vendor. Title IX-related complaints received via the hotline are forwarded to the Title IX office.

In 2015, USF became a founding institution to implement the Callisto reporting system as a secondary online reporting option for Title IX complaints. Callisto allowed survivors to create their own record of an assault without submitting it to USF. Callisto also provided survivors the option to report the incident to USF's Title IX office and offered survivors the option to enter into a matching system that held the survivor's identity in escrow until a second survivor identified the same alleged offender.⁷ If the survivor did not choose to report the incident to Title IX, only the survivor could access their report using their password. If the survivor lost their password, the records were inaccessible. In 2019, Callisto terminated its reporting function and deleted reports

⁶ USF's Counseling and Psychological Services (CAPS) has been and will remain available to students as a confidential on-campus resource.

⁷ According to USF's records, while Callisto was in use, Callisto notified USF's Title IX Coordinator of a match on only one occasion. In that case, the Title IX Coordinator had already reached out to the students involved because the students also reported the incidents to their Resident Advisor, who in turn reported the incidents to Title IX.

housed on its system; USF has ended its contract with the company.⁸ Between 2015-2019, 20 USF students sent reports to USF's Title IX office via Callisto. During the same period, 376 students sent reports involving sexual conduct to USF's Title IX office via Maxient or through a mandatory reporter.⁹ Thus, during the time period that students had the option to use Callisto, it was not well-utilized as a reporting option.

Beginning in 2015, USF's Title IX office saw a significant increase in the number of reports of sexual assault. For example, USF received seven reports of alleged sexual assault in the 2014-2015 academic year. In subsequent years, USF received increased reports of alleged sexual assault: 23 in 2015-2016, 21 in 2016-2017, 35 in 2017-2018, 30 in 2018-2019, and 24 in 2019-2020.¹⁰ This increase in reports likely reflects the increased visibility of the Title IX office since USF hired a full-time Title IX Coordinator in 2015, and an increased emphasis since 2015 on Title IX training and education (addressed below).

Title IX Training of Staff and Students

The Title IX Coordinator provides annual in-person training regarding Title IX policies and procedures to the following: Athletics Department staff and student-athletes, student housing staff and Resident Advisors (RAs), student employees, student orientation leaders, University Ministry, and ROTC.

Witnesses confirm that since USF first hired a full-time Title IX Coordinator in 2015, the Title IX Coordinator has conducted in-person annual training for athletes (including the soccer program) and Athletics Department staff. This training typically occurs in the fall and is in addition to training that all new students receive before arriving at USF and during orientation (addressed below). Thus, athletes receive more

⁸ We heard from some witnesses that when they returned to Callisto sometime after saving a report, they discovered that their report was not saved. USF administrators state that while Callisto was in use, they did not hear from students that Callisto did not save reports; rather, they heard from students who forgot their password and could not retrieve their report. USF administrators also state they heard from some students who believed they had submitted a report via Callisto but in fact had saved a report without undertaking the additional step to submit it. The confusion surrounding this aspect of Callisto and the fact that it was under-utilized (as compared to Maxient) led USF to consider ending its contract with Callisto, even before Callisto terminated its reporting function.

⁹ This count includes reports that involved alleged perpetrators not associated with USF and incidents unrelated to USF. The count includes reports of sexual assault, sexual harassment, dating violence, domestic violence, stalking and other reports categorized as allegations of sexual-type behavior.

¹⁰ It appears that the COVID-19 pandemic and remote schooling has resulted in a decrease in reported cases of sexual assault (10 to date) for the current school year.

training on sex and gender-based discrimination and harassment (including sexual assault) than the general student population.¹¹

Witnesses report that between 2011-2015, the Athletics Department arranged programs and speakers to address the topic of consent with athletes.

Sexual Assault Prevention and Education at USF

Employees involved in USF's early Title IX efforts report they wanted USF to be ahead of the curve in implementing Title IX's requirements and in sexual assault prevention education for USF's student population.

Think About It and Talk About It

In 2011, USF's then Vice Provost for Student Development initiated collaboration with a third-party vendor to create an online sexual violence and alcohol education course called *Think About It*.¹² USF's Student Life division worked for two years creating content for the course, which was first available in Fall 2013. The former Vice Provost for Student Development reports that the USF-created course was used by over 2000 universities and colleges and viewed by over a million students. The interactive online course required approximately two hours to complete and required active participation for completion. Twenty-minute "booster" courses were required for second semester freshmen, sophomores, and juniors.

In 2016, another company acquired the third-party vendor that distributed the course and ultimately discontinued *Think About It*. Beginning in the 2020-2021 school year, USF began using a different online sexual violence prevention course provided by a different third-party vendor.

Think About It was mandatory for all new incoming students before arriving at USF, as is USF's current sexual violence prevention course. USF has tracked students' completion of online sexual violence prevention education since 2013. The facts demonstrate that noncompliant students are fined, and a hold is put on their ability to register for courses until they achieve compliance.

To complement *Think About It*, USF also created *Talk About It*, a mandatory in-person interactive sexual violence prevention and education program of approximately two hours conducted during orientation for new students. USF reports that it will continue to provide mandatory in-person sexual violence prevention and education

¹¹ The Title IX Coordinator's training for athletes focuses on an explanation of Title IX's legal protections, sexual misconduct behaviors, what constitutes consent, the impact of alcohol and drugs on the ability to consent, how to report to the Title IX office, on-campus resources, bystander intervention, and Title IX processes following a report.

¹² Sexual violence prevention at USF refers to prevention of incidents of sexual assault.

programming to new students in conjunction with its current online sexual violence prevention course.

Incoming soccer players, along with other incoming students, are required to participate in these courses.

Sexual Violence Prevention Educational Outreach

In 2015, USF formed a Title IX Task Force, now known as the Sexual Violence Prevention Task Force. The stated mission of the Task Force is to form a partnership between USF students, staff and faculty to create a campus environment that promotes respect, equality, healthy relationships and healthy sexuality. The Task Force focuses its sexual violence prevention and education efforts on developing programming and materials to raise awareness about: sexual violence prevention during orientation and the first six weeks of school, a vulnerable time for sexual assault; Relationship Violence Awareness Month in October; Safe Spring Break; and Sexual Assault Awareness Month in April.

An Athletics Department staff member participates on the Task Force. At least one Title IX Coordinator reports that the Athletics Department staff, and particularly the current Executive Senior Associate Athletics Director, have participated enthusiastically in supporting the work of the Task Force. As part of Sexual Assault Awareness Month in April 2017 and April 2018, the Task Force partnered with the men's soccer team at I ❤️ Consent soccer games; the players wore I ❤️ Consent t-shirts to promote the issue of consent. Additionally, Athletics had the highest participation in an April 2018 annual march in support of Sexual Assault Awareness month and provided student-athlete speakers for the march, including a female soccer player. The Task Force has not continued the march in favor of alternate programming.¹³

Utilizing a 2015 NCAA Choices grant, USF's Health Promotion Services (HPS), in partnership with the Athletics Department, created the *Dons: Do Something About It* program. The program adopts a bystander intervention approach to reduce problem drinking and sexual assault on campus.¹⁴

Some current and former student witnesses and administration witnesses acknowledge the perception that alcohol education appears to receive more focus at USF than sex education, possibly in part due to a combined approach to alcohol and sex education in both the *Think About It* and *Do Something About It* programs.¹⁵

¹³ One witness reported a lack of passion for the march among some students who were required to participate.

¹⁴ As part of this program, HPS trains peer educators to lead bystander intervention workshops in USF's residence halls and as requested.

¹⁵ Some witnesses criticized the USF President's reported comments in a February 2015 USF *Foghorn* student newspaper article about the connection between alcohol, drugs and sexual assault. The President reports that his comments were intended to communicate that if a young

Additionally, witnesses are consistent in reporting that although USF is a Jesuit university and condoms are not distributed on campus, the school does not muzzle education or conversations about healthy sexual relationships or sexual assault. That said, some administration witnesses report they would like to see more required education about sex and sexual relationships for continuing students, in addition to programming sponsored by the Sexual Violence Prevention Task Force or Health Promotion Services that is not required for all students.

International Students

Athletics teams often include student-athlete recruits from other countries. International students participate in the same sexual violence prevention training required for all incoming students. However, a number of witnesses suggest that international students at USF would benefit from in-person training specifically focused on cultural norms about sex and consent in the United States.¹⁶ International soccer players report that San Francisco can be a “culture shock” to those who have come from other parts of the world. USF’s current Title IX Coordinator reports that when conducting Title IX training with athletes, she has observed that some international student-athletes, including soccer players (along with some United States-based student-athletes), appear less receptive to her training, possibly due to differing cultural norms in their home countries. Other witnesses observe that training specifically focused on cultural norms about sex and consent in the United States likely would have been beneficial for an international soccer player who was involved in a Title IX proceeding.

In sum, these facts demonstrate that over the past decade, USF implemented a comprehensive Title IX program in response to evolving Title IX requirements, which, as detailed below, has been equally applied to soccer player student-athletes. Further, these facts demonstrate that USF has taken a proactive approach to sexual assault prevention and education; however, as noted, some witnesses identified opportunities for additional work in this area.

person overconsumes, the consequence should be a hangover, not sexual assault. The President believes it is the University’s responsibility to create a safe environment and to educate students in order to prevent situations in which intoxicated students are exploited sexually.

¹⁶ USF’s International Student Support Services (ISSS) provides a multi-day orientation exclusively for international students. However, this orientation currently does not focus on sexual relationships or consensual sexual behavior, although international students receive a written handout on healthy relationships.

V. Analysis and Findings

A. Investigative Finding: While a limited number of USF men's soccer team players engaged in sexual misconduct and disrespectful behavior toward women and/or LGBTQIA individuals over the past decade, such behavior is not pervasive among members of the USF men's soccer team

We find it more likely than not that sexual misconduct, and disrespectful behavior toward women and members of the LGBTQIA community, has not been pervasive among members of the men's soccer team at USF over the past decade. Rather, a limited number of USF men's soccer players engaged in such conduct over the past decade. The facts do not reveal that this behavior is reflective of a team or coach mindset condoning sexual misconduct.

1. This investigation discovered that 11 soccer players were accused of sexual misconduct since 2009, but USF was made aware of a total of three reports involving six named players

During the course of this investigation, we reached out to just over 120 potential witnesses and interviewed nearly 90 individuals. Of 25 soccer players we contacted who played for USF over the past decade, 15 players agreed to speak with us. Although they heard rumors about a former player (now a professional soccer player) who USF found responsible for sexual misconduct in December 2015, these soccer players report no knowledge of specific incidents of sexual assault by team members.

Through witness testimony and extensive document review, we identified 11 soccer players since 2009 who were accused of engaging in sexual misconduct:

- In 2012, four players were accused of engaging in sexual misconduct that involved group sex in 2009-2010. USF removed the players involved from the soccer team. One female former student informed us that she believes one of these men sexually assaulted her in 2009 but she did not report the alleged incident to USF.
- In 2015, a female student reported an incident of nonconsensual sexual touching by a soccer player. USF found the soccer player responsible for violating its sexual misconduct policy and issued sanctions against the soccer player.
- In 2018, a female student reported an incident of nonconsensual sexual intercourse with a soccer player.¹⁷ USF found this soccer player

¹⁷ We use the term "nonconsensual sexual intercourse" because it is the terminology used in USF's policies. Nonconsensual sexual intercourse refers to nonconsensual vaginal penetration, however slight.

responsible for violating its sexual misconduct policy and suspended the soccer player.

- Three female students accused a soccer player of sexual misconduct during the 2018-2019 time period. One incident was reported to Title IX at the time of the alleged incident, but the student involved chose not to proceed with an investigation and the name the player was not reported. The other two female students reported alleged incidents after this soccer player had left USF and after social media allegations arose in July 2020.¹⁸
- Four additional soccer players were accused by anonymous sources or witnesses without first-hand knowledge of sexual misconduct. None of the alleged incidents were reported to USF at the time of the alleged sexual encounters.¹⁹

Two additional cases involving two different soccer players surfaced that did not involve sexual assault or nonconsensual sexual touching; one was accused of harassing conduct and one was accused of dating violence:

- In 2020, an incident arose involving a soccer player harassing a female student via text. Following a second report of the harassing behavior, the Head Coach removed the player from the team and a Title IX case was closed after the female student did not respond to Title IX's outreach.
- In 2016, a case of dating violence involving a soccer player was reported to Title IX; the case was closed with a finding of "mutual conduct"

¹⁸ Consistent with information reported to us, data that USF provided reveals that from 2010-2021, USF received 162 reports of sexual assault, 13 of those reports involved athletes. Out of the 13 athlete cases, eight involved soccer players, amounting to 4.93 percent of total reports. Out of those eight cases involving soccer players, four were reported after allegations arose on social media in July of 2020; thus prior to July of 2020, USF was aware of only four alleged sexual assault cases involving soccer players over the past decade (specific soccer players were named in only three of these cases). The first four bullet points of this section address those four cases (one of the cases involved four soccer players who participated in incidents of group sex). The eight total cases involving 11 soccer players are each referenced in the first five bullet points of this section.

¹⁹ Of the reports referenced in this fifth bullet point, two were reported to USF by anonymous complainants after July 2020 and two were reported to us by witnesses who did not have first-hand knowledge of the alleged incidents. Although we attempted to uncover facts related to these allegations, we could not thoroughly investigate and/or substantiate these allegations either because the complainants are unknown, we did not discover their identities during our investigation, or witnesses with potential knowledge did not agree to cooperate. As a result, we were unable to uncover relevant facts despite our best efforts.

Additionally, we spoke with a female student who told us she had sexual interaction with a soccer player she was dating while she was intoxicated. She was uncertain whether she gave consent but did not report the incident to USF and did not want to pursue a report now.

between the two students. In 2018, a second case was reported regarding this same couple, but it was not investigated after the complainant did not respond to the Title IX coordinator's multiple attempts to connect with her.

Other unspecified allegations and rumors surfaced during our investigation but could not be substantiated due to a lack of sufficient information to investigate:

- Four reports of alleged sexual assault during the 2014-2019 timeframe surfaced during this investigation; each reporter stated that an unknown or unnamed woman was sexually assaulted by an unknown soccer player. Because we were unable to uncover the names of either the survivors or the soccer players, we had insufficient information to investigate or substantiate these claims. Due to the vagueness of the allegations, we were unable to conclude whether these four reports might correlate to any of six anonymous survivor stories described in the petition.
- Vague rumors also surfaced about three additional soccer players but despite our efforts to uncover information, no evidence materialized about these claims.

Thus, of the 11 soccer players accused of engaging in sexual misconduct over the past decade, six players were involved in three cases that were reported to USF prior to July 2020; USF imposed discipline on those six players. The allegations against the remaining five soccer players (four of which came to light after July of 2020) either did not name the accused soccer player, do not appear substantiated by the facts, or could not be thoroughly investigated because the complainants did not want to proceed with investigation or remained anonymous and we were unable to uncover relevant facts despite our best efforts. Accordingly, while we regard each allegation and experience of sexual misconduct as significant and concerning, we conclude that sexual misconduct involving this limited number of soccer players over the past decade does not represent pervasive sexual misconduct within the soccer program.²⁰

a. 2012 reports of sexual assault involving four soccer players do not reflect a team mindset condoning such behavior

In January 2012, USF received a report that four soccer players had engaged in different incidents of group sex with three female students during the 2009-2010 time period. One of the four soccer players participated in all of these sexual encounters.

When interviewed in 2012, a female student who participated in two group sex encounters involving these soccer players in the fall of 2009 reported to USF that she had consented to the sexual encounters.

²⁰ On average, each roster includes 25-30 players, amounting to 250 to 300 players over a decade.

Another female student who was interviewed in 2012 reported that in the spring of 2010, she participated in a sexual encounter with two of the same soccer players involved in the Fall 2009 incident. She told the investigators that although she was intoxicated during the encounter, she did nothing against her will.

A third female student who was interviewed in 2012 told the investigators that in the fall of 2010 she willingly participated in a sexual encounter with one soccer player but was extremely intoxicated and felt pressured to engage sexually with a second soccer player. This student chose not to participate in USF's grievance or investigation process.²¹

While these four players together were involved in incidents of group sex (with one player involved in all of these incidents), they represent a relatively small subset of the soccer team as a whole.²² We are not aware of facts demonstrating that the team as a whole or the coaches at the time were aware of, condoned or supported the players' behavior. Once USF and the Athletics Department discovered this behavior in 2012, three of the four players were permanently removed from the team; the fourth was suspended.

b. In 2015, a former USF soccer player engaged in sexual misconduct on one occasion and appears to have treated other women with disrespect on other occasions

Allegations involving a former USF soccer player who later went on to play professionally have been a focal point in the social media campaign about the USF men's soccer team. In July of 2020, USF confirmed for its community that this soccer player was involved in a case of sexual misconduct involving another USF student in 2015. Many witnesses we interviewed told us they had heard about this former player and his alleged history of sexual assault, reporting they believe he is a serial offender. This soccer player declined to participate in this investigation.

Based on the accounts that survivors were willing to share, the facts reveal that this soccer player was involved in one incident of nonconsensual sexual touching (that did not involve sexual intercourse) during his time at USF. Some witnesses also report that this soccer player was persistent in his pursuit of women and used lewd and disrespectful language toward women.

²¹ A separate female alumna came forward during this investigation and reported she believes that while she was very intoxicated in 2010, the same male student involved in all of these incidents subjected her to nonconsensual sexual conduct. Her report appears consistent with some of the information gathered about this particular player's conduct toward other women, which resulted in his removal from the men's soccer team (as addressed below).

²² As noted, USF men's soccer team rosters over the past decade include an average of 25-30 players on the team each year.

i. This former soccer player engaged in nonconsensual sexual touching on one occasion in 2015

In the fall of 2015, a female student alleged that this soccer player subjected her to nonconsensual sexual touching. The soccer player denied persisting with sexual activity after the female student declined and reported the encounter was consensual. The female student never alleged she was raped. She reported this incident to USF; the Title IX office investigated and found the soccer player responsible for violating USF's sexual misconduct policy for "nonconsensual sexual contact." Although this soccer player declined to participate in this investigation, he spoke to us briefly and commented that he has learned a lot since his 2015 Title IX case.

One other specific allegation of sexual misconduct arose involving this same soccer player during the course of our investigation. An alumna reported that in the fall of 2014, one of the roommates of this soccer player told her about an alleged incident of sexual misconduct involving this soccer player and a female freshman student in his dorm. However, the soccer player's former roommate denied any knowledge of such an incident and provided an explanation revealing it unlikely that such an incident occurred. We were unsuccessful in our attempts to speak with the female student allegedly involved and the female student did not reach out to report any misconduct to us. This alleged incident was never reported to USF's Title IX office.²³

ii. This soccer player reportedly was persistent in his pursuit of women and at times treated women with disrespect

Multiple witnesses report that this soccer player had a habit of reaching out to freshman women (some before they arrived at USF) on social media sites such as Facebook, Instagram or Snapchat, through the athletics website, and/or via text. In August 2017, a Resident Advisor reported to the Title IX office that this soccer player was contacting freshman women who were uncomfortable with his outreach.

Additionally, one witness reports this soccer player was removed from a sorority formal for "grabbing vaginas." Three witnesses report he generally referred to women as "bitches, hoes and sluts" and spoke about women as trophies; one witness reports he "slut shamed" women, made inappropriate vulgar comments, and referred to gay men as "faggots."²⁴ Two witnesses report he was known to be aggressive with women; however,

²³ Some additional allegations that this soccer player subjected women to sexual misconduct arose during this investigation but we could not substantiate any reports because we were not successful in our efforts to connect with the alleged survivors. Further, one witness reported that this soccer player acted aggressively toward a fellow student he was dating; however, a close friend of the female student involved reported a consensual relationship between the soccer player and the female student. The female student did not agree to speak with us. None of these allegations were reported to USF.

²⁴ Two witnesses also report that on approximately five separate occasions, this former USF soccer player shared videos and/or photos of women in a soccer team group chat. They report that

we note above that one report of specific aggressive behavior was not substantiated.²⁵ None of this behavior was reported to USF.

Accordingly, based on the accounts that survivors were willing to share, the facts reveal that this now professional soccer player was involved in one incident of nonconsensual sexual touching during his time at USF. He was never accused of rape or found responsible for raping any woman at USF. The facts reveal he was persistent in pursuing women and at times appeared to regard and/or speak of women (and gay men) with disrespect.

c. A 2018 case of sexual misconduct involving a soccer player arose out of a sexual encounter between the player and a female student

In the fall of 2018, a female student reported to Title IX that a soccer player subjected her to nonconsensual sexual intercourse. During Title IX's investigation, the soccer player conceded he attempted to have sex with this female student but did not believe they actually engaged in sexual intercourse, claiming he stopped sexual activity whenever she said "no." Aspects of the sexual encounter were found to be consensual. However, the Title IX Coordinator concluded that the soccer player penetrated the complainant slightly without affirmative consent, although full sexual intercourse did not take place and the legal term "rape" did not apply to the incident. Thus, the player was found responsible for engaging in nonconsensual sexual intercourse, a violation of USF's sexual misconduct policy. The soccer player was suspended from USF and did not return.

d. Three different female students allege one soccer player engaged in sexual misconduct in Fall 2018 and Fall 2019

Three different female freshman students allege that one soccer player sexually assaulted these female students in three separate incidents. One of these incidents was reported to Title IX (but the soccer player was not named); the other two were reported during our investigation and after the soccer player had left USF. The second and third complainants are friends; neither of them has any known connection to the first complainant.

in one photo a woman was in her underwear and, in another photo, a woman was performing oral sex. These chats no longer exist, and we do not know whether the women featured were USF students. As noted below, we are aware of at least one other soccer player who shared lewd or nude images of women with other soccer players.

²⁵ Other allegations of aggressive or persistent behavior toward female students (that were not reported to USF) could not be substantiated because the names of these female students were not provided and/or we attempted to connect with the female student involved but received no response.

i. In 2018, one incident of sexual misconduct involving this soccer player allegedly occurred at the dorms

A female freshman ("F18") reports that in the fall of 2018, she engaged in sexual activity with a soccer player at his dorm room after a soccer house party. She alleges that after consensual kissing, the soccer player subjected her to nonconsensual sexual activity. F18 does not allege that vaginal sex occurred or that she was raped. F18 reports that although she had only a couple drinks at the soccer house party, she felt very intoxicated and at times that evening could not physically move her body. However, she also reports that she does not believe this soccer player put drugs in her drink.

F18's Resident Advisor reported the incident to USF's Public Safety department without providing the name of the soccer player involved. In turn, the Title IX Coordinator reached out to F18, but F18 chose not to proceed with investigation or to share the name of the soccer player involved. Both F18 and this soccer player spoke to us during our investigation. The soccer player denies the encounter was anything but consensual. We discovered some facts that call into question the credibility of the soccer player's denial. However, we also heard from some witnesses that close in time to the event, F18 communicated both that she did and that she did not consent to the sexual encounter. Further, F18 told us that aspects of the encounter were consensual. Ultimately, while this encounter raises questions about the presence of affirmative consent, the survivor chose not to participate in USF's Title IX process.

During this time period, Resident Advisors in this particular residence hall were concerned about a perceived increase in the number of reports of sexual assault. However, the facts reveal it is likely that the rumors and reports that arose during this time period in this residence hall referenced only one incident involving F18 and this soccer player.

Eight student witnesses (not including the RAs) told us varying versions of what they heard about the sexual encounter between F18 (who they referenced by name) and this soccer player. Those versions tended not to match F18's account of the encounter. For example, although witnesses report hearing that this soccer player put drugs in F18's drink, F18 reports she does not believe this occurred.²⁶ Witnesses also report generalized rumors of unnamed soccer players drugging women at soccer house parties; however, we did not discover any specific incidents or facts to substantiate such rumors.

Former RAs interviewed report that in order to protect the confidentiality of any resident who reports an incident of sexual assault, the RAs do not share names when

²⁶ Witnesses further report hearing from F18 that this sexual encounter was filmed and posted in a soccer player group chat. However, F18 recounts that she was repeating a rumor she had heard from others and does not believe that she was personally photographed or filmed that evening, and/or has no knowledge whether she was talked about on a soccer player chat.

sharing stories of sexual assault.²⁷ Accordingly, without sharing names, RAs cannot be certain whether they are reporting about different incidents that could reveal a predatory pattern, or whether they are reporting on the same single incident. This could result in the appearance of more incidents of sexual assault than actual occurrences. Ultimately, although former RAs in this residence hall reported knowledge of multiple incidents of sexual assault, after interviewing a number of RAs who worked in this dorm during the 2018-2019 school year, we determined that each of the RAs interviewed appears to have knowledge of only this one specific incident of alleged sexual assault involving F18 and this soccer player.²⁸

ii. A second woman alleged that this soccer player subjected her to sexual misconduct in 2019

In September 2020, after this investigation had commenced, a current USF female student ("F19-1") contacted us to report that she believes the same soccer player who allegedly sexually assaulted F18, subjected F19-1 to nonconsensual sexual intercourse in the fall of 2019. F19-1 told us she believed she was too drunk to consent to sex.

F19-1 was a freshman at the time. She reports that after she had some drinks with this soccer player at a soccer house party, she suddenly felt very drunk. She states that later in the evening when she and this soccer player had sex, she felt that her body was frozen as if in sleep paralysis, and reports that she lay still for most of the sexual encounter.²⁹

Facts gathered during our investigation reveal that both this soccer player and F19-1 were intoxicated that evening (and at times shared drinks from the same bottle), but insufficient facts exist to support a conclusion that F19-1 was incapacitated during

²⁷ For example, as discussed further below, a different RA from the same residence hall separately recounted that she reported to Public Safety that a friend of a potential survivor (she did not know the name of the survivor) told the RA that her survivor friend was sexually assaulted by this soccer player. The facts reveal it is likely that this second RA also unknowingly reported about F18's encounter with this soccer player. This second RA did not know the name of the survivor but reported the survivor went to a soccer house party, lived in the same dorm as F18, and was in the same sorority as F18. Further, F18 left USF during the spring semester of her freshman year, and this second RA reported the same about the unknown survivor. It appears this second RA never provided a name of a survivor to Public Safety or Title IX.

²⁸ In January 2019, a third RA reported to Title IX that one of her residents heard that a female freshman was drugged and sexually assaulted by this same soccer player. The RA never spoke with the alleged survivor; the information was reported to the RA by another resident. When contacted, the alleged survivor was confused by the report. This alleged survivor reported to her RA, to Title IX, and subsequently to us that she was not sexually assaulted and had never told anyone she was sexually assaulted. This provides an example of a reported incident of sexual assault derived from rumor rather than fact.

²⁹ This incident involving F19-1 was reported following this soccer player's interview in this investigation. The soccer player declined to further participate in this investigation.

sex or that this soccer player drugged her. Five witnesses report (and text messages from F19-1 confirm) that F19-1 stated the following day that the sex was consensual but that she felt she made a poor decision because she had cheated on her boyfriend.³⁰ These facts tend to cast doubt on F19-1's current claim that she did not consent to the sexual encounter.

iii. A third woman alleged that this soccer player engaged in sexual misconduct in 2019

Shortly after F19-1 contacted us to report her encounter of alleged sexual assault by this soccer player, F19-1's good friend ("F19-2") reached out with her own story of an alleged sexual assault involving the same soccer player. F19-2 reports that after the petition was posted in the summer of 2020, she and F19-1 discovered that they both had sex with this soccer player and believed their experiences were similar. F19-1 encouraged F19-2 to come forward.

F19-2 reports she was drinking with this soccer player at a soccer house party. She states she was interested in the soccer player and initially consented to a sexual encounter with him but reports he was very persistent in taking off her clothing and initiating vaginal sex. F19-2 reports that after repeatedly saying "no," she agreed to sex.

F19-2 further reports that she consented because this soccer player's persistence caused her to feel she had to continue. She also reports that she considered that perhaps she should have sex with him because "girls think you're cool when you have sex with upperclassmen." Both F19-2 and another witness report that F19-2 was interested in this soccer player; the witness further reports that in the days following this incident, F19-2 stated she enjoyed the encounter. This witness and text messages reveal that F19-2 was disappointed when this soccer player stopped texting her a few weeks after the encounter.³¹ We considered whether this soccer player's conduct in this case amounted to coercive behavior; however, while it appears this soccer player was persistent, one witness reports that F19-2 communicated that she enjoyed the encounter at the time.

Ultimately, these three reports involving this soccer player each involve alcohol consumption by him and freshman women and raise questions about the presence of affirmative consent and whether the soccer player's persistence during some sexual encounters may approach coercive behavior.³²

³⁰ Further, two witnesses who slept in the same room while this sexual encounter took place each report they did not see or hear anything that would indicate the encounter was not consensual.

³¹ This incident involving F19-2 was reported following this soccer player's interview in this investigation. The soccer player declined to further participate in this investigation.

³² USF's handling of the case reported to USF in 2018 involving this soccer player is addressed below. As addressed below, the cases involving F19-1 and F19-2 were reported to USF after the soccer player was no longer a USF student and no longer under USF's jurisdiction.

2. Certain factors may explain the discrepancy between perceptions and reality relating to the prevalence of sexual misconduct within the men's soccer program

We consistently heard from witnesses that female students were frequently advised to stay away from soccer players and to avoid parties at the soccer house.³³ We are mindful that the prevalence of such warnings and the extensive social media posts and petition comments leave the impression that the number of incidents involving soccer players referenced in this report should be higher. We note a few factors that may shed light on this apparent discrepancy.

First, some anonymous survivors who disclosed their experiences via social media or the petition have chosen to remain anonymous. We made significant efforts to encourage all anonymous survivors to come forward, including the six anonymous survivors included in the petition who revealed their individual stories of alleged sexual assault by unnamed USF men's soccer players. We reached out to just over 65 potential survivors and/or witnesses regarding alleged incidents of sexual assault, including contacting individuals who posted comments on the petition and on social media. We inquired with witnesses about the identities of any anonymous reporters and attempted to gain information from those who created the petition and the online social media campaign.³⁴ We encouraged witnesses who knew of survivors to contact us and provided a hotline to reach us directly. This hotline was posted on Instagram by those who started the petition.³⁵

³³ For example, we heard from multiple witnesses that during freshman orientation at USF, they were told by student orientation leaders to stay away from soccer players.

³⁴ On or about July 10, 2020, the male USF alumnus who posted the meme that led to this investigation posted an Instagram survey question: "raise your hand if you have ever been personally victimized by the USF men's soccer team." In response to that inquiry, the alumnus posted that 77 individuals voted "yes" (95% voted "yes" and 5 % voted "no"). We made multiple requests for the alumnus to post our hotline email address and to ask those who participated and responded "yes" to reach out to us. He did not respond to our requests. That said, we acknowledge it is possible we did speak with some of those individuals as we note that a witness we interviewed appears to have posted a comment to this Instagram post. Further, the alumnus did post our hotline email address within another of his online postings. As noted in the footnote immediately below, we did hear from some individuals through that hotline.

³⁵ Thirteen individuals contacted us via the hotline set up for this investigation. Of those 13 reports, five involved specific incidents regarding soccer players within the past decade. We discovered that four out of the five involved incidents and/or soccer players previously reported to USF, previously investigated, and/or already included in our investigation. In the fifth report, a woman alleged in July 2020 that in October 2011, an unknown soccer player exposed her breasts at a party by pulling down her tank top. We did not discover additional facts about this incident, or the soccer player involved.

We were successful in discovering the identity of one anonymous survivor whose story was included in the petition, but she did not respond to our efforts to connect with her. Although we made numerous attempts to identify and reach potential survivors, we respect the decisions of survivors to remain anonymous. While we do not have reason to doubt the veracity of the stories disclosed in the petition or in online postings, without the ability to speak with the survivors reporting these incidents, we cannot substantiate these incidents or reach conclusions about the culture of the men's soccer team based on these reports alone.³⁶

Second, we discovered that a number of the social media postings and petition comments referenced rumors or incidents that did not involve soccer players.

Third, multiple online comments referenced nonspecific warnings or opinions about the soccer team generally, rumors heard from others with no personal knowledge, and/or incidents about which we were aware.

For example, we reached out to approximately 23 current and former students who commented on the petition and/or Instagram in an attempt to clarify their posts that appeared to reference specific incidents. Ten of those students agreed to speak with us. Of those ten student witnesses, two students repeated warnings they had heard that female students should stay away from soccer players; these students had no specific names or incidents to report. Three of these student witnesses spoke about rumors regarding a former soccer player who USF found responsible for sexual misconduct in 2015, and one other witness reported an incident that did not involve a soccer player.

The remaining four of those ten student witnesses reported on the same 2018 incident of alleged nonconsensual sexual touching involving a soccer player in a residence hall, which was reported to Title IX (as noted above). One alumnus who commented on the petition that "soccer players are rapists" reported that he based his statement on the fact that he had heard of this alleged residence hall incident (he thought it involved a rape) and stated he may have made the comment on the petition "for effect." Further, we discovered that two other alumni who reported they knew of "multiple people" or "more than one woman" who had experienced sexual assault both referenced this one survivor. One of the alumna interviewed stated that she may have exaggerated her petition comment.

Ultimately, based on the accounts that survivors were willing to share and in carving out specific allegations from rumor, the facts reveal that over the past decade, 11

³⁶ It is important to note that when communicating with any witnesses who reported they knew of a survivor not ready to come forward, or when requesting that survivors speak with us, we consistently relayed the message that if at any point the survivor might feel ready, we would welcome hearing from them. That message still stands, and USF has communicated the same.

soccer players were accused of engaging in some form of sexual misconduct.³⁷ These incidents appear unique to the individual player(s) involved and do not reflect a shared team mindset condoning sexual misconduct.

3. While the facts reveal that soccer players' off the field behavior was not strictly monitored under one former Head Coach, disrespectful behavior toward women and other groups was not pervasive, and the former Head Coach appears to have addressed egregious behavior

In addition to investigating allegations of sexual assault involving the USF men's soccer team over the past decade, we also investigated other off the field behavior of players that could potentially reflect a team culture of disrespect toward women and other groups.

The facts reveal that while some players engaged in disrespectful talk about women and other groups, such commentary does not appear pervasive among the team as a whole during this time period. Although it appears that one former Head Coach and his assistant coaches may not have set clear boundaries and expectations for the team's off the field behavior, this former Head Coach took disciplinary action when aware of egregious conduct and did not demonstrate any tolerance for sexual misconduct. Further, it appears that increased education on issues related to team culture and stricter guidelines regarding off the field behavior have been an area of specific focus under the current Head Coach.

Three head coaches led the USF men's soccer team over the past decade. One served as Head Coach for five seasons until March 2019. The bulk of the information we gathered regarding team culture is derived from the period during which this Head Coach led the team.³⁸

a. Under the Head Coach who led the team for five seasons until March 2019, some players displayed some disrespectful attitudes toward women and other groups, but this Head Coach disciplined egregious conduct when given the opportunity

The Head Coach who led the team for five seasons until March 2019 reports that in every team environment there is teasing, joking and competitive talk among players. However, he states that he never heard any of the players "cross the line" and he denies making inappropriate comments himself.

³⁷ As noted above, incidents involving four of those soccer players could not be thoroughly investigated because the claims were submitted anonymously and without details that would have allowed us to proceed.

³⁸ The current Head Coach has had only one playing season with the team. A former Head Coach who led the team until 2013 declined to participate in this investigation.

A number of soccer players who played under this Head Coach concede that some players regularly referred to women as “sluts,” “bitches” and “hoes” (particularly in the locker room), and a few frequently made other disrespectful comments about women, bragged about their sexual conquests, and talked about women as trophies. One Assistant Coach reports that although it is likely this Head Coach heard some of this talk, he did not hear the Head Coach address it with soccer players. This Assistant Coach concedes he (and other members of the coaching staff) also did not address such commentary.

Two witnesses report the existence of a soccer player group chat over the years in which a few players would post inappropriate photos and videos of females and/or disrespectful comments about women.³⁹ We did not discover any evidence that the Head Coach was aware of these postings to the group chat.

Soccer players also report that while on the team during this same time period, some players referred to gay men as “fags” or “faggots” and used the term “that’s gay.” There were also reports that individual players made more specific comments such as “I’ll beat my son if he’s gay” or comments disparaging effeminate gay men. Of note, some international players report culture shock upon their arrival in San Francisco; one international player acknowledged he negatively commented about a transgender individual in the Castro District due to his lack of awareness and discomfort when he came in contact with such an individual. Other players commented that international players used the word “faggot” without realizing it is regarded as derogatory. Against this backdrop, it is understandable that one former player reported he did not feel comfortable coming out as gay to his team at that time. None of the witnesses report this Head Coach ever used such language.

However, some witnesses report that this Head Coach occasionally walked the line between friend and coach, sometimes making comments some felt were intended to give the impression he was “one of the guys.” For example, two witnesses reported that on one or two occasions, they heard this Head Coach comment on the appearance of women. A witness further reported this Head Coach commented on the athletic physique of one of the participants in the Folsom Street Fair, stating, “where can we get a player like that?” as the team’s bus drove through the event.⁴⁰

It is possible this environment facilitated an incident in which an Assistant Coach shared with a player a video depicting a nude woman. However, the Head Coach was not aware of this incident when it occurred and was left out of the disciplinary process that followed; he subsequently learned about the incident from the Assistant Coach.⁴¹ The

³⁹ We were unsuccessful in obtaining any examples of those alleged chats, assuming they still exist.

⁴⁰ This witness reported the bus driver mistakenly drove through the Folsom Street Fair.

⁴¹ As discussed below, the Athletics Director and Human Resources disciplined the Assistant Coach with a suspension.

Head Coach reports that had he been involved in the discipline process, he would have terminated the Assistant Coach for his behavior. When this Head Coach had the opportunity to discipline another Assistant Coach for asking players to lie, he terminated that Assistant Coach.⁴²

Ultimately, it appears that when this Head Coach was aware of egregious behavior and given the authority to act, he did impose discipline. For example, one particular player was well-known to witnesses for overt disrespect of others, regularly referring to women as “cunts” and “whores,” “slut shaming” women who had sexual encounters with players, using homophobic slurs, and verbally assaulting others, including women. This Head Coach warned the player about his conduct, in particular when he used an offensive term to refer to a female referee. Subsequently, this Head Coach removed this starting player from the team after he continued to ignore the Head Coach's warnings and used an offensive term to refer to an assistant coach. An Assistant Coach reports that the Head Coach also removed another starting player after that player continually talked back to the coaches.

b. The Head Coach who led the team for five seasons appears to have been focused on winning and less on setting strict parameters for off the field behavior but he did address egregious behavior

Although this Head Coach reports otherwise, a number of witnesses state that he was more focused on winning than on developing the players as well-rounded men.⁴³ The team had just suffered a nine-season losing streak when the Athletics Director hired this new Head Coach to turn that losing streak around and regain the team's footing as a national contender. This Head Coach reports understanding that winning should be his primary concern.⁴⁴

⁴² The Assistant Coach who was terminated for lying had previously received a DUI while traveling with the team; the Athletics Director suspended the coach for that incident. This Head Coach was not involved in the disciplinary decision to suspend the coach for the DUI but supported the decision.

⁴³ Witnesses report this approach was a departure from the former Head Coach's style of developing players. The few witnesses who cooperated in this investigation who could attest to the style of the Head Coach who led the team through 2013 report that he was a disciplinarian who had high expectations of players on and off the field and focused on developing each player as a whole person, rather than preparing the player to become a professional athlete. Witnesses also report the team environment was less competitive, which resulted in a number of losing seasons for the team.

⁴⁴ He reports that on one occasion, the then Athletics Director communicated to him that he needed to “stop making excuses and just win,” and that on another occasion, when this Head Coach brought up noise complaints about players in the dorms, the Athletics Director told him to focus more on the team winning.

Consistent with such, multiple witnesses report that this Head Coach recruited players to win and appeared to give limited consideration to how these players might impact the culture of the team. This reportedly resulted in some players joining the team who were “entitled, rude, cocky and arrogant.” Notably, the former Athletics Director during this time period reports that the Head Coach “was a great recruiter,” seemingly confirming an emphasis on winning rather than on the character of soccer players.

Witnesses also report that this Head Coach treated players as professional athletes rather than student athletes, giving them leeway to make off the field decisions about their behavior. For example, the Head Coach did not prohibit drinking or partying during the soccer season. The Head Coach reports that he felt having “dry seasons” did not work; rather, he believes those players that drink too much reveal themselves on the field. This Head Coach expressed the attitude that the players are “going to do what they’re going to do at night.”

That said, although this Head Coach did not set strict parameters for partying, another coach reports he disciplined players for not completing their required study hall hours. This Head Coach and the Athletics Director at the time report the team’s GPAs and graduation rates increased under this Head Coach’s leadership. This Head Coach further reports that when the team started winning games, it brought increased attendance to the games and a growing community around soccer, including the development of youth soccer camps.

In sum, this Head Coach was hired to turn around the team’s nine-season losing streak; he accomplished that. It is plausible that this Head Coach’s emphasis on winning (rather than developing players as well-rounded men) was consistent with the expectations placed on him to regain national contender status for the soccer team. That said, the facts reveal that although this Head Coach focused on winning and may not have set clear parameters for players’ off the field behavior, when egregious behavior was brought to his attention, he removed valuable players from the team without regard for their playing abilities.

c. The facts reveal that the soccer house was a party house, but insufficient facts exist to substantiate the rumor that it was a location for incidents of sexual assault

A number of different players lived at “the soccer house” over the past decade. The frequency of drinking and partying by some soccer players appears to have perpetuated rumors about “the soccer house.” Witnesses report hearing that the “soccer house” was a location in which incidents of sexual assault frequently occurred. The facts gathered during our investigation reveal that the soccer house was a party house but do not substantiate the rumor that it was the location for incidents of sexual assault.

Witnesses (male and female) who frequented soccer house parties report never witnessing or hearing about any sexual misconduct occurring there. One female witness who attended numerous parties notes that incidents of cheating, relationship fights and/or

disrespectful behavior did arise at soccer house parties, but she is unaware of any cases of sexual assault. In more recent years, a number of witnesses report heavy drinking and some drug usage (marijuana and cocaine) at soccer house parties. In addition, some witnesses report that older players required younger players to invite attractive freshman girls to these parties. Soccer players deny any predatory motive in that directive, noting that most college guys want girls to attend their parties, particularly girls they had not yet met.

The Head Coach who led the team for five seasons until March 2019 was aware that some soccer players lived in the "soccer house" because the rent was inexpensive, and he was aware that it was a party house. He states he did not learn of concerning incidents related to soccer parties but discouraged players from living there because some had a hard time studying or sleeping in that environment. One witness reports hearing that this Head Coach talked to the players about noise complaints he received about the house.

While the facts reveal that frequent partying occurred at the "soccer house," insufficient facts exist to substantiate rumors that sexual assault occurred at the house or that the Head Coach was aware of or condoned concerning behavior.

d. It appears the team's current Head Coach is focused on individual and team character and behavior

The facts gathered during this investigation demonstrate that the current Head Coach was hired in part to rebuild and improve the culture of the men's soccer team. While he has led the team through only one season, witnesses, including current players, report that the current Head Coach brings a strong focus on individual character and team culture to his coaching style.

The current Head Coach reports that character is a primary focus of his approach to recruiting and player retention. We note that the current Head Coach asked some top scoring players to leave because he believed they were not meeting his cultural expectations of accountability, positivity, and less entitled attitudes that put team before individual player. Further, once the current Head Coach and Athletics Department administrators heard of July 2020 allegations regarding the soccer house, the current Head Coach was instructed to dismantle it, which he promptly did.

One player reports the current Head Coach has expressed his intolerance for locker room talk. Another player reports the current Head Coach makes efforts to create a positive team environment and has expressed his zero-tolerance policy of sexual misconduct. This likely contributed to a player deciding he was ready to come out as gay to the team. Multiple witnesses report that teammates and coaches reacted supportively to this player's announcement.

The current Head Coach has also twice imposed interim suspensions for players accused of sexual misconduct. He has made attempts to integrate the men's soccer team

into the USF community by having the players attend other sporting events and attend events involving other groups (such as international students). While recently the soccer team was able to meet only remotely due to the COVID-19 pandemic, the current Head Coach led Zoom meetings with the team (and invited guest speakers) that focused on team culture, self-improvement, and holistic player development.

Thus, in sum, the facts reveal that while a few players engaged in disrespectful talk about women and LGBTQIA individuals, such commentary does not appear pervasive among the team as a whole. Although one former Head Coach did not strictly monitor off the field behavior of soccer players, he addressed egregious behavior, and disrespectful behavior toward women and others was not pervasive under his leadership. The facts also demonstrate that the current Head Coach is focused on individual player behavior and character, the culture of the team as a whole, and the soccer team's role in the community.

B. Investigative Findings: Consistent with its policies and procedures, USF responded to reported instances of sexual misconduct involving the soccer team and held accountable any soccer players and coaches found responsible for violating USF's sexual misconduct policies

The facts gathered during our investigation demonstrate that USF responded to reported allegations of sexual misconduct involving soccer players, and consistent with its policies and procedures, held soccer players accountable who were found to have violated USF's sexual misconduct policies.

As noted above, prior to July 2020 (when allegations about the soccer team arose on social media and in an online petition), three cases involving six named soccer players were reported to USF (one case involved four players) over the past decade. In each of those cases, USF held the soccer players accountable and imposed discipline. USF received one additional report about a soccer player during this time period, but USF was unable to investigate this allegation because the complainant chose not to proceed and the name of the soccer player was not reported. Thus, the facts do not demonstrate that USF had reason to believe sexual misconduct was pervasive within the men's soccer team over the past decade, or that USF dismissed or ignored any allegations against soccer players.

Misinformation concerning the facts of the relevant cases is widespread within the USF community, which has contributed to a broadly held misperception that soccer players commonly commit sexual assault or are "rapists", and that USF does not hold soccer players accountable; we recognize it is plausible that this misrepresentation may have dissuaded some complainants from coming forward. USF's obligation to protect the privacy and confidentiality of those involved has prevented the school from publicly communicating facts that could dispel misinformation.

A number of factors have contributed to the perception among students that USF "does nothing" about alleged sexual misconduct involving soccer players. These factors

include inaccurate rumors about the facts of the relevant incidents, a lack of awareness that a survivor may have chosen not to proceed in a Title IX investigation or that a female student may have consented to a sexual encounter, a lack of understanding of the Title IX sanctions process, and/or a lack of communication within the Athletics Department about a Title IX outcome. The facts reveal this lack of communication within the Athletics Department stemmed from an effort to keep the matter confidential, not a desire to protect an athlete from being held accountable.

Finally, an analysis of sanctions imposed on non-athletes and student-athletes for similar sexual misconduct demonstrates that USF has imposed consistent sanctions on non-athletes and student-athletes alike, and in some cases has imposed more severe sanctions on student-athletes.

1. USF removed four players from the soccer team in response to a February 2012 report of sexual misconduct

Alleged sexual misconduct involving four members of the USF men's soccer team who participated in incidents of group sex in 2009-2010 was reported in February 2012, shortly after USF's new Title IX coordinators completed training with ATIXA and were in the early stages of developing USF's Title IX program. The individuals who reported the alleged misconduct were not directly involved in the alleged incidents. The three women involved in the incidents did not report any alleged misconduct to USF.⁴⁵

USF promptly assembled a team to investigate the allegations and determine next steps.⁴⁶ Over five weeks, USF's investigators interviewed reported survivors, witnesses and soccer players. Following these interviews and with input from the investigation team, USF's Athletics Director permanently removed three of the players from the soccer team; he suspended the other player. At the time, USF communicated that the Athletics Director removed the soccer players from the team based on their failure to uphold the standard expected of student-athletes, the shame the players brought on the soccer team, and the impact of the players' behavior on the USF community.

With input from the investigation team, OSCRR's Director also charged three of the four soccer players under USF's Code of Student Conduct with intimidation, coercion, degrading behavior and other lesser procedural violations (failure to comply, general violation, and aiding and abetting). The fourth player was not charged with

⁴⁵ At the time USF learned of the allegations involving group sex, a meme surfaced on Facebook depicting a toddler making a victory gesture with the statement, "went to soccer party, didn't get raped." USF investigated the origins of this meme and learned from its creator that he did not have any knowledge that any individual experienced sexual assault at a soccer party. Rather, USF learned that the creator of the meme posted it after he was denied access to a soccer party and his girlfriend was admitted.

⁴⁶ USF witnesses (and we) note that Title IX procedures at USF and on the federal level were evolving at this time, and that aspects of this investigation may have been handled differently if it arose at a later time.

intimidation or coercion based on his lesser involvement in the incidents at issue. OSCRR's Director ultimately did not find any of the players responsible for intimidation, coercion or degrading behavior and found all four responsible for the lesser procedural violations. He sanctioned the players with a written reprimand, a reflection paper and community service.⁴⁷

The USF investigators interviewed the women involved but none of the women were willing to participate in USF's formal grievance procedure. Further, two of the women involved in these incidents indicated that they consented to incidents of group sex with soccer players. The third woman indicated that although she willingly participated in some aspects of a sexual interaction with one soccer player, she was not comfortable when other soccer players joined but participated because she was intoxicated. Although this survivor provided a statement of what occurred to USF and to the San Francisco Police Department (which USF called based on information received from the survivor), she informed USF that she was not willing to participate in USF's formal conduct process.

Based on information gathered during our investigation, it appears that the four soccer players were not charged with sexual misconduct and other related charges under USF's Conduct Code for two reasons.

First, as noted, all but one of the women involved indicated that they consented to participate in group sex. Consensual group sex is not a violation of USF's Code of Conduct.

Second, although the testimony of one survivor raised questions about whether she consented to all aspects of a group sex interaction, USF decided to respect the wishes of that survivor not to proceed with formal charges of sexual misconduct based on the survivor's expressed desire to not proceed. USF witnesses who respond to reports of sexual misconduct indicate that USF places importance on respecting the wishes and privacy of impacted parties. Because a respondent in a conduct proceeding has the right to review the evidence against them, all evidence regarding the survivor's allegations cannot be kept confidential within the context of a grievance proceeding. Thus, it appears likely that USF chose not to pursue charges of sexual misconduct based on this survivor's testimony in order to respect her wishes.⁴⁸

Nonetheless, USF pursued charges of intimidation, coercion, and degrading behavior against three of the soccer players despite the lack of cooperation of the women involved. Witnesses report that USF pursued these charges because USF concluded the

⁴⁷ At the time, USF did not have a practice of preparing written investigation reports or memos regarding the basis for its findings or sanctions.

⁴⁸ This survivor told us that USF did not notify her about the outcome of USF's investigation. Because this survivor chose not to participate in USF's grievance process, there was no procedure to provide such notification.

soccer players' conduct met the elements of those charges. The OSCRR Director notes that because the involved women did not participate in USF's grievance process, USF was not able to use the statements provided by those women as evidence against the soccer players. Accordingly, it appears that without those statements, USF lacked evidence to find the soccer players responsible for these charges. Ultimately, USF's Office of Student Conduct imposed minimal sanctions because the soccer players were found responsible for relatively minor violations (failure to comply, general violation, and aiding and abetting).

The fact that evidentiary and procedural limitations in this case prevented USF's Office of Student Conduct from imposing more severe sanctions on the involved soccer players does not demonstrate that USF failed to hold the soccer players accountable. Rather, recognizing that the Athletics Department is not bound by the same evidentiary and procedural limitations, the investigation team and the Athletics Director decided to remove three of the men from the soccer team (and suspended one). This demonstrates that USF imposed a severe consequence that was of great significance to the soccer players involved.⁴⁹

2. In 2015, USF sanctioned a soccer player for nonconsensual sexual touching, but the Athletics Director did not share this information with the Head Coach and other key Athletics Department staff

In October 2015, a former USF soccer player who now plays professional soccer was accused of nonconsensual sexual touching. In December 2015, USF's Title IX Coordinator found this soccer player responsible for violating USF's sexual misconduct policy. The Director of OSCRR imposed the following sanctions in December 2015:

- University Probation until May 2017. University probation puts the student in poor standing with the school; any similar or more severe violations will result in suspension or expulsion. University probation impacts a student's eligibility to participate in certain University-sponsored programs or services and to serve in leadership positions. Pursuant to the Athletics Department's policies, a student on university probation is not ineligible to participate in athletics. However, USF's Student-Athlete Handbook states that the Athletics Department reserves the right to impose additional sanctions for violations of USF's sexual misconduct policy.
- Deferred Suspension until May 2016. In lieu of suspension, the University gives the student the opportunity to demonstrate his ability to abide by the University's expectations of behavior articulated in the Student Handbook. A

⁴⁹ One of the soccer players subsequently sued USF for claims related to his removal from the soccer team; USF prevailed at trial.

violation of any University policy or failure to complete or comply with any conditions or sanctions will result in immediate suspension.⁵⁰

- The soccer player was relocated to new student housing due to the nature of the violation and the impact on the other student involved.⁵¹
- The soccer player was required to attend an initial assessment session with a counselor in CAPS, with follow-up sessions to be determined.
- OSCRR indicated it would notify the soccer player's coach and Athletics Director of the violations.
- The soccer player was required to participate in a mandatory gender-based initial assessment meeting with the Co-Director of the Cultural Centers at USF to discuss issues related to masculinity, gender roles and responsibilities, with follow up sessions to be determined. The soccer player was also required to write a reflection paper, which he completed in March 2016.

⁵⁰ Some administration witnesses describe deferred suspensions as an opportunity for students to demonstrate that USF was justified in providing the student a second chance in appropriate circumstances, consistent with the Jesuit philosophy of developing a whole person. One current administration witness was not supportive of deferred suspension sanctions.

⁵¹ The soccer player was not relocated to alternate housing while the investigation was pending. The complainant, who lived in the same residence hall as the soccer player, initially did not request that the soccer player be moved and declined an offer of alternate housing. Subsequently, she did indicate that she would like the soccer player to be moved and again declined an offer of alternate housing. Relevant documents indicate that the Title IX office did not request an interim sanction of alternate housing for the respondent.

Documents also demonstrate that a few months following the Title IX outcome, the complainant requested the Title IX coordinator assist her in obtaining housing in a USF apartment complex. In response, the Title IX Coordinator asked the survivor whether the respondent could also live in that same complex if he was housed in a different building of the complex. In an email, the Title IX Coordinator stated that she wanted to ensure the respondent was not housed "too near" the survivor; the survivor reported to us that the complex is very small and that the respondent living in any building of the complex would be too close. The survivor had decided to transfer to another school but found it problematic that the respondent might be housed within the same apartment complex.

USF does not currently have a process to track housing of students who were previously involved in Title IX proceedings to ensure they are not housed near each other at any point in time after their case has closed. One administration witness observed that it might be a good idea for USF to coordinate such a process for housing assignments.

The complainant appealed on grounds of procedural irregularity to request harsher sanctions. The University Appeals Board determined there was no procedural irregularity.⁵²

a. The facts reveal that USF has not issued more lenient sanctions to soccer players (including this soccer player)

The Director of OSCRR reports that contrary to a widely held perception that soccer players or other athletes receive preferential treatment in misconduct cases, athletes are in fact held to a higher standard of conduct as ambassadors for USF. The OSCRR Director states that during his fifteen-year tenure at USF, a coach or Athletics Director has never asked that an athlete receive lenient treatment for misconduct. Facts gathered during our investigation demonstrate that USF did not issue more lenient sanctions to this soccer player.

Sanctions in Title IX cases are imposed on a case-by-case basis; in other words, USF does not follow a written guideline or matrix for the application of sanctions in such cases.⁵³ Nonetheless, the sanctions imposed against the soccer player in this 2015 case appear consistent with the sanctions imposed against non-student-athletes for similar conduct violations. For comparison purposes, we reviewed the charges and sanctions in

⁵² We note that due to an apparent oversight, the soccer player's Title IX outcome letter and OSCRR sanctions letter did not specifically address the soccer player's violation of a no contact order (the Title IX report noted that the soccer player unsuccessfully requested a third party to convince the complainant to drop her complaint and thus found the player violated the no contact order). The Director of OSCRR reports that even if sanctions had been imposed for the no contact order violation, the severity of the sanctions would not have increased. The Director of OSCRR believes the sanctions imposed were appropriate under the circumstances, even if the violation of the no contact order had been considered.

Following review of relevant conduct cases, we did not discover any other cases involving a violation of a no contact order in a case involving sexual misconduct. We are aware of two other non-athlete cases involving violations of no contact orders along with other Code of Conduct violations that resulted in suspension of the students. According to the Director of OSCRR, both students would have been suspended regardless of whether they also violated a no contact order. Although some administrative witnesses report that a no contact order violation could increase sanctions in some cases, it does not appear that the soccer player respondent received more favorable treatment than other respondents who violated no contact orders. These cases reveal that the soccer player respondent and two non-athlete respondents all received sanctions based on their conduct violations, and their no contact order violations did not increase the severity of their sanctions.

⁵³ OSCRR follows a sanctions grid for alcohol violations. The Director of OSCRR explains he created this grid to achieve greater consistency in the sanctioning process for lesser alcohol-related offenses, which often arise in USF's residence halls and typically are adjudicated by residence hall staff. The OSCRR Director reports he is considering a sanctions grid for other conduct offenses. However, as noted, sexual misconduct sanctions are imposed by a hearing panel under current federal Title IX regulations.

seven cases involving nonconsensual sexual misconduct from 2015-2020 (four of these cases involved alleged nonconsensual sexual contact and three involved alleged nonconsensual sexual intercourse). These cases represent the total number of cases (for both athletes and non-athletes) involving findings of sexual misconduct during this period, which represents the five years since USF employed a full-time Title IX Coordinator and since sanctions were imposed against this former soccer player. In each of four cases involving “forcible kissing and/or fondling” (nonconsensual sexual contact), including the case at issue, the respondent received university probation.

In a case involving a non-athlete respondent found responsible for both forcible kissing and fondling (like the soccer player respondent), the non-athlete respondent and soccer player respondent both received deferred suspension, CAPS assessment and educational assignment (like the soccer player respondent).⁵⁴

In another case involving a non-athlete respondent found responsible for forcible kissing and groping (and involving behavior that appears more egregious than the conduct of the soccer player respondent), the respondent received a lesser probationary period and did not receive deferred suspension (unlike the soccer player respondent, who did receive deferred suspension).⁵⁵ Thus, the non-athlete respondent in this case received a lesser sanction than the soccer player respondent, contradicting a conclusion that soccer players receive preferential treatment or are not held accountable because of their status as athletes.

Based on our review of relevant documents and interviews with employees involved in determining sanctions for sexual misconduct during the 2015-2020 timeframe, we conclude that in cases involving nonconsensual sexual contact but not sexual intercourse, both athlete and non-athlete respondents received university probation and sometimes deferred suspensions. Witnesses with knowledge of USF's policies and practices for sanctions for sexual misconduct explain that there is always an educational and developmental component to sanctioning, aligned with USF's mission of developing the whole person. These witnesses report that USF's goal is to hold the respondent accountable, and to ensure the respondent learns from the incident and modifies their behavior in the future. Although not articulated in a written policy, it appears that it is USF's sanctions practice to avoid suspending or expelling a student for nonconsensual sexual touching (rather than sexual intercourse), in the absence of a subsequent violation during a probationary period.

Between 2015-2020, USF's Office of Student Conduct imposed sanctions in three cases involving nonconsensual sexual intercourse. The only student suspended for

⁵⁴ As noted, the soccer player respondent also received an athletics notification sanction.

⁵⁵ In comparing the behavior of the non-athlete respondent and soccer player respondent, we do not intend to minimize or question the significant impact of the soccer player's behavior. Rather, we examined the data to determine if it reveals that soccer players receive lesser sanctions, as alleged.

nonconsensual sexual intercourse was a soccer player who was suspended in August 2019 (addressed below).⁵⁶

Thus, our comparison of cases in which USF imposed sanctions for sexual misconduct between 2015-2020 demonstrates that soccer players (including this soccer player who now plays professionally) have not received lesser sanctions than non-athletes for similar misconduct. Rather, the available cases demonstrate that sanctions imposed on soccer players are consistent with or more severe than sanctions imposed on non-athletes.

b. Lack of communication regarding the outcome and sanctions in this soccer player's case created the perception of a lack of accountability

Once this soccer player was found responsible for violating USF's sexual misconduct policy, he was advised that OSCRR would notify his coach and the Athletics Director. Documents and witness testimony confirm that two Athletics Directors were aware that the soccer player was found responsible for nonconsensual sexual touching (neither is currently employed at USF). However, the facts reveal that the soccer player's coaching team, including the Head Coach, was not informed that the soccer player was found responsible for violating USF's sexual misconduct policy or that USF imposed sanctions on the player. Further, the player's practice logs (provided to us by the Athletics Department) demonstrate that the Athletics Department did not remove the soccer player from any practices or games during the spring season of 2016, which began in February 2016 (two months after the player was found responsible for sexual misconduct).⁵⁷

Although the language of the athletics notification provision in sanctions letters indicates that both the Athletics Director and coach will be notified, the OSCRR Director reports that in practice OSCRR only notifies the Athletics Director. The OSCRR Director reports that historically athletics directors have asked that OSCRR notify the

⁵⁶ One non-athlete respondent accepted responsibility for digital penetration and received disciplinary probation, a warning, CAPS assessment and an educational assignment. A second non-athlete respondent who had completed their studies was found responsible for digital penetration; USF held the respondent's degree and transcripts until completion of an off-campus counseling assessment and education assignment.

⁵⁷ The complainant in this case reported that when another individual asked the former Athletics Director to have the soccer player respondent removed from athletic events at which the complainant would be present, the former Athletics Director allegedly replied that there was nothing he could do unless the respondent acted physically. The facts do not substantiate this allegation. The former Athletics Director has no memory of such a request or conversation. Additionally, documents demonstrate that the complainant reported during the Title IX process that she was not uncomfortable with the respondent's presence at athletic events at which she was also present. Finally, the Title IX Coordinator at the time also reports that the complainant did not request that the respondent not attend such athletic events.

Athletics Director of outcomes and sanctions, and that OSCRR permit the Athletics Director to determine who to notify within the Athletics Department.

The Athletics Director at the time recalls being alerted to the outcome of this Title IX matter and does not recall discussing the outcome or the player's behavior with the Head Coach at the time. As noted, this approach directly contradicts OSCRR's sanctions notification letter, which specifies that the coach will be notified of a Title IX outcome and sanction. The current Athletics Director, the current Executive Senior Associate Athletics Director, a former Senior Associate Athletics Director, the Head Coach at the time and two assistant coaches at the time all report they were not aware that the soccer player was found responsible for sexual misconduct until the social media disclosures and petition of July 2020.⁵⁸ However, given that the December 2015 sanctions letter specifically stated that the soccer player's coach would be notified, there appears to be no policy reason why the former Head Coach was not informed.

The former Athletics Director states it is his understanding that Title IX matters are treated as confidential and he would not divulge information about them to a player's coach.⁵⁹ These facts tend to show that the former Athletics Director's failure to communicate this Title IX outcome to this player's former Head Coach and key Athletics Department administration employees stemmed from his belief that Title IX matters should be kept strictly confidential. We are not aware of any facts demonstrating that the former Athletics Director's failure to communicate was motivated by a desire to protect the soccer player involved from being held accountable.

Nonetheless, multiple witnesses agree it is problematic that the former Head Coach was not informed that one of his players was found responsible for sexual misconduct. Without access to this information, the former Head Coach was not provided the opportunity to engage with the player about his behavior or to impose discipline on the player. This restricted the former Head Coach's ability to take actions in support of a respectful team culture, and likely contributed to a perception that soccer players are not held accountable for sexual misconduct.

This former Head Coach states that he would have removed the soccer player from the team if he had known that the player was found responsible for nonconsensual sexual touching. As addressed above, the facts demonstrate that when this former Head Coach was aware that a soccer player or coach behaved egregiously, he took action. As

⁵⁸ A former employee who served in an Athletics Director role in the 2015-2016 period did not participate in this investigation. Documents indicate this former Athletics Director was aware of the outcome of this player's Title IX proceeding.

⁵⁹ USF's current Title IX Policy states, "The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA) . . . The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy."

previously noted, the former Head Coach terminated an assistant coach for asking players to lie for him and removed a player from the team for repeatedly using offensive and derogatory insults. Thus, we find it likely that had the former Head Coach been aware that the soccer player was found responsible for sexual misconduct, he would have taken some disciplinary action.

The former Athletics Director states he recalls the soccer player at issue was suspended from spring competition; however, as noted, documents and other witnesses confirm that the player was not suspended from any practices or games during the spring season following the outcome of his Title IX proceeding.⁶⁰

The former Athletics Director states that the Athletics Department could and would impose additional discipline in appropriate circumstances, and the Student-Athlete Handbook specifically states that the Athletics Department reserves the right to impose additional sanctions for violations of USF's sexual misconduct policy. However, multiple witnesses report that following the 2012 matter addressed above (and a lawsuit that followed, which named this Athletics Director as a defendant), the former Athletics Director regularly communicated to his staff that it was the policy of the Athletics Department to defer to the University on discipline issues. These witnesses surmise that because USF did not suspend the soccer player when he was found responsible in December 2015, the former Athletics Director may have been reticent to suspend the soccer player from spring competition.

We did not uncover any facts demonstrating that the former Athletics Director's possible reticence to impose additional discipline on this former soccer player was motivated by a desire to protect the soccer player from being held accountable or from losing playing time. Rather, it seems more likely the former Athletics Director chose to defer to OSCRR to impose sanctions.

Consequently, although USF's Office of Conduct imposed sanctions on this soccer player consistent with those imposed on non-athletes for similar conduct (as addressed above), the player's continued participation on the soccer team during the spring season immediately following the conclusion of his Title IX proceeding created the perception that the player received no meaningful consequences for his actions. In short, the fact that the soccer player did not miss playing time during the spring season contributed to the perception that soccer players are not held accountable for sexual misconduct. It is possible this perception has dissuaded some survivors from coming forward.

⁶⁰ Based on witness testimony, it is possible that the soccer player may have been suspended from the team for a brief period in January and/or February 2016 prior to the start of the 2016 spring season, but he participated in practices and games during the entire spring season (and the following fall season).

- c. For the remainder of this soccer player's tenure at USF, the lack of communication within the Athletics Department about the outcome of his Title IX case continued to contribute to a misperception that this soccer player was not held accountable for sexual misconduct**

In August 2017, the Title IX Coordinator at the time (who is no longer a USF employee) informed the Deputy Title IX Coordinator for Athletics at the time (also no longer a USF employee) that freshman women had complained to an RA that this soccer player was contacting them on social media and making them uncomfortable. The former Deputy Title IX Coordinator for Athletics believes he spoke to the soccer player about this report but does not recall specifically what was discussed. The former Deputy Title IX Coordinator for Athletics does not recall whether he spoke to the former Head Coach about this conduct; however, the former Head Coach believes that the former Deputy Title IX Coordinator for Athletics in passing mentioned that the soccer player was reaching out to female students on social media.

The facts are insufficient to demonstrate that the former Deputy Title IX Coordinator for Athletics communicated concern to the soccer player or reprimanded the soccer player in response to the conduct reported in August 2017. While reaching out to female students on social media is not a violation of USF's sexual misconduct policy, had the former Deputy Title IX Coordinator for Athletics and the former Head Coach been aware of the soccer player's prior sexual misconduct violation and the fact that the soccer player's probationary period had ended only three months earlier (in May 2017), they may have viewed the player's actions differently and considered disciplinary action and/or additional educational guidance for the player.

The Title IX Coordinator at the time states that because she regarded the reported conduct as relatively minor, she did not request more information from the female students who reported the conduct to an RA; nor did she follow up with the soccer player. Instead, she left the matter to the former Deputy Title IX Coordinator for Athletics.

Both the current Vice President of Student Life and the OSCRR Director were not aware of the August 2017 behavior at the time it was reported. They each report they would expect the Title IX Coordinator to attempt to reach out to the female students to find out more information about what the soccer player had communicated and whether the female students needed support. The OSCRR Director notes that especially given the soccer player's history (which the former Title IX Coordinator knew from Maxient), he would expect the Title IX Coordinator to gather more information about what occurred. The OSCRR Director feels that even if the conduct did not violate USF's policies, a conversation with the soccer player communicating concern about his behavior would be appropriate. Thus, the facts reveal it would have been appropriate for the former Title IX Coordinator to follow up on this complaint more thoroughly, particularly in view of this soccer player's history of behavior. Lack of action in response to such a complaint could have further contributed to the perception that soccer players are not held accountable for conduct that could violate USF's sexual misconduct policies.

Also in Fall 2017, the former Head Coach instructed the Athletics Department's Director of Creative Video to wait on releasing a thirty-minute video featuring this soccer player. The former Head Coach states he believes he requested this hold after hearing from the former Deputy Title IX Coordinator for Athletics that the soccer player was reaching out to female students on social media. In December 2017, having heard nothing further about the player's conduct, the former Head Coach approved airing of the video feature.

Had the former Head Coach been aware that the soccer player was found responsible for sexual misconduct in December 2015, it seems unlikely the former Head Coach would have supported a video feature of the soccer player. Further, it is likely this video feature contributed to the perception that USF does not hold soccer players accountable for their misconduct.

Similarly, in Fall 2017, the current Executive Senior Associate Athletics Director told certain employees involved in the Athletics Department's marketing efforts not to gossip or start rumors regarding this soccer player after he heard the employees talking about the soccer player engaging in sexually inappropriate behavior. With no awareness of the outcome of this soccer player's 2015 Title IX case, he expressed his disapproval of gossip to these employees. These employees report that the Executive Senior Associate Athletics Director's reaction left them with the impression that he was covering up and excusing the soccer player's bad behavior.

It is understandable that these employees were left with the impression of a cover-up. However, given that multiple employees in the Athletics Department report that they were unaware that this soccer player was found responsible and sanctioned in a Title IX matter, the Executive Senior Associate Athletics Director is credible when he reports that he responded to what he regarded as unsubstantiated gossip, and was not attempting a cover-up. He states that while he understands privacy is important in Title IX cases, a gap in knowledge about cases that impact the Athletics Department is problematic because it leaves him unable to respond appropriately when questions arise that require a response.

In sum, the fact that key Athletics Department administrators and the men's soccer Head Coach were unaware of the outcome of the soccer player's 2015 Title IX proceeding left them without necessary information to effectively address questions and situations that arose related to the soccer player's conduct. This, in turn, created the inaccurate perception that the Athletics Department (and USF by extension) swept a serious complaint under the rug and failed to hold the soccer player accountable. Additionally, the fact that the player did not miss any practices or games in the spring season of 2016 compounded this perception.⁶¹

⁶¹ The soccer player involved did not participate in an interview. However, he told us that he believes the Title IX process was "proper and good," and that he has since learned from this case.

3. The Athletics Department did not include the Head Coach in disciplining an Assistant Coach who shared with a soccer player a video of a nude woman in Fall 2017

In the fall of 2017, while traveling with the men's soccer team, an Assistant Coach shared with a soccer player a video depicting a nude woman after observing that soccer player showing lewd material to other players. In conjunction with USF's Human Resources department, the Athletics Director suspended this Assistant Coach for ten days. The Assistant Coach also reports he was required to apologize to the team for behavior that required suspension (without referencing the specific behavior).

The facts demonstrate this course of discipline was chosen because it was consistent with another recent disciplinary decision.⁶² Four witnesses, including the former Head Coach and the current Athletics Director, report they felt this discipline was too weak. However, these witnesses also observed that following this incident and after being given another chance, this Assistant Coach showed considerable maturation. These witnesses note that this outcome is consistent with USF's Jesuit principles of assisting individuals to develop into their best selves. As previously noted, the Head Coach was not included in this disciplinary decision; he learned about the behavior and discipline from the Assistant Coach.

Similar to the perception that arose following the case of the former soccer player discussed immediately above, it is possible that the decision to suspend rather than terminate this Assistant Coach communicated to players that the Head Coach and the Athletics Department did not have a zero-tolerance policy for such behavior. Further the fact that the Head Coach was not involved in the disciplinary decision (or even notified of the incident) could have hindered him in setting behavior expectations for his staff, his players, and the team.

4. In August 2019, USF found a soccer player responsible for nonconsensual sexual intercourse and subsequently suspended the player

In response to a complainant's report in October of 2018 that she was raped by a soccer player, USF's interim Title IX Coordinator met with the complainant and initiated an investigation. Of note, during the investigation, the complainant asked about possible "protections" the soccer player might have as a student-athlete; the interim Title IX Coordinator assured the complainant that the soccer player was not entitled to any special privileges.

Following the investigation, the interim Title IX Coordinator concluded in a December 2018 report that the soccer player was responsible for violating USF's sexual

⁶² As previously noted, a week or two prior, another men's soccer Assistant Coach was suspended for receiving a DUI while traveling with the team.

misconduct policy. The interim Title IX Coordinator sent her findings to the Office of Student Conduct for sanctions to be imposed.

After findings were issued but before OSCRR issued sanctions, a January 2019 California Court of Appeal case held that students facing severe disciplinary sanctions are entitled to a hearing before a neutral adjudicator and are entitled to cross-examine witnesses. As a result, USF was forced to vacate its finding in this case pending USF formulating a new Title IX hearing policy in compliance with the Court of Appeal's decision. The vacating of the December 2018 finding meant that the finding was nullified; between January 2019 and August 2019 (the new Title IX hearing date), charges remained pending against the soccer player without a finding of responsibility.⁶³

Although USF's Sexual Misconduct policy provides that the University may impose an interim suspension on a student pending the completion of an investigation, witnesses involved in addressing student misconduct report that interim suspension is generally employed only where there is concern the student might harm themselves or others. Without such evidence in this case, no interim suspension was issued against this player.

In May 2019, after the complainant confirmed she wanted to proceed under USF's new hearing process, USF began coordinating a hearing date. Due to the students' unavailability, the hearing did not take place until August 2019. A three-person hearing panel concluded that the soccer player was responsible for engaging in nonconsensual sexual intercourse and suspended the soccer player from USF for a period of one year. The soccer player appealed the decision, and his appeal was denied.

The facts demonstrate that until July 2019, the current Head Coach was not aware that this soccer player was facing a Title IX case, that there had been a finding in this soccer player's Title IX case in December 2018, or that the December 2018 decision was vacated. As noted, during this period, the Title IX Coordinator's finding of responsibility against the soccer player was void as a result of the California Court of Appeal's decision. Further, during the spring of 2019, the soccer team was without a Head Coach and the Deputy Athletics Title IX Coordinator role was vacant. Between January 2019 and July 2019, the soccer player continued playing with the USF men's soccer team.

In July 2019, once the current Head Coach had arrived at USF after moving to San Francisco and returning from recruiting-related travel, the Title IX Coordinator informed him that the soccer player was facing allegations for a violation of the sexual misconduct policy and would need to participate in a hearing in August. With the current

⁶³ In October 2018, the interim Title IX Coordinator notified the Athletics Department's then Deputy Title IX Coordinator of a potential investigation involving the soccer player. This employee left USF in March 2019 and reports he does not recall learning of an outcome in this soccer player's Title IX matter before his departure. We did not learn of any other Athletics Department employees who were notified of the December 2018 finding that was vacated.

Athletics Director's support, the current Head Coach immediately suspended the soccer player from participating in team practices and games pending the hearing. After USF suspended the soccer player following the August 2019 hearing, he left USF.⁶⁴

The procedural delay caused by the California Court of Appeal's January 2019 hearing delayed USF's ability to discipline the soccer player. However, the facts demonstrate that USF did not give preferential treatment to this soccer player because of his status as a student-athlete. Rather, USF found the soccer player responsible for sexual misconduct and imposed serious consequences that the hearing panel determined were appropriate to the conduct, resulting in the soccer player leaving the university. Further, when the current Head Coach first learned that the player was facing charges of serious sexual misconduct, he suspended the player from the team, with the support of the current Athletics Director.⁶⁵

5. Title IX did not investigate a former student's November 2018 case because she did not respond to Title IX's outreach attempts and ultimately indicated she did not want to participate in the Title IX process

Widespread rumors surfaced in the fall of 2018 (and subsequently) that a female freshman student (referenced above as "F18") reported to USF that she was sexually assaulted by a soccer player and that USF did nothing in response, leaving F18 no choice but to leave the school. However, the facts reveal that USF's Title IX office made multiple attempts to engage with F18 about the alleged sexual assault, but she ultimately communicated that she did not want to participate in the Title IX process.

a. It is reasonable that Title IX did not attempt to investigate an unnamed soccer player against a complainant's wishes

In November of 2018, a Resident Advisor informed two officers in USF's Public Safety department that F18, a female freshman, had been sexually assaulted by a soccer player who also lived in the same dorm; the RA did not provide the name of the soccer

⁶⁴ Some witnesses observed that this soccer player, who was an international recruit, may have benefitted from training focused on differing cultural norms about sexual relationships and consent in the United States.

⁶⁵ In a July 17, 2020 communication from USF's President to the USF community, USF stated that "[a]ny student, including a student athlete, who is found responsible for sexual misconduct or sexual assault will now be immediately removed from university-sponsored, non-academic activities and intercollegiate athletics." USF's President states that "removal" is intended to refer to an immediate interim suspension, pending the outcome of the investigation. However, this interpretation differs from the plain language of the statement. Administration and Title IX employee witnesses acknowledge a lack of clarity around the meaning and implementation of this statement. They note that if the statement refers to "removal" following a finding of responsibility, it does not appear to account for the fact that there are varying degrees of sexual misconduct and, as a result, sanctions will vary depending on the nature of the misconduct.

player. Following the meeting, one of the officers emailed the interim Title IX Coordinator with details of the RA's report, which included the name of the RA (but not the name of the female freshman).⁶⁶

It appears the interim Title IX Coordinator discovered the name of the female freshman student shortly thereafter because she opened a Title IX case the next day and sent an outreach letter to F18. The file indicates F18 received that Title IX outreach letter but did not respond. Subsequently, the interim Title IX Coordinator sent a second letter and then a text to F18, but F18 did not respond to any of these three attempts to connect. The interim Title IX Coordinator then marked her files, "no investigation, reluctant victim."

We interviewed F18, who confirms the interim Title IX Coordinator did reach out to her in November 2018; she reports that at the time she told her RA about the incident, she was uncertain about whether she wanted to report the incident to USF.

The Title IX Coordinator reports she was not given the name of this soccer player. F18 reports she may have given the name of the soccer player to the Title IX coordinator in the spring of 2019; however, email communications between the RA involved and the Title IX Coordinator confirm the soccer player was not named.

We considered the fact that although the Title IX Coordinator knew that a soccer player was involved, and on which floor he lived in F18's residence hall, the Title IX Coordinator did not attempt to identify the soccer player involved; nor did she (or the interim Title IX Coordinator) advise the Athletics Department of F18's allegations. Ultimately, we regard it as reasonable that Title IX would not inform the Athletics Department about a case in which the complainant did not wish to pursue investigation against an unnamed soccer player. Further, we are cognizant that USF will not pursue investigation against a survivor's wishes unless the behavior is egregious enough to threaten the larger school community, such as in a case involving a risk of lethality, physical harm or multiple reports involving the same accused.⁶⁷ Although we now know

⁶⁶ The RA who reported F18's incident noted that following that meeting, she felt the public safety officers were not going to do anything with the information she provided. However, as noted, the public safety officers did promptly pass along her information to the interim Title IX coordinator who then attempted to contact F18.

⁶⁷ Additional allegations against this soccer player did not arise until September 2020. The September 2020 complaints were brought after this soccer player had left USF. USF's Sexual Misconduct policy provides that if an accused is no longer a member of the USF community, the University cannot adjudicate claims against him. Rather, the Title IX Coordinator assists the complainant in identifying appropriate campus and local resources and support options and/or contacting law enforcement where appropriate. Accordingly, USF's Title IX office did not investigate these two additional claims; the one woman who reported her incident to USF in September of 2020 was offered resources and support options.

University employee witnesses report there currently is no process or practice to determine whether USF can share Title IX-related information with other schools that an accused student

from F18's participation in this investigation the identity of the soccer player who allegedly sexually assaulted her, it does not appear that USF had this information in the fall of 2018 or the spring of 2019.

b. The facts do not reveal that the current Title IX Coordinator attempted to dissuade F18 from moving forward with an investigation against this soccer player

In the spring of 2019, F18 and her mother met with USF's current Title IX Coordinator. F18's mother reports that while USF was supportive of F18, she believes the accused soccer player received preferential treatment because the Title IX Coordinator communicated that "nothing could be done." The facts do not support such a claim.

F18's mother and the Title IX coordinator provide varying accounts of what was discussed during their spring 2019 meeting. According to F18's mother, the Title IX Coordinator stated that in order to proceed with an investigation, F18 needed to sign a public statement with her allegations, F18 needed to file a police report, and the Title IX Coordinator asked why F18 did not get a "rape kit" (F18 never claimed she was raped).

The Title IX Coordinator denies communicating that a police report was necessary to proceed forward with investigation (a police report is not part of Title IX's process), that the investigation would be public (the process is not public), and states that she did not ask about a rape kit (she is aware that F18 did not claim she was raped). Rather, the Title IX Coordinator states that she explained the investigation process to F18 and her mother, which included advising them that moving forward would include presenting the accused soccer player with F18's claims because the soccer player has a right to know the details of the allegations against him. F18 did not feel comfortable participating in such a process. It is plausible that the Title IX Coordinator's message that the soccer player would be presented with F18's allegations against him felt public to F18 and her mother.

Our review of multiple USF Title IX cases confirms that police reports are not a required part of USF's Title IX process, and that the Title IX process is not public. Further, F18 denies she was ever asked to get a rape kit and she acknowledges that rape was not mentioned during the meeting. Moreover, F18 reports her independent belief that nothing would come of an investigation because F18 did not have any "concrete evidence."

athlete may subsequently attend. We note that beginning in the 2021-2022 school year, the NCAA will require college athlete transfers to disclose to schools whether their conduct has previously resulted in an investigation, discipline through a Title IX proceeding or a criminal conviction for sexual violence. Schools will be required to take reasonable steps to confirm this information.

In sum, the facts demonstrate that the interim Title IX Coordinator made multiple outreach attempts to F18 at the time of the initial report, and the current Title IX Coordinator met with F18 and her mother in the spring of 2019 regarding a potential investigation. F18 decided not to move forward in the process and shortly thereafter transferred to another school.

Thus, the facts gathered during our investigation demonstrate that contrary to widespread rumors that circulated among the student population stemming from this incident, USF took multiple steps to address F18's complaint of sexual misconduct. However, F18 did not wish to participate in USF's Title IX process.

6. A second Fall 2018 report to the Public Safety department about a soccer player in the residence hall was appropriately handled as an anonymous complaint that could not be investigated

In the fall of 2018, a second RA and her Residence Director reported to Public Safety that a friend of a potential survivor told the RA that her survivor friend was sexually assaulted by a soccer player in their dorm (the RA did not know the name of the survivor).⁶⁸ Because the name of the potential survivor was never disclosed, Public Safety and Title IX handled this report as an anonymous complaint that could not be investigated.

This RA and her Residence Director each report that the two Public Safety officers seemed dismissive about the RA's report regarding this soccer player and that one of the officers made comments about young female students drinking too much at parties.

The Public Safety officers deny dismissing the report and surmise that the RA and RD may have misinterpreted their explanation of the investigation process. All of these witnesses report that the Public Safety officers advised the RA that they needed the name of the survivor in order to proceed.⁶⁹ The officers encouraged the RA to bring in the

⁶⁸ This RA would not provide the name of this friend when interviewed in this investigation (and she did not know the name of the survivor). As noted above, the facts reveal that this RA likely reported about F18's encounter with this soccer player. This anonymous survivor lived in the same dorm as F18, was in the same sorority as F18 and went home during the spring semester of her freshman year (just like F18). However, it does not appear that Title IX and Public Safety were provided with facts to arrive at this conclusion at the time of the reports. The RA reports she provided the name of the soccer player to the Public Safety officers, but the officers and the Residence Director (also present at the meeting) do not recall the RA naming the soccer player during the meeting (or otherwise).

⁶⁹ The RA reports that one of the officers stated he did not want to start an investigation into the soccer team if the allegation was not real. However, consistent with the Public Safety officers' accounts, the RD reports he remembers the officer commenting that they could not move forward unless they learned the name of the survivor.

friend of the survivor to obtain additional information, particularly the names of the survivor and/or accused.⁷⁰

The facts demonstrate that the Public Safety officers did pass along the information they received from the RA to Title IX, and that the interim Title IX Coordinator took some action in response. First, the RA reports that the interim Title IX Coordinator reached out to the friend of the survivor to let her know Title IX was available if the friend needed help. It is unlikely the interim Title IX Coordinator would not have acted on any specific information provided because this same interim Title IX Coordinator found another soccer player responsible for violating USF's sexual misconduct policy during this same time period. Second, it was the officer's practice to pass along such information; as discussed above, after the officers received the report from the first RA about F18, one of the Public Safety officers emailed the interim Title IX coordinator with the information from their meeting. These facts tend to show that the Public Safety officers and interim Title IX Coordinator did not dismiss this RA's report; rather, the facts demonstrate that the officers followed protocol by forwarding the information to Title IX and that the interim Title IX Coordinator reached out to provide support and to attempt to gain additional information.

Both Public Safety officers deny that either of them made any statements about female students getting too drunk at soccer parties. That said, one of the officers told us during this investigation that he believes heavy drinking makes it easier for sexual assault to occur. It is plausible that if the officer expressed a similar belief to the RA and RD, even without any intent to blame the survivor for drinking, such a comment could be misinterpreted as blaming the victim.

Finally, the RD reports that during this meeting, one of the officers stated that USF receives reports of incidents regarding soccer players, but often with insufficient facts to move forward with an investigation. The officer denies making such a statement. He states (and our investigation confirms) that he has received complaints about other soccer players and has been directly involved in investigations about those players. The second officer surmises that if such a comment was made, the officer likely intended to reference the difference between facts that could lead to a Title IX investigation process and rumor. We recognize that the implication that an RA's report of sexual assault may be no more than a rumor could be interpreted as dismissive.

In sum, these facts reveal that the Public Safety officers communicated the information provided by the RA and RD to the Title IX office, and, without the name of the survivor, the report was handled as an anonymous complaint that could not be investigated. We note, however, that the RA and RD's reported impressions of this meeting may have contributed to a perception that the Title IX office, and the Public Safety department, are dismissive of complaints of sexual assault against soccer players

⁷⁰ The RA and the RD report a second meeting took place during which they brought in the friend of the survivor. The Public Safety officers have no recollection of this second meeting.

(or others accused of such misconduct). As addressed in detail in this report, our investigation concludes that this is a misperception.

7. The Title IX Coordinator addressed Resident Advisors' concerns about nonspecific rumors of sexual assault during the 2018-2019 school year

As discussed above, during the 2018-2019 academic year, a number of RAs were concerned about rumors they heard from freshman women regarding alleged sexual misconduct involving soccer players at their residence hall. Members of the Student Housing and Residential Education Department ("SHARE") communicated those concerns to the current Title IX Coordinator. Shortly thereafter, in March of 2019, the current Title IX Coordinator attended the RAs' monthly meeting to discuss Title IX processes and resources. At the conclusion of the meeting, a few RAs informed the Title IX Coordinator that they had heard from freshman women that members of the soccer team were not treating women well and possibly drugging freshman women before engaging in sexual activity. These RAs did not know (or report) the names of any freshman women or soccer players.

Based on these reports from RAs, and aware of a pending Title IX claim against one soccer player, the Title IX Coordinator decided to schedule a targeted education session with the soccer team focused on their reputation. Without any specific names of players involved in potential sexual misconduct or potential survivors, she felt this was the best route to address the concerns she had heard from RAs.

However, during the spring of 2019, the soccer team was without a Head Coach and the Deputy Athletics Title IX Coordinator role was vacant.⁷¹ In July 2019, once the current Head Coach had arrived at USF after moving to San Francisco and returning from recruiting-related travel, the Title IX Coordinator informed him of the rumors she had heard regarding the soccer team and asked to schedule a meeting with the team.

⁷¹ In the interim, the Title IX Coordinator learned that the Sexual Misconduct Prevention and Education Title IX Task Force was considering partnering with the men's soccer team to participate in an "I Heart Consent" campaign at an April 2019 game. Because of these rumors, the Title IX Coordinator suggested the Task Force partner with another team for this event.

Additionally, during our investigation, some RAs reported that in April of 2019, the Title IX Coordinator appeared on social media in a photo with the soccer team taken on "Denim Day," a day organized by the Task Force during Sexual Assault Awareness Month. However, the Title IX Coordinator denies that she was present for any such photo, and we are not aware of any such photo posted on social media featuring the Title IX Coordinator. Rather witnesses report that Task Force members working at a table that day invited a number of people to participate in photos. According to these witnesses, this included members of the soccer team, who witnesses report happened to walk by the table on their way to or from practice. The Task Force members took a photo of the soccer team, but the Title IX Coordinator was not in the photo (which we reviewed).

On August 12, 2019, the Title IX Coordinator conducted her education meeting with the team. Without any specific information (names or incidents) to investigate, it does not appear the Title IX Coordinator could have taken further immediate action to address these concerns. Excluding reports that surfaced after the July 2020 petition, USF did not receive any reports of Title IX violations involving soccer players following this August 2019 education meeting.

8. The current Head Coach has held soccer players accountable when presented with behavior potentially in violation of USF's sexual misconduct policies

In April 2020, a female student notified the current Head Coach that a soccer player had sent harassing messages to another female student. The Head Coach reported the information to his supervisor. The Head Coach instructed the soccer player to stop all contact with the female student and told the player that he would be removed from the soccer team if he did not comply. The Head Coach also instructed the soccer player to seek counseling through CAPS.

In July 2020, the female student who had experienced the harassing behavior reported to the Head Coach that the soccer player had contacted her again. The Head Coach notified his supervisor and the Athletics Director. The Athletics Director advised the Head Coach to notify the Title IX Coordinator about the soccer player's conduct. The Head Coach also removed the soccer player from the team. The Title IX Coordinator contacted the female student involved on three occasions to offer support and options for next steps. The female student did not respond to the Title IX Coordinator's outreach, and the Title IX case was subsequently closed. The soccer player did not return to the soccer team and completed his degree remotely.

In this case, the Head Coach or his supervisor should have contacted Title IX in April 2020 when it was first reported that the soccer player was harassing a female student. However, it appears this oversight is more likely due to the inexperience of the Head Coach and his supervisor in responding to potential Title IX issues rather than an intent to overlook bad behavior or protect the soccer player from negative consequences. Notably, the Head Coach removed this soccer player from the team after learning that the player continued sending harassing messages to the female student.

Further, the fact that the Head Coach immediately suspended another soccer player in July 2019 when he learned that the soccer player was facing a serious Title IX charge demonstrates the Head Coach's commitment to holding soccer players accountable for this type of behavior.

Similarly, the Head Coach immediately suspended a third soccer player in July 2020 pending a Title IX investigation after a non-USF student messaged the USF men's soccer Instagram account claiming that the soccer player raped her. After USF's Title IX Coordinator contacted the complainant, she retracted the allegation, declined to report any sexual misconduct, and stated that her Instagram message was in response to a

mistaken understanding that the soccer player had shared certain compromising photographs of her.

We conclude that each of these three situations demonstrates that when presented with potential problematic behavior by soccer players, the current Head Coach has held the soccer players accountable, both before and after learning of the July 2020 social media disclosures and petition.

9. In sum, the facts contradict the misperception that USF has not responded diligently to reports of sexual misconduct and that USF has not held soccer players accountable for reported sexual misconduct

Rumors spread quickly in a university environment, even more so via social media. However, the facts we uncovered during this investigation reveal that USF has acted diligently in response to reported allegations of sexual misconduct involving soccer players, and that USF did not have reason to believe sexual misconduct was pervasive within the men's soccer team over the past decade. We reported facts demonstrating that USF addressed the allegations that were reported, including by offering survivors the option to participate in the Title IX investigation process. We found USF employees candid in acknowledging areas where there is room for improvement in USF's processes and education efforts.

We recognize that these facts contradict broadly held perceptions within the USF student community that soccer players commonly commit sexual assault, and that USF does not hold soccer players accountable. In this report, we note a number of factors that likely contributed to these misperceptions, including inaccurate rumors about the facts of the incidents, a lack of awareness that a survivor may have chosen not to proceed in a Title IX investigation or that a female student may have consented to a sexual encounter, and/or a lack of communication within the Athletics Department.

In addition, the Title IX investigations and sanctions process is generally not well understood within the student community. USF is required to adhere to its process of investigating complaints, including by questioning the complainant and accused about the relevant facts in order to reach findings. An allegation alone cannot result in discipline. Although in some cases the outcome of Title IX complaints may not meet the expectations of those involved, we did not find any facts demonstrating that USF protects or favors soccer players accused of sexual misconduct or is unsupportive or dismissive of survivors.

Further, USF is required to protect the privacy of those involved in the Title IX process. This duty to uphold confidentiality may leave some mandatory reporters and witnesses (for example, Resident Advisors) with the inaccurate impression that Title IX did not adequately respond to a complaint. Similarly, we describe in our report how an Athletics Director's well-intentioned effort to keep a now-high-profile Title IX outcome confidential contributed to the perception that the soccer player involved was not held accountable for sexual misconduct. However, as addressed in detail in our report, none

of these facts indicate that USF “covers up” allegations against soccer players, “sweeps them under the rug,” or has failed to hold soccer players accountable for sexual misconduct.

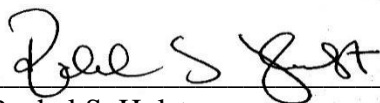
VI. Conclusion

We hope this report will dispel misperceptions about the pervasiveness of sexual misconduct within the soccer program and misperceptions about USF's processes and procedures in responding to reports of alleged sexual misconduct. Importantly, we hope this report will also encourage any survivors of sexual misconduct to come forward with confidence that USF will respond diligently to address their allegations.

This concludes the investigation.

Dated: January 11, 2021

Respectfully submitted,



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Respectfully submitted,



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