

TO: Joan Gates and Sara Kelley, NKU Legal Counsel

FR: Kelly Holden and Danyel Rickman DBL Law

DA: May 7, 2019

RE: NKU Women's Basketball (WBB) Team Review

SCOPE OF REVIEW

DBL Law ("DBL") was retained by Northern Kentucky University ("NKU") to conduct a comprehensive review of the Women's Basketball Program (WBB) at NKU. This review specifically focused on the coaching and conduct of Head Coach Camryn Whitaker ("Whitaker") and the culture within the WBB at NKU. We also considered any and all actions already taken by NKU. We were specifically asked to address if there was any evidence of emotional abuse or Title IX concerns.

PROCEDURE

We contacted 37 individuals and 33 agreed to participate in an interview. Those offered an interview included all individuals directly involved with the WBB program including current and former players under Whitaker as well all assistant coaches to Whitaker, administrators, athletic trainers, team managers, and other NKU staff who were involved with the WBB program in some respect.

We reviewed the posts on NKU's unofficial fan page by parents and others (3/24/19), the Odyssey Online post by a player (3/25/19), a LRT news interview with a player, several Cincinnati Enquirer articles, tweets, an Odyssey Online post by eight current players (3/30/2019), Facebook posts by a player and associated comments (4/4/19), video of senior night (2/24/2019), annual performance evaluations of Whitaker, player survey results, a Title IX file, an HR file, two papers written by former players, text messages provided by interviewees, a WCPO interview, and a Northerner article (4/3/19) as well as other social media postings.

We spent almost 50 hours on this review. We met with each person for an average of one hour with some taking more time and some taking less time. We asked each person a list of questions and provided the individual with an opportunity to express any thoughts or concerns. If the interviewee had any documents, texts, emails, videos, etc., we asked for a copy and reviewed it. Each person was also told if they had any other information to share after the interview to contact us and several did. We gave each person as much time as they wanted to provide information.

COMMENTS BY WHITAKER

In the 3/25/19 Odyssey Online post, allegations were made that Whitaker is an abusive coach. The Northerner and Cincinnati Enquirer also published allegations of comments made by Whitaker that players believed were abusive. We considered all of these comments and asked each witness about them.

In interviews with all coaches, staff, and administrators involved with the WBB Program, each individual denied that Whitaker is verbally or emotionally abusive to the players. Nor had any player complained about or reported behavior that the coaches, staff or administrators felt was abusive.

Several of the individuals interviewed attend all practices and travel with the team. Accordingly, they spend a significant amount of time with the players and Whitaker. Whitaker maintains an open practice which permits any individual, including parents, to attend practices. Several staff and administrators who are not required to attend practice, indicated that they have, at times, stopped in at practice.

When interviewed, all coaches, staff and administrators were supportive of Whitaker and the program. Several shared that they came to the program because of Whitaker and have stayed at NKU because of her and the program she is building.

There were four players who alleged that Whitaker was emotionally abusive to them as a coach but ten who felt the experience at NKU was positive and that no abuse occurred. All but one player who was critical did not get significant playing time. Of the 10 who were positive, there were several who received minimal time but were still supportive. One of the former players transferred due to lack of playing time but said Whitaker is a good person and means well. Of the players who were critical of Whitaker and reported emotional abuse, only one received a notable amount of playing time. The others averaged between 3.1 – 22.1 minutes per game during the 2017–2018 and 2018-2019 seasons.

We determined that the alleged comments fell into three categories: (1) comments could not be substantiated; (2) comments occurred but were not concerning as it relates to emotional abuse; (3) comments were taken out of context and were not abusive when all factors were considered.

There were several comments that were alleged to have been made by Whitaker and cited as examples of abuse. However, we asked all witnesses about these comments and for those that heard them, the comments were all related to basketball during coaching moments and were not personal or abusive.

For example, there was an allegation that Whitaker told the players that they were selfish. Whitaker acknowledged this comment and so did many players and staff. However, many noted that Whitaker used it in the context that the “action or play” by a player was selfish. Several

stated that this is a common term used in sports and most interviewed took no offense to this comment. The same was true for many of the comments that are the subject of the concerns.

There was also an allegation that Whitaker has a couch in her office that she calls the “crying couch” and will berate the players in meetings often making the players cry. However, during interviews, it was determined that a player dubbed the couch the “crying couch” because she would often discuss personal issues in her life with Whitaker and tends to cry. It was called the “crying couch” in jest. Numerous players confirmed that Whitaker did not name it the “crying couch” or berate players in meetings. Instead, the players indicated it was quite the reverse; Whitaker would listen to them and their concerns, usually more with their personal life than basketball, and they became emotional. Players who corroborated this version of the “crying couch” and all stated that Whitaker was supportive during these encounters.

In most instances, the comments by Whitaker were directed at the entire team and not targeted at one person. A majority of players stated that the comments were motivational in nature and not personal. Only one comment was directed toward a particular player and again, it was in the context of basketball and during a game. Whitaker later apologized for the comment and was counseled by Ken Bothof (“Bothof”), Athletic Director, regarding the incident. We concluded that even this one isolated comment for which she apologized does not rise to emotional abuse. It was noted that there is no allegation of foul or inappropriate language by Whitaker and all players acknowledged that she rarely cusses.

After all interviews, we concluded that there were no comments that were abusive by Whitaker or any other person in the WBB program. The comments made were appropriate and used in a motivational sense in an effort to get the best out of the players. A part of coaching at any level is to determine how best to motivate and push players to their full potential. The comments are not unexpected from a collegiate coach. The comments made by Whitaker were not inappropriate, personal, vulgar or emotionally abusive.

ACTIONS BY WHITAKER

There were approximately five separate incidents where Whitaker was alleged to have engaged in conduct that was abusive. Two of these actions were acknowledged by Whitaker but were in the context of a game. In one incident she hit a whiteboard with her hand. In another incident, she crumpled an empty paper towel tube and threw it on the ground. All but one or two players had no issue with these actions and stated Whitaker was upset because the team was losing. Players reported that Whitaker was trying to make a point. Whitaker indicated that she becomes frustrated when the team is not playing hard and is not trying their best. She admits that she has slapped a whiteboard to make a point and to get the team’s attention. All assistant coaches and staff who witnessed these incidents also had no issue with her actions. The players who took

issue with these two incidents admitted that Whitaker did not touch a player. We concluded that these two incidents were not evidence of abuse.

There was one incident alleged where Whitaker knocked a player's knees from behind while the player was on campus. Despite asking all individuals interviewed, no witnesses were able to corroborate this incident. Whitaker did not recall it as well. Therefore, it could not be substantiated.

There was an allegation that Whitaker made players run during practice because another player left the gym due to a medical condition. We heard conflicting stories about this allegation. Several players and coaches say the team was already running when the player left and Whitaker directed the team to keep running until the player returned. Several witnesses stated it was not a timed run or 'suicide run' but that the team was already jogging due to improperly executing a drill. All players noted that they run a fair amount in practice as part of conditioning and running drills. This is commonplace in basketball practices. Some players had no issue with this but others thought it was inappropriate. None of the assistant coaches took issue with it. Several individuals interviewed reported that the team's athletic trainer spent a considerable amount of time assisting the player with her medical condition and Whitaker followed her lead. We concluded that making players run during a practice, which is part of every practice, is not abuse but consistent with basketball practice and drills. The specific allegation that Whitaker required the team to run solely because a player with a medical condition left the gym could not be substantiated.

There were allegations that Whitaker intentionally "flipped" a player's breast in 2017. We interviewed this player and she vehemently denied that the incident occurred. She further expressed nothing but support for Whitaker and the WBB program. No other player or person indicated that they witnessed this incident. Therefore, this allegation could not be substantiated.

In conclusion, we found no actions by Whitaker to be abusive to any player.

CULTURE OF WBB

When interviewed, Whitaker discussed the difficulty of her first few years. When a former coach left, some players transferred and others were injured. Her first year of coaching (2016-2017), there were only seven healthy players on the team's roster, none of whom she recruited to the program. As such, she needed to fill her roster, which required recruiting a large number of players the following year. Additionally, her coaching staff consisted of only one person, which required her to recruit coaches in addition to athletes.

During this time period, NKU was still transitioning from Division II to Division I in the NCAA. Whitaker was placing the ground work of developing a program. In addition to developing a program, the team had losing seasons. There was significant frustration with not winning games

and trying to recruit the type of players needed for the program. Whitaker acknowledged that the first few years were difficult for these reasons and it impacted the morale of the team.

Whitaker stated that she frequently asks players how they are doing and if something is bothering them. She does so because she believes personal issues affect performance on the court. She reported sitting with players during surgery and making food for families during a tragedy. She genuinely appears to care about the players and providing those far from home with additional support. Two players said they specifically came to NKU because of Whitaker and would also be very upset if she left. Other players expressed full support for Whitaker and also stated they would be very upset if she left. All assistant coaches (current and former) fully supported her and never witnessed any type of behavior that they found concerning.

It should be noted that some of the players alleging abuse felt that Whitaker was too involved in their personal lives and did not care for discussing personal matters with her.

Some of the players discussed that they felt Whitaker created a culture of isolation. One expressed concern about being isolated during road trips because she was given her own hotel room. She alleges that this isolation occurred at the direction of Whitaker. During our interviews we discovered that due to an odd number of players, one player had a single room during road trips. The single room was rotated between the senior players. Furthermore, Whitaker did not make decisions on rooming which was handled by an assistant coach. Therefore, this allegation of isolation by Whitaker is unsubstantiated.

Another player expressed she felt isolated from the team during practices and games because she was only on the scout team. No one else expressed concern or felt the player was isolated or abused in any manner. Rather, it was reported that skill level dictated who made up the fifth player on the scout team when only four practice players were available. During the review, this concern of isolation was not substantiated because the coach has the responsibility to decide play time and who will be on practice/scout teams.

Many of the players discussed that there was a division among parents. One group of parents were very vocal about the lack of playing time and their general dislike of Whitaker. We found support of this when we reviewed a video where a parent made an obscene and inappropriate gesture while Whitaker was talking to the fans present.

Several players commented that a player actively rooted against the team. This player would state from the bench, during games that she hoped players would make mistakes. Players believed that this disgruntled player felt the team's mistakes would provide her with more playing time. She also threatened to haze two players. She told one player directly that she planned to shave her eyebrows.

There were clearly some personal issues and dissension among the team. However, this cannot be attributed to emotional abuse by Whitaker. It was related to dynamics among some of the players, lack of playing time, upset parents, and losing seasons. Players who were not receiving playing time felt Whitaker favored other players and this caused resentment. An overall environment of frustration was evident in the WBB which clearly led to division among the team.

NKU RESPONSE

Bothof addressed the unhappy parents and players during both the 2017 and 2018 seasons. However, at no time during these meetings did anyone allege emotional abuse. In fact, when specifically asked, this was denied by the players. Instead, these discussions centered on playing time and the perception that parents and players were misled by Whitaker during the recruiting process. The players were getting far less time than what they felt was promised during recruiting.

After a former player quit the team in the middle of the season in 2017, Bothof traveled to Detroit to personally meet with the team. During his meeting, Whitaker and assistant coaches were not present. None of the players expressed any comments about a toxic environment or verbal abuse by Whitaker or anyone else. Bothof made himself available following the meeting to meet with players individually. Two players met with him but neither person mentioned verbal or emotional abuse. All concerns were basketball related.

Bothof also met with another set of parents and a player in May 2018. During that meeting the parents felt that a comment Whitaker made to a player was abusive. However, the player did not agree with her parents' representations of the comment. The player denied any abuse by Whitaker and again the concerns the player had were basketball related.

In November 2018, Debbie Kirch ("Kirch"), Associate Athletic Director, Compliance/Senior Women's Administrator, met with coaching staff who were concerned about parents' inappropriate behavior and comments during games. There was also a meeting with Kirch, Whitaker, and a player who was concerned about her playing time, being on the scout team, and the need for Whitaker to have a more positive relationship with the player. Again, no allegations of abuse by the player were expressed.

Also, in November 2018, two players met with Human Resources and expressed a few of the concerns that they have expressed during our interviews. However, there were no allegations of emotional abuse. HR spoke with Bothof to be certain that these concerns were being addressed and was satisfied with the plans.

Due to the discord between some of the players and parents, Dr. Randy Cutler, a staff psychologist specializing in sports psychology, was brought in to talk with the team. Dr. Cutler

met with the team on several occasions and was, and remains, available for one-on-one meetings. The players generally were accepting of this and found it helpful.

To assist Whitaker with her transition as a new Division I coach, Athletics also utilized two consultants, one of which was suggested by Whitaker. The purpose was to assist Whitaker with parent relationships and working with the team to help them bond. Whitaker was not winning games and wanted assistance with the team dynamic to get the best out of her team. Bothof was supportive of these decisions.

We concluded that NKU's response in addressing the discord within the team was appropriate and prompt.

EDUCATION

The time and demands of being a Division I player are difficult and NKU has made a commitment to assist all these players in being successful students as well as athletes. In this regard, the WBB program offers considerable assistance with classes. An Athletics Academic Advisor is assigned to WBB to monitor compliance with the NCAA rules and helps schedule classes for the players.

Whitaker indicated that she will support the players in whatever major they chose. She recognizes that most players will not play professional basketball after college, making obtaining their preferred degree the most important. Because of this, Whitaker schedules practice around players' class and lab commitments. Currently, there is a 6:00 a.m. practice to accommodate a science lab for one of the players.

There are also academic teams, a program created by Whitaker, to ensure that players within the WBB program were on track with classes and studies. To support the players in their educational goals, WBB held study halls. The players have significant support and we heard no complaints from the players about academics at NKU or as it related to WBB other than one issue noted below.

There is one allegation about a player not getting her fifth year of eligibility that we reviewed. The player was red-shirted her first year at NKU by a former coach. Whitaker talked with this player in December 2017 and indicated that a fifth year may not be guaranteed because her playing time for the next season was questionable. Several staff members verified that Whitaker talked to the player with sufficient time to allow her to make a decision about graduate school. Ultimately, the player told us that she decided not to return for a fifth year and instead decided to graduate with a degree in May 2019. Based on the interviews, particularly with the player in question, we saw no concern about how NKU handled the decision. The player received a scholarship for all four years as promised.

CONCLUSION

We cannot substantiate emotional abuse by Whitaker to any player nor see any basis for any Title IX concerns with Whitaker or within the WBB program. All the concerns that were expressed, even if true, do not rise to the level of abuse. The same applies to comments made and not substantiated. The comments that were alleged all related to basketball and were expressed in that regard.

Overall, most players and all staff were supportive of Whitaker and did not witness or experience emotional abuse. In fact, some current and former players vehemently denied any abuse and expressed full support for Whitaker. Several players commented that high school coaches they had were far more intense with language and actions than Whitaker. These players stated that Whitaker is more composed and calm than other coaches, and they very much appreciated playing for her. Several players who transferred to different schools were also supportive of Whitaker. They expressed that she was intense and wants the players to win and expects a lot.

The alleged abusive comments were related to basketball and cannot be described as personal attacks. They were said to motivate the team. Although players may not agree with the comments, they are not abusive. Players all acknowledge that Whitaker wants them to be their best and for the team to win. She is tough on conditioning and drills. Most were in approval of this as they acknowledge that they are playing at a high level with high expectations. Players also reported that Whitaker's coaching style was different than the prior coach and that she advocated fast-paced play, making conditioning an important part of her program. She also changed the offense that was run which upset some of the players and their parents.

Several players also stated that they were capable of advocating for themselves if they felt they were abused. All coaches, staff, and administrators were supportive of Whitaker and stated if they saw a concern, they would have reported it.

To the extent that unhappiness existed, it revolved around playing time or personality clashes between Whitaker and players. The players have an intense amount of pressure with classes and a being a Division I athlete with a full athletic and training schedule. It is an incredible amount of time and effort to put forth and not be able to play and compete in games. This is an understandably difficult position. However, we did not find support that any of the players' unhappiness was the result of any type of abuse by Whitaker or anyone else within the WBB.

In conclusion, based on all of the interviews and documents reviewed, the concern of emotional abuse by Whitaker is unfounded. We understand the seriousness of these allegations, NKU's interest in addressing the issues, and ensuring the well-being of its student athletes. We considered all of this in reaching the conclusion. We appreciate the opportunity to be of service.