

# PEPPERDINE

To: Coach Joe Spahn | Coach, Women's Swimming and Diving Team  
Women's Swimming and Diving Athletes, 2019-2020

From: Kendra Killpatrick | Senior Associate Dean, Seaver College  
La Shonda Coleman | Associate Dean of Student Affairs, Seaver College; Title IX  
Coordinator for Students  
Thomas Knudsen | Deputy General Counsel

Cc: Tim Perrin | Senior Vice President for Strategic Implementation  
Steve Potts | Director of Athletics

Date: December 20, 2019

Re: Non-Academic Student Grievance Investigation into claims made by several swimming and diving team members against Head Coach Joe Spahn

The University, through complaints made to Jim Gash, Tim Perrin and Steve Potts, received several allegations that Women's Swimming and Diving Head Coach Joe Spahn had acted inappropriately in engaging in behaviors that were bullying and abusive, sexually harassing, retaliatory and which created a hostile environment for members of the team. Assertions of NCAA rules violations were also made. Pursuant to Seaver College's Non-Academic Student Grievance Procedure, the University commenced a formal investigation of these complaints. This investigation included reviewing all relevant documents and applicable University policies, and conducting forty-seven interviews with pertinent constituents, including all members of the swim and dive team, their coaches and trainers, and other relevant Athletics staff. These individuals included:

Cassie Anderson  
Caroline Anderson  
Sophia Anderson  
Haley Bergthold  
Julianna Birlin  
Paige Brackett  
Kendall Brown  
Allison Cho  
Tatum Degoey  
Caroline Eckel

Anne Mummery  
Anna Riekhof  
Jenna Sanchez  
Sofia Shah  
Samantha Slater  
Kayla Smith  
Olivia Stotz  
Paige Tattersall  
Isabella Wanninger  
Jasmine Williams

Catherine Gibbs  
Amy Griffin  
Mackenzie Hamlett  
Sarah Hamilton  
Paulina Holmberg  
Trinity Ishikawa  
Olivia Kayye  
Nohea Lileikis  
Lindsey Marian  
Nicole Matheson  
Gabriela Maffley  
Khloe McCarthy  
Megan Minor  
Emily Morton

Tim Perrin  
Steve Potts  
Karina Herold  
Joe Spahn  
Jessica Mosbough  
Jana Vincent  
Lauren Larsen  
Kevin Wright  
Karissa Scherer  
TaMesha Jefferson  
Adam Estrin  
Jessica Swan  
Julianna Chan

### **Preliminary Observation**

As an introductory matter, Mr. Spahn appears to be a technically exceptional swim coach, a point nearly all team members acknowledged. Although only in his second year with Pepperdine, many University records have been broken. More importantly, however, a significant number of swimmers have achieved personal bests under his tutelage. These accomplishments appear to have resulted from Mr. Spahn's desire to build a competitive Division 1 swim and dive program and a coaching philosophy that "work works." Mr. Spahn admits that his training regimen and aspirations to be a conference champion-caliber team are markedly different than those of the previous swim coach, Nick Rodionoff. According to some Athletics staff and swim and dive athletes, this change has been challenging for some athletes on the team who were recruited by, and swam under, Mr. Rodionoff's leadership. While some appreciate being challenged by Mr. Spahn, other upperclassmen expressed Mr. Spahn's "eat, sleep, swim" and "winning is the most important thing" attitude as having created a significant divide among the team.

We have grouped the complaints against Mr. Spahn into several major categories, as discussed below. Certain allegations, such as swimmers not being allowed to talk or sit with parents and swimmers not being allowed to receive food or snacks from parents, fall outside the non-academic grievance process as, even if such allegations were true, they would not violate a University policy, procedure or norm.

**One: Mr. Spahn has engaged in inappropriate and abusive behavior including bullying, yelling and making demeaning comments, which (behavior) has created a hostile environment.**

The committee did not find sufficient or substantive evidence to support allegations of bullying by Mr. Spahn. However, Mr. Spahn has demonstrated an inability to control his emotions and has a tendency to dwell on the negative, as evidenced by some staff and student-athletes describing Mr. Spahn's behavior at the LMU meet on January 11-12, 2019. Mr. Spahn was described as using profanity in a space that was shared with students and other program participants. Mr. Spahn's behavior has seemingly contributed to an environment on the pool deck where individuals may be negatively impacted.

Seaver's Mission statement clearly states that the student is a person of "infinite dignity," and Joe's demeanor towards some of the swimmers seems to be inconsistent with his professional and ethical responsibility to respect an individual's dignity. As one swimmer said, "some girls are always being yelled at" and we find sufficient evidence to support this claim. Further reports of degrading and dismissive comments, if true, are troubling at best. Many swimmers interviewed encourage Mr. Spahn to "be more approachable" and "more positive" in his coaching. We believe that Mr. Spahn could do more to foster a positive sense of community on the swim team and that he should consider implementing team building activities that would build trust and improve communication between swimmers. Mr. Spahn may benefit from participating in professional development training in this regard.

We do not find evidence to support claims of abusive behavior. However, we find that Mr. Spahn appears to have created a group of favorites from the team, as evidenced by some staff and student-athletes sharing how they observe him cheering on students that seem to have his favor and not engaging through cheering or similar supportive behaviors with other swimmers that are not winning or excelling on the team in the same ways. Nearly all athletes acknowledged the practice of favoritism and found it to be the cause of a significant fracturing of the team. While several athletes believe that Mr. Spahn uses favoritism to spur competition on the team, others find it to be a tool to "pit girls against each other" (as stated by one swimmer). This behavior has led to athletes reportedly feeling "worthless", "not good enough," ignored or irrelevant. The favoritism has contributed to a vast array of different individual experiences on the team, from those experiencing a very negative, sometimes hostile environment to those experiencing a very positive, supportive environment.

Similarly, several complaints of preferential treatment were made that were separate from the allegations of a differential communication style. While we were unable to find compelling evidence of this, it does appear that the lack of a team handbook or other published rules have allowed the perception among the team that Mr. Spahn treats members of the team in a disparate manner. For example, there is confusion as to what academic or extracurricular activities qualify for "excused" absences from training as opposed to "unexcused" absences. The lack of transparency in the statement of rules, as indicated by a lack of existence of a team

manual, has led to confusion, distrust and the appearance of favoritism and punitive application of rules.

**Two: Mr. Spahn requires athletes to train and/or compete while sick or injured.**

In at least one instance, Joe Spahn violated the Athletics Department's return to training policy, allowing a swimmer to return to the pool without having received clearance via email or text from the athlete's doctor or the Pepperdine athletic trainers. Further, we find that Mr. Spahn created a culture where some athletes have perceived that they can't freely voice concerns about sickness or injury. Mr. Spahn needs to work with and consistently support the conclusions of the athletic training staff in order to promote the health and well being of all student athletes. In addition, Mr. Spahn should work closely with each injured athlete to support her recovery and should find alternate ways in which she can feel valued as a contributing member of the team during that recovery process.

**Three: Mr. Spahn has engaged in sexual harassment.**

We did not receive sufficient information at this time to find Mr. Spahn responsible for sexual harassment. Mr. Spahn's reported pattern of favoritism seems to have fostered a culture whereby some students have received more attention from him and others less attention or positive interactions with him.

Mr. Spahn may benefit from participating in professional development training that includes Title IX prevention education training to support his professional judgement and maintaining healthy boundaries with students.

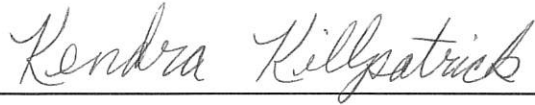
**Four: Mr. Spahn has violated NCAA regulations concerning countable athletically related activities.**

Three swimmers have asserted that Mr. Spahn required his swimmers to exceed the 20-hour per week maximum for countable athletically related activities. Although Mr. Spahn appears to have worked closely with the Athletics Department's compliance staff throughout his tenure according to our investigations, this committee has forwarded these concerns to Athletics' compliance for further investigation.

In addition to these findings, we have observed that most swimmers on the team express dismay about the current state of disunity on the swim team. There were multiple reports of bullying and disparaging comments being made by teammates about other teammates. The committee did not receive sufficient information to determine that bullying or hazing occurred. We have encouraged and continue to encourage anyone who feels that they have experienced behavior that violates the student code of conduct to seek resolution of these complaints through the student code of conduct process, which can be found here:

<https://www.pepperdine.edu/student-life/student-code-of-conduct/>

In conclusion, at Pepperdine, we expect that all students, faculty and staff be treated with dignity and respect in all matters, and for students to be able to participate in and pursue all educational experiences -- including athletic participation -- in a safe and supportive environment. It is regrettable that any member of the swim and dive team perceives that they have been bullied, harassed, demeaned, or perceives that they are less valuable due to illness and injury. Each member of the swim team is a valuable member of the Pepperdine community and has the ability to contribute positively to the team environment.

A handwritten signature in cursive script that reads "Kendra Killpatrick". The signature is written in black ink and is positioned above a horizontal line.

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Kendra Killpatrick  
Senior Associate Dean, Seaver College