June 8, 2016

IN STRICT CONFIDENCE

WENDI DELMENDO, CHIEF COMPLIANCE OFFICER
SUBJECT: vs. UC Davis Club, HDAC#150331
. Introduction:
The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and earn together in an atmosphere free of sexual violence and sexual harassment. When allegations of sexual harassment are brought to the University's attention, the University reviews the allegations under the appropriate policies.
This report addresses allegations of sexual assault brought by former undergraduate student against volunteer club coach line and line in this case the ncident under review occurred on or about May 13, 2014 ^T so these allegations, if substantiated, may have violated the UC Davis Policy on Sexual Harassment in place at the time, PPM 380-12.
This report also addresses allegations that engaged in a pattern of abusive and inappropriate behavior towards the students he
I. Summary of allegations:
On November 1, 2015, general emailed Wendi Delmendo and reported that on the night of May 2014, general had touched her inappropriately by attempting to but his hand in her pants without her consent after he insisted on staying the night in her apartment. This investigation was charged on March 18, 2016. ²

III: Executive Summary of Factual Findings:	
The preponderance of the evidence substantiates the allegation that engaged in physical conduct of a sexual nature toward without The evidence also supports that educational environment was impacted as a result of this incident. Therefore, a violation of PPM 380-1	
Because the allegation that unwelcome physical conduct of a sexual nature toward her has been subfollows that also engaged in physically abusive behavior to violation of the Department	

IV. Investigative Background:

The University's previous Sexual Harassment policy, PPM 380-12 was in place at the time of this alleged incident and therefore applies. PPM 380-12 defined sexual harassment as: "...as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile, or offensive working or learning environment."



Witnesses

All witnesses were advised of the confidential nature of the investigation, the expectation of honest responses to all questions, and the University's prohibition of retaliation for cooperating with an official investigation.

Name	Title	Date Interviewed
	Former Undergraduate Student	4/ /2016
	Director of Services	3 /2016
	Assistant Director	3/1/2016
	Former member of	4/1/2016
	Undergraduate student	4/ /2016
	Undergraduate student	4/1/2016
	Undergraduate student	4/ /2016
	Undergraduate student	4/ /2016
	Volunteer	4/ /2016
	Former member of UCD Alumnus	5/ /2016
	Undergraduate student,	5/12/2016
	Undergraduate student,	5/2/2016
	Undergraduate student,	5/ /2016

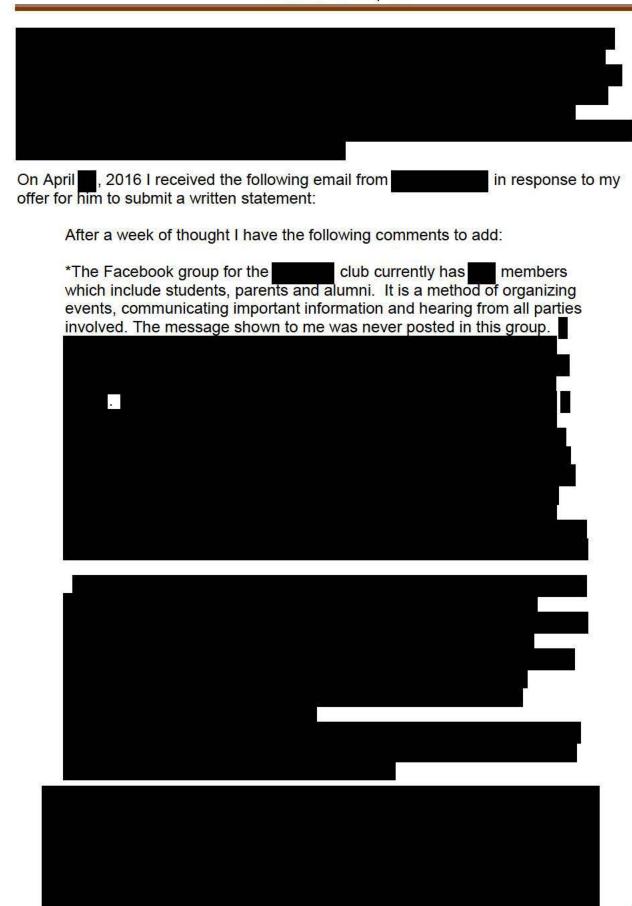
Other Evidence Considered:
Email exchange between and and dated March and March 2014.
Email from to Wendi Delmendo dated November 1, 2015.
Evidence Not Considered:
Standard of Review The conclusions in this report are based on the preponderance of the evidence, meaning that the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side.
V. Summary of Witness Statements
student at UC Davis in the anyone at the University,
said was friendly and nice to her.
According to began giving her personal advice and he told her on several occasions that she should get over her boyfriend by "having a fling. He asked me if I was interested in anyone in the club and offered to introduce me. He kept saying I needed a fling. I told him, no, that wasn't for me."
said it was a tradition in the Davis after evening practice. On May 2014, went out with the club for the first time. She rode her bike to the place and began socializing with the other students on the team. Said she normally doesn't drink but she had several large glasses of beer that night and became relatively intoxicated.

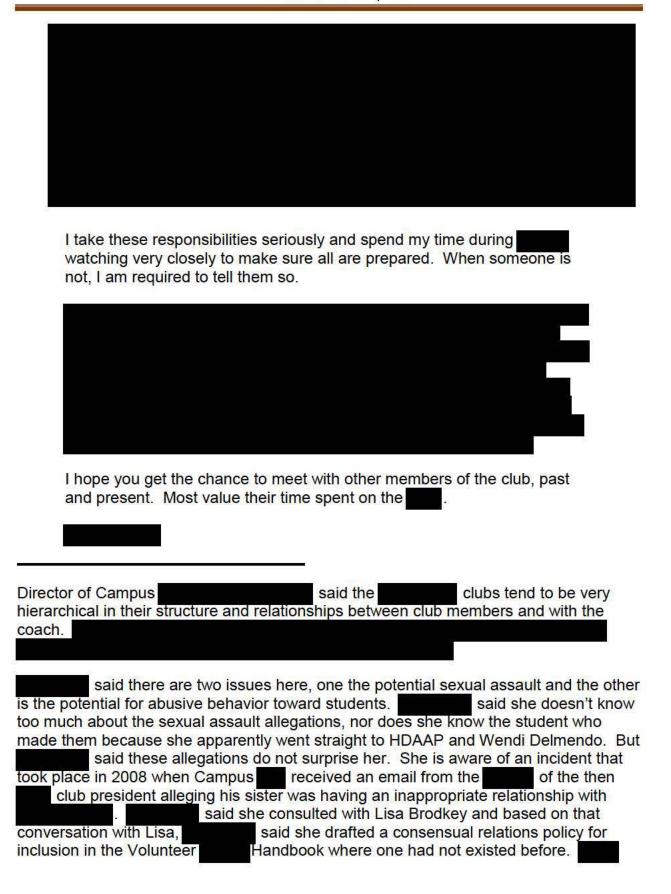
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about my past and past relationships. It was getting late, probably about 1:00 a.m. when he said I shouldn't be alone and he would stay over." said she thought this was unusual but she was new to the club and he was the so she didn't argue. She gave said she got in her bed and said she should come and lay down next to him. Said she did lay down next to because she didn't know what else to do. Said soon after she laid down next to he began touching her. He groped her chest and then he put his hand down her pants and touched her vagina. At that point said she pushed him away, got up from the floor and said, "Stop. Don't touch me." said she pushed him away, got up from the floor and said, "Stop. Don't touch me." said, "I should have kicked him out but I didn't. I just told him don't touch me and went back to my bed. I don't remember if he said anything but he stayed on the floor until the next morning. I got up early around 6:00 or 7:00 and went to class and he left then too." said the next thing that happened was she received an email from in which he said he thought because she was saying she didn't want to have a fling with anyone in the club that meant she was saying she did want to have a fling with him. said said she did not want to do as she had just joined. The responded to that what he had done was wrong and he had violated her trust. Soon after that said once she stopped going. She had no contact with said club the other students she met	memory of the night is clear. does not think he was intoxicated. Sometime between 11:00 p.m. and midnight, said told her he should take her home. She agreed and the two of them left the on their bikes and rode back to her apartment on When they got to her apartment asked if he could use the restroom. said she thought that was fine so she let him in her apartment and they went to her room. was drinking beer but she to be apartment on she was drinking beer but she to be apartment on she was drinking beer but she was drinking beer b
bedroom floor when he began saying he couldn't sleep and she should come and lay down next to him. said she did lay down next to because she didn't know what else to do. he began touching her. He groped her chest and then he put his hand down her pants and touched her vagina. At that point said she pushed him away, got up from the floor and said, "Stop. Don't touch me." said, "I should have kicked him out but I didn't. I just told him don't touch me and went back to my bed. I don't remember if he said anything but he stayed on the floor until the next morning. I got up early around 6:00 or 7:00 and went to class and he left then too." said the next thing that happened was she received an email from in which he said he thought because she was saying she didn't want to have a fling with anyone in the club that meant she was saying she did want to have a fling with him. said said he done was wrong and he had violated her trust. Soon after that said once she stopped going to the club that once anything to do with the said once she stopped going to the club the other students she met there would no longer talk to her. There were only two other students she felt she knew well enough to tell what had happened. said she left UC Davis soon thereafter.	told him I was grateful for the club and new friends. I was and I opened up about my past and past relationships. It was getting late, probably about 1:00 a.m. when he said I shouldn't be alone and he would stay over." said she thought this was unusual but she was new to the club and he was the
in which he said he thought because she was saying she didn't want to have a fling with anyone in the club that meant she was saying she did want to have a fling with him. said club, something she did not want to do as she had just joined. that what he had done was wrong and he had violated her trust. Soon after that and she stopped going. She had no contact with said once she stopped going to the said once she stopped going to the there would no longer talk to her. There were only two other students she felt she knew well enough to tell what had happened. said she told has since graduated and now works for the University. She also told graduated as well. said she left UC Davis soon thereafter.	bedroom floor when he began saying he couldn't sleep and she should come and lay down next to him. said she did lay down next to because she didn't know what else to do. said soon after she laid down next to him, he began touching her. He groped her chest and then he put his hand down her pants and touched her vagina. At that point said she pushed him away, got up from the floor and said, "Stop. Don't touch me." said, "I should have kicked him out but I didn't. I just told him don't touch me and went back to my bed. I
there would no longer talk to her. There were only two other students she felt she knew well enough to tell what had happened. said she told has since graduated and now works for the University. She also told graduated as well. said she and had joined the club at the same time and when she told him what had happened he said he was going to quit too. said she left UC Davis soon thereafter.	in which he said he thought because she was saying she didn't want to have a fling with anyone in the club that meant she was saying she did want to have a fling with him. Said also asked her to become an officer in the club, something she did not want to do as she had just joined. The responded to that what he had done was wrong and he had violated her trust. Soon after that decided she didn't want to have anything to do with the club
	there would no longer talk to her. There were only two other students she felt she knew well enough to tell what had happened. said she told has since graduated and now works for the University. She also told graduated as well. said has since who has since had joined the club at the

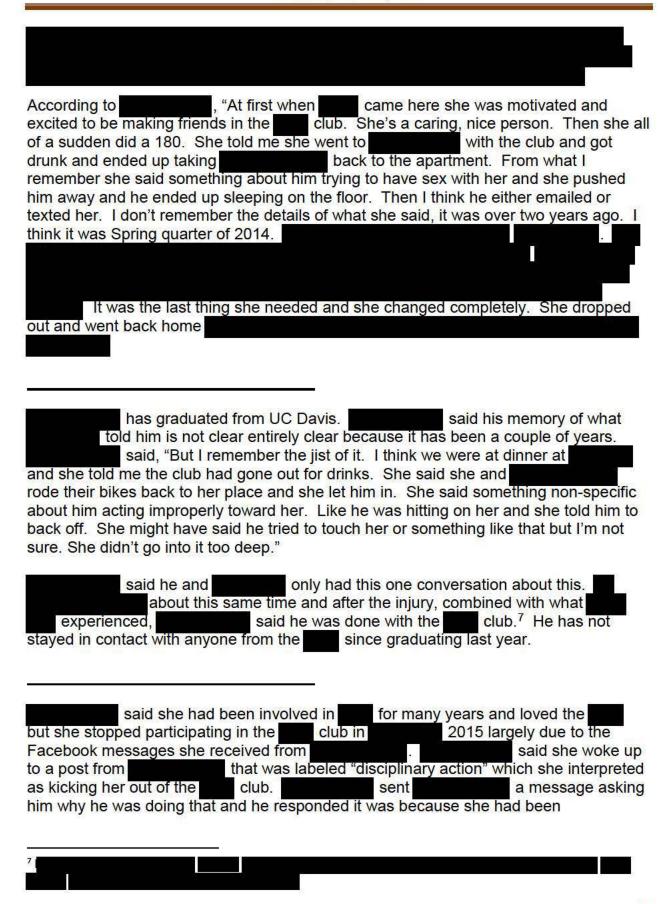
study and concentrate. said, "I had a whole host of issues and I didn't need this. I was in shock and that's why I didn't report it at the time. I loved when I was and wanted to go back to it at Davis but now I couldn't. Now I'm I've been trying to forget about it but I can't. I kept thinking about it and then I started thinking about the other girls in the club so I came forward."
We went over my notes and confirmed they were accurate. She said she had nothing further to add and does not wish to have any contact with again.
said, "I couldn't ID her if she was in the room right now. I had kids last quarter. I ID them by their clothes and give them nicknames: soccer player, wrestler, blue shoes, things like that. When I read this I was so caught off guard. I don't grope female students. I don't grope female we talk about that all the time. I'm dumbfounded by this."
We discussed the nature of the allegations and he touched a student's genitals while sleeping at her apartment were completely untrue. Said the club members do regularly go out to beer and soft drinks after practices, and he goes as well. Said, "In order for the club to succeed it has to also be a social event. Going to after practice on is a big part of that. All are welcome. Lots of kids come and go in the club. Some come back years later and I don't even remember them but they say they remember me." Said he does not socialize with the team members beyond that and he said he does not recall ever being at the apartment of a student named. Nor does he recall riding her or anyone else home on their bikes after being at can't place her. Based on this (notifications letter) it's been two years. I don't remember."
I showed the email exchange between him and . He read it for several minutes and then responded, "Wow. I do not recall having this conversation with her." agreed this was his email account. I asked if there could be another explanation for the email exchange. He replied, "I have so many conversations with kids. I do not recall that conversation. She's saying I groped her? I don't do anything like that. Not one kid in the club would say I groped them."







that she and other president, and the club gave the Facebook pages. said, "We'd had a few complaints about in the past but when we would call in the club officers they would say everything was okay. I'd talk to anothe would say all the right things and with club the team members do get to decide who their will be. It is the first club member who has come forward and identified herself."
Senior Assistant Director said all he knows about the sexual assault allegations is that they have been made. the other issues that have been raised when approached him and said
said she and her assistant directors have heard rumors that has no permanent residence in Davis and couch surfs at student apartments. She has also heard some students are afraid of
was no policy. He's the only club coach I've ever had to talk to."
said, "I called him in and he said he would end the relationship. ⁶ I never heard back from the family after that but I couldn't do anything more at the time because there



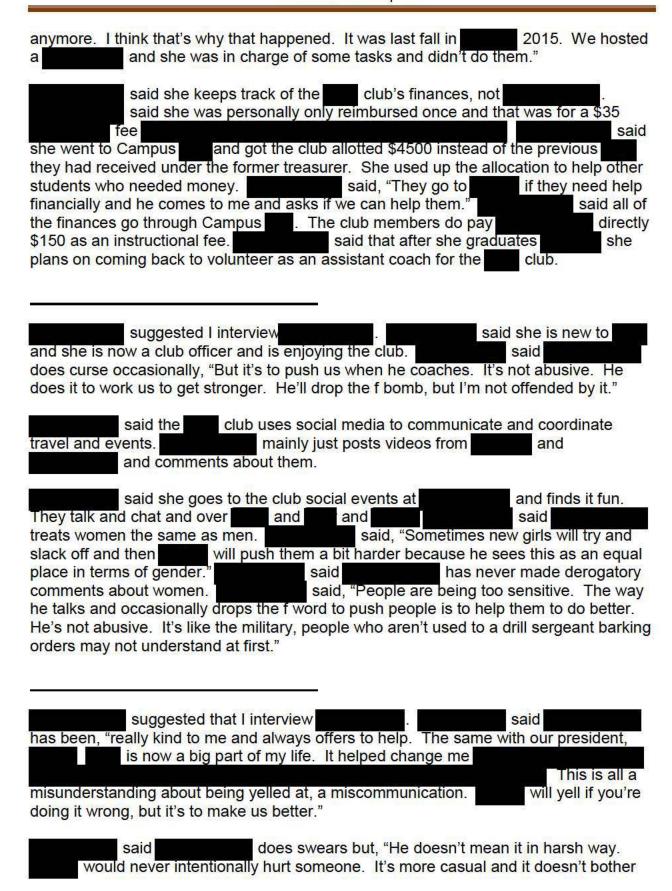
badmouthing the club said these kinds of communications were typical of and she had had enough.
said among the other issues she had with club was that he always finds fault with people and takes an accusatory tone. For example, said frequently will tell students they are no good at or everything they do is wrong. said demeans students at by swearing and yelling at them in front of everyone. He also pressured her to practice after she was still recovering from at one point telling her to "quit complaining, shut up and train."
th has decided that the club president will have all of he will do the same thing for certain students based on their performance in said she is uncertain where exactly on a full time basis but he frequently "couch surfs" at the homes of team members and he had done that to her. said said hand picks the club's officers instead of the students electing them. said does this as a way to control the club. said, "He chooses the people he thinks won't rat him out as officers. I was told I would be the treasurer. You can't say no to him."
suggested I interview started with the club in the fall of said her experience with the club was generally positive although, "He does yell at me a lot. The really intense and he does get upset. He yells and says things to me like, 'I've told you this a thousand times,' but I don't see it as derogatory. I know some people quit the team because they get scared when they hear him yell, but I don't think he's abusive. The team did qualify to go to supposed to be student run. is unfamiliar with the rules for clubs and how they are supposed to be student run. thinks chooses who the club officers will be. She confirmed that the students pay \$150 directly
suggested I interview a lot of prior experience with positive. Said she had before coming to UC Davis and it had always been positive. Said, "But then I came here and it's all negative. He does

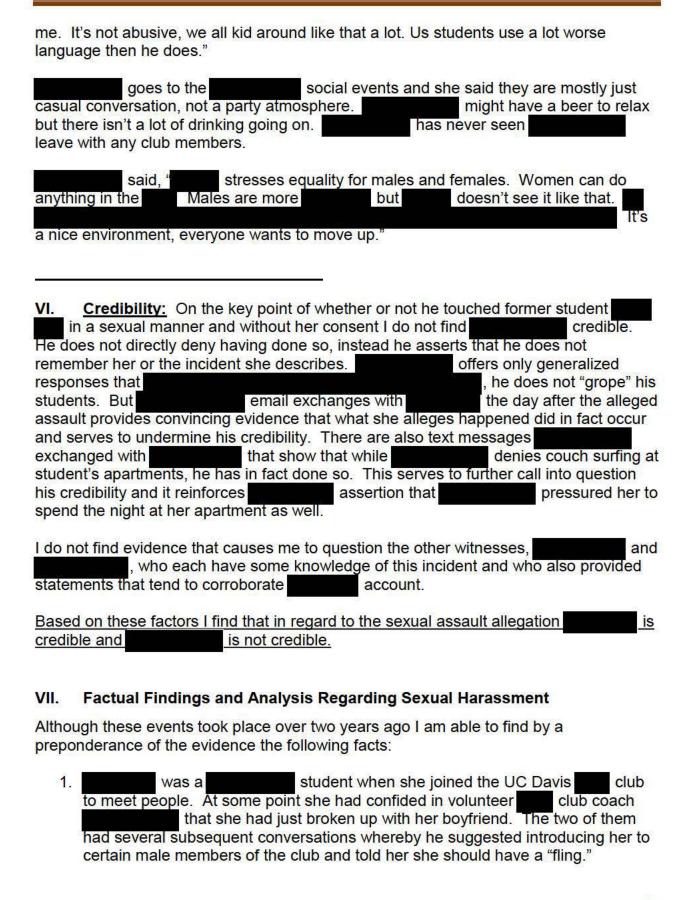
yell and swear a lot. He doesn't do it to be heard, it's like he's mad. Like, we're too

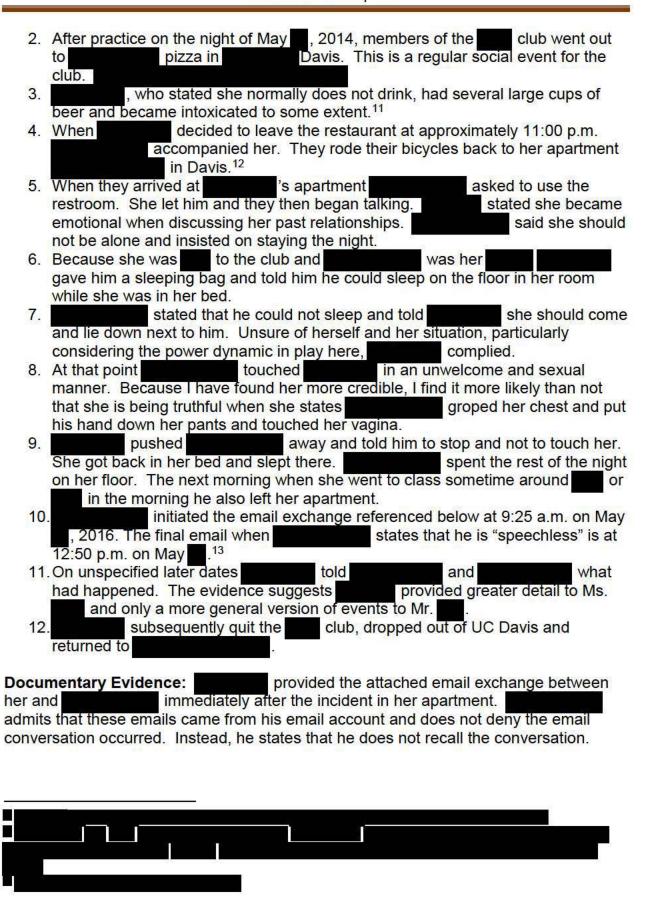
ignorant to understand what he's saying. He yells at me if I do a drill wrong and says things like I'm hopeless, unteachable, I'll never get it and he can't teach me anything. He swears all the time. Fuck is very common. He says 'What the fuck is wrong with you?' all the time. I finally guit in said she decided to guit the club after she got sick and missed a week. When she came back to practice she felt and told and He replied that if she needed to then go do it and get said, "We're always taught to listen to your back out and practice. When I went to I told him I was out for a couple of weeks. He said that's a and he sounded sarcastic. I felt like I had let him down. I stayed and watched practice and went to afterward. That's where he told me I wasn't cut out for That I wasn't motivated enough to push through and it was my own damn fault for all the time. 10 A I'd been doing for eight years and I'm not cut out aettina for it? I just got up and left. I haven't talked to anyone in the club since." said she is happy someone has finally come forward and the University is looking into the issues with the club. about time. I still feel ashamed because I left with an and never came back. But I would come back if there was a different coach." suggested I interview said her club has been very positive. experience with the and he doesn't want us to get hurt. He "strict and harsh, but this is a needs to be sure we're ready can get terse when we're at but he's supportive." said she thinks the atmosphere at is "fantastic, we're like a family. It can be intense and stressful but it's still fun. He swears but it he doesn't do it to anyone specifically. It's more casual, like the occasional, 'what the fuck,' but he doesn't direct it personally." also enjoys the social aspects of the club and the activities such as going to after practices. treats everyone fairly. her experience has been that asked that I interview club president said UC Davis has one of the best teams in the nation and she credits is a good and caring person and with that. said said she views this coach. Because the club employs the coach, complaint as coming back to her. said she is aware that other complaints

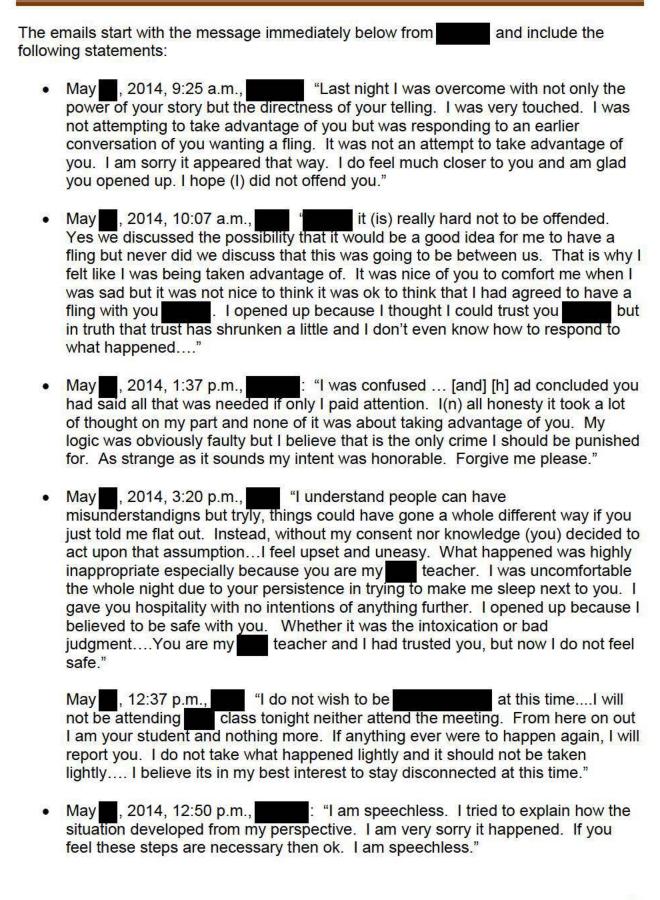
have been made about the coach in the past and from her perspective they came from students who were disgruntled and taking it out on the coach unfairly.

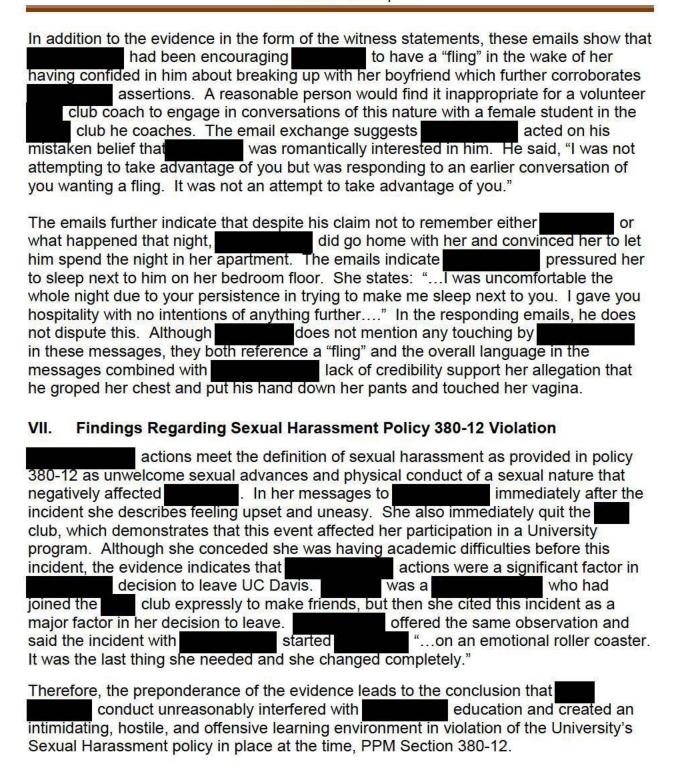
thinks it's justifiable because, "Sometimes he's trying to teach someone and they refuse to listen to him. People who don't want to learn can't be taught. We are a national level but we take people who are just beginning we get some people who refuse to train, . You have to be
said she recalls a former club member named said, "I tried to work with her. I said let's go let's go said, "I tried to offer her extra help. I finally had to tell her that she wasn't cut out for
As for swearing, said, "He does do that every so often. When he's told someone twenty times to move left and they still go right, then yeah." has not directed any swearing at her but he has toward others. said, "I don't like swearing, I would prefer it not happen. And he knows that, but it's not like it happens every day."
said the club selects its officers based on merit. Anyone can nominate someone to become an officer and as the club president she has selected officers as well. said the senior club members, are expected to assist in running the club.
has never observed act inappropriately toward female club said, "Our women's team is ranked because the women with respect. He creates a good environment." said that in regularly reminds the club and if anyone ever feels something is inappropriate let him know right away and he will put a stop to it. He makes women feel safe. I really appreciate that about him." said can be tough on the women, but he treats the men the same way. said when people get and then just will get rough with them by using techniques , "It's to teach them
is not aware of any times has stayed at team members apartments except for when he briefly stayed with surgery. has not heard anything about couch surfing.
said the club's Facebook page is for everyone. The Facebook conversation between and was just between the club said it came about after "I told to be a local with her











VIII. Factual Findings Regarding a Pattern of Inappropriate/Abusive Conduct

I am able to find by a preponderance of the evidence the following facts:

1.	Interviewing a sample of the club suggests there is not a consensus of opinion among the club members as to whether has behaved inappropriately and/or abusively. Based on the interviews conducted it can be
2.	inferred that some students think he is a good state, others do not. The Facebook postings provided by show that show that seem are some students in 2014 that a reasonable person would find inappropriate for a collegiate coach to make. Although
	characterized the emails as an exchange between him and upon a dispute between and several of the postings were sent to what appears to be a listserv of the club officers. Examples of comments include:
	January 2014: "What the fuck is wrong with you?I am fucking tired of hearing your constant complaints. Shut up!!My next step will be to ask you to leave the Shut up and change your behavior or leave." This communication from upset to the point that she responded: "I've literally been crying all day like someone died."
	March , 2014: "wtf is happening here?selfish shits!Ok, It has been pointed out that selfish shits is a bit harshLet's scratch the selfish and leave it at shits. Deal?"
3.	Although denied "couch surfing" at students' apartments and
	stated he only stayed with once when she was recovering from
	surgery, screen shots provided by her suggest this happened on several
	occasions in April and May of 2015 . There is a pattern of initiating text message requests to stay at
	apartment just after midnight. Examples include:
	 April , 2015, 12:31 a.m.: "Do you have a couch available I could sleep on?"
	 April , 2015, 1:58 a.m.: "Can I use your couch again tonight?"
	 April 2, 2015, 12:09 a.m.: "I'll have another place starting tomorrow night but I need a couch tonight care for some wine?"
	April , 2015, time uncertain: "
	April , 2015, 12:14 a.m.: "Can I use the couch tonight?"
	May , 2015, 12:10 a.m.: "Can I grab your couch tonight?"
	May , 2015, 12:10 a.m.: "Hey!! Can I sleep on your couch tonight?"
4.	In addition to staying at student's apartments,
	events where drinking alcohol is involved.
	consensual relationship with a student club member. said she added a
	section on consensual relations to the Coach/Instructor Handbook as a direct
	result of this previous incident.

IX. Findings Regarding a Pattern of Inappropriate/Abusive Conduct under the The 2013-2014 edition of the Department of states: "Individuals must always act in a way which does not detract from the reputation of the University, both on and off the field of play.... Coaches/Instructors cannot...display conduct that is in a manner that detracts from the reputation or image of the University," or "verbally or physically abuse club members.... Coaches/Instructors are expected to represent themselves and their club with sportsman-ship like and moral behavior before, during, and after any event...." In terms of verbal abuse, there is agreement among the club members interviewed that does yell and use profanity in practices and he concedes the point. There is disagreement as to whether this is abusive, but most of the students swears they did not interviewed did not think it was and stated that when take it personally. Therefore, I cannot conclude that violated the Handbook based solely on his yelling and use of profanity. The second issue was the written communications posted on Facebook in 2014. In this instance a reasonable person would conclude that cross the line from making inappropriate statements to verbal abusive in violation of the Handbook. This finding is made because the remarks involved not only contained profane language, but they were personal, directed toward specific individuals, and written in a context that was interpreted as threatening to kick them off the team. 14 In terms of "couch surfing," a reasonable person would find it unusual and inappropriate club coach to repeatedly ask to sleep at the apartment of one of his for a volunteer undergraduate female student club members as did with Although states that he only stayed with at her request and for a few days after she had the evidence in the form of text messages demonstrates that he is not credible on this point. Although provided by he denies it, the preponderance of the evidence also shows the night with in her apartment bedroom. This constitutes behavior that could reasonably be expected to "detract from the reputation of the University" and thus violates the Finally, the finding that sexually harassed by physically touching her also leads to the conclusion that his behavior constituted "harassing actions" that subjected to "offensive physical contact." Therefore, it follows that this incident violated the as well as Policy 380-12.

Respectfully submitted,

Bruce H. Hupe Investigations Coordinator Office of the Provost and Executive Vice Chancellor