

<b>Date of Report:</b>	<u>November 30, 2017</u>
<b>Respondent:</b>	<u>Christopher Shane, Head Cross Country Coach</u>
<b>Complainant:</b>	<u>XXXXXX, EWU student</u>
<b>Date of Complaint:</b>	<u>November 3, 2017</u>
<b>Investigator:</b>	<u>Jeff Lamoureaux, Senior Investigator</u>

I. **SUMMARY OF COMPLAINT:** xxxx alleged Shane committed a violation of ethics by asking or receiving gifts from student athletes, removing EWU equipment for personal use and suggesting athletes should use performance enhancing drugs. xxxx alleged Shane engaged in bullying and intimidation based on Shane's overall conduct around athletes. xxxx alleged Shane engaged in verbal harassment of third parties by using racial and homophobic slurs and commenting on female athletes' physical appearance. xxxx also alleged Shane engaged in retaliation against xxxx for filing this complaint. The following are the reported incidents in support of the allegations:

- xxxx alleged on or about October 30, 2017, during a team meeting, Shane said, "Should we build a wall, should xxxx be deported, yes, deport xxxx."
- xxxx alleged during the month of October 2017, xxxx xxxx hosted a recruit athlete named Caden Hercules, when Shane was corrected by xxxx on the pronunciation of the dorm Snyamncut. In front of the recruit Respondent replied, "Oh yes he knows because his people built it, you know brown people stuff."
- xxxx alleged sometime during the 2016 season, Shane called a Kenyan athlete depicted on xxxx xxxx tee shirt a "nigger."
- xxxx alleged during an indoor track and field competition in 2016, Shane referred to another team's male black athlete as a "nigger."
- xxxx alleged during a team dinner in a Mexican restaurant in 2016, Shane used the word "nigger."
- xxxx alleged during the month of October 2017, possibly a week prior to the Louisville Competition, Shane referred to the EWU soccer coach as a "fag" after arguing over the use of the field.
- xxxx alleged during the month of October 2017, Shane engaged in a conversation with cross country athletes regarding female cross country athletes' attractiveness. Shane made a comment, "All other things being equal, I like to recruit the prettier girls."

- xxxx alleged on or about October 20, 2017, Shane engaged in a conversation with xxxx and xxxx about how Shane had the opportunity to join the Army Special Forces. Shane stated, "I would have no problem putting a gun to someone's head and pulling the trigger."
- xxxx alleged on or about October 22, 2017, Shane engaged in an argument with an airport employee while the team was at the Chicago airport because the team missed a flight.
- xxxx alleged on or about October 22, 2017, Shane was confrontational with xxxx while handing out hotel room keys. Specifically, after xxxx retrieved a room key with xxxx, Shane walked up to xxxx got into xxxx face and yelled, "You both should be praising me and thanking me for saving your asses and getting the hotel." Shane was standing really close to xxxx and starring at xxxx.
- xxxx alleged on or about October 25, 2017, at approximately 10:00 am, the team was on a Cheney school bus when Shane argued with the driver that he did not have to sit down after the driver asked him to sit down.
- xxxx alleged on or about October 28, 2017, Shane was driving a van with the men's cross country team as passengers when a vehicle honked at the van and Shane proceeded to tell the driver of the vehicle they were "fat and ugly."
- xxxx alleged between winter 2016 through summer 2017, Shane encouraged athletes on the cross country team about performance enhancing drug (PEDs) use.
- xxxx alleged on November 2, 2017, during a team meeting, Shane told xxxx he was the "biggest thorn in the side of the team." Shane also referred to xxxx and xxxx as a "cancer" to the team.
- xxxx alleged during the spring 2017, Shane received a portable Bose speaker from xxxx as a gift.
- xxxx alleged during this past year (2017), Shane removed equipment, specifically the Normatech, from EWU and kept the equipment at his house.
- xxxx alleged during this past year (2017), Shane placed xxxx at risk due to training methods used with xxxx due to his disability.
- xxxx alleged on November 7, 2017, Shane retaliated against xxxx for filing a complaint by preventing xxxx from competing at the NCAA West Regional Championship.

**II. SUMMARY OF PROCEDURES:**

A. The following individuals were interviewed in person or by telephone:

- Pamela Parks, EWU Senior Associate AD, 11/7/17
- Donald Ross, EWU Associate AD, 11/7/17
- xxxx xxxx, EWU student athlete, 11/9/17
- Sean Laughlin, Head Timer and Results Operations, 11/13/17
- xxxx, EWU student athlete, 11/14/17
- xxxx, EWU student athlete, 11/14/17
- xxxx xxxx, EWU student athlete, 11/14/17
- xxxx, EWU student athlete, 11/15/17
- xxxx, EWU student athlete, 11/16/17
- xxxx, EWU student athlete, 11/16/17
- xxxx, EWU student athlete, 11/17/17
- xxxx xxxx, EWU student athlete, 11/17/17
- Chris Shane, EWU Head cross country coach, 11/17/17
- Brittany Castilla, EWU assistant athletic trainer, 11/20/17
- xxxx, EWU student athlete, 11/21/17
- Brad Needles, former EWU student athlete, refused
- Steven Zachman, EWU student, 11/28/17
- xxxx, EWU student athlete, 11/28/17
- Paul Harris, Cheney Public Schools Director of Transportation, 11/28/17
- Max Weber, EWU soccer coach, 11/29/17
- Sandy Brantley, Cheney bus driver, 11/30/17

B. The following documents and information were gathered in the course of the investigation:

- Attachment A: Screenshot of group message from xxxx to xxxx regarding Shane arguing with bus driver.
- Attachment B: Screenshot of Facebook message from Amy Shane to xxxx regarding the gift.
- Attachment C: Training log
- Attachment D: West entries for NCAA West Regionals
- Attachment E: EWU article
- Attachment F: Directathletics website page
- Attachment G: NOI
- Attachment H: Screenshot of conversation between xxxx and Shane

**III. SUMMARY OF COMPLAINANT, WITNESSES AND RESPONDENT INTERVIEWS:**

The following information was gathered in response to the complaint:

**Allegation 1:** xxxx alleged on or about October 30, 2017, during a team meeting, Shane said, "Should we build a wall, should xxxx be deported, yes, deport xxxx."

**Complainant xxxx xxx:** On October 30, 2017, during a team meeting in the PE building, Shane began talking about arguments that were occurring on the team. Shane then said, "Should we build a wall, should xxxx be departed, yes, deport xxxx."

**Respondent Chris Shane:** Shane was asked if he had ever made any comments regarding the ethnicity of xxxx xxx or mention of deportation. Shane stated he had made comments regarding xxxx being deported during a meeting because he was attempting to loosen up the meeting. Shane said the meeting was serious and he was trying to be funny to lighten up the mood.

**xxxx xxx:** On or about October 30, 2017, Shane started talking about "White privilege" and then said to the team, "Should we build a wall, should we deport Mexicans, should we deport xxxx? Yeah." xxxx said the comments were inappropriate and offensive. xxxx was upset because the timing was bad. The meeting was a serious meeting and Shane used poor timing to try to be funny at his expense. xxxx said he did not think Shane has ever treated him or anyone else different based on their ethnicity or Race. xxxx believed Shane's comments were meant as jokes and not to be discriminatory or offensive. xxxx believed Shane had no idea his comments were inappropriate.

**xxxx:** xxxx was asked if he ever heard Shane make any comments in reference to xxxx being deported. xxxx said he did not.

**xxxx:** xxxx was asked if he ever heard Shane reference xxxx xxx' ethnicity or mentioned deportation. xxxx said he did not remember any comments about deportation.

**xxxx:** xxxx was asked if he ever heard Shane make comments about xxxx xxx' ethnicity or comment about xxxx being deported. xxxx said he only knew about one incident. On or about November 2, 2017, during a team meeting, Shane was addressing the team about becoming closer and how he would never kick anyone off the team "unless xxxx got deported." xxxx said the timing of the comment seemed to catch a lot of athletes by surprise. xxxx believed Shane was attempting to be funny but felt it was inappropriate.

**xxxx:** xxxx was asked if he had ever heard Shane make comments regarding xxxx xxx' ethnicity or being deported. xxxx said he was not sure if a comment was made regarding deportation at a meeting (October 30, 2017) or the meeting held on November 2, 2017.

**xxxx:** xxxx was asked if Shane had made comments toward xxxx xxxx' ethnicity or being deported. xxxx said he never heard Shane make any of the aforementioned comments. xxxx was advised of the allegation that Shane may have made a comment about xxxx being "brown" or "deported" during a meeting either on October 30, 2017 or November 2, 2017. xxxx stated he attended both meetings and he did not recall hearing the comment(s). xxxx said he arrived approximately fifteen minutes late and left four five minutes early for the November 2, 2017 meeting.

**xxxx:** xxxx was asked if he heard Shane make comments about xxxx xxxx' ethnicity or deportation. On October 30, 17, during a team meeting, xxxx recalled Shane making a comment about leaving xxxx out of something because he was "brown" but xxxx could not recall the context of the comments. xxxx said he did not recall Shane referencing xxxx being deported.

**xxxx** xxxx was asked about comments made by Shane about xxxx xxxx' ethnicity or deportation. xxxx recalled during the team meeting on 11/2/17, Shane was talking to the team about being a family when Shane attempted to use an analogy. xxxx said Shane said, "Build a wall and decide if we can let xxxx stay or not because he is brown." xxxx has not heard any other comments from Shane regarding xxxx.

**xxxx:** xxxx was asked whether Shane has made any comments about xxxx' ethnicity or referenced xxxx being deported. xxxx stated on October 30, 2017, he attended a team meeting. During the meeting, Shane discussed the team's performance and how to improve. Shane also mentioned the athletes needed to be a family. During the middle to end of the meeting, Shane made some reference to Donald Trump by saying, "We shouldn't send all the Mexicans back we should send xxxx." xxxx believed Shane was attempting to make a joke when he made the comment to the team.

**xxxx:** xxxx was asked whether Shane made comments about xxxx' ethnicity or being deported. xxxx stated on October 30, 2017, xxxx heard Shane make a joke referencing xxxx being deported. xxxx did not recall the entire comment or the context only that he believed Shane was attempting to be funny. xxxx noticed xxxx appeared upset with the reference.

**xxxx:** xxxx was asked whether Shane made comments about xxxx' ethnicity or being deported. xxxx said he did not specifically recall the comment about xxxx and deportation. xxxx remembered the meeting was serious and toward the end of the meeting Shane made a joke involving xxxx in an attempt to break up the seriousness.

**Allegation 2:** xxxx alleged during 2017, Shane used the term "brown" to refer to xxxx xxxx hosted a recruit athlete named Caden Hercules, when Shane referred to xxxx as a "brown" person.

**Complainant** ~~xxxx~~ xxxx stated ~~xxxx~~ shared an incident that occurred during the month of October when xxxx hosted an athlete recruit (Caden Hercules).

xxxx and Shane were on a tour of the campus with Hercules and another female recruit (unknown name) when they were showing the new dorm (Snyamncut) to the recruits. Shane mispronounced the name of the building and xxxx corrected him with the proper pronunciation. Shane responded, "Oh yes he knows because his people built it, you know brown people stuff." xxxx xxxx has mentioned to xxxx that the comments have offended him and made him feel uncomfortable. xxxx also told xxxx he did not feel he could talk to Shane about it.

**Respondent Chris Shane:** Shane was advised about an incident involving xxxx hosting a recruit named Hercules and a comment about xxxx and "brown people" in reference to the dorm Snyamncut. Shane admitted he did make some comment to xxxx about "brown people" in reference to the dorm. Shane said again he did not make the comment as an insult but as a joke with xxxx. Shane further explained he had a good relationship with xxxx that involved both of them making jokes about ethnicity. Shane treats everyone the same and welcomes diversity. Shane provided an example how xxxx and other athletes (xxxx and xxxx) often referred to themselves as the "Brown boys." Shane said he has joined in with the athletes' jokes in an attempt to connect with them and make them feel safe to be themselves. Shane said he would never say anything as an insult to someone's ethnicity or treat someone different based on their ethnicity.

xxxx xxxx said in October 2017, he was hosting a male recruit (Caden Hercules). While hosting the recruit, xxxx was in the athletic department waiting for Shane to arrive with recruit Hercules, another female recruit and xxxx. When Shane arrived, he asked if the recruits went and checked out the dorm "Snyamncut." xxxx said Shane pronounced the dorm wrong so he corrected him with the proper pronunciation. Shane replied, "Oh yeah, it's from his people." xxxx responded the name was from "Native." Shane replied, "Same difference, Brown people." xxxx said the incident was awkward and he felt inappropriate. Shane's comments made xxxx feel uncomfortable.

xxxx mentioned during a competition in Montana earlier this year (2017). xxxx, xxxx, xxxx and xxxx xxxx were cooling down after a race when Shane called out, "Brown boys get over here." xxxx said he was not offended at that time. Varas doesn't know who started calling them "brown boys" but that it has occurred on occasion over the past year.

**xxxx:** xxxx was asked about this incident or if he ever heard Shane refer to xxxx as "brown." xxxx said he heard some athletes on the team called "brown boys" by Shane but he did not know who Shane was referring to and was unable to provide additional details as to a date or time it occurred.

**xxxx:** xxxx said he recalled being present with xxxx hosting the recruits. xxxx did not recall the incident involving the recruit and the dorm. xxxx said he has heard a comment three athletes (xxxx xxxx, xxxx, and xxxx) refer to themselves as the "Brown Boys." xxxx believed the aforementioned athletes

came up with the name and did not think it was started by Shane. xxxx believed it was a “team joke” and said by many athletes on the team including Shane.

**xxxx:** xxxx was asked if Shane made any reference to xxxx or other athletes as “brown boys.” xxxx said he never heard Shane refer to him or the other athletes as “brown boys.” xxxx said xxxx and xxxx have referred to xxxx, xxxx, xxxx and xxxx as “brown boys.” xxxx has only heard xxxx and xxxx make the comment.

**xxxx:** xxxx was asked if he ever heard xxxx called Brown by Shane. xxxx stated he heard Shane refer to xxxx xxxx as “brown” during a team meeting. On or about October 30, 2017, xxxx arrived late to a team meeting when he heard the comment. xxxx said he was at the meeting for the last thirty minutes. xxxx said toward the end of the meeting, Shane said, “We accept all people except for xxxx because he is brown.” xxxx said the comment seemed extremely inappropriate.

**xxxx:** xxxx was asked if Shane ever referred to xxxx and himself as “brown boys.” xxxx laughed and said he and xxxx refer to xxxx, xxxx, and himself as the “brown boys.” xxxx said either he or xxxx began calling the group that after the competition in Montana (October 2017). xxxx has never heard Shane call the group “brown boys.”

**xxxx:** xxxx said he has not heard Shane make any other comments regarding xxxx being brown.

**xxxx** xxxx has not heard any other comments by Shane calling xxxx brown other than the comment made during the team meeting as previously stated by xxxx under allegation 1.

**xxxx:** xxxx was asked if Shane made any comments about xxxx being brown. xxxx said he had not heard any other comments about xxxx by Shane.

**xxxx:** xxxx was asked if Shane made any other comments regarding to xxxx as brown. xxxx is not aware of any other comments related to xxxx other than the comment mentioned under allegation 1.

**xxxx:** xxxx was asked if he knew about the incident with the recruit or if Shane had ever referred to xxxx as “brown” during the past year. xxxx said he did not hear about the incident with the recruit. xxxx said he previously heard xxxx, xxxx and xxxx refer to themselves as “brown boys.” xxxx said during a competition this past year, xxxx heard xxxx, xxxx and xxxx tell Varas he needed to run faster to be with the rest of the “brown boys.” xxxx said he had not heard anyone else including Shane refer to xxxx or anyone else as “brown.”

**Allegation 3:** xxxx alleged sometime during the 2016 season, Shane called a Kenyan athlete depicted on xxxx xxxx tee shirt a “Nigger.”

**Complainant xxxx** xxxx heard Shane refer to male Black athletes as a “Nigger.” xxxx stated one occasion involved a male athlete (xxxx) wearing a tee shirt with a Kenyan athlete on it and Shane referred to the athlete on the shirt as a “Nigger.” xxxx did not have additional details regarding when and where the comment was made and who was present at the time of the comment.

**Respondent Chris Shane:** Shane was advised of the allegation involving xxxx shirt and using the word “Nigger” in reference to the athlete on the shirt. Shane denied ever making the comment.

**xxxx** xxxx said he never heard Shane refer to the athlete on xxxx xxxx shirt as a “Nigger.”

**xxxx:** xxxx said he never heard Shane make the alleged comment.

**xxxx:** xxxx said he wore a shirt during the Long Beach Invitational in 2016 with a Kenyan athlete on his shirt. xxxx said he heard from a former EWU athlete (Brad Needles) that Shane used the word to describe the athlete on xxxx shirt. xxxx said he never heard it himself and was only told about it after by Needles.

**xxxx:** xxxx was asked about the tee shirt xxxx has worn with a Kenyan athlete depicted on it. xxxx said he has seen the shirt but never heard Shane comment on the shirt.

**xxxx:** xxxx was asked about Shane using the word “Nigger.” xxxx said he never heard Shane use the word. xxxx was asked about xxxx xxxx shirt with a Kenyan athlete depicted on the shirt. xxxx said he was aware of the shirt but he had never heard Shane make any comments regarding the athlete. xxxx had not heard from anyone else about it either.

**xxxx:** xxxx was asked about xxxx wearing a shirt with a Kenyan athlete on it and Shane calling the athlete a “Nigger.” xxxx said he remembered the shirt and said he never heard Shane use the word.

**xxxx:** xxxx was asked if Shane had used the word “Nigger” involving xxxx xxxx shirt. xxxx recalled seeing the shirt worn by xxxx but did not recall hearing Shane use the word.

**xxxx** xxxx was asked if Shane used the word “Nigger” to describe xxxx shirt. xxxx was aware of xxxx shirt but did not know if Shane used the word to describe the athlete on xxxx shirt.

**xxxx:** xxxx was asked if he observed xxxx shirt with the Kenyan athlete and if Shane used the word “Nigger” to describe the athlete. xxxx said he had observed the shirt but he never heard the word used in reference to the shirt.



**xxxx:** xxxx was asked if Shane used the word “Nigger” in reference to Homme’s shirt. xxxx was aware of xxxx shirt and said he never heard Shane use the word.

**xxxx:** xxxx was asked if Shane referred to the athlete on xxxx shirt as a “Nigger.” xxxx said he remembered xxxx shirt but he never heard Shane use the racial slur in reference to the shirt.

**Allegation 4:** xxxx alleged during an indoor track and field competition in 2016, Shane referred to another team’s male black athlete as a “Nigger.”

**Complainant xxxx xxxx:** While at an indoor track and field competition (2016), Shane referenced another team’s male black athlete as a “Nigger.” xxxx said the aforementioned comment was overheard by a teammate (possibly xxxx xxxx) xxxx did not hear the comment.

**Respondent Chris Shane:** Shane was advised regarding the allegation he called another team’s athlete a “Nigger.” Shane adamantly denied every using that word in his vocabulary.

**xxxx xxxx** was asked if he ever heard Shane call male black athletes a “Nigger.” xxxx said he did not.

**xxxx:** xxxx said he never heard Shane make the alleged comment about anyone.

**xxxx:** xxxx was asked if he ever heard Shane refer to male black athletes by using the word “Nigger.” xxxx said he never heard Shane use the word.

**xxxx:** xxxx was asked if he ever heard Shane use the word “Nigger” while referring to any male black athletes. xxxx said he never heard Shane use the word.

**xxxx:** xxxx was asked if Shane used the word to describe a black athlete. xxxx was not aware of Shane ever using the word to describe an athlete for any team.

**xxxx:** xxxx said he never heard Shane use the word.

**xxxx:** xxxx said he was not aware of Shane using the word toward any other athletes.

**xxxx xxxx** was asked if Shane used the word to describe male black athletes. xxxx said he has heard Shane use the word on occasion while at practice but xxxx could not remember any details of when it occurred. xxxx did not know of any other incidents.

**xxxx:** xxxx was asked if Shane has ever used the word to describe a male black athlete. xxxx said he had not personally heard Shane use the word. xxxx was unaware of Shane using the word in reference to another athlete.

**xxxx:** xxxx was asked if Shane used the word in reference to male black athletes around the team. xxxx said he was not aware of Shane using the word.

**Steven Zachman:** Zachman is currently a senior at EWU and former member of the cross country team. Zachman competed during the 2016 season. Zachman was asked about xxxx shirt with the Kenyan athlete on it. Zachman said he recalled xxxx tee shirt. Zachman was asked if Shane ever used the racial slur “Nigger” in reference to xxxx shirt. Zachman said he did not recall Shane ever using the racial slur.

**xxxx:** xxxx was asked if Shane used the racial slur in reference to another team’s black athlete during the indoor track and field competition. xxxx said he attended all of the indoor track and field competitions during the past several seasons and never heard Shane use the racial slur toward another athlete.

**Allegation 5:** xxxx alleged during a team dinner in a Mexican restaurant in 2016, Shane used the word “Nigger.”

**Complainant xxxx** xxxx said the team was out of town for a 2016 indoor track and field competition when Shane made a comment in front of the team while they were at a Mexican Restaurant. During that incident, three teammates (xxxx, xxxx xxxx, and xxxx) overheard Shane use the word “Nigger” during a conversation with the team. xxxx again was not present for the comment.

**Respondent Chris Shane:** Shane said none of the comments were ever made by him.

**xxxx** xxxx said he heard from another athlete, possibly xxxx, while inside a restaurant Shane asked xxxx if he was calling Shane a “Nigger.” xxxx did not know the details or context of the conversation.

**xxxx:** xxxx said he was unaware of Shane’s comment.

**xxxx:** xxxx did not recall this incident or comment by Shane.

**xxxx:** xxxx was not aware of the incident. Additionally, xxxx said he has not heard any other athletes on the team discuss Shane using the word.

**xxxx:** xxxx said he never heard Shane use the word. However, during the month of February 2017, xxxx told xxxx that Shane used the word. While the team was at a team dinner during the weekend of the “Husky Classic” competition, xxxx said Shane asked xxxx if he was calling him a “nigger” during a conversation. xxxx did not know any of the details of the conversation and could not remember

anything else xxxx said about it. xxxx said he was not present for the dinner because he did not attend the competition.

**xxxx:** xxxx again said he never heard Shane use the word. xxxx then said he would not trust the credibility of xxxx or xxxx regarding any of the allegations that Shane used the word. xxxx said both xxxx and xxxx did not like Shane and always seemed to say things to start trouble.

**xxxx:** xxxx was asked about the alleged comment Shane made during a team dinner. xxxx said he was present at a team dinner at a Mexican restaurant when he overheard Shane use the word. xxxx said in January or February 2017, the team was at either the Husky Invitational or University of Washington Invitational when they went to dinner. xxxx was seated at a table with Shane and approximately five other athletes when Shane used the word. xxxx did not remember the context of the conversation and is unsure why the word was used. xxxx could not remember which athletes were present to hear the comment other than xxxx.

**xxxx** xxxx was asked about a team dinner that Shane allegedly used the word. xxxx said the team was out for dinner the weekend of the University of Washington Classic (September 2017) when he heard Shane use the word. xxxx said he was seated at a table with xxxx, xxxx, xxxx, xxxx and Shane when xxxx heard the topic of black people come up and Shane used the word "Nigger." xxxx did not remember the context of the conversation and was unable to remember any of the other details.

**xxxx:** xxxx was asked about a team dinner and Shane allegedly using the word. xxxx said his teammate xxxx told him about an incident during a team dinner at a restaurant in which Shane used the word. xxxx was not present for the dinner and did not remember the details.

**xxxx:** xxxx was asked about the team dinner and allegation Shane used the word during the dinner. xxxx said he attended the team competition at the Husky or University of Washington invitational but did not eat with the team and therefore did not know what was said at the dinner.

**xxxx:** xxxx was asked about the team dinner at a Mexican restaurant in which Shane used the racial slur during a conversation. xxxx stated he recalled the team dinner at the restaurant but did not recall ever hearing Shane use the racial slur. xxxx was advised some other athletes had mentioned his name as possibly hearing the comment during the dinner. xxxx said he did not hear the comment during the dinner. xxxx said there was only one time he recalled ever hearing Shane use the racial slur. xxxx said during a practice he was standing around talking with Shane about comedy. xxxx said he (xxxx) is a stand-up comedian. xxxx said he often has conversations with Shane about his jokes. During one conversation, xxxx began to talk about Eskimos. Shane told xxxx that his reference to Eskimos was discriminatory and Shane then used an example with the word "Nigger." xxxx did not recall the details of what was said only that he recalled Shane attempted to make a joke and that Kitzan's use of

Eskimo was discriminatory. xxxx believed he might have shared Shane's comments with xxxx and xxxx because they are close friends with xxxx.

**Allegation 6:** xxxx alleged during the month of October 2017, possibly a week prior to the Louisville Competition, Shane referred to the EWU soccer coach as a "fag" after arguing over the use of the field.

**Complainant xxxx** xxxx heard Shane use the word "fag" during conversations at practice. A week prior to the trip to Louisville Kentucky (October 21-22, 2017), the team was at the "fields complex" when Shane got into argument with the Women's soccer team Head Coach over the use of space. After the argument, Shane returned to the team and called the soccer coach a "fag." xxxx stated in general, Shane will say things are "gay" as a negative connotation. xxxx said neither of the racial or homophobic slurs were directed at any members of the team.

**Respondent Chris Shane:** Shane was asked about an incident involving the soccer coach. Shane identified the soccer coach as Max Weber. Shane said he was made aware Weber yelled at one of his athletes. Shane said he approached Weber and asked Weber to simply talk to him if Weber had any problems with Shane's athletes. Shane said the conversation was short and Weber agreed. Shane said there was no arguing or yelling. Shane also said the conversation took place in the middle of the soccer field which was approximately 200 feet away from the cross country team, therefore, they would have been unable to hear what was even said between both parties. Shane returned to the team and advised them that he had taken care of the incident. Shane denied making any insulting comments about Weber to the team. Shane also stated he never referred to things as "gay."

xxxx xxxx was asked about the incident involving the soccer coach. xxxx said the soccer coach yelled at the athletes for stepping onto the field. The team advised Shane about the soccer coach yelling at them. Shane approached the soccer coach and had a conversation with him. xxxx had no idea what was said to the soccer coach. When Shane returned to the team he referred to the coach as a "fag" and a "pussy." xxxx said Shane did not direct the comments at anyone on the team and only toward the soccer coach.

xxxx was asked if Shane ever made any other homophobic comments. xxxx said Shane would often refer to things he did not like as being "gay." xxxx gave an example of how while at Shane's residence for a meeting in 2016, Shane said something was "gay" but xxxx could not remember what the context of the conversation was about at the time.

**xxxx:** xxxx was asked about the incident involving the EWU soccer coach. xxxx said he remembered the soccer coach got upset with the athletes on cross country for being on the field. Shane spoke with the soccer coach away from the team but he did not know what was said. xxxx did not hear Shane call the soccer coach any names after their conversation.

**xxxx:** xxxx was asked about the incident involving the EWU soccer coach. xxxx said he remembered Shane speaking with the soccer coach about yelling at the cross country athletes. xxxx did not recall or hear any of the details of the conversation between Shane and the soccer coach. xxxx did not hear Shane refer to the soccer coach as a “fag” after the conversation. xxxx did not remember hearing any type of name calling by Shane.

**xxxx:** xxxx was asked about the soccer incident involving the soccer coach. xxxx said the cross country team was yelled at by the soccer coach for stepping onto the soccer field. The athletes advised Shane of the soccer coach yelling at them. Shane advised the athletes to stay off the field and that he would talk to the soccer coach. Shane walked over to the soccer coach and appeared to have a conversation with him. xxxx did not see any arguing. Shane returned to the group and advised the athletes he handled it but then said, “Don’t listen to that pussy.” xxxx did not recall Shane calling the soccer coach a “fag.”

**xxxx:** xxxx was asked about the incident involving the soccer coach. xxxx said the soccer coach yelled at the cross country team for stepping onto the field. Shane was advised by the team and then he approached the soccer coach. xxxx observed Shane engaged in a conversation with the soccer coach. xxxx could not hear what Shane was saying but believed it was a heated exchange because he observed Shane using his hands to gesture and point toward the field and the cross country team. Shane returned and advised the team to respect the soccer team’s space and they would do the same. Shane made a comment that the soccer coach was weak. xxxx could not remember if Shane called the soccer coach a pussy, fag or a wimp as alleged.

**xxxx:** xxxx was asked about the incident involving the soccer coach. xxxx said he ran across the soccer field and got yelled at by the soccer coach. Shane then walked over to the soccer coach and had a conversation with the soccer coach. xxxx was unable to hear but believed the conversation was non-confrontational. xxxx said afterwards, Shane returned to the team and advised the athletes to respect the soccer team’s field. xxxx did not recall Shane calling the soccer coach any names.

**xxxx:** xxxx was asked about the incident involving the soccer coach. xxxx said he did not pay attention to Shane contacting the soccer coach so he was unsure what happened. xxxx said after Shane spoke with the soccer coach he recalled Shane telling the team to stay off the field. xxxx did not recall Shane calling the soccer coach any names.

**xxxx** xxxx was asked about the incident involving the soccer coach. xxxx said xxxx ran across the soccer field and got yelled at by the soccer coach. Shane walked over to the soccer coach and had a conversation. xxxx said he was too far away to hear what was said and know whether they argued. xxxx recalled Shane returned to

the team and reminded everyone to stay off of the field. xxxx did not hear any insults regarding the soccer coach.

**xxxx:** xxxx was asked about the incident involving the soccer coach. xxxx said he did not recall the incident. xxxx said he missed a lot of practices because of his work schedule and from being injured.

**xxxx:** xxxx was asked about the incident involving the soccer coach. xxxx said he recalled the soccer coach yelling at the cross country team for running across the field and Shane having a conversation with the soccer coach about it. xxxx could not hear Shane and the coach's conversation because they were too far away from the team. xxxx said it appeared both parties engaged in a conversation and it did not appear there was an argument. Shane returned to the team and said he handled the situation. xxxx said Shane did call the soccer coach a name but he could not remember what name was used.

**xxxx:** xxxx was asked about the incident with the EWU soccer coach. xxxx said he remembered xxxx getting yelled at by the soccer coach for running across the soccer field. Shane was advised of the soccer coach's actions. xxxx observed Shane walk over to the soccer coach and have a conversation. xxxx said Shane and the soccer coach were too far away to be able to know what was said. After the conversation, Shane returned and said everything was worked out. xxxx said he never heard Shane use any insulting words in reference to the soccer coach.

**Max Weber:** Weber is the EWU soccer coach that was involved in this incident. Weber was asked about the incident when a cross country athlete ran across the soccer field and Weber yelled at the athlete. Weber stated there were several cross country athletes that ran across the soccer field during practice. Weber yelled at the cross country team to stay off of the field. Shortly after, Shane approached Weber to discuss the incident. Shane requested that Weber direct any concerns with the cross country team at him. Weber agreed with Shane and the conversation ended. Weber stated the conversation was short and there was no arguing or yelling.

**Allegation 7:** xxxx alleged during the month of October 2017, Shane engaged in a conversation with cross country athletes regarding female cross country athletes' attractiveness. Shane made a comment, "All other things being equal, I like to recruit the prettier girls."

**Complainant xxxx xxxx:** During the month of October 2017, xxxx overheard Shane refer to the female athletes on the team by their sexual attractiveness. An athlete (unable to remember) on the team made a comment that the women's team had talent based on their physical appearance. Shane responded, "All other things being equal, I like to recruit the prettier girls." xxxx, xxxx xxxx, xxxx, and xxxx were present for the comment. xxxx stated the comments about the female athletes are not made in their presence. xxxx also heard Shane reference some of the athletes on the team as being fat including males and females.

**Respondent Chris Shane:** Shane was asked if he ever made comments regarding the female athletes' appearance. Shane said he did. Shane said he walked up on a conversation involving xxxx, xxxx and some other athletes. Shane overheard the athletes talk about how the distance runners were more attractive than the sprinters. xxxx then said to Shane, "Coach I've just got to say that what's going on with the quality of the girls on the team is fine by me." xxxx and xxxx went onto say how having attractive athletes was a good recruiting tool to get better runners at EWU. Shane said that it was not his intention but understood their perspective.

Shane also mentioned another conversation he had with xxxx and xxxx about a female runner named xxxx xxxx. Shane said xxxx was from Kenya and was expected to be very talented. However, she was not running as fast as expected so xxxx and xxxx asked Shane why xxxx wasn't doing better. Shane told xxxx and xxxx that once she got into better physical fitness shape she would perform better. Shane said he would never make the aforementioned comments in front of the female athletes and he did not treat the women any different based on appearance.

**xxxx** xxxx stated he was not aware of the alleged comments. xxxx provided names of two former athletes. xxxx xxxx and xxxx xxxx who were on the team last year. xxxx said both athletes stated Shane told them their performance suffered due to them being over-weight. xxxx said he would reach out to both females and provide Lamoureaux' information to speak with him about the comments.

Lamoureaux later asked xxxx if he reached out to both female athletes but xxxx did not respond to Lamoureaux. Lamoureaux sent an email to both females but only received a response from xxxx. Lamoureaux asked xxxx to contact him to discuss Shane but xxxx never responded.

**xxxx:** xxxx was asked if he heard Shane refer to female athletes' based on their appearance. xxxx said he never heard Shane make any comments about females.

**xxxx:** xxxx was asked if he ever heard Shane discuss the physical appearance of the female athletes on the team. xxxx said he never heard any comments about the female athletes.

**xxxx:** xxxx was asked if Shane discussed female athletes' physical appearance. xxxx said he had not heard Shane make any comments.

**xxxx:** xxxx was asked if he heard Shane reference female athletes' physical appearance. xxxx said he has never heard Shane comment about the female athletes.

**xxxx:** xxxx was asked if he ever heard Shane commenting on the female athletes' appearance. xxxx said he has never heard any comments regarding female athletes.

**xxxx:** xxxx was asked if Shane had made comments regarding female athletes' appearance. xxxx recalled having a one on one conversation with Shane during the 2015 season while at a practice about a female athlete being over-weight. xxxx said the comment was not said to the female athlete and no one else was around. xxxx believed the athlete's name is xxxx xxxx, who is no longer on the team due to graduating. xxxx thought it was extremely inappropriate especially since the women were present. xxxx stated in October 2017, during a practice, Shane responded to another male athlete on the team about the appearance of the female athletes, "All other things being equal, I always take the prettiest girls."

**xxxx** xxxx was asked if Shane made comments regarding female athletes' appearance. xxxx said he was present when a conversation started by xxxx about how the distance runners were better looking and more attractive than the sprinters. xxxx heard Shane from behind say, "All things being equal at the end of the day I tend to go for the ones that are more talented." xxxx interpreted the comment regarding talent to refer to the athletes' appearance. xxxx never heard Shane make any comments in front of the female athletes.

**xxxx:** xxxx was asked if he ever heard Shane make comments regarding female athletes' appearance. xxxx said during a practice, he walked up on xxxx, xxxx, xxxx and Shane having a discussion about the female athletes' appearance. xxxx recalled hearing Shane say, "I choose the prettier ones." xxxx believed Shane's comments were in reference to recruiting attractive athletes. xxxx has not heard any other comments related to females.

**xxxx:** xxxx was asked if Shane made comments about the female athletes' appearance. xxxx said he had not heard any comments about female athletes.

**xxxx:** xxxx was asked if he had heard Shane refer to the female athletes on the team based on their attractiveness. xxxx said he had not.

**Allegation 8:** xxxx alleged on or about October 20, 2017, Shane engaged in a conversation with xxxx and xxxx about how Shane had the opportunity to join the Army Special Forces. Shane stated, "I would have no problem putting a gun to someone's head and pulling the trigger."

**Complainant xxxx** xxxx believed Shane bullied and often intimidated the athletes and discouraged them from speaking. xxxx provided varies examples of incidents in which he felt Shane's conduct was erratic and intimidating. On October 20, 2017, approximately 1:00 pm, the team was in Louisville Kentucky when xxxx was involved in a conversation with Shane and xxxx xxxx while inside the team van after previewing the race course. The conversation began how one time Shane had the



opportunity to join the Army Special Forces. Shane began to list things he felt the Army was looking for, "People that were killers but could be controlled." Shane then said, "I would have no problem putting a gun to someone's head and pulling the trigger." xxxx did not know why Shane decided to make the comments. xxxx did not respond to Shane after the comments but it made him feel uncomfortable. xxxx denied Shane's version and again stated he had no idea why Shane made the comment.

**Respondent Chris Shane:** Shane was asked if he felt he intimidated or bullied the athletes. Shane explained he was an authoritative coach that expects the athletes to be respectful. Shane said he likes to be relaxed and happy around the athletes most of the time except when it is time to get work done. Shane said when it is time to focus on the training he demands the athletes are serious and do what he says as a coach. If any of the athletes are disrespectful he would ask them to leave practice. Shane believed his coaching style could be intimidating to athletes but he expects his athletes to take him seriously when it is time to focus on their training.

Shane was asked about a comment made to xxxx about how he would not have a problem putting a gun to someone's head and "pulling the trigger." Shane said he recalled the conversation because xxxx brought up to Shane how distance runners would make good soldiers because they were disciplined, had great work ethic and could push their limits. Shane agreed with xxxx and told him how he considered joining the reserves. Shane told him how a recruiter for the Army reserves recruited Shane to join. Shane told the recruiter he would only consider it if he would have the opportunity to be a "Special Forces" soldier. However, Shane ultimately decided he could not be a soldier because his heart was not in it and he would have a hard time killing people. Shane then said if our country went to war and his family was in danger he would have no problem pulling the trigger to protect his family.

**xxxx** xxxx was not aware of the alleged incident or comment made by Shane. xxxx was asked if he felt Shane was bullying or intimidating the athletes. xxxx said he did not think Shane was bullying the athletes. xxxx felt Shane's coaching could be viewed as intimidating because Shane was very authoritative and did not allow for any athlete to express their opinion on anything.

**xxxx:** xxxx was not present for the alleged incident and did not know anything about it. xxxx was asked about Shane "bullying" or "intimidating" athletes. xxxx said he did not believe Shane did either.

**xxxx:** xxxx was not aware of the alleged incident or comment made by Shane. xxxx was asked if he ever heard or observed Shane bully or intimidate the athletes. xxxx said he had not.

**xxxx:** xxxx was asked if he knew about the conversation Shane had with xxxx related to a gun. xxxx was unaware of the conversation. xxxx was asked if he felt Shane was a bully or intimidated any of the athletes. xxxx did not believe Shane did either. xxxx felt Shane treated everyone fairly and appropriately.

**xxxx:** xxxx was asked if he knew about the alleged conversation or if he believed Shane bullied or intimidated athletes. xxxx said he was unaware of the conversation and he did not believe Shane bullied or intimidated athletes.

**xxxx:** xxxx was asked if Shane intimidated and bullied athletes or if he knew about the alleged conversation involving a gun. xxxx was unaware of the conversation involving a gun. xxxx said Shane was an authoritative coach that expected a lot of this athletes that could intimidate athletes. But, xxxx did not think Shane actually intimidated or bullied athletes intentionally. xxxx believed Shane was acting like a coach.

**xxxx:** xxxx was asked if he heard the conversation by Shane involving a gun. xxxx did not hear the conversation about a gun. xxxx was asked if he felt Shane intimidated or bullied athletes. xxxx believed Shane's treatment of athletes makes them feel intimidated or bullied. xxxx said Shane is authoritative and prevents athletes from voicing their concerns by not allowing the athletes to speak. xxxx said Shane's overall conduct has contributed to this feeling.

**xxxx** xxxx was asked about the conversation with Shane and xxxx regarding Shane using a gun to shoot someone in the head. xxxx recalled xxxx, Shane and himself were engaged in a long conversation about how athletes would make good soldiers. xxxx then remembered Shane mentioned how he had an opportunity to be in the Special Forces but decided not to do it. Shane also mentioned he would not have a problem pulling the trigger and shooting someone. xxxx believed Shane was attempting to seem "tough" or "superior" to them. xxxx was asked if Shane intimidated or bullied athletes. xxxx said he did not believe Shane bullied any of the athletes. xxxx believed Shane intimidated athletes because he was hard to talk with about any concerns. xxxx said if an athlete attempts to have a dialogue with Shane on a topic that Shane doesn't agree with he either ignores the athlete or tells the athletes they are wrong. As a result, the athletes don't feel they can approach Shane about anything.

**xxxx:** xxxx was asked if he was aware of a comment Shane made in front of xxxx in reference to using a gun. xxxx said he did not know anything about that incident. xxxx was asked if he witnessed or was aware of Shane bullying or intimidating athletes. xxxx said he did not believe Shane did either.

**xxxx:** xxxx was asked about Shane having a conversation with xxxx about using a gun. xxxx said he did not know about the alleged incident. xxxx was asked if Shane engaged in bullying or intimidating the athletes. xxxx believed Shane intimidated athletes because Shane did not allow athletes to engage in conversations and provide input. xxxx said Shane made athletes feel they needed to be quiet and do whatever Shane said because he was authoritative. xxxx provided an example involving an incident with him and Shane. During the November 2, 2017 meeting, Shane was addressing the team about talking behind Shane's back when Shane pointed his finger at xxxx and questioned xxxx if xxxx had ever talked about Shane behind his back. xxxx said he knew Shane was referring to earlier in the day when xxxx along with

teammates talked about Shane and questioned his training during a team run. The way Shane confronted xxxx in the meeting made xxxx feel intimidated.

**xxxx:** xxxx was asked if he knew anything about a conversation Shane had with xxxx in reference to using a gun. xxxx was also asked if he felt Shane intimidated or bullied athletes. xxxx said he knew nothing about the gun conversation. xxxx said he did not believe Shane ever intimidated or bullied athletes.

**Allegation 9: xxxx alleged Shane engaged in an argument with an airport employee while the team was at the Chicago airport because the team missed a flight.**

**Complainant xxxx xxxx:** While at the airport to return to EWU (October 22, 2017), Shane approached an airport employee and aggressively confronted him about getting the team on a plane after they missed a flight. xxxx stated Shane placed his hands on the employee's shoulders and said, "You need to call United and tell them to get us on this flight." The employee responded, "Sir, you need to step back, don't touch me and you need to calm down." Shane replied, "No, I deserve to be heard." Employee said, "Sir, I'm going to call security and have you arrested." Shane replied, "No, you won't." Shane then ran away. Shane left the team behind for approximately an hour without telling anyone his whereabouts. Shortly later, two airport police officers walked past the team but they did not stop and ask questions.

**Respondent Chris Shane:** Shane was asked about the incident at the Chicago airport and an employee. Shane admitted he got into an argument with the employee and yelled at him but denied making any physical contact. Shane said the team's flight was canceled in Kentucky so they were directed to Chicago. When the team arrived in Chicago there was no flight at the gate they were advised to go to. The team was then told to run to a different gate to catch the flight. The team ran and there was no plane at the gate. At this point, Shane was frustrated, upset and concerned for his athletes' health. Shane said his job was based on the athletes' performance and the team had a big competition coming up. Shane was concerned for his athletes' safety and health and knew they needed rest and should not be running around an airport.

Based on Shane's concern for his athletes and United airlines misinformation about a flight waiting for the team, Shane approached the first United employee he observed. Shane began a dialogue which escalated into a more heated exchange due to his frustration and concern telling the employee he wanted to speak to the most important employee with United. Shane argued with the employee because he offered resistance rather than assistance. The employee said he would call security and Shane asked him if he was calling security because the employee was not doing his job. Shane then decided to run to the customer service area for United because he knew the more time that passed the less likely the team would be able to get onto a flight home.

**xxxx xxxx** was asked about the incident in Chicago at the airport. xxxx said he did not attend the trip so he only heard about it after the team returned. xxxx

was told by xxxx, xxxx, xxxx xxxx, xxxx xxxx and xxxx that Shane got into an argument with security.

**xxxx:** xxxx did not travel with the team for the trip to Kentucky and was unaware of what happened.

**xxxx:** xxxx was asked about the incident involving Shane arguing with an airport employee about not having a flight for the team. xxxx said Shane was upset because when the team was in Louisville the team's flight was cancelled. An airport employee then suggested they fly to Chicago to take a flight from Chicago to Spokane. When they arrived in Chicago they were advised they needed to run to a terminal to catch the flight. The team ran to the terminal and xxxx ran on his own despite being in the hospital earlier in the day. xxxx said Shane did not tell him to run. When the team arrived, they were advised they did not have a flight from Chicago to Spokane. At this point, the athletes and Shane were upset. Shane advised the airport employee he wanted to speak with his manager to resolve the issue of being lied to about the flights by United. xxxx said he never witnessed Shane place his hands on the employee or act inappropriate.

xxxx was asked if the employee mentioned calling security. xxxx said he did not hear a mention of security but he did observe a security person walk by the group. The security employee kept walking. xxxx was asked if Shane ran away from employee. xxxx said Shane never ran off but did leave the group to look for another flight.

**xxxx:** xxxx was asked about the incident at the airport in Chicago. xxxx stated the team was tired and frustrated because their flight was canceled in Kentucky so they ended up flying to Chicago because they were advised there was a flight waiting to take them to Spokane. When the team arrived in Chicago, there was no flight. The team was then advised to run to a different gate. The team ran to a different gate and there was no flight for them to take. Shane contacted an airport employee walking near the team and advised the employee they needed to get a plane to get his athletes home. Employee and Shane engaged in an argument regarding finding a new flight. After the employee advised Shane there were no additional flights, Shane ran away. xxxx believed Shane was looking for another employee to help him. Shane returned approximately one minute later and stated he would look for someone to help them find a flight. Shane then left for an hour. xxxx never observed Shane place his hands on the employee. xxxx said he was in close proximity to Shane and had a clear view.

**xxxx:** xxxx was asked about the incident at the airport involving an airport employee. xxxx said it was in Chicago after the team traveled from Louisville Kentucky trying to find a flight home. After the team arrived in Chicago they had to run to a different gate but when they arrived there was no plane. Shane became upset and yelled at an airport employee. Shane was in close proximity to the employee which xxxx described as "face to face." xxxx did not remember the argument only that it was regarding finding a flight for the team. xxxx remembered hearing the employee tell Shane he would call security. xxxx remembered seeing the security walk up and

just watch the two engaged in the conversation. Shortly after security arrived, Shane ran off one direction and then ran back another direction to look for a new flight. xxxx heard Shane say he would look for someone to help the team.

**xxxx:** xxxx was asked about the incident involving the airport employee in Chicago. xxxx recalled the team was in Kentucky attempting to return to Spokane when they were advised to take a flight to Chicago to catch another flight to Spokane. The team travelled to Chicago and noticed there was not a flight waiting for them. The team then heard over the airport intercom, "If you are flying to Spokane get to gate B6 right away." The team ran to the gate and there was not a plane waiting. At this point, everyone was frustrated and tired.

xxxx then sat down with xxxx to charge their cell phones away from the team. xxxx heard Shane yelling at an airport employee about getting the team another flight. xxxx did not recall the details of the argument. xxxx was unable to see Shane because a pillar was blocking his view. xxxx was unable to see whether Shane touched the airport employee. xxxx later observed Shane run to find another flight for the team.

**xxxx:** xxxx was asked about the incident with the airport employee. xxxx said everyone on the team was tired from travelling from Kentucky to Chicago and not having a flight waiting for them. The team then ran to another gate expecting a plane and there was not a plane at the gate. Shane got upset, approached and confronted an employee about finding a way for the athletes to fly to Spokane. Shane moved in close proximity which caused the employee to say, "You need to relax you are in my personal space." The employee said he would call the security and Shane said he would not. Shane suddenly took off running. xxxx believed Shane was trying to find someone else to help them find a flight home but xxxx thought it was odd behavior. xxxx did not observe Shane make contact with the employee.

**xxxx** xxxx was asked about the incident involving the airport employee. xxxx said the team flew to Chicago from Kentucky because they were told there would be a flight waiting for them to return to Spokane. When the team arrived in Chicago there was no plane. The team was then told to run to gate "E5" to catch a flight. After the team ran to the gate there was no flight. xxxx observed Shane drop his bags and approach an airport employee and begin to yell at him. xxxx heard Shane yelling at the employee asking him if he knew what he was doing. The employee said something about calling security and Shane telling the employee he would not call the security. Shane then suddenly ran away. xxxx believed Shane ran away to find someone else to help the team get on a flight. xxxx did not observe Shane place his hands on the employee or make any kind of contact.

**xxxx:** xxxx was asked about the incident at the airport. xxxx said he did not compete this year due to injuries and therefore he did not travel with the team. xxxx was not present for the incident.

**xxxx:** xxxx was asked about the incident at the airport. xxxx said he witnessed Shane yell at an airport employee because the team did not have a flight. Shane was in close proximity to the airport employee while he yelled at the employee to get the team a new flight. xxxx heard the employee say he would call security because the employee felt Shane was in his personal space. xxxx did not observe any physical contact occur. xxxx then observed Shane run away from the area to go find someone else to help find a new flight. xxxx said security arrived but stood around and watched.

**xxxx:** xxxx was asked about the incident at the airport involving Shane arguing with an airport employee. xxxx said the entire team was tired and frustrated because their flight was cancelled in Louisville and were advised by United to travel to Chicago to catch another flight. When the team arrived in Chicago there was no flight and they ended up running to another gate after United told them to run to another gate. When the team arrived and found no plane waiting for them, xxxx observed Shane walk up to a United employee and yell at him. xxxx heard Shane say to the employee, "I want to know who sent us over to this gate." xxxx heard the argument continue until the employee told Shane he was getting too close to him. Shane decided to leave to find someone else to help the team. Shane then ran off to the customer service desk. xxxx said he never observed Shane make contact with the employee.

**Allegation 10:** xxxx alleged on or about October 22, 2017, while handing out hotel room keys, Shane walked up to xxxx got into xxxx face and yelled, "You both should be praising me and thanking me for saving your asses and getting the hotel."

**Complainant xxxx xxxx:** Due to the fact the team was unable to fly back to EWU, the team went to a hotel. While at the hotel, Shane was passing out room keys to the athletes. When xxxx and teammate xxxx xxxx stood up to take their room key Shane yelled at them and said, "You both should be praising me and thanking me for saving your asses and getting the hotel." Shane then approached xxxx and stood within inches of his face and began to stare for approximately 10 seconds. xxxx felt Shane was aggressive in his stance and felt intimidated. xxxx turned and walked away. xxxx did not know why he confronted him at that time. xxxx said there was no argument or incident prior to the confrontation. xxxx denied Shane's version that he swiped the key away from Shane.

**Respondent Chris Shane:** Shane was asked about an incident at the hotel following the airport involving xxxx and a room key. Shane said xxxx was upset during the entire time in the Chicago airport. xxxx was vocalizing his displeasure to teammates with how Shane was handling the team's traveling situation. Shane heard the comments and felt xxxx was causing tension but Shane ignored the comments and focused on trying to get the team home. Eventually, Shane decided to get the team to a hotel. Shane used Ubers to get the athletes to the hotel. Shane decided which athletes got to go to the hotel first. Shane decided to have the athletes he expected to perform the best for the team in the upcoming competition to get to the hotel first to rest. xxxx was in one of the last Ubers and as a result he got to the hotel upset.

When everyone got to the hotel, Shane noticed xxxx was upset because xxxx made it clear. Shane decided to hand out the room keys to get the athletes to their rooms. Shane gave one of the first room keys to xxxx in an attempt to accommodate xxxx since he was visibly upset. As Shane handed xxxx the key, xxxx “ripped” the key out of Shane’s hand. xxxx took five steps away when Shane yelled out to xxxx to stop. xxxx turned around and Shane approached xxxx. Shane stood approximately an arms-length distance away from xxxx as he told xxxx he was not appreciative for the efforts made by Shane. Shane told xxxx he needed to “straighten up” and be better. The conversation ended and xxxx turned and walked away.

**xxxx** xxxx was not present and did not know anything about an incident at the hotel. xxxx did not have any other details.

**xxxx:** xxxx did not travel with the team for the trip to Kentucky and was unaware of what happened.

**xxxx:** xxxx was asked about the incident at the hotel between Shane and xxxx involving the room keys. At the hotel, Shane passed out room keys. xxxx was one of the first athletes to get his key and left before xxxx received his key. xxxx did not witness the incident xxxx alleged with Shane standing close to xxxx but xxxx said he heard about it during a team training run the following week. xxxx did not remember the date or who mentioned the incident.

**xxxx:** xxxx was asked about the incident at the hotel in Chicago. xxxx stated he did not witness the entire incident but heard part of it because he was laying on a couch in the hotel as Shane passed out room keys. xxxx believed it was approximately 4:00 am and everyone was tired. xxxx was resting on the couch when he observed xxxx “aggressively” pull a room key out of Shane’s hand and walk away. xxxx then heard Shane say, “You are lucky I got us a place to stay.” xxxx did not see whether Shane got close to xxxx because he closed his eyes to rest.

**xxxx:** xxxx was asked about the incident at the hotel. xxxx stated it was approximately 3:00-4:00 am when Shane passed out room keys. xxxx was one of the first athletes to get his key. Once he obtained his key he went to his room. xxxx did not see the incident between xxxx and Shane.

**xxxx:** xxxx was asked about the incident at the hotel with the room keys. Later that same night at the airport, approximately 3:00-4:00 am, xxxx observed xxxx quickly snatch a room key out of Shane’s hands and then turn and walk away. xxxx said Shane yelled out at xxxx stopped and turned around to face Shane. Shane then told xxxx he should “be more appreciative I did the best I could for the team.” xxxx turned and walked away. xxxx stated the moment the team landed in Chicago xxxx was in a bad mood. xxxx believed xxxx was the only athlete upset with Shane. xxxx stated the other athletes were appreciative of having a place to sleep.

**xxxx:** xxxx was asked about the hotel incident with xxxx and Shane. xxxx said he did not see the exchange of room keys. xxxx only heard Shane yelling at xxxx, "You better be thankful that we even got into this hotel." xxxx said Shane was standing in close proximity when he yelled at xxxx.

**xxxx** xxxx was asked about the incident at the hotel in Chicago with xxxx and Shane. xxxx said he was seated next to xxxx when Shane approached and handed xxxx a room key. xxxx took the key, stood up and turned to walk away. Shane then yelled out to xxxx that he was unappreciative. Shane approached xxxx and stood within close proximity to xxxx as Shane said xxxx needed to be thankful. xxxx heard Shane say to xxxx, "You shouldn't have swiped the card out of my hand." xxxx heard xxxx reply, "I didn't." Shane then asked xxxx if he would rather not have a room. xxxx replied "No" and turned and walked away. xxxx said he did not see xxxx "swipe" or aggressively take the key from Shane. xxxx felt Shane yelled at xxxx for no reason.

**xxxx:** xxxx was asked about the incident at the hotel. xxxx said he did not compete this year due to injuries and therefore he did not travel with the team. xxxx was not present for the incident.

**xxxx:** xxxx was asked about the incident at the hotel and room key with xxxx. xxxx said he was seated on a couch in the lobby when Shane began to pass out room keys. xxxx heard Shane call xxxx to receive his room key. xxxx observed xxxx walk up to Shane and accept the key but then loudly sigh. xxxx said Shane then "snatched" the room key away from xxxx and yell at xxxx for not being appreciative. xxxx said xxxx and Shane were in close proximity, possibly six inches apart, when the comments were made by Shane. xxxx believed xxxx apologized before walking away.

**xxxx:** xxxx was asked if xxxx and Shane got into a confrontation when Shane passed out hotel room keys. xxxx said he recalled the entire team was tired because it was approximately 3:00 am when they got to the hotel. Shane began to pass out keys for hotel rooms. xxxx watched xxxx walk up to Shane to get his key. xxxx observed Shane holding out a key when xxxx "swiped" the key away from Shane and said, "About time." xxxx demonstrated by extending his right arm out away from his body and then moving his arm quickly from right to left. After taking the key, xxxx turned and began to walk away. Shane yelled out to xxxx to come back. xxxx and Shane stood close enough to each other that xxxx was unable to hear what was said between them.

**Allegation 11:** xxxx alleged on or about October 25, 2017, at approximately 10:00 am, the team was on a bus when Shane argued with the driver that he did not have to sit down after the driver asked him to sit down.

**Complainant xxxx xxxx:** On or about October 25, 2017, at approximately 10:00 am, the team was on a bus at EWU to travel to the airport for the Big Sky conference competition in Salt Lake City. The bus is a Cheney school district bus. As the team left EWU, Shane was asked to sit down by the female bus driver. Shane began to yell at the bus driver. xxxx said he was in the back of the bus and unable to hear what was said



but was told by teammate xxxx Shane was aggressively arguing with the driver that he did not have to sit down. xxxx described the driver as a female, White, and approximately 50-60 years of age.

**Respondent Chris Shane:** Shane was asked about an incident involving a Cheney bus driver. Shane said the team was on the bus headed to the airport when he was asked to sit down. Shane said he sat down and then engaged the driver in a conversation. Shane said the conversation was about how he had never been told to sit down in a bus. The driver told Shane it was the rules in Cheney. Shane told the driver he had never heard that before and that maybe there was a miscommunication between the Cheney bus supervisors and the EWU Athletic Department. Shane said he never raised his voice or argued.

**xxxx** xxxx was asked about the incident with the bus driver. xxxx said he was not present and did not hear anything. xxxx did not attend the competitions because he redshirted.

**xxxx:** xxxx was asked about the incident involving the female Cheney bus driver. xxxx said he remembered the bus driver asking Shane to sit down and Shane having a discussion with the driver about it. xxxx did not hear arguing and thought Shane was cooperative with the driver.

**xxxx:** xxxx was asked about the incident with the Cheney bus driver. xxxx said he was seated behind Shane when he was passing out per diem. While passing out the per diem, the bus driver asked Shane to sit down because it was the law. xxxx heard Shane have a conversation with the driver in disagreement about the law but xxxx did not think Shane was rude or inappropriate. However, xxxx admitted the conversation made him feel uncomfortable because Shane argued explaining why he did not think he needed to sit down. xxxx was asked if he sent out a message to members of the team how Shane was acting. xxxx admitted he sent out a group text message to several athletes on the team. xxxx said his message exaggerated how Shane was truly acting.

**xxxx:** xxxx was asked about the Cheney bus driver incident. xxxx said he was seated in the back of the bus and did not see or hear anything that happened between Shane and the bus driver. xxxx said later that same day one of his teammates (unable to remember which one) mentioned Shane go into a discussion with the bus driver about standing up in the bus. xxxx did not hear the specific details of the incident and was unable to elaborate further.

**xxxx:** xxxx was asked about the incident involving the Cheney bus driver. xxxx said he recalled Shane was standing in the bus when the driver told him to sit down. xxxx observed Shane sit down as requested. xxxx did not hear or see anything else that occurred with the driver. However, xxxx stated he received a Facebook message in a group chat from xxxx that Shane was yelling at the driver. The message said, "Omg its cringe fest 2017 up here. Coach is roasting the bus

driver.” xxxx responded, “What is he saying.” xxxx replied, “She was like I need you to sit down it’s the law. And he’s like actually it’s not the law I need to do my job and they are just going back and forth coach is educating our bus driver lol.” xxxx provided a screen shoot of the conversation to Lamoureaux (Attachment A).

**xxxx:** xxxx was asked about the incident involving the Cheney bus driver. xxxx said he was seated toward the back of the bus. Shane was standing up talking to the athletes when the driver told Shane he needed to sit down. Shane turned and told the driver, “It’s my job to talk to my athletes.” Shane then approached the driver and sat down. xxxx never heard yelling or arguing and was unsure what was said between Shane and the driver. xxxx was asked if he was part of the group chat message that xxxx sent out during the incident. xxxx said he was not.

**xxxx:** xxxx was asked about the Cheney bus driver incident. xxxx was in the back and did not hear the exchange between the driver and Shane. xxxx only knew about the incident because of xxxx group message. xxxx said after the message he looked toward Shane’s direction and noticed Shane was leaning close to the driver engaged in a conversation. xxxx said it was unclear if Shane was arguing with the driver.

**xxxx** xxxx was asked about the bus driver incident. xxxx said he was seated on the bus and did not see what happened. xxxx only knew something happened because xxxx sent a group message about Shane yelling at the driver. After receiving the message, xxxx looked toward Shane and observed Shane seated talking to the driver. xxxx was unable to tell if Shane was arguing with the driver.

**xxxx:** xxxx was asked about the incident with the bus driver. xxxx said he did not compete this year due to injuries and therefore he did not travel with the team. xxxx was not present for the incident.

**xxxx:** xxxx was asked about the incident involving the Cheney bus driver. xxxx said he was seated in the middle of the bus when he heard the bus driver tell Shane he needed to sit down. xxxx observed Shane sit down. xxxx said it appeared as though Shane engaged in a conversation with the driver. xxxx was unable to determine if Shane was arguing or simply having a conversation with the driver.

**Paul Harris:** Harris is currently the Director of Transportation for Cheney Public Schools. Lamoureaux asked Harris who the bus driver was on or about October 25, 2017 transporting the EWU cross country team. Harris said the team travelled on bus #16 and the driver was Sandy Brantley. Harris stated Brantley reported to Harris she got into an argument with a coach over standing in the bus. Harris did not have any further details. Harris added the busses have surveillance video which he reviewed. Harris said the conversation was not captured by the audio and unable to hear what was said between Brantley and Harris. Harris provided Lamoureaux with Brantley’s contact number to contact her regarding the incident.

**xxxx:** xxxx was asked if he observed the incident with the Cheney bus driver. xxxx stated he was seated in the back of the bus when he heard the bus driver tell Shane to sit down. Shane was standing toward the middle of the bus talking to the team. Shane walked up toward the bus driver and sat down near her. xxxx said it appeared Shane engaged in a conversation with the driver. xxxx was unable to hear what was said but he believed it was a calm conversation because it did not appear to be animated.

**Sandy Brantley:** Lamoureaux spoke with Brantley over the phone regarding the incident on the bus. Brantley stated she recalled the incident because Shane argued with her over being told to sit down on the bus. Brantley said when the cross country team first got onto the bus Shane was seated close to her. When Brantley got onto the highway she noticed Shane was no longer seated near her. Brantley looked into the rear view mirror and noticed Shane was standing in the bus. Brantley yelled out, "Sit down back there." Brantley noticed Shane did not respond. Brantley again yelled out, "Sit down back there." Brantley noticed Shane did not respond again. The third time, Brantley said, "Coach you need to sit down." This time an unknown athlete advised Shane that the driver was trying to talk to him.

Shane approached the driver and stood next to her while Brantley advised Shane he needed to sit down on the bus. Brantley stated Shane used a "stern" tone as he argued with her about sitting on the bus. Brantley recalled Shane said, "I have coach things to do." Brantley told Shane he could do his coach things while he sat down. Brantley advised Shane it was the law for Shane to sit on the bus. Brantley recalled Shane said, "Actually no it's not." Brantley said the argument went back and forth for a few minutes until Shane finally sat down. Brantley felt Shane's actions were "unprofessional."

**Allegation 12:** xxxx alleged on or about October 28, 2017, Shane was driving a van with the men's cross country team as passengers when a vehicle honked at the van and Shane proceeded to tell the driver of the vehicle they were "fat and ugly."

**Complainant xxxx xxxx:** On October 28, 2017, immediately after the race in Salt Lake City, the men's team was returning to the hotel riding in a van driven by Shane. While on the road, another vehicle honked at the van. Shane drove next to the vehicle that honked, lowered his window, leaned out of the window and yelled, "You don't have to honk. I did not honk at you because you are fat and ugly."

**Respondent Chris Shane:** Shane was asked about a road rage incident in Utah while he was driving the van. Shane admitted there was an incident he described as "not my best moment." Shane said he was driving a van with the team when he drove into another lane because they were getting close to their hotel exit. As he began to merge lanes in traffic with his signal on, the vehicle in question would not allow him to merge but Shane continued to ease into the lane. The vehicle began to honk excessively at Shane. The driver of the other vehicle then drove up along Shane's driver's side and lowered their window. Shane lowered his window and told the driver that it was unnecessary to honk at him because he had used his turn signal. The driver then displayed their middle finger at Shane. Shane responded by telling the driver they were "fat and ugly." Shane said

after it happened he realized he should not have acted that way. Shane apologized to the athletes for his behavior.

**xxxx** xxxx did not travel with the team and did not know anything about the incident.

**xxxx:** xxxx was asked about the road rage incident. xxxx confirmed the incident happened as alleged.

**xxxx:** xxxx was asked about the road rage incident. xxxx confirmed another car honked and passed the team van. The other driver displayed her middle finger to Shane as she drove next to the van. Shane lowered his window, leaned out and yelled, "You are fat and ugly." xxxx thought the other driver was the aggressor.

**xxxx:** xxxx was asked about the road rage incident in Utah. xxxx was seated in the back of the van and observed a vehicle approaching from behind. xxxx noticed the vehicle was about to pass the van when Shane moved into the lane of the vehicle. xxxx did not know whether Shane moved over on purpose. The driver of the other vehicle honked their horn and then displayed their middle finger. The driver of the vehicle drove up next to the van and lower their window. Shane lower his window and said, "Hey man you don't need to do this. I have a van full of athletes. I'm sorry you are fat and ugly." xxxx was unable to see of the driver from the other vehicle did or said anything that proceeded Shane's comments. The driver in the vehicle drove away and the van exited for their hotel.

**xxxx:** xxxx was asked about the road age incident in Utah. xxxx said he noticed Shane moved into a different lane and a vehicle behind the van honked. The driver of the other vehicle then drove up alongside of Shane's window and lowered their window. Shane said, "I had my blinker on why are you honking?" The driver displayed their middle finger at Shane. Shane responded, "I'm sorry that you are fat and ugly." The driver drove away and Shane took the next exit to the hotel.

**xxxx:** xxxx was asked about the road rage incident in Utah. xxxx said he had his headphones covering his ears when the incident occurred. xxxx recalled a driver in another vehicle drove up next to the van and displayed their middle finger at Shane. xxxx observed Shane say something to the driver but he was unable to hear due to his headphones.

**xxxx:** xxxx was asked about the road rage incident in Utah. xxxx said there was a vehicle excessively honking their horn at the team van. The vehicle drove up next to the van and the driver and Shane lowered their windows. Shane said, "Hey I had my turn signal on I had every right to get over." xxxx did not see the other driver display a middle finger but then heard Shane say, "I'm not mad at you because you are fat and ugly." Shane then exited to go to the hotel.

xxxx xxxx was asked about the road rage incident. xxxx recalled Shane drove into a different lane when a sedan began honking at the van. The sedan drove up next to the van and displayed their middle finger at Shane. Shane responded by calling the driver "fat and ugly."

xxxx: xxxx was asked about the road rage incident. xxxx said he did not compete this year due to injuries and therefore he did not travel with the team. xxxx was not present for the incident.

xxxx: xxxx was asked about the road rage incident in Utah. xxxx said he recalled Shane switched lanes and another vehicle began to honk at Shane. The other vehicle then drove up next to Shane and the driver displayed their middle finger. Shane then called the driver "fat and ugly."

xxxx: xxxx was asked about the road rage incident with Shane driving the van in Utah. xxxx said he did not know what happened because he was not inside the van when it happened. xxxx said he was driving another van at the time.

**Allegation 13:** xxxx alleged between winter 2016 through summer 2017, Shane encouraged athletes on the cross country team about performance enhancing drug (PEDs) use.

**Complainant xxxx** xxxx said when he first met Shane he suggested xxxx read a book about Lance Armstrong, "The Secret Race." The book outlined how to get away with using performance enhancing drugs. Shane made a comment to xxxx September 2017 during a summer camp, while seated in the dining room, Shane said, "If you use EPO you won't be caught by the NCAA because of the testing procedures they use." xxxx said he heard from xxxx xxxx a similar conversation occurred during the winter of 2016. During the summer 2017, xxxx had pneumonia and was prescribed prednisone. Shane advised xxxx the drug was considered a PED. xxxx interpreted Shane was suggesting xxxx should use the drug. xxxx said Shane has never directly said he needed to use PEDs but has referenced the benefit of using them and not getting caught.

**Respondent Chris Shane:** Shane was asked if he ever suggested PED use or encouraged athletes to use them. Shane said he never suggested or encouraged PED use. Shane said the team has had conversations about PED use amongst other athletes on the team and whether they feel other athletes in the sport are using. Shane said whenever he has heard athletes bring up the subject he has provided his opinion on the subject. Shane said he will offer his opinion as to whether an athlete is using PEDs which is only his opinion. Shane said he has never told an athlete they should use PEDs and that the only time the topic has come up is when the athletes engage in a dialogue on the topic.

xxxx xxxx was asked whether Shane encouraged or suggested the athletes should use PEDs. xxxx said during a competition in Minnesota 2016, Shane

brought up using EPO during a dinner at the Outback Steak House. xxxx, xxxx and xxxx were seated at a table with Shane when he mentioned using EPO because NCAA did not test for it. xxxx said Shane never told the athletes to use EPO but xxxx interpreted Shane's comments as a suggestion to use it.

xxxx said during a team camp in 2016, they were watching the Olympics when some athletes asked Shane if he thought athletes were using PEDs. Shane advised he believed several used and that if any of his athletes used he would not care as long as they were held accountable if they got caught.

**xxxx:** xxxx was asked if he heard about Shane discussing athletes using performance enhancing drugs. xxxx said he never heard any discussion or reference to use of performance enhancing drugs by Shane.

**xxxx:** xxxx was asked if Shane encouraged or suggested the use of PEDs. xxxx said he never heard Shane encourage or suggest any athlete should use PEDs. xxxx said he has heard athletes on the team ask Shane his opinion of PED use. xxxx believed the conversations were informational and not to encourage use. xxxx did not remember the names of the athletes or when the conversation occurred.

**xxxx:** xxxx was asked if Shane recommended or suggested using performance enhancing drugs (PEDs). xxxx said he never heard Shane suggest or recommend using PEDs. The only time PEDs were discussed were when an athlete would bring up the topic. On a couple of occasions, xxxx heard an athlete ask Shane if he thought the other athletes were using EPO. Shane would respond that he did not believe the athletes were using EPO or PEDs and that Shane told the athletes he believed that PEDs were bad for them. xxxx said he never interpreted any of the conversations Shane had on PED use to encourage anyone to use them. xxxx was unable to remember the details of when the conversations occurred only that he believed they occurred during team trips for competitions.

**xxxx:** xxxx was asked whether Shane suggested or encouraged PED use. xxxx stated he did not think Shane encouraged PED use but during two different conversations Shane has mentioned that athletes would not get caught due to the current testing in the NCAA. During the team camp in August 2016, the athletes were watching the Olympics when the question was raised if the athletes were using PEDs. During the team discussion of the topic, Shane stated he believed the athletes at the highest level were using PEDs. Shane also made a comment that athletes competing in the NCAA would not get caught because of the current tests would not be able to detect certain PEDs. During the team camp in August 2017, the team was having a discussion about former Texas A&M sprinter Fred Kerley turning professional as a track and field athlete. During the team conversation, Shane stated he believed Kerley was "doping" and that his sponsors paid for him to use PEDs. Shane went onto explain how athletes use PEDs and are able to pass tests.

**xxxx:** xxxx was asked if Shane suggested or recommended athletes used PEDs. xxxx said he never heard Shane reference using PEDs. xxxx recalled xxxx “joking” that he would use EPO to make it to Nationals and that Shane laughed and said, “Oh yeah.” xxxx was asked if he attended the past two team camps in August. xxxx said he showed up two days late to the August 2016 camp and did not attend the camp in August 2017. xxxx never heard any discussions on using PEDs.

**xxxx:** xxxx was asked if he heard Shane suggest or encourage athletes to use PEDs. xxxx said he never heard Shane suggest or encourage PED use. xxxx has heard Shane engage in team conversations whenever the topic comes up about PED use. Shane will generally express his knowledge on the topic.

**xxxx** xxxx was asked about Shane suggesting or encouraging PED use. xxxx said he has never heard Shane suggest or encourage using PEDs.

**xxxx:** xxxx was asked if Shane suggested or recommended PED use to the team. xxxx said Shane has never suggested PED use. xxxx said the team has had discussions on whether other athletes from other teams were using PEDs like EPO. xxxx said the discussion is more of a dialogue about whether those athletes are using and everyone’s opinion including Shane’s.

**xxxx:** xxxx was asked if Shane encouraged or suggested athletes on the cross country team to use PEDs. xxxx said he never heard Shane suggest or encourage athletes to use PEDs. xxxx said the team has engaged in conversations as to whether athletes on other teams were using PEDs. xxxx said the athletes and Shane have shared their opinions on whether the athletes from the other teams were using PEDs.

**xxxx:** xxxx was asked if Shane engaged in discussions about PEDs and suggested athletes should use them. xxxx said the team often engaged in conversations about how they believed elite and Olympic athletes were most likely using EPO. xxxx said he never heard Shane suggest or encourage PED use.

**Allegation 14:** xxxx alleged on November 2, 2017, during a team meeting, Shane told xxxx he was the “biggest thorn in the side of the team.” Shane also referred to xxxx and xxxx as a “cancer” to the team.

**Complainant xxxx xxxx:** On November 2, 2017, at approximately 7:00 pm, the men’s team attended a meeting inside Shane’s office. Shane started the meeting by advising the athletes that the meeting would be recorded. Shane brought up the prior meeting and asked the athletes to speak up about the training or anything. xxxx, xxxx, xxxx xxxx, xxxx xxxx, xxxx xxxx and xxxx were present when some of the athletes spoke up about missing a workout (coach’s decision) after the Louisville trip that affected their performance. Shane asked the athletes to let him know who disagreed with missing a workout after the Louisville trip. xxxx voiced his opinion that he felt missing the workout contributed to the team’s performance. xxxx stated he did not have time for the team to have to figure things out because he only had two

seasons left to compete. Shane responded he had “zero seasons left” because Shane decided how many seasons he had left to compete. Shane responded to the athletes that he was the “General” of the team and if you don’t like and do what he says they can leave.

During this meeting, Shane told xxxx he was the “biggest thorn in the side of the team.” xxxx sarcastically replied, “Last year xxxx was the biggest cancer to the team now it is me I guess.” Shane replied, “No it’s both of you.” Shane began to point out how he had helped xxxx xxxx perform at a high level. xxxx told Shane it was not true because xxxx performed at a high level as a freshman. xxxx admitted he has acted with sarcasm due to his frustration with Shane’s treatment of him and his teammates. xxxx was kicked out of the meeting shortly thereafter.

**Respondent Chris Shane:** Shane was asked about the meeting on November 2, 2017 and whether he made comments about athletes being a “cancer” or a “thorn.” Shane said he did use the words “cancer” and “thorn” to describe xxxx and xxxx conduct toward the team. Shane explained how during the October 30, 2017 meeting, Shane explained to the team how they needed to treat each other like a family and stop talking negatively about each other. Shane said the athletes in attendance appeared to understand the message. Shane brought up the treatment of others because he had heard athletes were saying negative things about each other and felt it needed to stop.

On November 2, 2017, Shane received a call from xxxx that xxxx was saying negative things about Shane during a team run. Shane asked xxxx and the other team captain xxxx to come over to his house. xxxx and xxxx came over to Shane’s house and told him what xxxx was saying during the team run. Shane was upset and wanted to cut xxxx from the team. Shane decided instead to have a team meeting again to reinforce the theme of the previous meeting on October 30, 2017 how they all needed to stop talking about each other behind their backs.

During the meeting, Shane reminded the athletes that they all needed to treat each other better and stop talking about each other. Shane said xxxx and xxxx were argumentative and confrontational during the meeting instead of agreeing to stop being negative. At one point during the meeting, Shane was upset with xxxx for not admitting to his conduct. Shane described xxxx and xxxx as a “cancer or cancerous” and a “thorn” in the side of the team due to their conduct and treatment of others. Shane said he eventually asked xxxx to leave the meeting because he was only arguing and being confrontational.

xxxx xxxx was asked about the team meeting on November 2, 2017. xxxx said the meeting was supposed to allow athletes to speak openly about concerns. During the meeting, xxxx and Shane acted “immature” and argued back and forth. xxxx recalled Shane calling xxxx and xxxx a “cancer” and a “thorn in the side.” xxxx did not recall the context of the statements by Shane. Eventually, xxxx was asked to leave the meeting.



**xxxx:** xxxx was asked about the team meeting that occurred on or about November 2, 2017. xxxx said the meeting was to encourage athletes to express any concerns. During the meeting, xxxx began to argue with Shane. In xxxx opinion, xxxx was arguing and not helping to solve any of the concerns. xxxx was disruptive and asked to leave the meeting. xxxx did not recall the comment by Shane with the use of either “cancer” or “thorn.”

**xxxx:** xxxx was asked about a team meeting that occurred on or about November 2, 2017. xxxx said the meeting occurred because xxxx was on a team run with other teammates when he heard several of them talking about how much they did not like Shane. xxxx said xxxx began to question Shane’s credibility and coaching during the run. xxxx said as the team captain he felt it was not appropriate for them to talk about Shane without him present. xxxx advised the group to stop.

After the run, xxxx met with Shane at Shane’s residence from approximately 5-8 pm. During the meeting, xxxx advised Shane of what xxxx said about him during the run and how he felt it was bad for the team chemistry. xxxx said Shane became angry and upset that xxxx would say negative things about him without his knowledge. Shane told xxxx he should “cut” xxxx from the team but did not want to do that to xxxx. Instead, Shane decided to call a mandatory meeting to encourage an open dialogue.

The team then met on campus. xxxx said Shane attempted to communicate to members of the team that they all needed to treat each other better and discuss any concerns they had openly. xxxx said during the dialogue, xxxx was argumentative with anything Shane said to the point that xxxx felt it was unproductive. Shane then asked xxxx to leave the meeting. During the meeting, xxxx confirmed hearing Shane reference xxxx as a “cancer” and told the athletes they were not “D1” athletes. xxxx believed Shane was attempting to communicate to xxxx and other athletes to stop causing problems with the team and to encourage them to work harder. xxxx believed that many of the athletes did not take Shane’s message as it was intended.

xxxx said he felt the team had certain athletes (xxxx, xxxx xxxx, and xxxx) that liked to confront or challenge Shane. xxxx personally liked Shane as a coach and did not think he had done anything wrong.

**xxxx:** xxxx was asked about the team meeting that occurred on or about November 2, 2017. xxxx said he recalled Shane called the meeting to discuss how the team should treat each other. During the meeting, Shane got into a discussion with xxxx about his lack of leadership. The conversation went back and forth until Shane referenced xxxx was cancerous because he spreads bad rumors which hurt the team. xxxx was unable to remember the specific details of the conversation.

Shane began having a conversation with xxxx xxxx regarding his improvements from this year to the prior year. During the conversation, xxxx began interrupting Shane and arguing with Shane. Shane would attempt to continue his conversation with xxxx but xxxx continued to interrupt. Shane and xxxx engaged in an argument until Shane

eventually asked xxxx to leave the meeting. xxxx did not remember what was said between both parties. xxxx believed the upper classman (xxxx, xxxx and xxxx) have been more confrontational than the other athletes on the team toward Shane.

**xxxx:** xxxx was asked about the team meeting on November 2, 2017 and whether Shane made comments calling athletes a cancer or thorn. xxxx said he recalled during the dialogue Shane began to “go off” on xxxx, xxxx and xxxx because they were argumentative and questioned Shane’s training of the athletes. At one point in the argument, Shane referred to xxxx as a “cancer” to the team and said that all of the aforementioned three athletes were a “thorn” in his side.

During the argument, Shane told the team everyone had “zero seasons” of eligibility to compete unless Shane decided they could compete. xxxx voiced his opinion to Shane that he did not appreciate the comment. xxxx recalled xxxx said, “I guess I don’t get to race cause I’m a cancer on the team.” Another athlete advised Shane it was inappropriate to call xxxx a cancer. Shane responded that he should not have called him a “cancer” but then he said xxxx did “cancerous things” that hurt the team.

Shane began to talk again about working hard and referenced the improvement with xxxx season from last year’s. xxxx interrupted Shane and said it was not because of his training this year. xxxx said xxxx was good during his first year. Shane got upset and asked Shane to leave the meeting.

**xxxx:** xxxx was asked about the team meeting on November 2, 2017 and the comments made toward xxxx and xxxx by Shane. xxxx said prior to that team meeting, the athletes had an “athletes” only meeting the week before the Utah competition. The meeting was called to discuss the treatment of teammate xxxx by xxxx, xxxx and xxxx. xxxx stated the aforementioned three teammates were making fun of xxxx during a group chat about his weight and how he was not a member of the team because he missed too much practice. During the meeting, athletes discussed treating xxxx better. xxxx and xxxx did not agree and left the meeting upset.

xxxx stated the next meeting was on October 30, 2017 when xxxx and xxxx argued with Shane when Shane stated they were not successful as a team because they were not a close family. xxxx told Shane he did not agree because xxxx said it was the closest he has ever been with his teammates and Shane would not know because he was not around enough. xxxx said many of his teammates did not agree with xxxx statement because they felt xxxx was a hypocrite for his treatment of xxxx.

On November 2, 2017, during the team meeting, Shane was discussing the negativity on the team and how the athletes needed to apologize to each other for how they treated each other. xxxx and xxxx would confront Shane with any comments he made instead of attempting to resolve the team’s problems. As xxxx confronted Shane, Shane referred to xxxx conduct as “cancerous” because he was always causing problems instead of helping solve them.

xxxx continued to argue with Shane over his comments. Shane then began talking about xxxx xxxx improvement from a year ago and how the training has helped him. xxxx interrupted Shane and stated it was not true because xxxx was good his freshman season. At that point, Shane was annoyed with xxxx disruptive behavior and asked him to leave the meeting.

**xxxx:** xxxx was asked about the team meeting on November 2, 2017. xxxx said Shane began discussing how as a team they needed to figure out how to build a team as a family. xxxx voiced his concern with Shane that he felt the team still needed to figure things out with xxxx only having two seasons left. Shane responded by telling the team they all had “zero” seasons left to compete because Shane said he decided who would be able to compete moving forward.

xxxx said he did not like that response from Shane. Shane then addressed xxxx for always making decisions without Shane for the team which Shane felt was “cancerous.” Shane brought up xxxx deciding what the athletes should wear on the next competition. xxxx said he took a Facebook poll to see what the athletes wanted and based on the poll he advised the athletes what to wear. xxxx said he only made the decision because previously Shane had told the athletes they could wear whatever they wanted. xxxx intention was so that the team would look good dressed the same.

Shane also referred to xxxx as a “cancerous” along with xxxx during the meeting when xxxx attempted to speak about a topic. xxxx was eventually asked to leave the meeting. xxxx was upset over the “cancerous” reference and felt “beat down” by Shane. xxxx began to cry and kept quiet the rest of the meeting.

**xxxx** xxxx was asked about the November 2, 2017 team meeting about xxxx being called a cancer or a thorn by Shane. xxxx said during the meeting Shane was discussing how the team needed to be more like a family and treat each other better. xxxx told Shane he did not treat the athletes well and referenced how Shane had previously called him a “cancer.” Shane responded by telling xxxx he was a “cancer” and then told xxxx he was as well including the “biggest thorn on my side.” Later during the meeting, xxxx xxxx told Shane he should not have called xxxx a “cancer.” Shane responded by agreeing he should not have called xxxx a “cancer” but then said xxxx did “cancerous” things to affect the team.

**xxxx:** xxxx was asked about the meeting on November 2, 2017. xxxx said he was not present for the meeting because he was out of town.

**xxxx:** xxxx was asked if Shane called xxxx or any other athlete a “cancer” or a “thorn” during the November 2, 2017 meeting. xxxx said he recalled Shane calling either xxxx or xxxx a “cancer” and Shane later referring to xxxx, xxxx and xxxx as a “thorn” in the side of the team due to their conduct.

**xxxx:** xxxx was asked about the team meeting on November 2, 2017 and if xxxx or xxxx were called a cancer or a thorn. xxxx said he was with xxxx and

several members of the team earlier in the day on a team run. xxxx said he was in front of the runners and did not hear what was discussed. After the run he found out by xxxx that xxxx and xxxx had made negative comments about Shane during the run. xxxx and xxxx agreed to notify Shane.

xxxx and xxxx went over to Shane's house to talk about what happened. Shane was upset but decided to call a team meeting. During the meeting, Shane was talking about different actions by members which caused problems to the team chemistry. An example used was an argument several members of the team got into over what clothing should be worn on a trip. xxxx said xxxx was the team captain and it was his responsibility to advise the team what to wear after discussing it with Shane. xxxx had relayed to the team that Shane did not care what the team wore so xxxx advised everyone they could wear whatever they wanted. xxxx and xxxx were a couple of the athletes that began to argue with xxxx over what to wear. xxxx said the argument over the clothes was an example of how xxxx and xxxx have created problems for the team's chemistry. Shane called out both xxxx and xxxx over their actions by using the word "cancer." Toward the end of the meeting, Shane apologized for using the word "cancer" but then said the negative actions were "cancerous."

As the meeting continued, Shane began to talk about xxxx improvement in performance. xxxx interrupted Shane and said xxxx was already good when he was a freshman and it had nothing to do with Shane's training. Shane then told xxxx to leave the meeting.

**Allegation 15:** xxxx alleged during the spring 2017, Shane received a portable Bose speaker from xxxx as a gift.

**Complainant xxxx** xxxx said during spring 2017, xxxx gave Shane a portable speaker made by Bose as a gift. xxxx found out about the gift because Shane let other athletes know he received a gift and made it seem as though the other athletes should do the same and get him gifts.

**Respondent Chris Shane:** Shane was asked if he received gifts from athletes and encouraged or asked athletes to give him gifts. Shane said he has never asked for gifts or encouraged athletes to give him gifts. Shane did receive a speaker from xxxx as an appreciation for being the coach. Shane said he had spoken with the EWU athletics department compliance officer to make sure it was not an NCAA violation. Shane said he was assured it was not a violation to receive a gift as a coach of a division 1 team.

**xxxx** xxxx was asked about Shane receiving gifts. xxxx said he was aware xxxx gave Shane a speaker. xxxx said he never heard Shane ask for gifts or suggest it. xxxx said Shane's wife commented several times over the course of several months how thankful she was for the gift and several members took it as if she was attempting to influence other athletes to give gifts.

**xxxx:** xxxx was asked if he gave a gift to Shane. xxxx said he gave Shane a blue tooth portable speaker at the track team banquet in December 2016 before the season started. xxxx said the speaker was a gift from his father to xxxx said he never used it and decided to give it to Shane. xxxx said the speaker was new and never used. xxxx did not know the value of the speaker. xxxx said he told his father and his father did not mind. xxxx said he decided to give Shane the gift as a good gesture. Shane never asked him for a gift or suggested to any athletes to give him gifts.

**xxxx:** xxxx was asked about Shane receiving gifts or asking for them. xxxx was unaware of Shane receiving any gifts from athletes. xxxx said he never heard Shane ask for gifts or suggest he should receive gifts.

**xxxx:** xxxx was asked whether Shane received or asked for gifts. xxxx said he never heard Shane ask for gifts. xxxx was unaware of Shane receiving any gifts.

**xxxx:** xxxx was asked if Shane asked or received gifts from athletes. xxxx said he was aware of xxxx giving Shane a speaker as a gift because of a Facebook post by Shane's wife. xxxx said Shane's wife posted a thank you to xxxx for a speaker that Shane received as a gift for being the coach. xxxx forwarded the post to Lamoureux (Attachment B). Other than Shane's wife thanking xxxx, xxxx has not heard Shane ask or suggest he should receive gifts.

**xxxx:** xxxx was asked about Shane receiving or asking for gifts. xxxx said he was not aware of any gifts provided to Shane. xxxx had not heard Shane ask for gifts.

**xxxx:** xxxx was asked if Shane received gifts and encouraged athletes to give Shane gifts. xxxx found out Shane received a gift when he was at the team camp August 2017 because Shane's wife thanked xxxx in front of the team for the speaker he gave to Shane as a gift. xxxx has never heard Shane ask for gifts or suggest the team should give him gifts.

**xxxx:** xxxx was asked if Shane accepted gifts or asked for gifts from the team. xxxx said he found out about a speaker Shane received as a gift from xxxx because Shane thanked xxxx for the gift. xxxx has not heard Shane ask for gifts or suggest the team should get him gifts.

**xxxx:** xxxx was asked if Shane received gifts or suggested athletes should get him gifts. xxxx said he was aware xxxx gave Shane a speaker because Shane publicly thanked xxxx for the gift on Facebook and in front of the team. xxxx has not heard Shane suggest anyone should get him gifts.

**xxxx:** xxxx was asked if Shane received or encouraged athletes to give him gifts. xxxx said he was only aware of one incident involving xxxx giving Shane a speaker. xxxx recalled Shane publicly thanking xxxx for the speaker. xxxx said he never heard Shane ask for gifts.

**xxxx:** xxxx was asked if he knew about Shane receiving a gift from xxxx or any other athlete and if Shane asked for gifts. xxxx said he did not know about the gift until he heard xxxx mentioned he was giving Shane a gift. xxxx said he never heard Shane ask for gifts.

**Allegation 16:** xxxx alleged during this past year (2017), Shane removed equipment, specifically the Normatech, from EWU and kept the equipment at his house.

**Complainant xxxx** xxxx stated Shane often checked out a piece of equipment called "Normatech" which is a tool to help runner recover. xxxx said Shane often has the equipment at his house which prevents athletes from using the equipment.

**Respondent Chris Shane:** Shane was asked if he was using EWU equipment (Normatech) for personal use. Shane said he has never used EWU equipment for personal use. Shane explained how the Normatech is taken on the team trips. After one of the team's competitions, he carried the medical bag and Normatech into his house because it was too late to return it to EWU. Shane said he simply forgot it was still in at his house until he noticed a week later. Shane returned the Normatech and never used it. Shane said no athlete has ever asked for it and the athletic training staff made no mention of it.

**xxxx** xxxx was asked about Shane having EWU equipment for personal use. xxxx said on October 31, 2017, he was over Shane's house and observed the Normatech equipment. xxxx said during the year he believed the equipment remained with Shane because the athletic trainer (Brittany Castilla) would tell athletes the equipment had not been returned by Shane.

**xxxx:** xxxx was asked if Shane took EWU equipment home for personal use. xxxx said he did not know.

**xxxx:** xxxx was asked about Shane using EWU equipment for personal use. xxxx said he did not know about personal use of equipment.

**xxxx:** xxxx was asked about Shane taking home EWU equipment (Normatech) for personal use. xxxx believed Shane had the Normatech at his house one time because it was too late to return it to EWU due to returning home late from a competition.

**xxxx:** xxxx was asked if Shane took EWU equipment (Normatech) home for personal use. xxxx said he was at Shane's house for a team pumpkin carving activity on or about October 21, 2017. During the gathering, xxxx observed the Normatech in the living room. xxxx believed the equipment was normally stored in the training room. xxxx was not aware of Shane using the equipment.

**xxxx:** xxxx was asked about Shane using EWU equipment such as the Normatech for personal use. xxxx said he was not aware. xxxx said he personally uses the equipment and he did not know anything about Shane using it.

**xxxx:** xxxx was asked about Shane taking equipment home for personal use. xxxx said he only heard from other athletes that Shane had the Normatech at his house. xxxx said he never observed it and did not know any other details regarding Shane taking equipment home. xxxx was unaware of Shane using the equipment.

**xxxx** xxxx was asked if Shane used EWU equipment for personal use. xxxx said he observed the Normatech at Shane's residence but did not know if Shane used the equipment for himself. xxxx said Shane had been asked by athletes to return the equipment on three occasions but Shane did not return it immediately.

**xxxx:** xxxx was asked if Shane used EWU equipment such as the Normatech for personal use. xxxx said he was not aware of Shane using or possessing the equipment.

**xxxx:** xxxx was asked if Shane used EWU equipment such as the Normatech for personal use. xxxx said he was aware Shane had the Normatech because on several occasions xxxx went to the training room looking for the equipment. xxxx said if the equipment was not available he would be told by the trainer that Shane was in possession of it. xxxx was not aware if Shane was using the equipment.

**Brittany Castilla:** On November 20, 2017, at approximately 10:45 am, Lamoureux spoke with EWU Assistant Athletic Trainer Castilla over the phone. Castilla was advised regarding the complaint about Shane's alleged use of the Normatech. Castilla confirmed she monitors and tracks the Normatech. Castilla said the Normatech is used for the athletes before or after running to help their legs recover. Castilla normally keeps the Normatech in the training room. If Castilla doesn't travel with the team to the competition, the coach is responsible for taking the Normatech to the competition and returning it after.

Castilla recalled two incidents in which Shane did not return the Normatech immediately after a competition. Castilla believed Shane did not immediately return the Normatech after the Montana Invite which was on or about September 29, 2017. Castilla believed Shane did not immediately return the Normatech after the Louisville Kentucky competition in mid-October. Castilla said she remembered these two occasions because some of the athletes were frustrated one of the two Normatech's were not available for their use.

Castilla said on October 16, 2017, after the Kentucky competition, she sent a message to Shane reminding him to return the Normatech. Castilla said on October 23, 2017, she sent a follow up email asking Shane if he still had the Normatech. Shane replied that it was in his office. Castilla was not aware of Shane using the equipment for personal use. Castilla later provided a screen shot of the message exchange with Shane (Attachment H).

**xxxx:** xxxx was asked if Shane used EWU equipment for personal use specifically the Normatech. xxxx said he had never seen Shane use the Normatech. xxxx said he was unaware of whether Shane took the Normatech because Shane never used it and therefore did not pay attention to whether it was missing.

**Allegation 17:** xxxx alleged during this past year (2017), Shane placed xxxx at risk due to training methods used with xxxx due to his disability.

**Complainant xxxx** xxxx believed Shane was taking advantage of xxxx due to his autism. xxxx explained that Shane would often tell xxxx to run as fast as he can during a run to force the team to run faster. xxxx followed Shane's instructions which ultimately caused xxxx to eventually slow down and drop out of the workout due to exhaustion. xxxx stated that xxxx is being used as a "rabbit" which is often a strategy to get other runners to run faster. However, xxxx believed Shane was taking advantage of xxxx due to his disability because xxxx was unaware he was being used.

**Respondent Chris Shane:** Shane was asked about his treatment of xxxx and if he over trains xxxx due to his disability. Shane said he did not take advantage of xxxx as an athlete or due to his disability. Shane said he provides each athlete with an individual training program based on their individual ability. Shane monitors each athlete's training progress to ensure they are following his recommendations. Shane makes recommendations for the amount of distance a runner should make and tracks the athletes' training logs. Shane said each athlete has the ability to run for more or less than what Shane recommends. Shane will review the athletes' training logs and mark them if he feels they need to run more, are running the right distance or if they are running too much.

Shane said regarding xxxx, he was not aware of xxxx ever getting hurt due to the training. Over the summer, xxxx was running very well but he did poorly at his first competition. xxxx then seemed to lose confidence. Shane then noticed xxxx started to fatigue as the season progressed. Shane then advised xxxx to run less. Shane offered to provide the training logs of all the athletes to show how they all run different distances based on their individual abilities. Shane later provided a copy of a training log to show how each athletes' training is documented during the week (attachment C).

**xxxx** xxxx was asked about Shane's training of xxxx. xxxx believed Shane made xxxx run harder than everyone else because Shane knew xxxx would not know any better due to his disability and do whatever Shane told him. xxxx said he believed xxxx ran 95 miles in a week early on in the season which was way too much. xxxx believed xxxx was told to run that much by Shane only because Shane knew xxxx would not say no.



xxxx said he was transferring to a different school because of his entire experience with Shane as a person and coach. xxxx believed Shane's coaching led to his (xxxx') injuries.

**xxxx:** xxxx was asked if Shane was training him too hard. xxxx was asked about Shane asking him to be the "rabbit" and run hard in front of the team during practice to push the team. xxxx said he was only asked one time to be the "rabbit." xxxx said he did not see a problem with Shane's training. xxxx did not know if other athletes had been asked to train like him. xxxx said he did not believe Shane forced him to train any different than any of the other athletes. xxxx said he usually runs as hard as he wants during practice without any input from Shane. xxxx said he has not been injured during the season from the training.

**xxxx:** xxxx was asked about Shane training xxxx and asked if Shane took advantage of xxxx due to his Autism. xxxx said he did not think Shane treated xxxx different than the other athletes. xxxx said xxxx runs hard on his own and did not think Shane made xxxx to do anything different than the other athletes.

**xxxx:** xxxx was asked if Shane took advantage of xxxx disability and made him run more than other athletes. xxxx said he did not believe Shane treated xxxx any different than the other athletes. xxxx said athletes can run as much as they want when they train on their own time. xxxx did not compete this year so he might have ran more than the other athletes by his own decision. xxxx recalled xxxx ran as the "rabbit" to pace the team only once at practice. xxxx described xxxx as extremely smart and able to understand if someone was taking advantage of him.

**xxxx:** xxxx was asked if Shane is taking advantage of xxxx disability and making him run more than the other athletes. xxxx said he was not sure if Shane was making xxxx run more or if xxxx was choosing to run more. xxxx said he knew xxxx ran more miles during the week than the other athletes but xxxx was also not competing this year. xxxx believed Shane and xxxx meet often to discuss training strategy but did not know what was discussed. xxxx said on occasion Shane has asked xxxx to pace the group during training as the "rabbit" but on other training days xxxx has chosen to pace the group on his own.

**xxxx:** xxxx was asked about Shane taking advantage of xxxx xxxx disability by making him run more than the other athletes. xxxx did not believe Shane took advantage of xxxx. xxxx stated xxxx has asked to run extra to help himself improve. xxxx believed any extra running was because xxxx has asked for ways to improve more than the other athletes.

xxxx concluded the interview by stating he believed xxxx and xxxx liked to start problems amongst the team. xxxx believed many of the team's issues were due to the aforementioned athletes constantly challenging Shane's coaching methods.

**xxxx:** xxxx was asked if Shane was taking advantage of xxxx due to his disability and making him run more than the other athletes. xxxx believed xxxx ran a lot of miles on his own to work hard because he is not as good as the other runners on the team. However, xxxx believed Shane needed to monitor xxxx better and advise him to run less. xxxx referenced xxxx running two 10 mile runs in one day which he felt was dangerous for a runner. xxxx opinion was that Shane knew xxxx would not understand how to monitor himself so Shane needed to tell xxxx how much to run or not run.

**xxxx** xxxx was asked about Shane's treatment of xxxx due to his disability. xxxx said he believed Shane overworked xxxx and xxxx doesn't understand he is being overworked. xxxx believed xxxx would do whatever Shane told him to do. xxxx felt xxxx ran too many miles and Shane should make xxxx run less to prevent injuries.

**xxxx:** xxxx was asked if Shane took advantage of xxxx due to his disability and made him run harder than the other athletes. xxxx did not believe Shane took advantage of xxxx. xxxx believed Shane has pushed xxxx at times in an attempt to make xxxx perform better. xxxx felt Shane's strategy did not work because xxxx has done worse than the last year.

**xxxx:** xxxx was asked if Shane took advantage of xxxx due to his disability by making him train too hard. xxxx said he believed Shane did take advantage of xxxx. xxxx explained that he believed xxxx was unable to comprehend when someone is asking them to do something that is unhealthy. xxxx said during August 2017, Shane was having xxxx run over 90 miles in a week. xxxx said during that week, xxxx ran 10 miles in the morning and another 10 miles in the evening. xxxx said that distance was too much for xxxx and caused xxxx body to later break down. xxxx said he believed any other athlete would not have agreed to run that much.

**xxxx:** xxxx was asked if Shane placed xxxx at risk due to training methods used and whether Shane was taking advantage of xxxx due to his disability. xxxx said he was a volunteer coach the entire season. Therefore, xxxx was aware of how each athlete trained at practice. xxxx said xxxx often was at the back of the runners due to exhaustion. xxxx said he did not recall xxxx being used as the "rabbit" because he was frequently fatigued. xxxx believed xxxx training was consistent with his knowledge of how to train runners. xxxx said since he began training with EWU, there have been previous athletes that were not as good as the other athletes. xxxx said the consistent form of training for the slower runners is to have them run a little more than the other runners with the goal of improving their overall performance. xxxx said xxxx was asked to run mileage consistent with his ability. xxxx did not believe Shane did anything unsafe with xxxx and he did not believe Shane took advantage of xxxx.

xxxx added that he felt the entire complaint was fabricated by xxxx and supported by xxxx closest friends. xxxx said xxxx previously lived with xxxx, xxxx and xxxx

in a house. xxxx said xxxx has constantly created tension on the team by frequently engaging in negative conversations about Shane and his training techniques. xxxx felt xxxx influenced xxxx, xxxx and xxxx to engage in similar “toxic” behavior. xxxx believed all of the current problems with the team had nothing to do with Shane and everything to do with xxxx and his friends’ negative behavior around their teammates.

**Allegation 18:** xxxx alleged on November 7, 2017, Shane advised xxxx he would not travel with the team and compete at the NCAA West Regional Championship. xxxx alleged Shane did not let him compete because Shane found out xxxx filed a complaint against Shane.

**Complainant xxxx** xxxx believed Shane retaliated against him once he filed a complaint against Shane. On November 2, 2017, xxxx sent an email to Dr. Don Ross (Deputy Athletic Director) requesting to meet with him to discuss a concern he and other athletes had involving Shane bullying and intimidating athletes. On November 3, 2017, Dr. Ross responded via email and called xxxx advising him about two resources to report his concern with Pam Parks (Senior Associate Athletic Director) and Julie Griffis (Investigator / Mediator). The conversation was short and did not involve details. xxxx met with Griffis on November 3, 2017 to report his concern. xxxx did not contact Parks to set up a meeting because xxxx advised xxxx they had an appointment to meet with Parks on November 6, 2017.

On November 6, 2017, xxxx, xxxx and xxxx met with Parks and Ross inside the PE building conference room. During the meeting all three athletes voiced their complaints against Shane for bullying and intimidating the athletes. After speaking with Parks and Ross, the athletes left and went to class.

On November 7, 2017, xxxx had a meeting with Shane, Parks and Ross regarding the upcoming NCAA West Regional Championship. During the meeting, xxxx was advised he would not be attending the competition due to a coach’s decision. Shane said he decided to factor in the entire season to make his decision. xxxx stated how he had finished better than xxxx and xxxx at the past Big Sky competition. The meeting ended and xxxx mother later sent an email to Parks that she felt xxxx was not being allowed to compete as a form of retaliation for filing a complaint (attachment I).

On November 9, 2017, xxxx observed an article published November 8, 2017 at 6:27 pm on the EWU website listing the athletes that would be competing at the Championships (attachment E). xxxx was listed in the article. xxxx observed on [rtspt.com](http://rtspt.com) (website for Championship) that listed the runners entered to compete for EWU (attachment F). xxxx was listed on the website competing for EWU. xxxx said the entries had a deadline listed as November 3, 2017 for the competition.

xxxx believed that the aforementioned suggested that xxxx was scheduled to race and was not changed until he met with Shane on November 7, 2017. Therefore, xxxx believed Shane retaliated against him for speaking with Parks and Ross. xxxx did not

believe Shane knew about the complaint filed with HR but believed Shane was advised of the concerns with athletics.

On November 30, 2017, at approximately 12:00 pm, Lamoureaux spoke with xxxx over the phone to seek clarification regarding xxxx missing practice on November 3, 2017. xxxx stated he missed practice because he had met with Griffis to file the complaint and did not expect the meeting with Griffis would last as long as it did. xxxx said Ross had advised him to meet with Griffis but Ross did not tell xxxx he could miss practice.

**Respondent Chris Shane:** Shane was advised xxxx believed Shane had retaliated against him for complaining about Shane. Shane said he had no idea about the complaint filed until he received the email with the notice of investigation (attachment G). Shane explained xxxx was not selected to compete because he had missed a practice and had not competed in all of the competitions due to eligibility. Shane said on November 3, 2017 (Friday), xxxx did not show up for practice. Unlike xxxx who had told Shane he did not want to go to practice because he did not feel comfortable around Shane. Shane advised xxxx if he wanted to compete he needed to attend practice. The conversation between xxxx and Shane was captured in a screen shot (attachment H). xxxx attended practice to ensure he could compete because it was a rule that if you don't practice you don't get to compete. When xxxx did not show for practice that made Shane's decision easier because he said each team could only have 7 runners and he had submitted 8 names.

Shane discussed the submission of the roster for the competition and the rules for competing runners. Shane said the roster was originally submitted on November 1, 2017 with 8 runners. Shane said each team can enter up to 10 runners but can only compete 7. At the coaches meeting, each team has to declare which 7 runners will compete. Shane said when he submitted the 8 runners he had not yet decided which 7 runners would compete. When xxxx decided not to show for practice Shane made his decision. Shane said he also considered the fact xxxx had only been able to compete part of the year. So when factoring in xxxx whole body of work he decided not to allow xxxx to compete. Shane denied not letting xxxx compete because he filed a complaint. Shane said he had no idea about the complaint and had not even heard any rumors about the complaint. Shane said his decision was strictly based on xxxx total body of work and not showing up to practice.

On November 30, 2017, at approximately 11:30 am, Lamoureaux spoke with Shane over the phone to get clarification on whether xxxx explained why he missed practice during the meeting on November 7, 2017. Shane stated xxxx "vaguely" stated he missed practice because of "someone in this room" but xxxx did not explain what he meant by it. Shane was not advised by Parks or Ross that they had given xxxx permission to miss practice.

**Pam Parks and Don Ross:** On November 7, 2017 at approximately 2:00 pm, Associate Vice President Human Resources Deborah Danner and Jeff Lamoureaux met with Senior

Associate Athletic Director Pamela Parks and Associate Athletic Director Donald Ross inside the Athletics Department to discuss the complaint filed by xxxx.

The following is a synopsis of the meeting:

On November 2, 2017 (Thursday) at 9:41 pm, Ross received an email from xxxx stating he had just been kicked out of a team meeting and wanted to discuss some concerns about the team and Shane bullying and intimidating athletes (see file for xxxx email to Ross).

On November 3, 2017 (Friday) at 7:59 am, Ross replied to xxxx email encouraging xxxx to speak with Parks and Griffis (HR Investigator / Mediator). Ross copied Parks and Griffis on the email to xxxx (see file for email). Parks then reached out to xxxx and set up a meeting with xxxx and xxxx on November 6, 2017 (Monday).

On November 6, 2017 at 8:00 am, Parks along with Ross met with xxxx, xxxx and xxxx. During the meeting xxxx, xxxx and xxxx expressed their concerns over Shane's treatment of athletes on the men's cross country team. xxxx, xxxx and xxxx went on to tell Parks and Ross about various complaints they had with Shane. Parks took notes (see file) as xxxx, xxxx and xxxx voiced their complaints. After the meeting, Parks advised Griffis that she met with xxxx, xxxx and xxxx.

On November 6, 2017, Shane met with the athletes on the men's team individually to advise them if they would be going on to the NCAA Regionals competition. xxxx and xxxx did not want to meet with Shane alone and therefore agreed to meet on November 7, 2017 with Parks and Ross present.

On November 7, 2017 at 11:00 am, Parks, Ross and Shane met with xxxx and advised him he would be travelling with the team to compete if he wanted. xxxx advised Shane he did not want Shane to be his coach but stated he wanted to compete for his team. xxxx agreed to travel with the team and compete at Regionals.

On November 7, 2017 at 1:30 pm, Parks, Ross and Shane met with xxxx regarding his participation in Regionals. xxxx was advised he would not be travelling because he missed practice on Friday (November 3, 2017) and missed most of the season and several practices due to ineligibility. xxxx was upset with the decision because he felt he was one of the better runners on the team and should be selected. Shane advised xxxx it was a coach's decision based on his "total body of work."

During the meeting (November 7, 2017 at 2:00 pm), Lamoureux asked Parks and Ross if Shane knew about the complaint filed against him to ensure Shane was not retaliating against xxxx. Parks and Ross stated Shane was not told about the complaint. Additionally, Parks stated xxxx, xxxx and xxxx all met with athletics to express their concerns but xxxx and xxxx were travelling with the team to compete so it did not appear as though Shane retaliated against xxxx or xxxx for expressing their concerns. Parks stated Shane did not appear to know there was a complaint filed against him and Shane's

explanation for leaving xxxx off of the competition roster made sense. The meeting was concluded.

On November 7, 2017 at 3:28 pm, Parks received an email from xxxx mother expressing her concern that Shane was retaliating against xxxx by not letting him compete. On November 7, 2017 at 3:44 pm, responded to xxxx mother that Human Resources was conducting an investigation into his concerns.

On November 30, 2017, Lamoureaux sent an email to Ross asking for clarification as to whether he advised xxxx to miss practice when Ross directed xxxx to meet with Griffis. Ross stated he instructed xxxx to meet with Griffis but he did not advise xxxx to miss practice.

**Sean Laughlin:** On November 13, 2017, Investigator Lamoureaux called and spoke with Sean Laughlin who was the “Head Timer and Results Operations” for the NCAA West Regionals competition in Utah 2017. Laughlin was listed as the contact person for questions regarding the competition. Due to the Complainant allegation of retaliation for not being allowed to compete, Lamoureaux called Laughlin to gather information regarding the process for submitting a team roster.

Lamoureaux asked Laughlin to explain the process for teams to submit rosters to compete. Laughlin stated the teams had until November 3, 2017 (Friday) to submit their rosters without facing an extra fee. After that, any changes to the roster would require the teams to pay an extra fee. Laughlin said the fee is really high so typically teams don't make changes after the deadline. Laughlin stated teams are not penalized for removing athletes only for adding new athletes. Laughlin stated teams can submit up to ten athletes but only declare seven at the coaches meeting to compete.

Lamoureaux asked Laughlin to confirm when EWU cross country team submitted their men's roster to compete. Laughlin confirmed with colleague David Stelnik the roster was submitted on November 1, 2017 at 11:23 am. Lamoureaux asked Laughlin if EWU made any requests to change the roster prior to the competition. Laughlin stated during the coaches meeting on November 9, 2017, the coaches have to declare which seven athletes will compete from the rosters submitted.

According to the roster submitted by EWU on November 1, 2017 the following eight athletes were listed as competing (attachment D):

- 126 – xxxx, xxxx (Complainant)
- 127 – xxxx, xxxx
- 128 – xxxx, xxxx
- 129 – xxxx, xxxx
- 130 – xxxx, xxxx
- 131 – xxxx, xxxx
- 132 – xxxx, xxxx
- 133 – xxxx, xxxx

Laughlin stated everyone on the aforementioned roster was declared at the coaches' meeting except xxxx. Laughlin stated no other athletes were added in place of xxxx.

#### IV. CONCLUSION:

**Allegation 1:** xxxx alleged on or about October 30, 2017, during a team meeting, Shane said, "Should we build a wall, should xxxx be deported, yes, deport xxxx."

During the interviews with the athletes on the team, almost all of the athletes remembered hearing Shane make a comment regarding xxxx and deportation either during the October 30, 2017 meeting or during the November 2, 2017 meeting. xxxx stated he believed Shane meant the comment as a joke however, xxxx was offended by the timing of the comment. Shane admitted to making a comment similar to the aforementioned alleged comment during the team meeting in an attempt "to be funny to lighten up the mood." Shane said the comment was meant as a joke and not to offend xxxx. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 2:** xxxx alleged during the month of October 2017, xxxx xxxx hosted a recruit athlete named Caden Hercules, when Shane was corrected by xxxx on the pronunciation of the dorm Snyamncut. In front of the recruit Respondent replied, "Oh yes he knows because his people built it, you know brown people stuff."

xxxx was not present for this incident but identified xxxx and xxxx as two individuals on the team that were present for the comment. xxxx stated he recalled hosting the recruit when Shane made the alleged comment to him. Shane admitted to making a comment similar to the alleged comment again in an attempt to be funny and connect with his athletes. Due to the aforementioned facts, this allegations is **SUBSTANTIATED**.

**Allegation 3:** xxxx alleged sometime during the 2016 season, Shane called a Kenyan athlete depicted on xxxx xxxx tee shirt as a "nigger."

xxxx alleged Shane used the aforementioned racial slur to describe a Kenyan athlete depicted on xxxx tee shirt. xxxx stated he did not hear the comment and he did not know when or where the alleged comment was made and he did not know who heard it. All the athletes interviewed during this investigation stated they remembered xxxx shirt but never heard Shane make the alleged comment. xxxx said he had never heard Shane make the alleged comment about his tee shirt but stated a former athlete at EWU named Brad Needles claimed he heard Shane make the comment. Needles refused to cooperate with this investigation and therefore no statement was obtained from him. Needles advised xxxx that xxxx and former athlete Steven Zachman were present when the comment was made. xxxx stated during his interview that he remembered xxxx shirt but he never heard Shane make the alleged racial slur. Zachman stated he remembered xxxx shirt but he never heard Shane make the alleged racial slur.

xxxx allegation was based on an alleged comment that was allegedly said to an unknown person on the team sometime during the 2016 season. Not one person interviewed stated they ever heard the racial slur by Shane in reference to xxxx shirt. xxxx presented no evidence in support of the allegation. Due to the aforementioned facts, this allegations is **UNSUBSTANTIATED**.

**Allegation 4:** xxxx alleged during an indoor track and field competition in 2016, Shane referred to another team's male black athlete as a "nigger."

xxxx stated he did not hear the comment. xxxx stated teammate xxxx heard the comment. xxxx stated he recalled Shane using the racial slur on occasion while at practice but xxxx was unable to remember any specific details of when the alleged comments were made. xxxx did not recall Shane making a comment at a competition as alleged by xxxx. Other than xxxx, no other athlete stated they had ever heard Shane use the racial slur at practice or at a competition. xxxx allegation was supported by his belief that xxxx had heard the comment made during the competition. xxxx stated he did not hear the comment at a competition but recalled comments at practice which no other teammates recalled ever hearing. xxxx did not personally hear the comment and stated xxxx had heard the comment. xxxx stated he did not hear the comment as alleged. The investigation revealed insufficient evidence to support the allegation. Due to the aforementioned facts, the allegation is **UNSUBSTANTIATED**.

**Allegation 5:** xxxx alleged during a team dinner in a Mexican restaurant in 2016, Shane used the word "nigger."

xxxx alleged during a team dinner at a Mexican restaurant in 2016, Shane used the racial slur "nigger" during the dinner. xxxx alleged the comment was heard by xxxx, xxxx and xxxx. xxxx stated he was not present for this alleged comment. xxxx stated he was present at the dinner when the comment was made by Shane. xxxx did not remember the context of the comment. xxxx said he believed xxxx, xxxx, xxxx and xxxx were present. xxxx believed the dinner was in September 2017. xxxx said he was present at the dinner when he heard Shane use the racial slur during the conversation. xxxx said he did not know the context of the conversation. xxxx said there were five athletes at the table but he could only remember xxxx being present. xxxx believed the dinner was in January or February 2017. xxxx stated he was not present for the dinner as he did not eat with the team. xxxx stated he was present but did not recall ever hearing Shane use the racial slur. xxxx said he was present at the dinner and never heard the racial slur used. xxxx and xxxx both independently stated they believed xxxx and xxxx lacked credibility throughout this complaint because they both believed xxxx and xxxx constantly caused problems for Shane. Shane denied ever using the word.

xxxx himself did not hear the alleged comment. xxxx, xxxx, xxxx and xxxx all claimed to be present during this conversation at dinner but they provided conflicting statements as to what was or was not said by Shane. xxxx and xxxx stated they



did not recall hearing the comment made by Shane. xxxx and xxxx stated they believed Shane made the comment but neither of them could remember any of the details of the conversation. xxxx and xxxx provided different months as to when the dinner occurred. xxxx and xxxx were unable to provide any additional details to support the allegation other than they remembered hearing the word. Several teammates stated that they heard Shane made the comment because xxxx mentioned something about it. xxxx stated the only time he heard Shane use the racial slur in his presence was during a conversation about a joke while at practice. xxxx stated he mentioned the comment made by Shane to a couple of his teammates.

The statements provided by the athletes throughout this investigation would support at some time Shane used the racial slur whether at practice, during a joke, or at a dinner. However, this particular allegation is that Shane used the racial slur at a dinner in 2016 in the presence of several athletes. The athletes that were in attendance at the dinner were unable to corroborate the allegation by providing conflicting statements. Due to the aforementioned facts, the allegation is **UNSUBSTANTIATED**.

**Allegation 6:** During the month of October 2017, possibly a week prior to the Louisville Competition, Shane referred to the EWU soccer coach as a “fag” after arguing over the use of the field.

xxxx alleged he heard Shane use a homophobic slur when Shane referred to a EWU soccer coach as a “fag.” xxxx stated Shane referred to the soccer coach as a “fag” or “pussy.” xxxx stated Shane said, “Don’t listen to that pussy” in reference to the soccer coach. xxxx stated he recalled Shane referred to the soccer coach as either a “pussy, fag or wimp.” xxxx recalled Shane used an offensive name in reference to the soccer coach but he could not remember what name was used. xxxx, xxxx, xxxx, xxxx, xxxx and xxxx did not recall hearing any name used by Shane in reference to the soccer coach. xxxx allegation that Shane used the homophobic slur “fag” in reference to the soccer coach was not supported by the teammates interviewed. xxxx and xxxx were unsure whether Shane used the homophobic slur or a different insult such as “pussy” or “wimp.” xxxx recalled an offensive name was used but he could not recall the name. Weber stated Shane had a discussion with him about the incident and never argued or yelled at him. Based on the statements obtained, there is sufficient evidence to support Shane used an offensive comment in reference to the soccer coach. However, there is insufficient evidence to support Shane used the homophobic slur “fag” in reference to the soccer coach. Due to the aforementioned facts, the allegation is **UNSUBSTANTIATED**.

**Allegation 7:** xxxx alleged during the month of October 2017, Shane engaged in a conversation with cross country athletes regarding female cross country athletes’ attractiveness. Shane made a comment, “All other things being equal, I like to recruit the prettier girls.”

xxxx alleged he heard the aforementioned comment by Shane in reference to the female athletes on the EWU cross country team. xxxx, xxxx and xxxx stated they heard the aforementioned comment or something similar to it by Shane. Shane admitted he made a comment similar to the alleged comment. Shane explained the athletes were already engaged in a conversation regarding the attractiveness of the female athletes when he decided to join the conversation. There is sufficient evidence to support the allegation. Due to the aforementioned facts, the allegation is **SUBSTANTIATED**.

**Allegation 8:** xxxx alleged on or about October 20, 2017, Shane engaged in a conversation with xxxx and xxxx about how Shane had the opportunity to join the Army Special Forces. Shane stated, "I would have no problem putting a gun to someone's head and pulling the trigger."

xxxx alleged the aforementioned comment was made by Shane in the presence of xxxx and xxxx believed the comments were an example of how Shane attempted to intimidate and bully athletes by his overall conduct. xxxx alleged he did not know why Shane made the comments. xxxx stated he recalled Shane making the alleged comment in addition to a conversation xxxx, xxxx and Shane engaged in about cross country athletes making good soldiers. xxxx believed Shane made the comment to act "superior" to the athletes. Shane admitted to making a similar comment but stated it was during a conversation that xxxx initiated about how cross country athletes would make good soldiers. There is sufficient evidence to support the allegation. Due to the aforementioned facts, the allegation is **SUBSTANTIATED**.

**Allegation 9:** xxxx alleged Shane engaged in an argument with an airport employee while the team was at the Chicago airport because the team missed a flight.

xxxx alleged he and several of his teammates observed this allegation. All the teammates interviewed that were present at the airport supported the allegation based on their observations. Shane admitted to the allegation and explained his frustration was over the misinformation provided by United and his concern for the athletes overall health by remaining at the airport. There is sufficient evidence to support the allegation. Due to the aforementioned facts, the allegation is **SUBSTANTIATED**.

**Allegation 10:** xxxx alleged on or about October 22, 2017, Shane was confrontational with xxxx while handing out hotel room keys. Specifically, after xxxx retrieved a room key with xxxx, Shane walked up to xxxx got into xxxx face and yelled, "You both should be praising me and thanking me for saving your asses and getting the hotel." Shane was standing really close to xxxx and starring at xxxx alleged the aforementioned incident occurred at the hotel in the presence of several teammates. xxxx believed Shane's actions were a form of intimidation and bullying. The majority of xxxx teammates were present during this incident. The teammates interviewed confirmed the aforementioned allegation occurred. Some of the athletes interviewed believed xxxx instigated the confrontation due to his attitude and others

believed Shane instigated the confrontation. Regardless of who instigated the confrontation, there is sufficient evidence to support the allegation. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 11:** xxxx alleged on or about October 25, 2017, at approximately 10:00 am, the team was on a bus when Shane argued with the driver that he did not have to sit down after the driver asked him to sit down.

xxxx alleged Shane got into an argument with the bus driver because Shane was asked to sit down by the driver. The majority of the athletes on the bus interviewed stated they heard the driver tell Shane to sit down followed by Shane engaging in a conversation with the driver. The athletes stated they were unable to tell if Shane got into an argument but many of them indicated xxxx advised them, via a group chat message (attachment A) that Shane got into an argument over the law about sitting down. xxxx was the only athlete that was close enough to Shane and the driver to hear the conversation. xxxx stated he believed Shane argued with the driver over whether it was the law to sit down on a bus. xxxx said Shane was not rude or disrespectful but the argument made xxxx feel uncomfortable. Shane admitted the driver told him to sit down. Shane then walked up toward the front of the bus and sat down near the driver to discuss it. Shane did not believe he engaged in an argument with the driver. Shane felt he had a conversation with the driver about sitting down on the bus.

Lamoureux spoke with Cheney Public School's Director of Transportation Paul Harris. Harris confirmed on October 25, 2017 the EWU cross country team was on bus #16 with driver Sandy Brantley. Brantley reported to Harris that she got into an argument with a coach regarding standing in the bus. Brantley stated Shane did argue with her when she asked him three times to sit down. Brantley described Shane's voice as "stern" during the argument. Due to xxxx statement of his observations coupled with Brantley's statement, there is sufficient evidence to support the allegation. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 12:** xxxx alleged on or about October 28, 2017, Shane was driving a van with the men's cross country team as passengers when a vehicle honked at the van and Shane proceeded to tell the driver of the vehicle they were "fat and ugly."

xxxx alleged he witnessed the aforementioned allegation. Almost all of the athletes on the van observed the alleged conduct or similar conduct by Shane. Shane admitted during his interview that he engaged in the alleged conduct and acknowledged that his conduct was wrong. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 13:** xxxx alleged between winter 2016 through summer 2017, Shane encouraged athletes on the cross country team about PEDs use.

xxxx alleged Shane engaged athletes in conversations about PED use and based on those conversations Shane made suggestive comments to encourage athletes to use PEDs. The majority of the athletes interviewed stated they engaged in team conversations about PED use and discussions as to whether other athletes either from other teams, Olympic athletes or elite level athletes were using PEDs. Not one person interviewed stated Shane suggested PED use. xxxx and xxxx were the only two athletes that stated they interpreted Shane's conversations as suggestive. There is clear evidence the team had discussions regarding PED use, however there is insufficient evidence to support the allegation Shane encouraged or suggested PED use. Due to the aforementioned facts, this allegation is **UNSUBSTANTIATED**.

**Allegation 14:** xxxx alleged on November 2, 2017, during a team meeting, Shane told xxxx he was the "biggest thorn in the side of the team." Shane also referred to xxxx and xxxx as a "cancer" to the team.

xxxx alleged Shane has engaged in intimidation and bullying as a coach. xxxx alleged Shane's comments that xxxx and xxxx were a "cancer" and a "thorn" are examples of Shane's treatment of his athletes. The majority of the athletes interviewed that attended the meeting collaborated xxxx allegation that Shane referred to xxxx, xxxx or both as a "cancer", "cancerous", or "thorn." Shane admitted during his interview that he referenced xxxx and xxxx during the meeting as alleged. Shane stated he used the words "cancer, cancerous and thorn" to describe xxxx and xxxx because their conduct toward the team, teammates and himself as a coach has been negative. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 15:** xxxx alleged during the spring 2017, Shane received a portable Bose speaker from xxxx as a gift.

xxxx alleged Shane received the gift from xxxx which xxxx believed was unethical. xxxx also believed Shane suggested to athletes they should give him gifts like xxxx confirmed he gave Shane a portable speaker as a thank you. xxxx said Shane never asked him for the gift. xxxx did not know the value of the speaker. The majority of the athletes interviewed confirmed they were aware Shane received a gift from xxxx. xxxx provided a screenshot from a Facebook message sent from Amy Shane to xxxx (attachment B) thanking xxxx for the gift. None of the athletes interviewed stated Shane ever asked for a gift. Shane admitted he received a gift from xxxx as a thank you for being the coach. Shane said he never asked any athlete for gifts and he did not believe it was a NCAA violation because Shane asked someone in EWU athletics compliance. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 16:** xxxx alleged during this past year (2017), Shane removed equipment, specifically the Normatech, from EWU and kept the equipment at his house.

xxxx alleged Shane frequently kept the Normatech at his house which prevented athletes from using the equipment. xxxx believed this conduct was unethical by Shane. xxxx stated on a couple of occasions he went to the trainer's room to look for the Normatech and was advised by a trainer that Shane was in possession of it. xxxx and xxxx both stated they recalled seeing the Normatech at Shane's residence in October. None of the athletes interviewed stated they had any knowledge of Shane using the equipment for personal use.

Shane admitted he had the Normatech at his residence for approximately one week after a competition because he forgot to return it. Shane stated he would often check out the Normatech from the training room to take with the team to competitions. Shane said the time he had it for a week was simply because he had forgot it was in his residence. Shane denied frequently keeping the Normatech at his residence. Shane also denied every using the equipment for personal use.

EWU Assistant Athletic Trainer Brittany Castilla stated she was aware of two incidents in which Shane did not immediately return the Normatech after taking it from the training room. Castilla said the first incident was after the Montana competition on or about September 29, 2017 and the second was after the Louisville Kentucky competition in mid-October 2017. Castilla recalled the two incidents because she remembered athletes being frustrated that one of the two Normatech's were missing and unavailable for their use. Castilla provided a screen shot of a conversation she had with Shane after the Kentucky competition (see file). Castilla stated she sent a message to Shane on October 16, 2017 about the Normatech and again on October 23, 2017 reminding him to return it. Castilla said Shane replied the Normatech was in his office.

The allegation is whether Shane removed equipment, specifically the Normatech from EWU and kept it at his residence. The Normatech was observed at Shane's residence by two athletes. Trainer Castilla recalled two separate incidents in which Shane did not immediately return the Normatech. Shane admitted during his interview that on one occasion he had forgot the Normatech was at his residence. There is insufficient evidence to show Shane removed the equipment for personal use but there is sufficient evidence to show the equipment was at Shane's residence. Due to the aforementioned facts, this allegation is **SUBSTANTIATED**.

**Allegation 17:** xxxx alleged during this past year (2017), Shane placed xxxx at risk due to training methods used with xxxx.

xxxx alleged Shane trained xxxx too hard and placed xxxx at risk of injury. xxxx believed Shane took advantage of xxxx because xxxx believed xxxx is unable to realize Shane is training him too hard due to xxxx disability. xxxx, xxxx, xxxx and xxxx were in support of xxxx allegation. The aforementioned athletes believed Shane needed to monitor xxxx closer and advised xxxx to run less because they felt xxxx did not comprehend the amount of miles he was doing could cause injury. The athletes were concerned specifically because xxxx ran over 90 miles in one week.

xxxx, xxxx, xxxx, xxxx, xxxx and xxxx disagreed with xxxx allegation. The aforementioned athletes believed xxxx knew exactly how many miles he was capable of running and felt Shane did monitor xxxx. xxxx stated he was a volunteer coach this past year and believed xxxx was treated similar to the other athletes on the team. xxxx believed Shane trained all of the athletes based on their individual ability. xxxx said it was not uncommon for a collegiate cross country runner to train up to 100 miles in a week.

xxxx stated he ran as much as he wanted and Shane did not force him to run more. xxxx said he knew how many miles he was training and did not see any problems. xxxx said he did not suffer any injuries due to the training except for rolling his ankle once. xxxx stated he understood if someone was attempting to take advantage of him and he did not believe anyone has done that to him.

Shane stated he did not take advantage of xxxx or over train him. Shane stated he monitored each individual athlete and designed their training based on their individual ability. Shane stated every athlete on the team runs different mileage which is based on their ability. Shane stated xxxx followed a training program that Shane designed for xxxx ability.

Shane later provided a copy of the men's cross country log which documented the amount of distance Shane wanted the athlete to run and the actual amount the athlete ran. Shane said he would list a recommended distance for each runner for each day of the week. The athlete would be required to run the distance on their own and then report their actual mileage so that Shane could track the athletes training.

Lamoureux reviewed the log provided by Shane (attachment C) and noticed a different recommended distance by each athlete per day. Some days athletes ran further distances and other days they were suggested to run less. Each athlete completed different distances and not all of them ran the recommended distance as some ran less and some ran a little more. The training log tracks up to 100 miles in a week.

In reviewing the log, the following is an example of the different long distances ran in a week by the following athletes:

xxxx: 70 miles  
xxxx: 90 miles  
xxxx: 75 miles  
xxxx: 80 miles  
xxxx: 80 miles  
xxxx: 80 miles  
xxxx: 71 miles  
xxxx: 90 miles  
xxxx: 86 miles  
xxxx: 80 miles  
xxxx: 80 miles

In particular review of xxxx training, the log revealed only two days in which xxxx was recommended by Shane to run 90 miles. On August 21, 2017 xxxx recommended distance was 90 miles for the week. xxxx logged 91 miles. On September 4, 2017 xxxx recommended distance was 90 miles for the week. xxxx logged only 60 miles for the week. xxxx decision to run less than what was recommended appeared to show xxxx has the ability to decide how many miles he feels comfortable training. Additionally, the various distance ran by the athletes revealed

that each athlete's training is individualized by their training needs. Due to the

aforementioned facts, this allegation is **UNSUBSTANTIATED**.

**Allegation 18:** xxxx alleged on November 7, 2017, Shane retaliated against xxxx for filing a complaint by preventing xxxx from competing at the NCAA West Regional Championship.

xxxx alleged Shane retaliated against him for filing this complaint when Shane did not allow xxxx to compete at the Regional Championships on November 10, 2017. xxxx noticed he was originally listed as competing when he observed his name on the submitted roster for the Championships (attachment D). xxxx also noticed his name was listed as one of the competitors for EWU at the Championships in an online article by EWU (attachment E). xxxx noticed the deadline to submit the rosters was November 3, 2017 according to the "directathletics" website (attachment F). xxxx believed Shane found out through Parks or Ross that xxxx had complained about Shane on November 6, 2017 after xxxx met with Parks and xxxx. On November 7, 2017, xxxx was advised by Shane he would not be competing due to a "coach's decision." xxxx stated he had performed better than two of the athletes (xxxx and xxxx) that were being allowed to compete and therefore Shane's decision was retaliation against xxxx for complaining about Shane.

Shane stated he was not aware of any complaint against him until he received the NOI from Lamoureaux on November 16, 2017 (attachment G). Shane said Parks and Ross did not tell him anything about a complaint against him. Shane said he was surprised by the complaint filed against him. Shane explained one of his reasons for not competing xxxx was because xxxx missed practice the Friday (November 3, 2017) prior to the Regionals. Shane stated his decision was mostly based on the entire season and how xxxx missed some of the competitions in the beginning of the year due to ineligibility. Shane stated his decision to not compete xxxx had nothing to do with the complaint because he did not know about the complaint until receiving the NOI. Shane explained the reason xxxx was originally listed as competing was because Shane submitted eight runners as possible competitors. Shane said he would only be allowed to declare seven runners at the coaches meeting prior to the competition. Shane decided to not compete xxxx when he factored in xxxx missing the practice and missing part of the season.

Parks stated she sat in the meeting with xxxx, Ross and Shane on November 7, 2017 when Shane advised xxxx he would not be able to compete. Parks recalled Shane advising xxxx the decision was made because he missed a practice and missed several competitions and practices due to ineligibility during the beginning of the season. Parks stated Shane made it clear it was a “coach’s decision” based on the entire season and not on xxxx last competition results. Parks stated she and Ross never told Shane that any of the athletes had complained about him. Ross confirmed that he never mentioned anything to Shane about any of the complaints.

Lamoureaux contacted the meet coordinator for the Championships Sean Laughlin and verified that a team can submit up to ten athletes to compete but only declare seven at the coaches meeting. Laughlin confirmed EWU submitted the team roster with eight athletes as xxxx indicated. Laughlin also confirmed that seven were declared at the coaches meeting as Shane indicated. The eight athletes submitted were the same athletes listed in the article xxxx mentioned by EWU. xxxx, xxxx and xxxx were the three athletes that originally met with Parks and Ross on November 6, 2017. All three complained about Shane to Parks and Ross. However, xxxx and xxxx were on the roster and competed at the Championships.


xxxx presented no evidence to support Shane knew about the complaint against him or that xxxx had complained to athletics about Shane. Additionally, two (xxxx and xxxx) out of the three athletes (xxxx, xxxx and xxxx) that did complain to athletics were allowed to compete at the Championships. Due to the fact xxxx and xxxx complained about Shane yet were on the roster and competed at the Championships would not support Shane retaliated against the athletes for complaining about him.

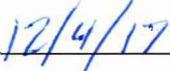
This allegation is whether Shane retaliated against xxxx for complaining to athletics about Shane to Parks and Ross. Both Parks and Ross denied ever mentioning anything to Shane about the athletes that complained about him. xxxx presented no evidence to support Parks or Ross mentioned anything to Shane about the complaints. xxxx believed he should have been allowed to compete because he was a better runner than xxxx and xxxx who were on the roster and allowed to compete at the Championships.



Shane explained he made a “coach’s decision” based on the entire season. The timing of xxxx not being allowed to compete was suspect but there is insufficient evidence to support the allegation. Due to the aforementioned facts, this allegation is **UNSUBSTANTIATED**.

V. SUBMITTED BY:

  
\_\_\_\_\_  
Jeff Lamoureux, HRRR Senior Investigator

  
\_\_\_\_\_  
Date