

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Tuesday, March 20, 2018 8:30 AM
To: King, Michael
Cc: Hickey, Lynn;Fuxa, Joseph
Subject: Final Investigative Report
Attachments: Final Investigative Report.pdf; Closure Letter.pdf; Second attempt; King's screenshot of texts with (attachment B).jpg; King's Timeline - attachment A.pdf; contact communication info (attachment C).jpg; money in safe - attachment D.jpg; Screenshot- and Villalpando 3-2-18 (attachment H).png; screenshot - and King texts (attachment E).png; Screenshot- to Villalpando (attachment F).png; Screenshot-Villalpando asking Brandhorst (attachment G).png

Michael,

I have completed and attached my investigative report, closure letter, and investigative attachments. The attached closure letter explains the next steps in the process.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Investigations Office
312B Showalter Hall ▪ Cheney, WA 99004
509-359-2021



EWU expands opportunities for personal transformation through excellence in learning.

Date of Report:	March 16, 2018
Respondent:	Michael King, EWU Head Volleyball coach
Complainant:	EWU
Date of Complaint:	March 2, 2018
Investigator:	Jeff Lamoureaux, Senior Investigator

I. SUMMARY OF COMPLAINT: alleged the following:

- alleged on March 1, 2018, Head Volleyball Coach Michael King provided her \$300 in U.S. currency for payment related to a volleyball camp she worked during the 2017 summer.

II. SUMMARY OF PROCEDURES:

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

- , EWU student-athlete, 3/2/18 and 3/8/18.
- Michael King, EWU Head Volleyball coach, 3/5/18 and 3/9/18.
- Diana Villalpando, EWU Assistant Volleyball coach, 3/5/18.
- Don Ross, EWU Associate Director of Athletics, 3/6/18 and 3/13/18.
- Mikayla Branhorst, EWU Assistant Athletic Director of Compliance, 3/6/18.
- Pam Parks, EWU Senior Associate Athletic Director, 3/6/18.
- Nathan Fristed, EWU Assistant Volleyball Coach, 3/6/18.
- , EWU student-athlete, 3/7/18.
- , EWU student-athlete, 3/7/18.
- , EWU student-athlete, 3/8/18.
- EWU student-athlete, 3/9/18.

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

- Attachment A: King's initial statement with timeline.
- Attachment B: King's texts with [REDACTED] March 1-2, 2018.
- Attachment C: King's contact information and communication history with [REDACTED] March 1-2, 2018.
- Attachment D: Photo of envelope signed and dated by [REDACTED] with \$300.
- Attachment E: [REDACTED] texts with King on March 1-2, 2018.
- Attachment F: [REDACTED] texts with Villalpando on March 1, 2018
- Attachment G: Villalpando texts with Brandhorst on March 1, 2018.
- Attachment H: Villalpando texts with [REDACTED] on March 2, 2018.
- Attachment I: Scharosch call log on March 2, 2018.

SUMMARY OF COMPLAINANT, WITNESSES AND RESPONDENT INTERVIEWS:

The following information was gathered in response to the complaint:

Allegation 1: [REDACTED] alleged on March 1, 2018, Head Volleyball Coach Michael King provided her \$300 in US currency for payment related to a volleyball camp she worked during the 2017 summer.

Complainant: Eastern Washington University

(Reporting Party [REDACTED]): [REDACTED] is currently a freshman at EWU on the volleyball team. During the summer of 2017, [REDACTED] enrolled at EWU as an incoming freshman student – athlete on the volleyball team. The Head Volleyball Coach Michael King advised all members of the volleyball team, including [REDACTED], they needed to work a summer volleyball camp from July to August 2017 at EWU. King advised the student – athletes they would need to pay approximately \$300 for room and board during the camp but that they would make the money back from working the camp. [REDACTED] worked the summer camp prior to beginning EWU as a student – athlete.

During the month of September 2017, [REDACTED] noticed other student – athletes from the volleyball team received checks for payment from the summer camp.

approached King and inquired about payment for working the camp. King initially blamed the reason _____ was not paid on her for not having her international paperwork. King advised _____ he would figure it out.

On March 1, 2018, during the morning, _____ was inside King's office located inside the athletic department. The meeting was to discuss her upcoming spring 2018 classes and payment for the summer camp. During the meeting, King advised _____ she would get paid soon. Later that day after practice, _____ walked to King's office with King and assistant coaches Nate Fristed and Diana Villalpando. Upon arrival to King's office, _____ walked inside with King and Fristed. King closed the door on coach Villalpando and did not let her inside the office.

While inside the office, King explained the only way they can pay _____ "legally" is if they over paid _____ for the next summer camp. _____ asked to receive payment earlier to help pay for family expenses such as travel. King then said, "The only way I can pay you now is if you just found money." _____ replied, "What do you mean?" Fristed said, "Yes, if you just found some money." As Fristed made the comment he picked up a piece of paper and placed it on the desk. _____ replied, "I don't want to do anything that will get anyone in trouble or make me feel uncomfortable."

King asked _____ to walk with him to his car. _____ agreed and walked with King to his car, which was parked directly outside the athletic department. _____ said King has a blue Lexus. _____ stood by as King rummaged through his car for a few minutes. King then placed something in his pocket and asked _____ to return to his office. _____ and King returned to King's office. Inside the office was Fristed and Villalpando. Once _____ and King entered the office, King said, "Ok 'D' you can leave." _____ said "D" is Villalpando's nickname. Villalpando left the office.

King closed the door to his office then removed money from his pocket and wallet and placed the money on his desk. King then said, "Alright, I'm going to go to the bathroom." Fristed looked at King and said, "Alright, I'm going to go to my office." King and Fristed

left alone in the office with the money on the desk. picked up the money and counted it. said the money was in denominations of one - \$100 bill and ten - \$20 bills for a total of \$300. left the office with the money.

exited the athletic department and was walking down the ramp toward Reese court when she encountered Villalpando. Villalpando said, "Don't do anything right now we will deal with it." said there were other athletes around so and Villalpando did not discuss anything further but had a feeling Villalpando knew what happened. walked away and went toward the team room and called her dad for advice.

received a call from Villalpando advising her to turn the money into the compliance office. agreed and met with Assistant Athletic Director of Compliance Mikayla Brandhorst and Associate Athletic Director Don Ross. advised Brandhorst and Ross of what occurred and provided them the \$300 she collected. The money was placed into an envelope, signed and dated (attachment D). The Athletic Department Accountant "Matt" took possession of the envelope. then left.

On March 2, 2018, received a phone call at approximately 8:47 am from King. She did not answer because she was concerned that King found out she turned in the money and reported what happened. At approximately 11:50 am, was walking to the team weight training session when she observed King and Fristed waiting outside the weight room. was nervous because she thought King and Fristed were waiting for her. King addressed the team prior to entering the weight room about a team dinner. After addressing the team, King asked to speak with. asked King if it could wait but King said it could not. He needed to speak with her.

walked over to King and Fristed. said her teammates and waited for her approximately five feet away. King began to talk again to and explained that the only way they can pay her is if they paid her through

the next summer camp. King then asked [redacted] for the money back. King explained the only way they can pay [redacted] is if they paid her through Human Resources. Fristed then said to [redacted] that King thought he took the money. King replied to Fristed's comment, "Oh yeah, I thought he took the money."

[redacted] advised King that she did not feel comfortable speaking with them without her dad. King then asked [redacted] for the money. [redacted] advised King she did not have any money with her now. King then asked [redacted] when her dad would be coming to EWU so they could discuss the money. [redacted] explained that her dad would be arriving later that day. [redacted] then left and walked into the weight room. After [redacted] entered the weight room, [redacted] and another teammate, [redacted] walked [redacted] into the weight trainer's (Zach's) office and asked what was going on. Zach was not present in the room. [redacted] did not explain to [redacted] anything but began crying. [redacted] escorted [redacted] out of the office and back to the team room to call Brandhorst and Villalpando. Villalpando did not answer the call but Brandhorst did and [redacted] explained to Brandhorst what happened.

Shortly later, Ross and Senior Associate Athletic Director Pam Parks arrived. At this time, teammate [redacted] was present with [redacted] did not feel comfortable discussing what occurred in the presence of Parks due to past incidents. [redacted] did not believe Parks was trustworthy and advised them she did not want to speak about what occurred. Parks told [redacted] she wanted her to tell them what happened but [redacted] said she did not feel comfortable without her dad present. Ross and [redacted] walked outside to talk about it. Once outside, [redacted] advised Ross what occurred. Ross advised [redacted] he would advise the Interim Athletic Director, Lynn Hickey.

Witnesses Interviews:

Diana Villalpando: Villalpando was recently advised by [redacted] that she was planning on leaving EWU to transfer to a different school. [redacted] asked Villalpando to be present when [redacted] told King because [redacted] was afraid of King's reaction. Villalpando agreed.

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On March 1, 2018, during the morning, Villalpando confirmed there was a meeting between [REDACTED] and King that occurred inside King's office. Villalpando was unsure whether Fristed was at the meeting. Villalpando said the door was open and she overheard King and [REDACTED] discussing classes and camp money.

On March 1, 2018, after practice, Villalpando confirmed King, Fristed, [REDACTED] and herself walked to King's office. Once they arrived, King advised Villalpando she did not need to be present for the meeting. Villalpando decided to wait outside the office with her ear to the door to hear if the conversation was about [REDACTED] leaving. Villalpando heard [REDACTED] and King discussing camps so Villalpando left and stopped listening.

Sometime after the meeting, Villalpando observed [REDACTED] and King walk outside the Athletic Department to King's car. Villalpando thought it was odd, but she did not see what happened outside. Villalpando later observed [REDACTED] as Villalpando was walking down the ramp toward the parking lot and Reese court. Villalpando asked [REDACTED] what the meeting was about. [REDACTED] said to Villalpando, "That was the most awkward and uncomfortable conversation I ever had in my life." Villalpando said, "Ok." [REDACTED] continued walking away.

Shortly later, Villalpando received a call from volleyball student-athlete [REDACTED]. [REDACTED] told Villalpando that [REDACTED] had a meeting with King and Fristed about paying her for the summer camp she previously worked in 2017. [REDACTED] told Villalpando that King left \$300 on his desk and insinuated to [REDACTED] if she "found money" that it would cover her payment for the camp. [REDACTED] said King told [REDACTED] he would leave his office to go to the bathroom and Fristed said he was leaving to go to his office and whatever happens while they are gone happens. Villalpando proceeded to provide a statement consistent with what [REDACTED] previously provided. Villalpando said she had not talked to [REDACTED] directly about what occurred. The information she obtained was all through her phone conversation with [REDACTED]. [REDACTED] advised Villalpando that she and [REDACTED] were inside the team room.

Villalpando showed Lamoureaux a text message she received from _____ on March 1, 2018 asking to talk to Villalpando about the aforementioned situation. Villalpando electronically sent a screenshot of the text to Lamoureaux (attachment F).

Villalpando said she told _____ to tell _____ "don't do anything with the money, don't spend it or deposit it." Villalpando told _____ that she would contact Brandhorst to seek advice on how to handle the situation. Villalpando sent Brandhorst a text asking if a coach paid a player money out of their own pocket would it be a NCAA violation. Brandhorst advised that it would be a violation. Villalpando then advised Brandhorst of what happened. Brandhorst advised Villalpando to have _____ go to Brandhorst's office to turn in the money. Villalpando showed Lamoureaux a text conversation she had with Brandhorst about the situation. Villalpando electronically sent a screenshot of the text to Lamoureaux (attachment G).

Villalpando walked to the team room and advised _____ of Brandhorst's instructions. Villalpando escorted _____ to Brandhorst's office. Upon arrival, Villalpando observed Ross with Brandhorst. Ross and Brandhorst advised Villalpando she did not need to be involved any further. Villalpando left.

Villalpando was later contacted by _____ and asked to meet at Monterey's Pizza in downtown Cheney (321 W. 1st St). Villalpando went to Monterey's and met up with _____ and a former assistant coach named Tyler Fenton. During the meeting, _____ explained what happened and advised that _____ turned the money into Ross and Brandhorst. The money was placed inside an envelope, sealed, and signed by _____. The envelope was then taken by the Athletic Department Accountant.

Villalpando was asked if she knew _____ had not been paid for the camp. Villalpando said it was common knowledge on the team that _____ was the only person that did not get paid for the camp. Villalpando said she did not know why _____ had not been

paid but recalled King previously asking questions about work.

W-2 or I-9 paper

Villalpando wanted to add that she did not think King was an honest person. Villalpando explained a couple of experiences which she felt brought King's integrity into question. Villalpando recalled an incident involving some students from a community college in Idaho (College of Southern Idaho) that had not turned in some paperwork to come to EWU. Villalpando alleged King instructed Villalpando to lie to the students that they would not be able to come to EWU if they did not turn their paperwork in by a certain date. Villalpando said she expressed to King she did not want to lie. Villalpando said King told her, "Sometimes you need to lie to them to get what you want."

A second incident occurred in October 2017, inside King's office in the presence of former Assistant Coach Tyler Fenton. During the meeting, King was discussing a student-athlete on the team that was home sick. King asked Villalpando to lie to the student-athlete and say she had been through the same thing. Villalpando said King referred to the lie as a "white lie."

Villalpando added that she decided to end her employment at EWU and her last day was Friday, March 9, 2018. Villalpando stated she ended her employment at EWU because she did not want to work for King. Villalpando said she no longer wanted to be associated with King. Villalpando expressed concern that King would retaliate for her involvement in this investigation. Lamoureaux advised Villalpando King would be advised not to retaliate.

Don Ross: On March 1, 2018, at approximately 5:00 pm, Ross was inside his office when he was contacted by Assistant Athletic Director of Compliance Mikayla Brandhorst. Brandhorst explained to Ross that [redacted] was promised money from King for a summer camp she worked in 2017 at EWU. King and Fristed were discussing with [redacted] the money she was owed and explained they would not be able to pay her until the next camp. [redacted] expressed she wanted to be paid sooner. King then

walked with _____ to his car and rummaged through his car. King and _____ returned to King's office and \$300 was placed on King's desk. The coaches made a comment that no one would know if the money was taken and both left the office. _____ took the money but moments after reported it to Brandhorst. Ross advised Brandhorst to have _____ come to their office and turn the money into them.

On March 1, 2018, at approximately 5:15 pm, _____ walked into Brandhorst's office. _____ then told Ross what happened. The story told to Ross was consistent with the story _____ previously reported to Lamoureaux. Ross then asked Athletic Department Accountant Chad Karthausser to enter the office. _____ was instructed to place the money inside an envelope, seal it, and sign it (attachment D). Karthausser took possession of the money and placed it in the safe. Ross and Brandhorst reviewed NCAA rules with _____ and the meeting was concluded. At approximately 5:45 pm, Ross, Brandhorst and Karthausser advised Interim Athletic Director Lynn Hickey of the situation. Ross did not discuss the situation with anyone else.

On March 2, 2018, at approximately 8:30 am, Brandhorst advised Ross that King had sent a text to _____ asking about the money. Ross advised Brandhorst to tell _____ not to have any further contact with King. At approximately 12:00 pm, Brandhorst advised Ross about a confrontation that occurred outside the weight room involving King and _____. _____ expressed to Brandhorst that _____ and her teammates wanted to talk with administrators. Ross advised Brandhorst to knock on Pam Parks' door. Brandhorst knocked on Parks' door and observed King and Fristed inside Parks' office. Brandhorst did not know what they were discussing but advised Parks that she needed to speak with her in private. King and Fristed left.

Ross advised Parks of what occurred and asked Parks to go with him to the locker room to talk with _____. Ross and Parks went to the locker room together. Ross observed student-athletes _____ and _____. They asked Ross for Brandhorst's whereabouts. Ross was not sure if _____ expressed whether she wanted to speak with Parks. Nevertheless, Ross escorted _____ into the hallway

alone and asked to speak with her alone away from Parks because Parks was not aware of the details of the incident that occurred on March 1, 2018 and Ross did not want Parks to hear their conversation. _____ agreed.

_____ explained that when she arrived to the weight room, King and Fristed were waiting outside the weight room for her. King asked _____ for the money which made _____ feel uncomfortable. Ross said he told _____ again not to speak to King or Fristed. After the meeting ended Ross advised Hickey. Ross said he has not discussed the situation with any of the involved coaches or Parks.

Mikayla Brandhorst (The following statement was written by Brandhorst): On March 1st, 2018 an issue regarding volleyball was brought to the EWU Compliance Office. The assistant coach (Diana Villalpando) for Women’s Volleyball texted me in regards to if it was ok for student-athletes to receive cash (attachment G). We had a texting conversation and after she came into my office at about 4:45 after picking her daughter up from daycare. Once we talked a bit more about the incident I asked her to get _____

_____ since she was still in the team room. During that time I was waiting I received a phone call from the assistant coach Diana’s phone and _____ and I promoted her to have _____ come up and see me as soon as possible.

During the phone call _____ was asking me if it was alright to receive money from a coach and she believed it was wrong. I told her to immediately come up stairs so we can talk in person. This happened around 5:00pm. During the meeting when _____ closed my office door I asked if it was ok to include Dr. Don Ross, since I did not know the whole situation.

During the conversation we asked _____ what had happened. She let us know that Mike King, Head Volleyball Coach, promised her pay for her summer camp work and she had been continually asking for the money that she earned during summer camp. Early in the afternoon when she was asking for the camp money in Mike King’s office he said we cannot pay you legally but there was talk about paying her illegally. Coach King

proceeded to invite [redacted] out to his car and asked that one of the assistant volleyball coaches Diana Villalpando leave the offices.

[redacted] said that he had shuffled around in the car and then Coach King said lets go back inside. When they went back in Mike King's Office there was money on the table and [redacted] looked at the other assistant coach Nathan Fristed and told her that if the money is gone when they get back then no one will know who took it. Then Coach King said well I better go to the bathroom and Nate went back to his office according to [redacted] took the money but said that she knew that it could not be right to be paid like that for camp. This action caused [redacted] to ask Diana what to do and them calling the compliance department.

[redacted] did not want to keep the money and wanted to turn the money back. [redacted] also let Compliance know that she would like to transfer at the end of winter quarter. Dr. Don Ross went and asked Chad Karthausser to come to the Compliance Office and was asked to take the money and put in the athletic safe for the night. The amount of money was \$300. Chad put the money in an envelope and had [redacted] sign and date the envelope and [redacted] but the money in the athletic safe. After we heard [redacted] full story, Dr. Ross, Chad Karthausser, and myself went directly to the Interim Athletic Director, Lynn Hickey and let her know what happened. She let us know that she would be in contact with EWU Legal tomorrow morning.

On March 2nd at 9:40am I received a voicemail from the [redacted] father. The voicemail was just asking me for a call back. I again asked Dr. Don Ross to sit in on the call with me. [redacted] father let us know that he was on his way over from [redacted] and wanted to know if [redacted] had to speak with Mike King. Don and myself told him no but that we cannot talk to him about anything other than transfer rules set by the NCAA and not about the incident that took place the evening before. He understood and asked if we could all meet when he made his way to Cheney. Don and myself said yes to a meeting.

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Right as I was in my car in to go to lunch I received a phone call from another women's volleyball student-athlete who will be leaving at the end of winter quarter. asked me to come downstairs right away to their team room because there was a confrontation between and Mike. I said hold on let me talk to Don Ross and I will be down. I went back into the building and asked Dr. Ross how to proceed and he told me to let Pam Parks, the volleyball supervisor know and to go ahead and knock on the door. When the door opened up it was Mike King and Nathan Fristed sitting in her office. I asked if I could speak to Pam alone and they left Pam's Office.

I let Pam know there was a confrontation in the volleyball team room and she said that she would go down and take Don with her. I did not tell her about the incident that happened the day before. About 15 minutes later I received another call from asking if I was coming down to because they did not want to talk to Pam or Don. I told them I would come back but said that she would be fine waiting to talk to me at 3:30 when her dad arrived to campus. Once back in the office, Dr. Don Ross let me know that ended up talking to him. let Don know that she was confronted about \$300 from Coach King.

Once the Interim AD, Lynn was back in the office in the afternoon myself, and Don Ross meet with her in regards to what had happened this morning. Dr. Don Ross let us know that ended up talking to him that afternoon at the team room. let Don know that she was confronted by Coach King about \$300 that was missing and was asked to give it back. This upset because she did not feel as if she stole the money. At this point Lynn contacted Jeff Lamoureux and set up a meeting for and her father to meet across campus in Showalter.

Pam Parks: Lamoureux asked Parks if she was made aware of anything involving King and on Thursday March 1, 2018. Parks stated she was not informed about anything on March 1, 2018. Parks confirmed she was planning on attending the EWU men's basketball game with Associate Director of Athletics Don Ross Thursday evening when Ross informed Parks he would be late because Ross was assisting Assistant

Athletic Director of Compliance Mikayla Brandhorst. Ross said he would meet up with Parks later and tell her what was going on. Parks said Ross never told her what happened and she did not ask any questions.

On March 2, 2018, at approximately 12:00 pm, Parks was inside her office when Head Volleyball Coach King and Assistant volleyball Coach Fristed entered her office. King and Fristed began telling Parks about a situation they had involving King and Fristed said worked a summer Volleyball camp at EWU but they were unable to pay her because she was an international student. Parks was advised they were planning on finding a way to pay through the next camp she worked. Parks said she did not know any further details because the conversation ended when Brandhorst knocked on her door and said she needed to talk to Parks privately. King and Fristed left Parks' office. Parks said she has not spoken with King or Fristed since the meeting in her office.

Parks was then advised by Brandhorst and Ross that there was a situation down by the women's locker room that needed attention. Parks responded with Ross to the locker room. Upon arrival, Parks observed and student-athlete. Shortly after, student-athlete also joined the meeting. Parks said the females asked for Brandhorst's whereabouts. Parks explained Brandhorst would not be attending the meeting, but they could speak with her and Ross. Parks said did not want to speak with them without Brandhorst. Parks said she asked if she would prefer to speak with Brandhorst and Ross with her father present. said it would be better and Parks left to watch the men's basketball practice. As Parks was leaving, she noticed Ross and walked into the hallway and began to talk. Parks did not hear what was said as she kept walking to the practice.

Later, Parks returned and met up with Ross after he finished speaking with Parks and Ross left and did not discuss anything reported. Parks said she was unaware of anything that was reported and had not spoken with anyone about it.

Nathan Fristed: Lamoureaux asked Fristed about his relationship with King. Fristed stated he first met King when Fristed was 17 years old. Fristed said he has known King for over twenty years. Fristed and King played volleyball together on club teams in the Oregon area. Fristed and King coached together at the University of Alabama Birmingham (UAB). Fristed began his employment with EWU in February 2018.

On March 1, 2018, Fristed said he was not present for a morning meeting with King and [REDACTED]. Fristed said King asked him to sit in on an afternoon meeting King had with [REDACTED] to discuss paying [REDACTED] for a camp she worked. Fristed said after the team practice, he walked with King and [REDACTED] to King's office to discuss money owed to [REDACTED] for a camp. Fristed said they had an opened door meeting. Fristed said he did not notice King tell Villalpando she could not be present in the meeting.

During the meeting, King told [REDACTED] that they wanted to pay her for working the camp by having her work another camp. There was some discussion about paper work that had not been turned in by the previous coach Tyler Fenton. King explained the only way they could "legally" pay [REDACTED] was if she was paid for another camp. King explained that it would be "illegal to just give" [REDACTED] money. [REDACTED] expressed that she wanted to get paid.

King then got up from his chair and asked [REDACTED] to walk with him to his car. Fristed did not know why King decided to walk with [REDACTED] alone to his car. Fristed was frustrated because King had asked him to sit in on the meeting so that King was not alone with [REDACTED]. Fristed waited in the office until King and [REDACTED] returned. After returning, Fristed said he got up and told King he was going to his office.

Fristed said he never observed any money placed on the desk by King. Lamoureaux advised Fristed that [REDACTED] and King claimed \$300 was placed on the desk in the presence of Fristed. Fristed said he must not have paid attention because when he said he was leaving he got up and left the office and did not recall seeing any money in King's

hands or placed on the desk. Fristed said nothing else happened the rest of the day related to the incident.

On March 2, 2018, at approximately 9:30 am, Fristed was inside his office when King walked inside. King told Fristed he had just overheard Interim Athletic Director Lynn Hickey speaking on the phone with someone about a student-athlete that was uncomfortable. Fristed said King's office is next to Hickey's office which is why he was able to over hear the conversation. King expressed to Fristed he believed the discussion was about

While still inside Fristed's office, King proceeded to explain what happened the day before with [redacted] and the money. King advised Fristed that [redacted] took the money King had placed on his desk. Fristed explained to King that he did not notice King place any money on the desk. Fristed explained to King that he was not paying attention. Fristed said King explained that he had showed [redacted] \$300 that he was planning on giving to Chad Karthausser to place into the camp account to pay [redacted]. King told Fristed that [redacted] took the money but she was not supposed to take the money. Fristed said he asked King if he called or sent [redacted] a text asking for the money back. King told Fristed he had sent a text to [redacted] at 5:30 pm on Thursday (March 1) but [redacted] did not respond. King and Fristed agreed that they would ask [redacted] when she arrived for weight training.

Fristed and King waited outside the weight room at approximately 11:50 am for the team to arrive. When the team arrived, Fristed addressed the team about a team dinner. After Fristed addressed the team, Fristed and King asked to speak with [redacted]. Fristed said [redacted] appeared a little reluctant to meet with them but she did anyway.

During the meeting, King asked [redacted] about the money. [redacted] admitted to King that she had taken the money from the desk. King explained to [redacted] that he needed the money back because the money was supposed to go into the camp account. [redacted] responded that she did not have the money with her but would be able to get

it later. expressed that she wanted her dad involved in the conversation and King agreed. The conversation ended.

Fristed and King walked to Pam Parks' office. King explained to Parks the situation. King explained how had visited with him and Fristed to discuss the payment she was owed from camp. King explained that during the meeting he had showed \$300 and placed it on his desk as a gesture that there would be money to pay. King explained how he and Fristed left the office and when King returned had left and the money was missing. Parks asked King if he had sent a text message to asking for the money back. At this time, Mikayla Brandhorst walked into Parks' office and informed Parks that they received a complaint about a coach and needed to speak alone without King. Fristed said he and King assumed it was about the situation because of the timing of everything and how Brandhorst said she needed King to leave the room.

On March 2, 2018, at approximately 1:36 pm, Fristed received a text from King advising him he needed to speak with Hickey. Fristed said he briefly spoke with King at approximately 2:39 pm over the phone to inquire what it was about. King advised Fristed it was about the situation with . Fristed said they did not discuss anything further.

On March 5, 2018, Fristed was advised by King that King had spoken with Lamoureaux about the situation. King advised Fristed that they could not discuss what happened and that when Fristed spoke with Lamoureaux to be truthful. Fristed denied discussing the situation further with King or anyone else in athletics.

: has been on the volleyball team since 2014. is currently a fifth year senior. On March 1, 2018, after practice, overheard in the locker room discussing that she was meeting with the coaches about the money she was owed for camp. Sometime later, was walking to her car when she walked passed in the parking lot. showed money in her hand and said,

"Look at this big wad of cash he just gave me that was so shady." _____ replied, "Ah yeah that is weird." _____ and _____ kept walking and did not stop to talk further. _____ believed _____ was present when the comment was made.

_____ said she was not surprised by the incident because she was aware of similar circumstances occurring in 2015 or 2016 with the previous Head Volleyball Coach Wade Benson while King was an assistant coach. _____ said a former volleyball teammate " _____ " (later identified as _____) once told _____ that Benson paid her cash for working the volleyball camps because she was an international student. _____ said the conversation occurred in the locker room and no one else was around. _____ also said Benson used to pay the players who helped him coach club volleyball with his personal checks.

On March 2, 2018, _____ was communicating with Assistant Coach Fristed about something unrelated when Fristed mentioned he would see _____ later at weights. _____ felt this was odd because the coaches rarely attended weights. _____ then sent a group message to her teammates advising the coaches were coming to weights. Upon arrival at the weight room, _____ observed Fristed and King waiting outside the weight room. Fristed mentioned something about a team dinner and then the team entered the weight room. King told _____ he needed to speak with her. _____ approached King and Fristed. _____ and _____ stood by with _____ walked into the weight room.

Shortly later, _____ ran into the weight room crying. _____ then went into the locker room. _____ was initially unsure why _____ was crying but heard from _____ that it was about the money. The coaches made _____ feel as though she had stolen the money. _____ decided to talk with _____ because she did not want to get bullied by King. _____ said she felt King bullied the younger athletes on the team in the past so _____ wanted to support _____

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entered the locker room and observed with expressed that she did not know what to do because she felt the administration would not take action against King because they always support the coaches. then told part of the story of how she received the money. said she was inside King's office in a meeting with King and Fristed when King placed money on his desk. King and Fristed then said if the money was taken while they were gone no one would know about it. King and Fristed then got up and left the office. took the money and left.

called Brandhorst and asked Brandhorst to come talk to them about the situation. Shortly later, Pam Parks and Don Ross arrived. The athletes felt "ambushed" because "Pam and Don sweep things under the rug." asked to speak with Brandhorst instead of Parks and Ross. felt Parks was "pushy" as Parks said, "You can tell us, let's talk about it." said she did not want to talk about it with them. Parks again insisted speak with them. then said, "No, she doesn't have to talk to you." Parks responded, "We are admin you should talk to us instead." again said, "No she doesn't have to." Parks seemed irritated with as Parks stared at expressed how she did not want to talk with Parks or Ross without her dad. Parks seemed to back off and said, "Ok."

As and began to walk away, Ross asked Parks to go away and asked to speak with him. agreed and spoke with Ross. After the conversation, returned to the locker room and told and that Ross said he had a feeling King would give her money. They all left the locker room and was not involved with anything further.

On March 1, 2018, at approximately 4:00 pm, was inside the locker room after practice when she heard teammate receive a call from Assistant Volleyball Coach Diana Villalpando. After ended the call, told about her conversation with Villalpando. said Villalpando told her that had a meeting with King and Fristed and Villalpando was asked to leave and not be included in the meeting. thought that was odd

because the team had previously requested that Villalpando be present during all their meetings with King because they did not trust King or feel comfortable with him.

On March 1, 2018, at approximately 4:15-4:30 pm, [redacted] walked into the locker room and told [redacted] and [redacted] about her meeting with King and Fristed. [redacted] said King and Fristed approached her after practice to discuss the money she was owed from camp. During the meeting, [redacted] said King said the only way to legally pay her was in the summer for the next camp. [redacted] said she told King that she wanted to get paid sooner. [redacted] said King then said, "The only other way to get paid is if you just find the money." [redacted] said King asked her to walk with him to his car. [redacted] agreed and walked with King to his car.

[redacted] said she and King then walked back to King's office. [redacted] said King placed money on the table and then Fristed and King left the office. [redacted] said she took the money and left the office. Shortly after, [redacted] said she felt weird about it but was unsure how to handle the situation. [redacted] mentioned that she would call her dad for advice. [redacted] said she decided to leave and not listen anymore.

On March 2, 2018, at approximately 8:30 am, [redacted] received a call from [redacted] told [redacted] that King had been calling and texting [redacted] but ignored King's attempts to contact her. [redacted] and [redacted] did not discuss the situation further and ended the call.

Later the same day, [redacted] observed a group text that Fristed would be at the weight training session. [redacted] felt this was odd because Fristed and King rarely attended weight training unless they were showing a recruit the weight room. As [redacted] walked to weight training with her teammates she observed Fristed and King waiting outside the weight room. The team stopped outside and Fristed mentioned getting the team together for a team dinner. After Fristed finished, the team entered the weight room except [redacted] and [redacted] because King asked to speak with [redacted] [redacted] walked up to

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Fristed and King to talk. [redacted] and [redacted] stood by outside the weight room but [redacted] was unable to hear the conversation.

After the conversation, [redacted] was upset and walked inside the weight room. [redacted] walked into the weight room office with [redacted] and [redacted]. [redacted] said King was pretending he did not know what happened to the money that [redacted] took during the meeting and now needed it back. [redacted] believed the comment was made in front of her, [redacted] and [redacted] then entered the office and took [redacted] to the locker room. [redacted] was not involved in the situation any further.

[redacted] wanted to add some additional information related to King's character. [redacted] said August 29-30, 2017, the team was in New York for a tournament. After the first day, [redacted] and another teammate ([redacted]) rode back to the hotel with King inside a van. During the ride back, King asked [redacted] and [redacted] how they felt about switching roles (Outside and Labero) for the next day. [redacted] said she responded that she would do whatever helped the team. The next day, [redacted] said she did not play. [redacted] said she later heard from Villalpando that King did not let [redacted] play because [redacted] said she wanted nothing to do with King's decision. [redacted] said she never made this comment.

[redacted] said another incident occurred August-September 2017, when [redacted] met with King to discuss her evaluation. During the meeting, King said he had heard from another player that [redacted] said she did not like how King conducted his practices. King would not provide a name to [redacted]. [redacted] advised King she never made that comment. [redacted] left the meeting upset and later confronted teammates asking if anyone made the comment to King about [redacted]. At that time, her teammates told [redacted] that no one made the comment and that it was normal for King to lie. [redacted] said she felt King has lied to her and her teammates which demonstrates a lack of honesty.

On February 27 or 28, 2018, [redacted] told [redacted] she would be meeting with Fristed and King to discuss the money she was owed for camp. On March 1, 2018, after practice, [redacted] was walking in the parking lot to her car when she passed [redacted].

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asked how her meeting went with King. responded, "It was weird." kept walking toward the direction of the locker room and continued to her car. did not have any further involvement on March 1, 2018.

On March 2, 2018, was inside the locker room when she believed she heard teammates discussing received money from King. was not sure who was talking about it. later observed a text from teammate that Fristed would be at the weight training session. said that it was unusual for the coaches to attend the weight training sessions. As was walking to weight training with and the other teammates, said, "I hope Mike is not there." responded, "Why?" replied, "Because he has been trying to contact me all day."

As the team approached the weight room, observed Fristed and King waiting outside the weight room. then said to the team, "Guys don't leave me alone." The team stopped before entering the weight room and Fristed asked the team about having a team dinner. After the brief discussion about the dinner, the team entered the weight room. As the team entered, King asked to speak with him. and decided to stand outside with said they were within close distance but unable to hear the conversation between , King and Fristed.

After the conversation, and walked inside the weight room. Once inside, began to cry. walked into the weight room office along with Inside the office, said, "I can't do this I'm so scared." then entered the office and escorted into the locker room. did not follow and remained in the weight room to complete her training.

After completing training, and her teammates went into the locker room. and were not present. then addressed the team about the situation involving advised that she had called Brandhorst requesting to speak with her about the situation but Parks and Ross showed up instead. Parks insisted on trying to talk to but said she did not let Parks talk to

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said Parks and Ross eventually left. [redacted] then advised the team that [redacted] did not want to talk about her situation and asked the team not to contact [redacted]. [redacted] also requested that the team not discuss the situation with anyone. [redacted] said that was her last involvement with the situation.

[redacted] wanted to add something related to King's character. [redacted] said in August 2017, the team was in a tournament in New York. [redacted], [redacted] and [redacted] rode back to the hotel with King inside a van. During the ride, King asked the group if anyone preferred whether he sat or stood during their competitions. [redacted] said, "Whatever you did worked we won." Later that same night in the hotel, former Assistant Coach Tyler Fenton told [redacted] that King told the assistant coaches that [redacted] was a "bad egg and didn't belong in the program because she didn't like his coaching." Elliott stated she believed King lied to his players often and he could not be trusted to tell the truth.

[redacted]: On March 1, 2018, sometime in the morning, [redacted] told [redacted] she would be meeting with King to discuss her classes and the money she was owed from camp. Later that day after practice, [redacted] was inside the locker room when [redacted] walked inside. [redacted] looked upset and proceeded to explain what happened during her meeting with King. [redacted] explained that she walked into King's office with King and Fristed but Villalpando was not welcomed.

During the meeting, [redacted] expressed how she wanted to get paid for the camp to help pay for family's travel expenses. King explained to [redacted] that the only way he could pay [redacted] legally was through a summer camp. [redacted] explained that she wanted to get paid today because King had previously said she would get paid. King said ok and asked [redacted] to walk with him to his car. [redacted] and King walked to King's car and King got something out of his car. [redacted] and King then returned to King's office with Fristed still inside.

After returning, King said the only way we can pay [redacted] is if she happened to "find some money." [redacted] said she told King she did not want to get anyone in trouble.

King then placed money on the desk and said he was leaving to go to the bathroom. King then said to Fristed, "What about you Nate?" Fristed then got up, said he had to go to his office and left. [redacted] took the money that was left on the desk and left. [redacted] showed [redacted] the money. [redacted] believed [redacted] and [redacted] were present during the conversation with [redacted] in the locker room but [redacted] did not think the others were listening.

After the conversation, Villalpando walked into the locker room. Villalpando told [redacted], "We are going to take that to Mikayla's office." [redacted] believed Villalpando had previously spoken with Mikayla Brandhorst about the situation. [redacted] walked with [redacted] and Villalpando to Brandhorst's office. Upon their arrival, [redacted] observed Don Ross inside Brandhorst's office. [redacted] walked inside Brandhorst's office and [redacted] waited outside for [redacted]. After the meeting was concluded, [redacted] walked with [redacted] back to their dorm room. [redacted] did not believe King had any further contact with [redacted] the rest of the day.

On March 2, 2018, sometime before 9:00 am, [redacted] and [redacted] were inside their dorm room when [redacted] received a call from King. [redacted] did not answer the call and told [redacted] that King was calling her. Shortly later, [redacted] and [redacted] walked to [redacted] class. While walking, [redacted] expressed she was uncomfortable and wondered if King knew that she turned in the money. [redacted] then got upset and began to cry. [redacted] said she did not feel safe and was worried King might come by her class. [redacted] said she could not go to class because she was afraid. [redacted] walked with [redacted] back to their dorm.

After arriving at their dorm, [redacted] retrieved her car keys and drove [redacted] to Starbucks. [redacted] and [redacted] got a drink and sat inside [redacted] car. While inside the car, [redacted] received a text message from King asking, "Did you get my text?" [redacted] showed [redacted] the message and they thought the message was weird because [redacted] had not received a prior text message from King.

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then asked _____ if she received a prior text from King and _____ said she did not.

_____ then drove _____ to her 10:00 am Biology class. _____ told she would wait outside of _____ class in her car in case King showed up. _____ attended class then returned to _____ car. After the class, _____ and _____ drove to weight training. _____ recalled prior to weight training observing a text message from a teammate (possibly _____ or _____) that Fristed would be at weight training. _____ said that was unusual because the coaches never went to training unless they had a recruit.

_____ and _____ walked to weight training with the rest of the team. As they approached the weight room, _____ observed Fristed and King waiting outside. _____ said Fristed talked about organizing a team dinner. After Fristed finished talking, the team walked inside the weight room. _____ walked inside but noticed _____, _____ and _____ remained outside. _____ did not hear or see what happened outside.

Shortly later, _____ entered the weight room and walked into the office with _____ and _____ appeared to be crying. _____ walked into the office and escorted _____ into the locker room. After approximately five minutes, _____ walked into the locker room. _____ then called Villalpando but received no answer. _____ then called Brandhorst and asked to speak with her in person. Later, Pam Parks and Don Ross arrived in the team room to talk instead of Brandhorst. The team room is located next to the locker room.

_____, _____ and _____ were confused as to why Ross and Parks showed up. Parks requested to speak with _____ but _____ said she did not feel comfortable talking with Parks without her dad present. Parks insisted _____ talk to her but _____ spoke up and told Parks that _____ did not have to talk to Parks. Ross then asked to speak with _____ away from Parks in private. _____ agreed and spoke

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with Ross alone. After the conversation, [redacted] walked with [redacted] to her car to drive to the airport to pick up [redacted] dad.

[redacted] told [redacted] that during her conversation with King and Fristed outside the weight room, King asked [redacted] if she had taken the money. King and Fristed acted like they did not know what happened to the money. [redacted] expressed to King and Fristed she would not discuss the matter further without her dad present.

Respondent Michael King: On March 5, 2018, at approximately 9:00 am, Investigator Lamoureux met with Head Volleyball Coach Michael King inside Showalter 314. King confirmed he received and reviewed the Notice of Investigation and EWU Guideline 401-01 (Investigations) sent to him on March 2, 2018. Lamoureux reviewed the Investigative Guidelines with King and discussed the process. King stated he understood. Lamoureux reviewed a summary of the allegation against him. King provided a typed statement (attachment A) along with screenshot print outs of text messages between him and [redacted] (attachment B), and contact information for [redacted] with communication history (attachment C). Lamoureux reviewed the summary with King and asked King to send it electronically as well. King agreed and later sent Lamoureux an electronic copy.

On March 9, 2018, at approximately 2:30 pm, Lamoureux met with King inside Showalter 312. Lamoureux shared with King all the witness statements and [redacted] complete statement to review. King was asked to respond to any of the witness statements and [redacted] statement.

The following is a synopsis of the interview:

King stated [redacted] worked a summer volleyball camp along with her teammates. King was unable to pay [redacted] because she was an international student and was required to turn in some paper work which would allow her to work and get paid [King previously explained the reasons in his initial statement (attachment A) which also described a

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timeline of events including the information from the compliance department and Brandhorst about [redacted] having to leave the country and the appropriate way in which [redacted] was to be paid]. King recalled that [redacted] paper work was never properly turned in so he was unable to pay [redacted]. King had several discussions with [redacted] explaining the aforementioned reasons why he was unable to pay [redacted].

On March 1, 2018, at approximately 4:30 pm, King met with [redacted] inside his office to discuss her spring 2018 class schedule and the money owed to her for the camp. Fristed was inside the office during the meeting. King denied Villalpando was asked to leave or not be involved in the meeting. King stated Villalpando had to leave to pick up her child. King was advised [redacted] disputed King's assertion that he told the money he showed [redacted] would be going into the camp account. King responded he made the statement and had nothing else to add to [redacted] assertion.

King was advised [redacted] claimed when they returned from King's car to the office, Fristed was seated and both King and [redacted] remained standing when King placed the money on the table. King said he recalled Fristed was seated when they returned but King sat down in his chair. [redacted] remained standing. King was told [redacted] alleged King said, "The only way I can pay you now is if you just found money," and [redacted] alleged she replied, "I don't want to do anything that will get anyone in trouble or make me feel uncomfortable." King denied ever making the aforementioned statement and denied [redacted] ever made her alleged statement about getting anyone in trouble.

King was advised [redacted] alleged that after returning from his car King placed \$300 on his desk then said he was leaving to go to the bathroom and Fristed said he was leaving to go to his office. King agreed with [redacted] sequence of events following his car regarding placing the money on the desk, saying he had to go to the bathroom, and Fristed saying he was leaving to his office. King was asked to explain why he decided to retrieve \$300 of his own money to show [redacted] by placing it on his desk. King said he was simply trying to "appease" [redacted] by showing [redacted] that she would get paid for the next camp she worked. King was asked if he could place his own money into [redacted]

the camp account as he stated to . King said he could not but again he made the statement to "appease" . King was asked why he left \$300 on the table and then left his office with still inside his office. King said he did not believe would take the money because he thought he made it clear the only way could get paid legally was by working the next camp and receiving a check from EWU. King was advised it was unusual to leave \$300 on a desk and walk away. King said he trusted the people he worked with in the Athletic Department and was not worried about anyone taking the money.

King was asked about the text message he sent to on March 1, 2018 at 5:46 pm. King said after he realized the money was missing he sent a text message asking her if she took it. King was advised alleged she never received the text message on March 1, 2018 asking if she took the money. Lamoureaux advised King there were three possible scenarios why did not have the text message. The scenarios were that deleted the message, the message was not received, or King created a fake text. King said he sent the text message but he did not know whether the message was received. King provided a screen shot of his call / text history with which showed a message was sent on March 1, 2018 to asking if she took the money. King showed Lamoureaux his cell phone to review the cell phone apps to ensure there were no apps to create a fake text message. Lamoureaux did not see any apps on King's phone that were designed to create fake texts.

King was advised that on March 2, 2018, Fristed stated King walked into his office at approximately 9:30 am informing Fristed that King overheard Interim Athletic Director Hickey talking with someone over the phone about a student-athlete that was uncomfortable. King admitted he had the conversation with Fristed. King said he heard "volleyball player" and "problem" during the conversation he overheard. King said he told Fristed he believed it was about because of the timing of the incident and because she had not responded to his calls or texts.

King was advised Fristed claimed he did not see King place the money on the desk and did not know about it until the next day on March 2, 2018. King did not know why Fristed did not see the money but did not recall Fristed mention whether he observed the money or not. King recalled discussing the circumstances with Fristed to figure out why was upset because King stated he felt he did not do anything wrong. King was asked why he felt he needed to discuss it if he felt he did nothing wrong. King said he simply felt he needed to share with Fristed because he was part of the meeting and a part of the coaching staff.

King was asked if Fristed's version of what occurred during the meeting with Parks on March 2, 2018 was accurate. King stated it was accurate. King said he wanted to tell Parks of what happened because Parks is King's sport oversight administrator. After King told Parks what happened, King confirmed Brandhorst entered the office and told Parks she received a complaint against King from a volleyball player. King said at that point, Parks asked Brandhorst if the player was . King said Brandhorst said it was not. King said at that point he and Fristed left Parks' office.

King was advised Villapando alleged she did not believe King was an honest person. King was advised of Villalpando's statement that King told her "sometimes you need to lie to them to get what you want" in response to King telling Villalpando to lie to the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU. King denied he made the alleged comment to Villalpando.

King was advised that Villalpando alleged King told her to use a "white lie" involving a student-athlete that was home sick. King said he never told Villalpando to lie and he never used the word "lie." King said he recalled telling Villalpando to find a way to relate to the student-athlete by making up a scenario so the student-athlete did not think she was alone. King said he recalled Villalpando said she did not want to "lie" to the student-athlete and King replied, "I'm not asking you to lie, I'm asking you to make something up that's relatable." King said he never told Villalpando to lie to anyone.

King was told _____ stated she did not believe King was an honest person. _____ alleged August 29-30, 2017 (King said the actual dates of the New York trip were September 8-9, 2017) while in New York at a tournament, King had a discussion with _____ and a former player _____ about switching positions for the next matches. _____ alleged she ended up not playing and was told by assistant coaches that King said the reason was because _____ said she did not want anything to do with King's coaching decision. King said he did have a conversation with _____ and _____ about position changes. But, King said he did not tell assistant coaches that _____ was not playing because she did not like his coaching. King said he heard from a former player _____ that _____ did not feel confident switching positions and that was the reason she did not play. Additionally, King said he did not feel the switch was in the best interest of the team at that time.

Additionally, King was advised that _____ alleged that during an evaluation with King in August or September 2017 that King told her another player on the team said _____ did not like how King conducted practices. King said he did not recall having the conversation with _____.

King was advised _____ also alleged she did not think King was an honest person. _____ alleged King would often turn the players against each other by lying to them. _____ provided an example of a situation involving a van ride back during the tournament in New York in August 2017 (King again clarified the trip was in September 2017) when King asked if the players preferred him to stand or sit during games. _____ said she told King to do whatever he did because they won their match. But later in the hotel, former Assistant Coach Tyler Fenton told _____ that King said she was a "bad egg" and should not be in the program. King said he did not make that comment. King said _____ was one of his favorite student-athletes and had nothing but positive thoughts for her. King said his assistant coaches have been part of the program's problems in the past and he was trying to resolve it. King pointed out that both _____ and _____ provided examples of why they do not think King was an honest person based on statements they were told by King's previous assistant coaches which King stated were not true.

King was told [redacted] alleged a former volleyball player named [redacted] was paid cash in a similar way as [redacted] for a camp. [redacted] worked in 2015 or 2016 (King believed [redacted] worked in 2015) and was paid by then Head Coach Wade Benson. [redacted] said King was the Assistant Coach at the time. [redacted] also alleged Benson paid the players for working as assistant coaches for club volleyball from Benson's personal checks. King said he was not aware of [redacted] getting paid money for camp by Benson. King said he was not aware of Benson paying the players for coaching club with his personal checks. King stated these statements related to the previous head coach who became an assistant coach for King and also tried to undermine King's authority with the players. King said these incidents with [redacted] and other players alleged by [redacted] do not relate to King.

Additional Information:

On March 6, 2018, [redacted] was provided a copy of King's statement (attachment A) asked to review it for content. On March 8, 2018, at approximately 3:00 pm, Lamoureaux met with [redacted] to discuss King's statement. [redacted] advised Lamoureaux that she disputed various statements made by King. [redacted] said King never mentioned that the money he showed her would be placed into the camp account. [redacted] denied ever receiving a text message from King on March 1, 2018, at 5:46 pm asking her if she took the money. [redacted] showed Lamoureaux her cell phone to review text messages. Lamoureaux did not see a text from King to [redacted] on March 1, 2018, at 5:46 pm about [redacted] taking money. [redacted] denied deleting the text message and said she never received the text. [redacted] showed Lamoureaux her cell phone text history with King. The text history did not show any message from King on March 1, 2018 asking her if she took the money. [redacted] sent a screenshot electronically to Lamoureaux of the text conversation with King (attachment E).

..... said on March 2, 2018, at 9:25 am, she received a text from King asking if she received his text. said at the time she received the text she was with her teammate inside her car at Starbucks. said she showed the text and was confused as King's text because she did not have another text. said she even showed her phone to

..... said the only information from her original statement that was a mistake was when she said King addressed the team outside the weight room about a team dinner. said Fristed was the coach that addressed the team. said the rest of her statement was accurate.

Lynn Hickey: On March 8, 2018, at approximately 4:00 pm, Lamoureaux spoke with Interim Athletic Director Lynn Hickey over the phone. Lamoureaux advised Hickey that King might have overheard a conversation Hickey had related to this investigation on March 2, 2018 in the morning. Lamoureaux asked Hickey if she had spoken with anyone over the phone on March 1, 2018 or March 2, 2018 in the morning. Hickey said she did not discuss this incident with anyone on March 1, 2018. Hickey confirmed on March 2, 2018 she used her speaker phone to speak with Assistant Attorney General Annika Scharosch on March 2, 2018 before 9:00 am to discuss the situation involving King and Hickey and King's offices are located next to each other.

Annika Scharosch: On March 9, 2018, at approximately 4:15 pm, Lamoureaux asked Assistant Attorney General Annika Scharosch if she spoke with Hickey on March 2, 2018. Scharosch confirmed she spoke with Interim Athletic Director Hickey on March 2, 2018 at approximately 8:33 am over the phone. Scharosch verified the time by reviewing her call log information. Scharosch sent a screenshot of the call log (attachment I).

Respondent Michael King:

The following statement was written by King which King wanted included with this report:

I would like to address the statement of investigation based on the March 9th meeting. In this meeting it became clear that many of the questions asked of me were beyond the scope of the initial investigation to include inquiring of several of my players and assistant coaches to speak to my character and coaching decisions.

During this March 9 meeting, Title IX investigator Jeff Lamoureux informed me that my former assistant coach Diana Villalpando, had stated that I told her that, "sometimes you need to lie to them to get what you want." This was allegedly regarding *the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU.* I do not recall any such conversation. I do recall telling coach Villalpando that students need to get all administrative requirements, including transcripts from summer school, in by the various deadlines imposed upon us and instructed coach Villalpando, who was new to coaching at the collegiate level, frequently follow up with student-athletes who may not understand the importance of deadlines.

During this same meeting, I was also informed that coach Villalpando alleged that she tell a "white lie" to a student-athlete that was experiencing home sickness. I had, well after the fact, been made aware that one of our freshman athletes was dealing with homesickness issues, a fact that both of my assistants were aware of but did not feel the need to share the information with me. When I asked both coach Villalpando and coach Tyler Fenton about this athlete being homesick, they replied "yes, we know." I asked them how long they had known, and they replied 3-4 weeks. I then mentioned to them that when they hear of these issues, I need to be made aware of what is going on with our athletes. And the response back was "why do you need to know, what can we do about someone being homesick?" I then asked Villalpando, to talk with the athlete and relate to her. Because Villalpando attended college only 20 minutes from her home, I suggested that she might not know what it is to be homesick, but to try and find a scenario that is relatable to help the athlete in her homesickness. Again, as coach Villalpando was new to collegiate level coaching, I was trying to mentor her while giving her additional responsibility and experience in dealing with student athletes, especially young athletes who might be experiencing the various growing pains and stresses associated with

collegiate sports and college. I was suggesting that coach Villalpando use an analogy that the student might relate to in order help her through this situation.

I was also informed by investigator Lamoureaux that he had spoken to one of my players named . According to Lamoureaux, stated she did not believe I was an honest person. I was told that also alleged that while in New York at a tournament, I had a discussion with her and a former player named about switching positions for the next matches. alleged she ended up not playing much in that tournament and was told by assistant coaches that I said the reason was because said she did not want anything to do with my coaching decision. I did in fact, have a conversation with both and about potentially switching positions, as I felt it was necessary and important to talk with both about a potential switch in position. In addition, I had a player () ask me if she could switch positions as she felt it she could give the team the edge it needed to win. I asked one of our seniors () what she thought of a potential player switch as I felt it was important that if the players are comfortable they will perform better. mentioned that made a comment about being nervous and she didn't want to make a mistake. The decision not to play was my decision, based on what I felt was in the best interest of the team. We won both the matches with this lineup. As a coaching staff we did discuss potential lineups, my assistants were in favor of playing in the front row; so, when I made the decision to not play , they were not happy. Quite often if I decided in opposition to my assistants they were unhappy.

According to investigator Lamoureaux, also alleged that sometime in August or September 2017, during an evaluation review, I told her that another player had reported to me that she () had said she did not like how I conducted practices. I recall no such conversation. I did however, have a conversation with all the players about how the season was going and asked something along the lines of, "Do you think there is anything we can add to practice that would be helpful."

Investigator Lamoureaux also told me that my former assistant, told that I said she was a "bad egg" and should not be in the program. As I stated before, is one of my favorite student-athletes. She is consistent in her practice

efforts and brings the best of what she can deliver to all practices and matches. I would not have said anything even close to the term "bad egg" with any of my players. I have no idea what would prompt former assistant coach Fenton to allege such a thing. It is totally without merit.

I have previously made Bill Chaves, the former Athletic Director and Pam Parks the Senior Women's Administrator aware of the former head coach Wade Benson who later became my assistant, of his constant efforts to undermine my authority with student athletes that he had recruited. Because of former coach Wade Benson's efforts to undermine my efforts with developing the team, he was dismissed on or about July 2016.

At no time did I instruct coaches to lie and/or deceive our student athletes about anything. At no time did I ever make disparaging remarks about student athletes to members of my coaching staff, and/or other players. At no time did I ever try to pay a student athlete for working at one of our camps. Any and all decisions about what position athletes play and when they play is based on the many factors all head coaches employ when preparing for the instant competition before us. This includes, but is not limited to, who is playing their best at a given time; health and injury issues; and the team we are playing. Those final decisions rest with me and for that, I take sole responsibility.

However, the expansion of the investigation involving the allegation of illegally paying a student athlete for services, which, as I have been lead to believe has proven to be unfounded, appears to be outside the scope of the initial investigation. I would be more than happy to discuss challenges that the EWU Volleyball program has faced over the last 4 years; but I do not feel it is appropriate as part of this investigation.

This statement is true and accurate to the best of my knowledge.

Respectfully,

Michael King

Mikayla Brandhorst: On March 12, 2018, at approximately 3:59 pm, Brandhorst sent Lamoureux a photo of the envelope that was placed into the safe with the money turned in by (attachment D). On March 12, 2018, at approximately 4:30 pm,

Lamoureaux spoke with Brandhorst over the phone. Brandhorst was advised Ross alleged Brandhorst advised him on March 2, 2018 at approximately 8:30 am that King had sent a text to asking for the money back. Brandhorst said she never made that statement to Ross. Brandhorst also said never told her about receiving a text from King asking for money back.

On March 13, 2018, at approximately 3:15 pm, Brandhorst met with Lamoureaux inside his office. Lamoureaux asked Brandhorst to further explain the details of the conversation with on March 2, 2018. Brandhorst said left her a voicemail. Brandhorst played the voicemail for Lamoureaux. identified himself and asked Brandhorst to call him. Brandhorst returned call in the presence of Ross inside her office.

During the phone call, asked if needed to have contact with King and asked who else knew about the situation. Brandhorst said was advised did not have to have further contact with King. Ross then advised that the athletic director was informed of the situation. Brandhorst said she could not recall Ross saying Parks was informed.

Brandhorst recalled that after each meeting with Hickey she and Ross asked Hickey if they should include Parks because she was the volleyball supervisor. Brandhorst said the previous athletic director always said to include the sport supervisor but in this case Hickey instructed them not to inform Parks because Hickey would handle it. Brandhorst said to her knowledge Parks was never informed.

Don Ross: On March 13, 2018, at approximately 12:00 pm, Ross met with Lamoureaux to discuss some follow up questions. Ross was advised that Brandhorst denied ever hearing about receiving a text from King about money and then telling Ross about it. Ross said he must have made a mistake. Ross said he recalled having a conversation with father over the phone with Brandhorst present. Ross said during the conversation he recalled father mention that King had attempted

to contact [redacted] either via text or phone call. Ross said he could not recall whether [redacted] father mentioned anything about King sending a text about money. Ross said he recalled [redacted] father asking Ross if his daughter ([redacted]) needed to have contact with King.

Ross was asked to explain the protocol for a coach to report alleged misconduct by an athlete such as stealing. Ross said he would expect a coach to immediately advise administration (his supervisor, the athletic director or both) so that they could meet to discuss strategy on how to handle the situation.

Ross was asked if Parks was King's supervisor for volleyball. Ross confirmed Parks was the volleyball supervisor. Ross was asked why he (Ross) did not share any information with Parks due to the fact Parks was the supervisor for volleyball and would be expected to know about any allegations of misconduct. Ross said he did not inform Parks at Hickey's request. Ross said he normally would have informed Parks.

([redacted] father): On March 8, 2018, at approximately 3:57 pm, Lamoureux received an email from [redacted] indicating [redacted] had requested her father to contact their cell phone company to obtain a copy of [redacted] cell phone records. On March 13, 2018, at approximately 1:36 pm, Lamoureux sent an email to [redacted] asking if he had an update on his attempt to obtain [redacted] cell phone records. Lamoureux also asked [redacted] if he recalled his conversation with Brandhorst and Ross on March 2, 2018 and if he recalled any mention of King sending a text about money. On March 13, 2018, at approximately 2:02 pm, [redacted] responded that he was unable to obtain the records at this time. [redacted] then mentioned he recalled speaking with Brandhorst and Ross about his concern for [redacted] safety so he wanted to know who was aware of the situation. [redacted] said Brandhorst and Ross said Parks had been informed on March 1, 2018 after their meeting with [redacted]. Lamoureux requested to speak with [redacted] over the phone.

On March 13, 2018, at approximately 2:05 pm, Lamoureux spoke with [redacted] over the phone. [redacted] was asked about his conversation he had on March 2, 2018 with Brandhorst

and Ross. [redacted] said he received a call from [redacted] on March 2, 2018, at approximately 9:00 am. [redacted] was upset that King had attempted to contact her. [redacted] said there was never a mention of King sending a text about money to [redacted]. [redacted] said [redacted] was simply afraid to go to class and walk around campus. [redacted] called Brandhorst to find out who else knew about the situation. [redacted] left a voicemail for Brandhorst.

On March 2, 2018, Brandhorst returned his call shortly after his voicemail. [redacted] said Ross and Brandhorst were speaking with him via speaker phone. [redacted] asked Brandhorst and Ross if [redacted] had to have contact with King. [redacted] said they advised him [redacted] did not need to have contact with King. [redacted] asked Brandhorst and Ross who else knew about the situation. [redacted] recalled Ross advising him that on March 1, 2018, after their meeting with [redacted], Parks was also informed of the circumstances.

Lamoureaux advised [redacted] in a follow up email that Brandhorst stated the athletic director was informed and not Parks. [redacted] replied that he was probably mistaken. [redacted] said he might have heard athletic director and assumed it was Parks. [redacted] said he felt Brandhorst was "reliable."

Diana Villalpando: Villalpando showed Lamoureaux a text conversation she had with [redacted] on March 2, 2018. In the messages, Villalpando asked [redacted] if King had been attempting to contact [redacted]. [redacted] responded that King had only called two times and sent two texts. Villalpando sent a screenshot of the conversation electronically to Lamoureaux (attachment H).

Pam Parks: On March 15, 2018, at approximately 2:30 pm, Parks met with Lamoureaux for clarification regarding her initial statement. Parks originally stated that when she met with King and Fristed on March 2, 2018 at 12:00 pm, they did not tell her details of what occurred with [redacted] because Brandhorst interrupted the meeting. Lamoureaux advised Parks that Fristed and King both alleged they told Parks the details of their meeting with [redacted] on March 1, 2018. Parks changed her statement and said she did not remember the entire details of her meeting with King and Fristed. Parks confirmed

King and Fristed told her that they both explained to _____ she could not get paid unless she worked another camp. Parks recalled King also mentioned he showed _____ money but King said he told _____ he could not pay her with cash. Parks said she did not recall whether King mentioned placing money on his desk and leaving his office while _____ was still inside. Parks did recall King showed her his cell phone with a picture of a single text message King alleged he sent to _____. Parks said she did not read the entire text message but believed the message did not have a date or time to show whether the message was actually sent or received.

Parks said after Brandhorst entered the office she told King they would take about the situation later. Parks said she never spoke with King further about the situation. Parks added that she thought it was strange that King waited to speak with her until the following day to discuss the circumstances instead of reporting it to her immediately.

Information former Head Coach Benson paid a player cash for camp:

provided a third party statement that a former player said Benson paid them to play. _____ did not witness any such payment. _____ did not allege or provide any evidence that King had knowledge of Benson’s alleged actions. This investigation is not investigating whether King was involved in the alleged incident. However, EWU will attempt to investigate _____ claim in a separate investigation.

III. CONCLUSION:

Allegation 1: _____ alleged on March 1, 2018, Head Volleyball Coach Michael King provided her \$300 in US currency for payment related to a volleyball camp she worked during the 2017 summer.

Timeline of events (approximate times based on evidence obtained):

March 1, 2018:

- 4:00 pm – met with King and Fristed in King's office and collected \$300.
- 4:15 pm – contacted and in the team room.
- 4:15 pm – advised Villalpando of circumstances.
- 4:15 pm – Villalpando advised Brandhorst briefly of circumstances.
- 4:30 pm – advised Villalpando she and are in team room.
- 4:45 pm – Brandhorst advised Villalpando to bring to her office.
- 5:00 pm – met with Ross, Brandhorst and Karthausser to turn in money.
- 5:15-5:30 pm – Ross, Brandhorst, Karthausser met with Hickey.
- 5:46 pm – King allegedly sent a text asking if she took the money.

March 2, 2018:

- 8:33 am – Hickey talked via speaker phone with Scharosch.
- 8:46 am – King called
- 9:25 am – King sent a text to asking if she received his text.
- 9:30 am – King walked into Fristed's office and advised he overheard Hickey.
- 11:50 am – King and Fristed wait outside weight room to speak with
- 12:00 pm – speaks with teammates about conversation with coaches.
- 12:00 pm – King and Fristed speak with Parks inside her office about situation.
- 12:07 pm – Brandhorst was informed of the incident outside the weight room.
- 12:15 pm – Parks and Ross responded to team room.
- 12:15 pm – spoke with Ross about incident outside weight room.

The following are undisputed facts by both parties:

- King is the Head Volleyball Coach and is a volleyball player at EWU.
- did not receive a check from EWU for working the summer 2017 camp.
- March 1, 2018, met with King inside his office in the morning to discuss payment for camp.
- March 1, 2018, met with King and Fristed inside King's office after practice to discuss payment for camp.

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- March 1, 2018, King told [redacted] he could not pay her for the previous camp but would pay her for the next camp she worked.
- March 1, 2018, [redacted] told King she wanted to receive money sooner to help pay for her family's travel expenses.
- March 1, 2018, [redacted] walked with King to King's car where King retrieved money while Fristed remained inside King's office.
- March 1, 2018, [redacted] and King returned to King's office and Fristed was still inside.
- March 1, 2018, King placed \$300 on his desk and said he was leaving to use the bathroom and Fristed said he was leaving to go to his office.
- March 1, 2018, [redacted] took possession of the \$300 from King's desk and left.
- March 2, 2018, at 8:46 am, [redacted] received a call from King.
- March 2, 2018, at 9:25 am, [redacted] received a text from King asking if she received his text.
- March 2, 2018, at 11:50 am, King and Fristed wait outside the weight room to speak with [redacted] about the money.

The following are disputed facts by both parties:

[redacted] alleged the following which is disputed by King:

- On March 1, 2018, King provided [redacted] \$300 in US currency as payment for a summer camp.
- During the meeting, King said, "The only way I can pay you now is if you just found money." [redacted] replied, "What do you mean?" Fristed said, "Yes, if you just found some money."

King alleged the following which is disputed by [redacted]:

- On March 1, 2018, King showed [redacted] \$300 to "appease" her and let her know there would be money in the camp account to pay her for the next camp she worked.

- During the meeting, King said he could not give her cash and they could not pay her until summer 2018.
- On March 1, 2018, at 5:46 pm, King sent a text message to asking if she took the money and explaining the money was meant for the camp account.

Analysis and credibility:

With respect to the disputed facts, I have reviewed all of the witness statements and documentation as there are conflicting versions of what occurred on March 1, 2018. I analyzed each party's statement to ascertain credibility and arrive at a finding as to what occurred on a more probable than not basis.

alleged during her meeting on March 1, 2018 with King and Fristed, they suggested should collect the \$300 in US currency that was left on King's desk as payment for the camp she worked. alleged after she told them she wanted to get paid sooner for the camp King said, "The only way I can pay you now is if you just found money." replied, "What do you mean?" Fristed said, "Yes, if you just found some money." After this comment was made, King asked to walk with him to his car. King then retrieved money from his car and returned to his office with alleged, upon returning to King's office, King showed \$300 in US currency and then placed it on the desk. King then said he had to go to the bathroom and Fristed said he had to go to his office. collected the money based on King's and Fristed's actions and statements as she believed they were suggesting she could collect the money as payment.

King did not dispute he had a meeting with to discuss payment for the camp she previously worked. King explained that he wanted to receive payment for the camp but the previous assistant Tyler Fenton did not turn in paperwork which would have allowed EWU to legally pay her as an international student. King did not dispute he asked to walk with him to his car where he retrieved money

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after he expressed he could not pay _____ for the camp. _____ expressed she wanted to receive money sooner than waiting for the camp to pay for family travel expenses. King did not dispute he showed \$300 to _____, placed it on his desk, then said he was leaving to go to the bathroom and Fristed said he was leaving to go to his office.

In analyzing this incident, the credibility of the involved parties were evaluated to assist with determining based on a preponderance of the evidence or more likely than not what occurred. _____ advised teammates, an assistant coach, an athletic compliance officer, an athletic administrator and an investigator of what occurred. Throughout the investigation, _____ statements were consistent with every person she spoke with throughout this process. Additionally, _____ actions by immediately reporting what occurred was consistent with someone that believed what occurred was inappropriate and illegal.

Fristed and King have been friends since they were teenagers, they played club volleyball together and they previously worked together at another institution. Fristed was recently hired by King to be the assistant coach. Fristed and King's long lasting friendship and employment history would naturally cause a loyalty toward each other. King and Fristed's loyalty toward each other would be motivation to lie for each other.

Fristed's credibility was called into question when he claimed he did not see King show \$300 and he did not see King place the \$300 on the desk before leaving to his office. Fristed said he must not have paid attention at that moment yet he was able to recall all of the other details of the meeting. Further, Fristed noted he attended the meeting because King asked him to sit in on the meeting so King was not along with _____, yet claimed he left the meeting before the pivotal event. King and _____ both stated Fristed was present when this occurred. Additionally, after King placed the money on the desk, Fristed followed up King's statement that King was leaving to use the bathroom by Fristed saying he was leaving to go to his office. King's office space is small

which would have also made it unrealistic. Fristed did not witness the incident. The entire conversation proceeding the display of \$300 was all about payment for the camp. Additionally, prior to displaying the money Fristed witnessed King walk with [redacted] to King's car which was when King retrieved the money. Based on a preponderance of the evidence or more likely than not, Fristed witnessed King show and place the \$300 on King's desk.

King's credibility was called into question due to the sequence of events and based on a reasonable person standard when this incident was analyzed. King's explanation as to what occurred does not make sense. After saying he could not pay [redacted] cash, King decided to ask [redacted] to walk to his car where he retrieved \$300 in cash. King then decided to show [redacted] \$300 in cash to "appease" her that there would be money in the camp account. The reason [redacted] was given as to why she was not paid was not because the camp account did not have the funds to pay her. She wasn't paid because specific forms weren't completed. Therefore, there was no reason to show [redacted] that there would be money to pay her once King placed his money into the account. King also admitted he could not place his own money into the camp account. Therefore, he essentially was untruthful with [redacted] if he actually told her it would go into the camp account.

Witnesses provided additional information regarding King's credibility. Prior Assistant Coach Villalpando provided two examples of how King asked her to lie. King denied asking Villalpando to "lie." However, in response to Villalpando's statement about a student-athlete being homesick, King said he told Villalpando, "I'm not asking you to lie, I'm asking you to make something up that's relatable." King's explanation that making something up is not a lie is suspect. Additionally, other volleyball student-athletes provided reports of experiences they had with King which made them question his character. King disputed the incidents as reported by the student-athletes and those incidents were not investigated and were not used in my conclusion as to credibility.

The explanation and sequence of events as reported by [REDACTED] coupled with her credibility makes sense. [REDACTED] was frustrated she had not been paid for working a summer camp. After expressing her frustration over the situation for several months and after [REDACTED] said she wanted to get paid sooner than the next camp to pay for family expenses, [REDACTED] said King and Fristed said the only way [REDACTED] would get paid now is if she "found" money. King then responded by retrieving money from his car and then showing it to [REDACTED] and placing it on King's desk. After showing the money, King and Fristed both agreed to leave King's office leaving [REDACTED] alone with \$300. Based on a reasonable person standard, it is unlikely anyone, let alone an NCAA coach would place \$300 on a desk and then leave the office at the same time with his assistant coach while a student-athlete is seated inside.

Further, immediately after the meeting [REDACTED] realized it was wrong and reported what occurred. King on the other hand, did not mention anything to a sports administrator or his sport's supervisor (Parks) until a day and a half later. Parks and Ross both stated they would have expected an NCAA coach to immediately report what occurred if the coach truly believed there was a misunderstanding involving money or if they believed a player stole money. Additionally, King did not say anything after he overheard a conversation by the Interim Athletic Director Hickey regarding the situation. Instead of contacting Hickey or any other sports administrator right away to explain what happened, King decided to let Fristed know what he overheard. King and Fristed then decided to confront [REDACTED] outside the weight room and initially joked around wanting to know whether [REDACTED] took the money because King believed Fristed took the money. However, [REDACTED] said King made her feel as if she stole the money.

I was unable to conclude whether King sent a text message to [REDACTED] on March 1, 2018 at 5:46 pm but if it were sent the timing of the text is suspect. The timing of King's attempts to contact [REDACTED] after the incident are also questionable. King alleged he sent a text to [REDACTED] on March 1, 2018 at 5:46 pm asking if she took the money. King advised Lamoureaux he left work at "5:40 ish." The meeting between [REDACTED] and [REDACTED]

King was at approximately 4:00 pm but King allegedly did not notice \$300 missing from his desk until over an hour and a half later. At approximately 5:00 pm, [redacted] had met with Ross and Brandhorst and reported the incident. At approximately 5:15-5:30 pm, Ross and Brandhorst advised Hickey of the circumstances. During the interviews with the athletic staff, it was explained to me that the close proximity with everyone's offices would sometimes allow for conversations to be overheard from other offices or by simply walking past offices. King already mentioned he overheard Hickey's conversation on March 2, 2018 because his office is located next to Hickey's. It is not unreasonable to believe King overheard someone in athletics discussing what occurred on March 1, 2018 prior to sending the alleged text to [redacted]. Therefore, due to the time of when the complaint was reported and when King decided to send a text to [redacted] it appeared as if King sent the text in response to [redacted] reporting the circumstances.

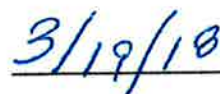
The next day on March 2, 2018, King overheard Hickey discussing the situation over the phone at approximately 8:33 am. King then tried to call [redacted] at 8:46 am. King followed by sending a text to [redacted] at 9:25 am asking if she had seen his text. King then advised Fristed of the conversation he overheard at 9:30 am. King's actions would suggest he was reacting to everything that was occurring in an attempt to cover up what happened instead of simply reporting the circumstances to a sports administrator.

Therefore, based on a preponderance of the evidence or more likely than not, the allegation that Head Volleyball Coach Michael King provided [redacted] \$300 in US currency for payment related to a volleyball camp [redacted] worked during the 2017 summer is **SUBSTANTIATED**.

IV. SUBMITTED BY:



Jeff Lamoureaux, HR Senior Investigator



Date



Investigations
Eastern Washington University
314 Showalter Hall
Cheney, WA 99004-2445

DATE: March 19, 2018
TO: Michael King, Head Volleyball Coach
FROM: Jeff Lamoureaux, Senior Investigator and Title IX Coordinator
SUBJECT: Closure Letter
Cc: Lynn Hickey, Interim Athletic Director
Joe Fuxa, Labor Relations Manager

I was assigned to conduct a fact-finding investigation related to an allegation filed by .
on March 2, 2018 alleging that:

- On March 1, 2018, you provided student-athlete . \$300 as payment
for a 2017 EWU summer camp she worked.

I have completed the investigation and in accordance with EWU policy 402-04, chapter 3(e), I am providing you and your supervisor(s) with a copy of the report. Based on a preponderance of the evidence or more likely than not, I determined the allegation was substantiated. However, allegations substantiated doesn't determine whether a violation of policy occurred. The decision as to whether you violated EWU policy 901-01 Ethical Standards, your EWU coaching contract or NCAA regulations will be made by your supervisor Lynn Hickey, Interim Athletic Director in consultation with Joe Fuxa, Labor Relations Manager.

You are also reminded that **retaliation** against any person for submitting a complaint, assisting or participating in an investigation is strictly prohibited. If you have any questions about the next steps please refer to EWU policy 402-04.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Investigations Office
312B Showalter Hall - Cheney, WA 99004
509-359-2021

Dempsey, Roxann

From: Scharosch, Annika (ATG) <AnnikaS@ATG.WA.GOV>
Sent: Thursday, March 15, 2018 10:45 AM
To: Lamoureux, Jeff
Subject: Second attempt

Verizon LTE

10:36 AM



< Recents



(509) 359-
Cheney, WA



message



call



video



mail

March 2, 2018

8:33 AM

Incoming Call

8 minutes

Share Contact

Annika Scharosch
Assistant Attorney General

Sent from my iPhone

Wednesday, February 28, 2018

10:59 AM

We are showing you haven't register for spring yet. You need to do that asap and let me know. Thank you.



Thursday, March 1, 2018

8:32 AM

Please call me asap.



Will call after class at 11!!

8:39 AM

Did you take the money off my desk? That was ment to go into the camp account to pay you this summer not now. As I mentioned to you there was no way to pay you now. The Christmas camp didn't happen and you had to work that camp in order to get paid. I am again sorry that we can't pay you. You deserv



5:46 PM



VIEW ALL



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Timeline of events regarding the allegation brought forth regarding me (Michael King) on March 2nd, 2018 regarding giving money to a current student athlete

Date: (estimate mid to late-July)

Sometime, between the middle of July and late July, 2017, I was informed by our compliance officer's Mikayla Brandhorst and Don Ross that _____ could not be in the United States after the conclusion of our EWU summer camps even if she was visiting due to her immigration Visa. In addition, she could not be paid for Team Camp because she has a student Visa and was not currently enrolled in full time summer school. Around that same time period, I informed _____ that she had to leave the country to go back home and gave her a return date to comeback on August 11th. I also informed _____ that this based on information that I had received from our compliance department. In addition, I told _____ I would look into how we might compensate her for helping out at our team camp.

I asked Mikayla if _____ could work our Holiday camp and be paid to help make up for loss earning this summer since we could not pay her. She said yes, as long as the camp is held on our campus, she is enrolled in classes and the camp is run through the EWU Athletic Department. I asked, if I could assign her some additional tasks to assist with the Holiday camp to give her additional money. Mikayla responded with yes, as long as the tasks are real. I informed _____ that we could pay her at our Holiday Camp and would give her some additional tasks to help out since we can't pay her this past summer. _____ acknowledged we could not pay her and that she had to go back home to Canada.

Holiday camp – The EWU Holiday camp was tentatively scheduled to begin on or about early December. My assistant at the time Tyler Fenton was assigned the task of putting together all facets of our Holiday camp. This including selecting a date, approval from our compliance department, securing facilities etc... This task was assigned in early August. We have run a Holiday Camp in the month of December for the last four years. As we meet as a staff periodically, I inquired several times as to where we were with regard to

scheduling this holiday camp. Come early November, I asked Tyler about camp regarding a date, times etc... Tyler responded, "Nothing yet but will work on it." By the time, we returned from Thanksgiving and I realized nothing had been done scheduling camp and I just let it go as this was going to be a last-minute camp with very few if any campers.

Tuesday, January 16th – 2:45 p.m.

I received a text from [redacted] "I just realized that I never received a paycheck for the team camp in July!"

I responded at 2:46 p.m. the same day via a cell call that lasted 2 mins 36 secs and informed her that we didn't have a Holiday Camp this year so we could not pay her and I reminded her that as far as I knew there was nothing we could do but I will look into it again. She acknowledged she understood and said Okay.

Saturday, January 27th – 1:11 p.m.

I received a text from [redacted] that read, "Hey mike can I meet with you Monday after weights."

I responded at 1:12 p.m. "Sure what's up?"

I responded again at 1:22 p.m. "I just looked at my schedule. We have a recruit on campus and it's Nathan first day on campus. Let me call you in a few minutes."

I called her at 1:37 p.m. and the call went straight to voicemail. At 1:37 p.m. she called back and said, I'm out shopping. [redacted] asked again about her camp money and once again, I told her there was nothing I could do at the present time. I also advised her to contact HR and the immigration department to see if there was anything they could do to help her. The call last 2 minutes and 44 sec.

That week (estimate Tuesday, January 30th or Wednesday January 31st) She was up in the office and she was in a great mood. She informed me she spoke with the immigration department on campus and they told her she could get paid from last year's camp. She informed me she was going to get the document for me to fill out. I was happy and relieved this was over.

Thursday, March 1st, 2018

I reached out via text at 10:59 a.m. to [redacted] on the day before Wednesday, February 28th "We are showing you haven't registered for spring yet. You need to do that asap and let me know. Thank you."

I did not hear back from her that day.

The next morning on March 1st I received another email from Don Ross stating [redacted] still has not registered for the Spring quarter. So, I sent another text to [redacted] at 8:32am "Please call me asap." She responded, "Will call after class at 11a.m."

[redacted] never called, so Nathan Fristed (my new assistant coach) and I went to the weight room to meet her at around noon. I informed [redacted] of the importance for her to respond to my texts so we are updated on any potential issues and the importance of her registering in a timely manner. I asked why she did not respond or call. Her answer was she did not have time. I asked her where she was at in the process of registering for classes and she said, she had a hold on her account because a teacher had not graded a test she took a while back. She then asked about the camp money and I asked her about the paperwork for me to sign. [redacted] told me that she was told by HR that the paperwork was given to the coaches last summer. [redacted] also mentioned at this time her parents wanted the money to help pay for the flights for her travel. I told her ok, I would look for the paperwork.

We went back to the office and looked for any paperwork related to anyone's employment from last summer and found nothing. Any paperwork to my knowledge was already sent over to HR.

On March 1, 2018, after practice, which was about 4:30 pm. [redacted] came by my office and asked about the getting paid/ paperwork. I had Nathan Fristed in the room with me and informed [redacted] we could not find any paperwork and we looked in all our offices and found nothing. I informed [redacted] the intent was to have her work our Christmas / Holiday camp and we would pay her from that camp. I told her that Tyler was in charge of that camp and this not to knock Tyler in anyway but since that camp didn't take place, we can't pay you. [redacted] behavior started to change as she was getting frustrated with the process. I reassured her that she will get paid this summer and if we don't have the paperwork you mentioned, I know of no other way to pay you. She mentioned how her parents were very upset and it was important she got paid. Nathan, told [redacted] I am managing camps this year and I will make sure you get paid this summer. I wanted to reassure her she would get paid because her behavior started to show more frustration. I told [redacted] this will all work out. I had an idea that I thought would appease her. I told [redacted] come with me, we walked out to my car. During the walk to my car we talked about volleyball. Once we got back to the office I showed her some of my own personal money to appease her and informed her that this money was going into the camp account to pay her from there, as I cannot just give her cash and informed her we cannot pay you until summer when we host our camps. Nathan, reinforced my statement explaining to her that we were prohibited by existing rules and regulations and at this time paying you would be a violation. I told her I was sorry and that at this time there was nothing we could do. I stood up and so did Nathan and [redacted] as the conversation had to come to end. I mentioned that I needed to go to the bathroom and Nathan mentioned he was leaving and we all walked out. When I returned, I began finishing up a few emails and as I was leaving I notice the money was gone. This was my personal money. Some \$300 in cash.

I sent [redacted] a text on March 1st, 2018 at 5:46 p.m.

"Did you take the money off my desk? That was ment to go into the camp account to pay you this summer not now. As I mentioned to you there was no way to pay you now. The Christmas camp didn't happen and you had to work that camp in order to get paid. I am again sorry that we can't pay you. You deserve to get paid but we have to do it the right way."

I heard nothing back that evening.

March 2nd

I called _____ at 8:46 a.m. the call went straight to voice mail.

At 9:24 a.m. I sent _____ a test message. "Did you get my text?" - No response

At 12 p.m., Coach Nathan Fristed and I went down to the weight room to meet with _____. I asked _____ if she had talked with her teacher yet about her test so she could register for class yet. She said she was doing that right after weights and I said great. I then asked, "did you receive my text or call?" She replied that she had not and said "I lost my phone last night, which happens a lot to me." I asked her if she took the money off my desk. She replied, "yes". I told her I was sorry if you misunderstood about the money but I needed the money back to put in the account for her later. I explained again, she has to be paid out of the camp account. I asked her to return the money to me by the end of the day. She replied, "My dad is on his way down and I'll would feel better if you talk with him about the money."

I told her, I would like to talk with him at this point and when can we meet today. She said, she didn't know. I told her I will be here, on campus and in my office and to let me know as soon as we could meet.

I told Coach Nathan Fristed at this point we need to tell Pam Parks what transpired. Coach Nathan Fristed and I went to see Pam Parks our (SWA) and informed her of the

conversations that took place that day and the day before and showed Pam the text I had sent to _____ on March 1st after I noticed the money was not on my desk. As we were talking Mikayla Brandhost knock on the door, and stated "I just received a call from volleyball player" and Pam responded "_____ " and Mikayla said, "no I need to talk with you privately". Pam said, "I will come find you later."

At 2:12 p.m. our Interim AD Lynn Hickey, informed me to have no contact with _____ until further notice.



Mobile



Address/Home



Birthday



View more



March 2

Sent message/Mobile

Did you get my text?



Mar 2 8:46 AM

Outgoing call/Mobile

0 mins 30 sec

55

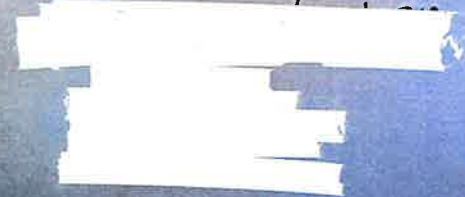


EASTERN
WASHINGTON UNIVERSITY

start something **big**

Department of Intercollegiate Athletics
207 Physical Education Building
Cheney, WA - 99004-2476

\$ 300
March 1, 2018



Please keep
in safe!
- Chad

Thursday 4:30 PM

and I are waiting for you in
the team room

Friday 10:21 AM

dad is flying in today now I
think

Probably a good idea. Has Mike
been calling her non stop?

No I think he's only called twice and
texted her twice but apparently her
dad contacted don or mikayla and
mike doesn't know yet

This is so shitty D I hope it's worth it
in the end



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This is so shitty D I hope it's worth it
in the end



Mon, Feb 26, 3:02 PM

Practice in the spring is from 3-5:30pm.

No meeting. 😊

Wed, Feb 28, 10:59 AM

We are showing you haven't register for spring yet. You need to do that asap and let me know. Thank you.

Thu, Mar 1, 8:32 AM

Please call me asap.

Will call after class at 11!!

Friday 9:25 AM

62



Holy shit D this is insane

This is insane

What! What's going on!!!!

We need you

Gosh darn dentist I'm literally just sitting here waiting. Tell me what's happening.

Friday 12:42 PM

It's too much to text

Call me when you can but I called Tyler because we need to be with an adult that we trust I feel like until her dad is here



u3

Giving players cash is illegal
correct?

Like 300 dollars worth

Yes. And something I have to report

On this one you need to tell me what
happened

K I have to go get and then I
will be back at the office

Ok

Please don't say anything to anyone
yet before I talk to you

Ok I won't



64

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Monday, March 12, 2018 3:37 PM
To: King, Michael
Subject: Michael King Interview Summary
Attachments: Michael King Interview Summary.docx

Michael,

Here is your copy

Jeff

Michael King Interview Summary

On March 5, 2018, at approximately 9:00 am, Investigator Lamoureaux met with Head Volleyball Coach Michael King inside Showalter 314. King confirmed he received and reviewed the Notice of Investigation and EWU Guideline 401-01 (Investigations) sent to him on March 2, 2018. Lamoureaux reviewed the Investigative Guidelines with King and discussed the process. King stated he understood. Lamoureaux reviewed a summary of the allegation against him. King provided a typed statement (attachment A) along with screenshot print outs of text messages between him and _____ (attachment B), contact information for _____ (attachment C) and a communication history from his cell phone with _____. Lamoureaux reviewed the summary with King and requested King to send it electronically as well. King agreed and later sent an electronic copy.

On March 9, 2018, at approximately 2:30 pm, Lamoureaux met with King inside Showalter 312. Lamoureaux shared with King all the witness statements and _____ complete statement to review. King was asked to respond to any of the witness statements and _____ statement.

The following is a synopsis of the interview:

King stated _____ had worked a summer Volleyball camp along with her teammates. King was unable to pay _____ because she was an international student and was required to turn in some paper work which would allow her to work and get paid [King previously explained the reasons in his initial statement (attachment A) which also described a timeline of events including the information from the compliance department and Brandhorts about _____ having to leave the country and the appropriate way in which _____ was to be paid]. King recalled that _____ paper work was never properly turned in so he was unable to pay _____. King had several discussions with _____ explaining the aforementioned reason why he was unable to pay _____

On March 1, 2018, at approximately 4:30 pm, King met with [redacted] inside his office to discuss her spring 2018 class schedule and the money owed to her for the camp. Fristed was inside the office during the meeting. King denied Villalpando was asked to leave or not be involved in the meeting. King stated Villalpando had to leave to pick up her child. King was advised [redacted] disputed King told [redacted] the money he showed [redacted] would be going into the camp account. King stated he made the statement and had nothing else to add to [redacted] claim.

King was advised [redacted] claimed when they returned from King's car to the office, Fristed was seated and both King and [redacted] remained standing when King placed the money on the table. King said he recalled Fristed was seated when they returned and King sat down in his chair but [redacted] remained standing. King was advised [redacted] alleged King said, "The only way I can pay you now is if you just found money." [redacted] alleged she replied, "I don't want to do anything that will get anyone in trouble or make me feel uncomfortable." King denied ever making the aforementioned statement and denied [redacted] ever made her alleged statement about getting anyone in trouble.

King was advised [redacted] alleged that after returning from his car King placed \$300 on his desk then said he was leaving to go to the bathroom and Fristed said he was leaving to go to his office. King agreed with [redacted] sequence of events following his car regarding placing the money on the desk and saying he had to go to the bathroom and Fristed said he was leaving to his office. King was asked to explain why he decided to retrieve \$300 of his own money to show [redacted] by placing it onto his desk. King said he was simply trying to "appease" [redacted] to show [redacted] that she would get paid for the next camp she worked. King was asked if he could place his own money into the camp account as he stated to [redacted]. King said he could not but again he made the statement to "appease" [redacted] Kertsen. King was asked why he left \$300 on the table and then left his office with [redacted] still inside his office. King said he did not believe

..... would take the money because he thought he made it clear the only way could get paid legally was by working the next camp and receiving a check from EWU. King was advised it was unusual to leave \$300 on a desk and walk away. King said he trusted the people he worked with in the Athletic Department and he was not worried anyone would take the money.

King was asked about the text message he sent to on March 1, 2018 at 5:46 pm. King said after he realized the money was missing he sent a text message asking her if she took it. King was advised alleged she never received the text message on March 1, 2018 asking if she took the money. Lamoureaux advised King there were three possible scenarios why did not have the text message. The scenarios were that deleted the message, the message was not received, or King created a fake text. King said he sent the text message but he did not know whether the message was received. King provided a screen shot of his call / text history with which showed a message was sent on March 1, 2018 to asking if she took the money. King showed Lamoureaux his cell phone to review the cell phone apps to ensure there were no apps to create a fake text message. Lamoureaux did not see any apps on King's phone.

King was advised that on March 2, 2018, Fristed stated King walked into his office at approximately 9:30 am informing Fristed that King overheard Interim Athletic Director Hickey talking with someone over the phone about a student-athlete that was uncomfortable. King admitted he had the conversation with Fristed. King said he heard "Volleyball player" and "problem" during the conversation he overheard. King said he told Fristed he believed it was about because of the timing of the incident and because she had not responded to his calls or texts.

King was advised Fristed claimed he did not see King place the money on the desk and did not know about it until the next day on March 2, 2018. King did not know why Fristed

did not see the money but did not recall Fristed mention whether he observed the money or not. King recalled discussing the circumstances with Fristed to figure out why ... was upset because King stated he felt he did not do anything wrong. King was asked why he felt he needed to discuss it if he felt he did nothing wrong. King said he simply felt he needed to share with Fristed because he was part of the meeting and a part of the coaching staff.

King was asked if Fristed's version of what occurred during the meeting with Parks on March 2, 2018 was accurate. King stated it was accurate. King said he wanted to tell Parks of what happened because Parks is King's sport oversight administrator. After King told Parks what happened, King confirmed Brandhorst entered the office and told Parks she received a complaint against King from a Volleyball player. King said at that point, Parks asked Brandhorts if the player was ... King said Brandhorst said it was not. King said at that point he and Fristed left Parks' office.

King was advised Villalpando alleged she did not believed King was an honest person. King was advised of Villalpando's statement that King told her "sometimes you need to lie to them to get what you want" in response to King telling Villalpando to lie to the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU. King said he never made the alleged comment to Villalpando.

King was advised that Villalpando alleged King told her to use a "white lie" involving a student-athlete that was home sick. King said he never told Villalpando to lie and he never used the word "lie." King said he recalled telling Villalpando to find a way to relate to the student-athlete by making up a scenario so the student-athlete did not think she was alone. King said he recalled Villalpando said she did not want to "lie" to the student-athlete and King replied, "I'm not asking you to lie, I'm asking you to make something up that's relatable." King said he never told Villalpando to lie to anyone.

King was advised [redacted] stated she did not believe King was an honest person. [redacted] alleged August 29-30, 2017 (King said the actual dates of the New York trip were September 8-9, 2017) while in New York at a tournament, King had a discussion with [redacted] and a former player [redacted] about switching positions for the next matches. [redacted] alleged she ended up not playing and was told by assistant coaches that King said the reason was because [redacted] said she did not want anything to do with King's coaching decision. King said he did have a conversation with [redacted] and [redacted] about position changes. But, King said he did not tell assistant coaches that [redacted] was not playing because she did not like his coaching. King said he heard from a former player [redacted] that [redacted] did not feel confident switching positions and that was the reason she did not play. Additionally, King did not feel the switch was in the best interest of the team at that time.

King was advised [redacted] also alleged that during a meeting with King in August or September 2017 about her evaluation that King told her another player on the team said [redacted] did not like how King conducted practices. King said he did not recall having the conversation with [redacted].

King was advised [redacted] also alleged she did not think King was an honest person. [redacted] alleged King would often turn the players against each other by lying to them. [redacted] provided an example of a situation involving a van ride back during the tournament in New York in August 2017 (King again clarified the trip was in September 2017) when King asked if the players preferred him to stand or sit during games. [redacted] said she told King to do whatever he did because they won their match. But later in the hotel, former Assistant Coach Tyler Fenton told [redacted] King said she was a "bad egg" and should not be in the program. King said he did not make that comment. King said [redacted] was one of his favorite student-athletes and had nothing but positive thoughts for her. King said his assistant coaches have been part of the program's problems in the past and he was trying

to resolve it. King pointed out that both [redacted] and [redacted] provided examples of why they do not think King was an honest person based on statements they were told by King's previous assistant coaches which King stated were not true.

King was advised [redacted] alleged a former Volleyball player named [redacted] was paid cash in a similar way as [redacted] was paid for a camp [redacted] worked in 2015 or 2016 (King believed [redacted] worked in 2015) by then Head Coach Wade Benson. [redacted] said King was the Assistant Coach at the time. [redacted] also alleged Benson paid the players for working as assistant coaches for club Volleyball from Benson's personal checks. King said he was not aware of [redacted] getting paid money for camp by Benson. King said he was not aware if Benson paid the players for coaching club with his personal checks. King stated these statements related to the previous head coach who became an assistant coach for King and also tried to undermine King's authority with the players. King said these incidents with [redacted] and other players alleged by [redacted] do not relate to King.

Dempsey, Roxann

From: King, Michael
Sent: Monday, March 12, 2018 2:41 PM
To: Lamoureaux, Jeff
Subject: Re: Michael King Interview Summary
Attachments: Response to Interview Summary - 2.docx; Michael King Interview Summary -edits.docx

Jeff,

After further consideration of our conversation on March 9th, I felt that it was necessary to prepare an in-depth statement addressing the several issues you brought to my attention, which I consider to be the out of the scope of the initial allegations against me. Attached to this email is the statement I have recently prepared. Please make sure my interview response summary is included as an attachment to your final report involving the initial allegation with this investigation.

Please confirm you have received this email.

Thank you,

Michael King

From: "Lamoureaux, Jeff" <jlamoureaux@ewu.edu>
Date: Sunday, March 11, 2018 at 5:27 PM
To: "King, Michael" <mking22@ewu.edu>
Subject: Michael King Interview Summary

Michael,

Please review this and let me know if this is accurate.

Regards,

Jeff

March 12, 2018

RE: Response to Michael King Interview Summary

To Whom it May Concern:

I would like to address the statement of investigation based on the March 9th meeting. In this meeting it became clear that many of the questions asked of me were beyond the scope of the initial investigation to include inquiring of several of my players and assistant coaches to speak to my character and coaching decisions.

During this March 9 meeting, Title IX investigator Jeff Lamoureaux informed me that my former assistant coach Diana Villalpando, had stated that I told her that, "sometimes you need to lie to them to get what you want." This was allegedly regarding *the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU*. I do not recall any such conversation. I do recall telling coach Villalpando that students need to get all administrative requirements, including transcripts from summer school, in by the various deadlines imposed upon us and instructed coach Villalpando, who was new to coaching at the collegiate level, frequently follow up with student-athletes who may not understand the importance of deadlines.

During this same meeting, I was also informed that coach Villalpando alleged that she tell a "white lie" to a student-athlete that was experiencing home sickness. I had, well after the fact, been made aware that one of our freshman athletes was dealing with homesickness issues, a fact that both of my assistants were aware of but did not feel the need to share the information with me. When I asked both coach Villalpando and coach Tyler Fenton about this athlete being homesick, they replied "yes, we know." I asked them how long they had known, and they replied 3-4 weeks. I then mentioned to them that when they hear of these issues, I need to be made aware of what is going on with our athletes. And the response back was "why do you need to know, what can we do about someone being homesick?" I then asked Villalpando, to talk with the athlete and relate to her. Because Villalpando attended college only 20 minutes from her home, I suggested that she might not know what it is to be homesick, but to try and find a scenario that is relatable to help the athlete in her homesickness. Again, as coach Villalpando was new to collegiate level coaching, I was trying to mentor her while giving her additional responsibility and experience in dealing with student athletes, especially young athletes who might be experiencing the various growing pains and stresses associated with collegiate sports and college. I was suggesting that coach Villalpando use an analogy that the student might relate to in order help her through this situation.

I was also informed by investigator Lamoureaux that he had spoken to one of my players named . According to Lamoureaux, stated she did not believe I was an honest person. I was told that also alleged that while in New York at a tournament, I had a discussion with her and a former player named . about switching positions for the next matches. alleged she ended up not playing much

in that tournament and was told by assistant coaches that I said the reason was because [redacted] said she did not want anything to do with my coaching decision. I did in fact, have a conversation with both [redacted] and [redacted] about potentially switching positions, as I felt it was necessary and important to talk with both about a potential switch in position. In addition, I had a player ([redacted]) ask me if she could switch positions as she felt it she could give the team the edge it needed to win. I asked one of our seniors ([redacted]) what she thought of a potential player switch as I felt it was important that if the players are comfortable they will perform better. [redacted] mentioned that [redacted] made a comment about being nervous and she didn't want to make a mistake. The decision not to play [redacted] was my decision, based on what I felt was in the best interest of the team. We won both the matches with this lineup. As a coaching staff we did discuss potential lineups, my assistants were in favor of playing [redacted] in the front row; so, when I made the decision to not play [redacted] they were not happy. Quite often if I decided in opposition to my assistants they were unhappy.

According to investigator Lamoureaux, [redacted] also alleged that sometime in August or September 2017, during an evaluation review, I told her that another player had reported to me that she ([redacted]) had said she did not like how I conducted practices. I recall no such conversation. I did however, have a conversation with all the players about how the season was going and asked something along the lines of, "Do you think there is anything we can add to practice that would be helpful."

Investigator Lamoureaux also told me that my former assistant, Tyler Fenton told [redacted] that I said she was a "bad egg" and should not be in the program. As I stated before, [redacted] is one of my favorite student-athletes. She is consistent in her practice efforts and brings the best of what she can deliver to all practices and matches. I would not have said anything even close to the term "bad egg" with any of my players. I have no idea what would prompt former assistant coach Fenton to allege such a thing. It is totally without merit.

I have previously made Bill Chaves, the former Athletic Director and Pam Parks the Senior Women's Administrator aware of the former head coach Wade Benson who later became my assistant, of his constant efforts to undermine my authority with student athletes that he had recruited. Because of former coach Wade Benson's efforts to undermine my efforts with developing the team, he was dismissed on or about July 2016.

At no time did I instruct coaches to lie and/or deceive our student athletes about anything. At no time did I ever make disparaging remarks about student athletes to members of my coaching staff, and/or other players. At no time did I ever try to pay a student athlete for working at one of our camps. Any and all decisions about what position athletes play and when they play is based on the many factors all head coaches employ when preparing for the instant competition before us. This includes, but is not limited to, who is playing their best at a given time; health and injury issues; and the team we are playing. Those final decisions rest with me and for that, I take sole responsibility.

However, the expansion of the investigation involving the allegation of illegally paying a student athlete for services, which, as I have been lead to believe has proven to be unfounded, appears to be outside the scope of the initial investigation. I would be more than happy to discuss challenges that the EWU Volleyball program has faced over the last 4 years; but I do not feel it is appropriate as part of this investigation.

This statement is true and accurate to the best of my knowledge.

Respectfully,

Michael King

Michael King Interview Summary

On March 5, 2018, at approximately 9:00 am, Investigator Lamoureaux met with Head Volleyball Coach Michael King inside Showalter 314. King confirmed he received and reviewed the Notice of Investigation and EWU Guideline 401-01 (Investigations) sent to him on March 2, 2018. Lamoureaux reviewed the Investigative Guidelines with King and discussed the process. King stated he understood. Lamoureaux reviewed a summary of the allegation against him. King provided a typed statement (attachment A) along with screenshot print outs of text messages between him and _____ (attachment B), contact information for _____, attachment C) and a communication history from his cell phone with _____. Lamoureaux reviewed the summary with King and requested King to send it electronically as well. King agreed and later sent an electronic copy. (It was during this meeting that King received the information for the first time from Lamoureaux that _____ was planning on leaving EWU.)

On March 9, 2018, at approximately 2:30 pm, Lamoureaux met with King inside Showalter 312. Lamoureaux shared with King all the witness statements and _____ complete statement to review. King was asked to respond to any of the witness statements and _____ statement.

The following is a synopsis of the interview:

King stated _____ had worked a summer Volleyball camp along with her teammates. King was unable to pay _____. (For reasons see Attachment A first three paragraphs under the heading "Date: (estimate mid to late-July)." This describes the timeline of events including the information from the compliance department and Brandhorts about _____ having to leave the country and the appropriate way in which she was to be paid.)

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~~because she was an international student and was required to turn in some paper work which would allow her to work and get paid. King recalled that [redacted] paper work was never properly turned in so he was unable to pay [redacted] King had several discussions with [redacted] explaining the aforementioned reason why he was unable to pay [redacted]~~

On March 1, 2018, at approximately 4:30 pm, King met with [redacted] inside his office to discuss her spring 2018 class schedule and the money owed to her for the camp. Fristed was inside the office during the meeting. King denied Villalpando was asked to leave or not be involved in the meeting. King stated Villalpando had to leave to pick up her child. King was advised [redacted] disputed King told [redacted] the money he showed [redacted] would be going into the camp account. King stated he made the statement and had nothing else to add to [redacted] claim.

King was advised [redacted] claimed when they returned from King's car to the office, Fristed was seated and both King and [redacted] remained standing when King placed the money on the table. King said he recalled Fristed was seated when they returned and King sat down in his chair but [redacted] remained standing. King was advised [redacted] alleged King said, "The only way I can pay you now is if you just found money." [redacted] alleged she replied, "I don't want to do anything that will get anyone in trouble or make me feel uncomfortable." King denied ever making the aforementioned statement and denied [redacted] ever made her alleged statement about getting anyone in trouble.

King was advised [redacted] alleged that after returning from his car King placed \$300 on his desk then said he was leaving to go to the bathroom and Fristed said he was leaving to go to his office. King agreed with [redacted] sequence of events following his car regarding placing the money on the desk and saying he had to go to the bathroom and Fristed said he was leaving to his office. King was asked to explain why he decided to retrieve \$300 of his own money to show [redacted] by placing it onto his desk. King

said he was simply trying to "appease" [redacted], to show [redacted] that she would get paid for the next camp she worked. King was asked if he could place his own money into the camp account as he stated to [redacted]. King said he could not but again he made the statement to "appease" [redacted]. King was asked why he left \$300 on the table and then left his office with [redacted] still inside his office. King said he did not believe [redacted] would take the money because he thought he made it clear the only way [redacted] could get paid legally was by working the next camp and receiving a check from EWU. King was advised it was unusual to leave \$300 on a desk and walk away. King said he trusted the people he worked with in the Athletic Department and he was not worried anyone would take the money.

King was asked about the text message he sent to [redacted] on March 1, 2018 at 5:46 pm. King said after he realized the money was missing he sent [redacted] a text message asking her if she took it. King was advised [redacted] alleged she never received the text message on March 1, 2018 asking if she took the money. Lamoureux advised King there were three possible scenarios why [redacted] did not have the text message. The scenarios were that [redacted] deleted the message, the message was not received, or King created a fake text. King said he sent the text message but he did not know whether the message was received. King provided a screen shot of his call / text history with [redacted] which showed a message was sent on March 1, 2018 to [redacted] asking if she took the money. King showed Lamoureux his cell phone to review the cell phone apps to ensure there were no apps to create a fake text message. Lamoureux did not see any apps on King's phone.

King was advised that on March 2, 2018, Fristed stated King walked into his office at approximately 9:30 am informing Fristed that King overheard Interim Athletic Director Hickey talking with someone over the phone about a student-athlete that was uncomfortable. King admitted he had the conversation with Fristed. King said he heard "Volleyball player" and "problem" during the conversation he overheard. King said he told

Fristed he believed it was about _____ because of the timing of the incident and because she had not responded to his calls or texts.

King was advised Fristed claimed he did not see King place the money on the desk and did not know about it until the next day on March 2, 2018. King did not know why Fristed did not see the money but did not recall Fristed mention whether he observed the money or not. King recalled discussing the circumstances with Fristed to figure out why _____ was upset because King stated he felt he did not do anything wrong. King was asked why he felt he needed to discuss it if he felt he did nothing wrong. King said he simply felt he needed to share with Fristed because he was a part of the meeting and a part of the coaching staff.

King was asked if Fristed's version of what occurred during the meeting with Parks on March 2, 2018 was accurate. King stated it was accurate. King said he wanted to tell Parks of what happened because she is King's sport oversight administrator. After King told Parks what happened, King confirmed Brandhorst entered the office and told Parks she received a complaint against King from a Volleyball player. King said at that point, Parks asked Brandhorst if the player was _____. King said Brandhorst said it was not. King said at that point he and Fristed left Parks' office.

King was advised Villalpando alleged she did not believe King was an honest person. King was advised of Villalpando's statement that King told her "sometimes you need to lie to them to get what you want" in response to King telling Villalpando to lie to the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU. King said he never made the alleged comment to Villalpando.

King was advised that Villalpando alleged King told her to use a "white lie" involving a student-athlete that was home sick. King said he never told Villalpando to lie and he never used the word "lie." King said he recalled telling Villalpando to find a way to relate to the student-athlete by making up a scenario so the student-athlete did not think she was alone. King said he recalled Villalpando said she did not want to "lie" to the student-athlete and King replied, "I'm not asking you to lie, I'm asking you to make something up that's relatable." King said he never told Villalpando to lie to anyone.

King was advised [redacted] stated she did not believe King was an honest person. [redacted] alleged August 29-30, 2017 (actual dates of NY trip were September 8-9) while in New York at a tournament, King had a discussion with [redacted] and a former player [redacted] about switching positions for the next matches. [redacted] alleged she ended up not playing and was told by assistant coaches that King said the reason was because [redacted] said she did not want anything to do with King's coaching decision. King said he did have a conversation with [redacted] and [redacted] about position changes. But, King said he did not tell assistant coaches that [redacted] was not playing because she did not like his coaching. King said he heard from a former player [redacted] that [redacted] did not feel confident switching positions and that was the reason she did not play. Additionally, King did not feel the switch was in the best interest of the team at that time.

King was advised [redacted] also alleged that during a meeting with King in August or September 2017 about her evaluation that King told her another player on the team said [redacted] did not like how King conducted practices. King said he did not recall having the conversation with [redacted].

King was advised [redacted] also alleged she did not think King was an honest person. [redacted] alleged King would often turn the players against each other by lying to them. [redacted] provided an example of a situation involving a van ride back during the tournament in New York in August 2017 (September 2017) when King asked if the players preferred

him to stand or sit during games. said she told King to do whatever he did because they won their match. But later in the hotel, former Assistant Coach Tyler Fenton told King said she was a "bad egg" and should not be in the program. King said he did not make that comment. King said was one of his favorite student-athletes and had nothing but positive thoughts for her. King said his assistant coaches have been part of the program's problems in the past and he was trying to resolve it. (I would like to emphasize here that both and gave examples of why they do not think I am an honest person based on statements they were told by my previous assistant coaches which were not true.)

King was advised alleged a former Volleyball player named was paid cash in a similar way as was paid for a camp worked in 2015 ~~or 2016~~ by then Head Coach Wade Benson. said King was the Assistant Coach at the time. also alleged Benson paid the players for working as assistant coaches for club Volleyball from Benson's personal checks. King said he was not aware of getting paid money for camp by Benson. King said he was not aware if Benson paid the players for coaching club with his personal checks. (These statements relate to the previous head coach who became an assistant coach for King and also tried to undermine King's authority with the players. These incidents with and other players alleged by do not relate to King.)

Formatted: Strikethrough

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Sunday, March 11, 2018 5:28 PM
To: King, Michael
Subject: Michael King Interview Summary
Attachments: Michael King Interview Summary.docx

Michael,

Please review this and let me know if this is accurate.

Regards,

Jeff

Michael King Interview Summary

On March 5, 2018, at approximately 9:00 am, Investigator Lamoureaux met with Head Volleyball Coach Michael King inside Showalter 314. King confirmed he received and reviewed the Notice of Investigation and EWU Guideline 401-01 (Investigations) sent to him on March 2, 2018. Lamoureaux reviewed the Investigative Guidelines with King and discussed the process. King stated he understood. Lamoureaux reviewed a summary of the allegation against him. King provided a typed statement (attachment A) along with screenshot print outs of text messages between him and [redacted] (attachment B), contact information for [redacted] (attachment C) and a communication history from his cell phone with [redacted]. Lamoureaux reviewed the summary with King and requested King to send it electronically as well. King agreed and later sent an electronic copy.

On March 9, 2018, at approximately 2:30 pm, Lamoureaux met with King inside Showalter 312. Lamoureaux shared with King all the witness statements and [redacted] complete statement to review. King was asked to respond to any of the witness statements and [redacted] statement.

The following is a synopsis of the interview:

King stated [redacted] had worked a summer Volleyball camp along with her teammates. King was unable to pay [redacted] because she was an international student and was required to turn in some paper work which would allow her to work and get paid. King recalled that [redacted] paper work was never properly turned in so he was unable to pay [redacted]. King had several discussions with [redacted] explaining the aforementioned reason why he was unable to pay [redacted].

On March 1, 2018, at approximately 4:30 pm, King met with [redacted] inside his office to discuss her spring 2018 class schedule and the money owed to her for the camp. Fristed was inside the office during the meeting. King denied Villalpando was asked to leave or not be involved in the meeting. King stated Villalpando had to leave to pick up her child. King was advised [redacted] disputed King told [redacted] the money he showed [redacted] would be going into the camp account. King stated he made the statement and had nothing else to add to [redacted] claim.

King was advised [redacted] claimed when they returned from King's car to the office, Fristed was seated and both King and [redacted] remained standing when King placed the money on the table. King said he recalled Fristed was seated when they returned and King sat down in his chair but [redacted] remained standing. King was advised [redacted] alleged King said, "The only way I can pay you now is if you just found money." [redacted] alleged she replied, "I don't want to do anything that will get anyone in trouble or make me feel uncomfortable." King denied ever making the aforementioned statement and denied [redacted] ever made her alleged statement about getting anyone in trouble.

King was advised [redacted] alleged that after returning from his car King placed \$300 on his desk then said he was leaving to go to the bathroom and Fristed said he was leaving to go to his office. King agreed with [redacted] sequence of events following his car regarding placing the money on the desk and saying he had to go to the bathroom and Fristed said he was leaving to his office. King was asked to explain why he decided to retrieve \$300 of his own money to show [redacted] by placing it onto his desk. King said he was simply trying to "appease" [redacted] to show [redacted] that she would get paid for the next camp she worked. King was asked if he could place his own money into the camp account as he stated to [redacted]. King said he could not but again he made the statement to "appease" [redacted]. King was asked why he left \$300 on the table and then left his office with [redacted] still inside his office. King said he did not believe [redacted] would take the money because he thought he made it clear the only way could get paid legally was by working the next camp and receiving a check

from EWU. King was advised it was unusual to leave \$300 on a desk and walk away. King said he trusted the people he worked with in the Athletic Department and he was not worried anyone would take the money.

King was asked about the text message he sent to [redacted] on March 1, 2018 at 5:46 pm. King said after he realized the money was missing he sent [redacted] a text message asking her if she took it. King was advised [redacted] alleged she never received the text message on March 1, 2018 asking if she took the money. Lamoureux advised King there were three possible scenarios why [redacted] did not have the text message. The scenarios were that [redacted] deleted the message, the message was not received, or King created a fake text. King said he sent the text message but he did not know whether the message was received. King provided a screen shot of his call / text history with [redacted] which showed a message was sent on March 1, 2018 to [redacted] asking if she took the money. King showed Lamoureux his cell phone to review the cell phone apps to ensure there were no apps to create a fake text message. Lamoureux did not see any apps on King's phone.

King was advised that on March 2, 2018, Fristed stated King walked into his office at approximately 9:30 am informing Fristed that King overheard Interim Athletic Director Hickey talking with someone over the phone about a student-athlete that was uncomfortable. King admitted he had the conversation with Fristed. King said he heard "Volleyball player" and "problem" during the conversation he overheard. King said he told Fristed he believed it was about [redacted] because of the timing of the incident and because she had not responded to his calls or texts.

King was advised Fristed claimed he did not see King place the money on the desk and did not know about it until the next day on March 2, 2018. King did not know why Fristed did not see the money but did not recall Fristed mention whether he observed the money or not. King recalled discussing the circumstances with Fristed to figure out why

was upset because King stated he felt he did not do anything wrong. King was asked why he felt he needed to discuss it if he felt he did nothing wrong. King said he simply felt he needed to share with Fristed.

King was asked if Fristed's version of what occurred during the meeting with Parks on March 2, 2018 was accurate. King stated it was accurate. King said he wanted to tell Parks of what happened. After King told Parks what happened, King confirmed Brandhorst entered the office and told Parks she received a complaint against King from a Volleyball player. King said at that point, Parks asked Brandhorst if the player was . King said Brandhorst said it was not. King said at that point he and Fristed left Parks' office.

King was advised Villalpando alleged she did not believe King was an honest person. King was advised of Villalpando's statement that King told her "sometimes you need to lie to them to get what you want" in response to King telling Villalpando to lie to the student-athletes from the College of Southern Idaho about turning their paper work in by a certain date or they would not be accepted into the program at EWU. King said he never made the alleged comment to Villalpando.

King was advised that Villalpando alleged King told her to use a "white lie" involving a student-athlete that was home sick. King said he never told Villalpando to lie and he never used the word "lie." King said he recalled telling Villalpando to find a way to relate to the student-athlete by making up a scenario so the student-athlete did not think she was alone. King said he recalled Villalpando said she did not want to "lie" to the student-athlete and King replied, "I'm not asking you to lie, I'm asking you to make something up." King said he never told Villalpando to lie to anyone.

King was advised _____ stated she did not believe King was an honest person. _____ alleged August 29-30, 2017 while in New York at a tournament, King had a discussion with _____ and a former player _____ about switching positions for the next matches. _____ alleged she ended up not playing and was told by assistant coaches that King said the reason was because _____ said she did not want anything to do with King's coaching decision. King said he did have a conversation with _____ and _____ about position changes. But, King said he did not tell assistant coaches that _____ was not playing because she did not like his coaching. King said he heard from a former player _____ that _____ did not feel confident switching positions and that was the reason she did not play.

King was advised _____ also alleged that during a meeting with King in August or September 2017 about her evaluation that King told her another player on the team said _____ did not like how King conducted practices. King said he did not recall having the conversation with _____

King was advised _____ also alleged she did not think King was an honest person. _____ alleged King would often turn the players against each other by lying to them. _____ provided an example of a situation involving a van ride back during the tournament in New York in August 2017 when King asked if the players preferred him to stand or sit during games. _____ said she told King to do whatever he did because they won their match. But later in the hotel, former Assistant Coach Tyler Fenton told _____ King said she was a "bad egg" and should not be in the program. King said he did not make that comment. King said _____ was one of his favorite student-athletes and had nothing but positive thought for her. King said his assistant coaches have been part of the programs problems in the past and he was trying to resolve it.

King was advised _____ alleged a former Volleyball player named _____ was paid cash in a similar way as _____ was paid for a camp _____ worked in 2015

or 2016 by then Head Coach Wade Benson. _____ said King was the Assistant Coach at the time. _____ also alleged Benson paid the players for working as assistant coaches for club Volleyball from Benson's personal checks. King said he was not aware of _____ getting paid money for camp by Benson. King said he was no aware if Benson paid the players for coaching club with his personal checks.

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Monday, March 5, 2018 2:43 PM
To: Fristed, Nathan
Subject: RE: meeting

Nathan,

Can you meet today at 3:30 pm?

Jeff

From: Fristed, Nathan
Sent: Monday, March 05, 2018 2:42 PM
To: Lamoureaux, Jeff <jlamoureaux@ewu.edu>
Subject: Re: meeting

Hi Jeff,

I will be in office tomorrow at approx 9am, but can be available as early as 8am all week.

Let me know when you need me and I will make that a priority.

Thank you,

Nathan Fristed
EWU VB

Sent from my iPhone

On Mar 5, 2018, at 1:02 PM, Lamoureaux, Jeff <jlamoureaux@ewu.edu> wrote:

Good afternoon Nathan,

I would like to meet with you to discuss a complaint I received against the Head Volleyball coach Michael King. Please contact me asap to schedule a meeting.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021

<image001.jpg>

EWU expands opportunities for personal transformation through excellence in learning.

Dempsey, Roxann

From: Fristed, Nathan
Sent: Monday, March 5, 2018 2:42 PM
To: Lamoureaux, Jeff
Subject: Re: meeting

Hi Jeff,

I will be in office tomorrow at approx 9am, but can be available as early as 8am all week.

Let me know when you need me and I will make that a priority.

Thank you,

Nathan Fristed
EWU VB

Sent from my iPhone

On Mar 5, 2018, at 1:02 PM, Lamoureaux, Jeff <jlamoureaux@ewu.edu> wrote:

Good afternoon Nathan,

I would like to meet with you to discuss a complaint I received against the Head Volleyball coach Michael King. Please contact me asap to schedule a meeting.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021

<image001.jpg>

EWU expands opportunities for personal transformation through excellence in learning.

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Monday, March 5, 2018 1:03 PM
To: Fristed, Nathan
Subject: meeting

Good afternoon Nathan,

I would like to meet with you to discuss a complaint I received against the Head Volleyball coach Michael King. Please contact me asap to schedule a meeting.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021



EWU expands opportunities for personal transformation through excellence in learning.

Dempsey, Roxann

From: Lamoureux, Jeff
Sent: Monday, March 5, 2018 1:02 PM
To: Villalpando, Diana
Subject: Meeting request

Good afternoon Diana,

I would like to meet with you to discuss a complaint I received against the Head Volleyball coach Michael King. Please contact me asap to schedule a meeting.

Regards,

Jeff Lamoureux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021



EWU expands opportunities for personal transformation through excellence in learning.

Dempsey, Roxann

From: Lamoureaux, Jeff
Sent: Friday, March 2, 2018 6:10 PM
To: King, Michael
Cc: Hickey, Lynn;Fuxa, Joseph
Subject: NOI
Attachments: NOI.pdf; 401-01-Investigations.pdf

Michael,

Please review the attached notice of investigation and EWU policy 401-01 (Investigations). If you have any questions please contact me.

Regards,

Jeff Lamoureaux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021



EWU expands opportunities for personal transformation through excellence in learning.



Human Resources
Eastern Washington University
314 Showalter Hall
Cheney, WA 99004-2445

DATE: March 2, 2018
TO: Michael King, Head Volleyball Coach
FROM: Jeff Lamoureaux, Senior Investigator and Title IX Coordinator
Cc: Lynn Hickey, Interim Athletic Director
Joe Fuxa, Labor Relations Manager

This serves as a Notice of Investigation. I have been assigned to conduct a fact-finding investigation and as part of the process will provide you with the opportunity to respond to the allegations.

The fact-finding relates to information reported to EWU Human Resources on March 2, 2018 alleging that: you provided student-athlete [redacted] \$300 as payment for a 2017 EWU summer camp she worked. If these allegations are determined to be substantiated, the alleged behaviors could constitute misconduct, a violation of EWU policies or a violation of your coaching contract, including, but not limited to: EWU Policy 901-01 Ethical Standards; and NCAA regulations.

I would like to set up an initial meeting with you to provide you with a copy of the written complaint and to review the investigative process with you. Please contact me by March 12, 2018 to schedule a meeting. In order to help you understand how the process will work, a copy of the EWU Investigations Guidelines are attached for your review. I encourage you to review these Guidelines carefully and bring any questions you have to the meeting.

Remember, as described in Section 1-3 of the EWU Investigations Guidelines, employees have an obligation during the course of an investigation to refrain from **retaliatory** behavior. Retaliation is conduct or behavior that has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile, or offensive work/education environment. Retaliation is misconduct, which if proven true, may result in discipline, up to and including termination. Examples of actions which may be considered retaliatory include, but are not limited to, discussing the complaint with/or in

the presence of the complainant or witnesses or taking adverse action against the complainant and/or witnesses.

Also remember, as described in Section 1-4 of the EWU Investigation Guidelines, it is expected that the parties to the investigation will observe a standard of strict confidentiality as this practice is in the best interests of all parties to the investigation and helps to maintain the integrity of the investigation. Failure to respect confidentiality may lead to allegations of retaliation.

Pending the outcome of this investigation, you are directed to immediately cease all contact and all communication, verbal or non-verbal, with . This includes, but is not limited to: text messages, phone calls, e-mail, instant messages, messages on Facebook or other social networking site, letters, notes, signs, and/or direct or indirect contact/communication with Complainant attempted through friends or other third party actors. Please be aware that if you should violate this directive it may be considered a form of retaliation and a violation of EWU policy.

If you have any questions or need any further clarification, please contact me at 509-359-2021.

Regards,



Jeff Lamoureux
Senior Investigator / Title IX Coordinator
Human Resources Office
314 Showalter Hall ▪ Cheney, WA 99004
509-359-2021

Investigations

Personnel – General Provisions

EWU Guideline 401-01
Effective May 13, 2015

Authority: University President
Proponent: Human Resources, Rights and Risk

1. INTRODUCTION

1-1. General

a. Purpose and Scope: This document establishes guidelines for conducting university administrative investigations into allegations of misconduct and/or violation of laws, regulations, or policies relevant to the university and its constituents; and investigations of issues when the University is informed or observes an issue of misconduct or an issue regarding performance.

These guidelines also apply to investigations of allegations of sexual harassment, sexual misconduct, domestic violence, relationship violence, or stalking. Such investigations are, however, also governed by EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking.

These guidelines do not apply to criminal investigations conducted by university police or other law enforcement.

These guidelines do not apply to corrective actions that are taken under a collective bargaining agreement process.

These guidelines also do not apply to external agencies having regulatory authority.

Finally, these guidelines do not apply to investigations of allegations of misconduct in research, as such investigations are governed by EWU Policy 302-05, Ethics in Research.

Since these are guidelines, they are intended to provide guidance only. Actual investigations may deviate from the guidelines. Such deviations shall not constitute a basis for challenging the sufficiency of the investigation. The formality and scope of investigations may vary based on the complexity and seriousness of the issue subject to review.

b. Collective Bargaining Agreements ("CBA"): This document merely establishes guidelines for

the conduct of investigations. In some circumstances, provisions contained in the 'Discipline' articles of CBAs with Unions certified to represent designated employee groups may apply to a particular investigation. If so, the provisions of the appropriate CBA must be followed. In the event of any discrepancy between this guideline and the CBA, the CBA will govern.

1-2. Function of Investigations

The primary function of any investigation is to ascertain facts and to report them. It is the responsibility of the investigator to ascertain and consider the evidence on all sides of each issue. The investigator does not determine whether conduct results in a policy violation or whether discipline will be imposed.

1-3. Retaliation

Retaliation against any person for submitting a complaint, assisting or participating in an investigation/resolution of a report or complaint, and/or enforcing applicable rules, regulations, and policies is strictly prohibited. Individuals who engage in retaliatory actions may be subject to disciplinary action up to and including termination.

1-4. Confidentiality

All information obtained by the investigator during the course of an investigation will be maintained in a confidential manner to the extent permitted by law. During an investigation, involved parties are expected to avoid contacting witnesses or other participating parties about the investigation. Failure to respect the confidential nature of an investigation may lead to allegations of retaliation. All investigative files are considered public records and will be released when required by the Public Records Act, Chapter 42.56 RCW.

1-5. Definitions

a. Complainant. A person who submits a verbal or written complaint alleging misconduct, a violation of laws, regulations or policies relevant to

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the university and its constituents, and/or performance problem(s).

b. Respondent. A person who is the subject of the allegations of misconduct and/or a violation of laws, regulations or policies relevant to the university and its constituents, or performance problem(s).

c. Investigator. Person designated by the university to review and, if appropriate, investigate allegations of misconduct and/or a violation of laws, regulations or policies relevant to the university and its constituents or observed/reported misconduct or performance problem(s).

1-6. Expectations for Cooperation

Complainants, respondents and witnesses are required to cooperate with investigators, including: providing truthful statements, not providing false or misleading information, and not omitting material facts. If a complainant, respondent, or witness is a university employee, such employee must make him or herself available for an investigative interview during university business hours within a reasonable period of time. If the person is not on paid status when the investigation is being conducted, the employee still must make him or herself available within a reasonable period of time either in person or telephonically; such employee will be compensated for time spent in the actual interview. An employee who fails to cooperate with the investigative process may be subject to disciplinary action up to and including termination.

2. PRELIMINARY PROCEDURES

2-1. Identification of Issues Triggering Investigation

a. Complaints: The University may receive notice of allegations of misconduct and/or violations of laws, regulations or policies relevant to the university and its constituents through verbal reports, followed-up by a written confirmation, or written complaints. Written complaints shall be filed using the complaint form at Appendix A. The complainant should attest to

the truthfulness of the statements contained in the complaint. Complaints may be filed with Human Resources, Rights, and Risk, the Director of Equal Opportunity, or supervisors.

b. Notification/Observation of Conduct: The University may receive notice of issues of misconduct or performance by observation or receipt of information.

2-2. Responsibility to Report

Any university employee who observes or receives information regarding alleged employee law or policy violations, misconduct or performance problems shall promptly report it to their supervisor, Human Resources, Rights and Risk, or the Director of Equal Opportunity, so the matter can be reviewed for appropriate action. In some cases, the university is required by law to proceed with an investigation even if the complainant requests the matter be closed without further review.

2-3. Investigator Designation

a. Investigators: The investigator may be a supervisor or designee, a contracted investigator, the Director of Equal Employment Opportunity, or a Human Resources Rights and Risk ("HRRR") Investigator/Mediator.

b. Assignment: Upon receipt of a written complaint, supervisors, HRRR, and the Director of Equal Opportunity will coordinate to determine who will be assigned to investigate the matter.

c. Challenges: The complainant or respondent may request a different investigator by submitting a request to the Director of HRRR specifying the reason the investigator should be replaced within 5 business days of notification of the investigator assignment. A written decision will be provided to the requestor.

d. All investigations should be given priority and completed in a timely and thorough manner. If the investigation is delegated, it is the respondent's supervisor's responsibility to ensure that the investigation is completed in a timely and thorough manner. The supervisor should monitor the progress of the investigation to its completion. In general, an investigation should take no longer

than 90 days, unless there are extenuating circumstances. If an extension is required, the investigator shall notify the party(ies) prior to the 90 days and inform them of the new expected completion date.

2-4. Initial Review

a. The investigator will review the allegations and determine the most appropriate course of action.

b. After reviewing the complaint, the investigator may contact the complainant to review the allegations, ensure the complaint form is filled out correctly, and to collect additional information. The investigator may ask the complainant if he or she would be interested in mediation. If the complainant and the respondent agree to mediation, a mediation will be conducted. If, as a result of the mediation, the parties agree to informal resolution, the mediator will prepare a written summary documenting the informal resolution. The complaints and resolution summaries will be filed in a separate complaint resolution file.

c. If both parties are not willing to mediate the complaint or if the investigator determines mediation would not be appropriate, the next step in the initial review process depends on the nature of the alleged behavior:

1. If the complaint alleges behavior that, if found to be true, could be a violation of law, policy, or university regulations, the investigator will proceed with an investigation.

2. If the complaint alleges behavior that, if found to be true, could be a performance problem, the supervisor or designee may proceed with an investigation, or, in lieu of an investigation, take corrective action under the applicable collective bargaining agreement.

3. Absent extenuating circumstances, if the alleged behavior, if found to be true, could be misconduct and will not be addressed through corrective action under an applicable collective bargaining agreement, the complainant and respondent must engage in a facilitated meeting before an investigation will be conducted. The parties will be given notice of the facilitated meeting, along with information about what

generally will be discussed at the meeting. If the parties are not able to reach a resolution in the facilitated meeting, the investigator will determine whether an investigation is warranted.

4. If the complaint alleges behavior that, if found to be true, would not be a performance issue, misconduct, a violation of law, policy, or university regulation, and would not possibly result in discipline, the university may decline to investigate such complaint. In such case, the investigator will prepare a written summary which will explain why the matter will be closed without further action. The investigator will meet with the complainant to debrief them on the fact that no further action will be taken.

3. INVESTIGATIONS

3-1. Investigation Guidelines

This section describes activities that are common to most investigations. However, each investigation is unique and may or may not include all of the tasks described.

a. Contact complainant, if a complaint is filed: If the investigator did not meet with the complainant in the pre-investigation stage, the investigator will contact the complainant to review the complaint, and to identify relevant witnesses and relevant evidence (e-mails, memos, photos, etc.). If necessary, the investigator may contact the complainant on more than one occasion during the course of the investigation to obtain additional information and clarification.

b. Notice of Investigation. After determining the specific alleged behaviors at issue, the investigator will send a notice of investigation to the respondent. The notice shall conform to any particular requirements of the applicable collective bargaining agreement.

c. Initial Meeting with Respondent. The investigator will set up an initial meeting with the respondent. At the initial meeting, the investigator will explain the investigative process, provide the respondent with a copy of these guidelines, and provide the respondent with a copy of the written complaint, if any. If it is not a complaint, the respondent will be provided with a written



statement of the specific behavior/incident being investigated.

d. Interview Respondent. The respondent will be provided an opportunity to respond to the allegations, either at the first meeting and/or at subsequent meetings. The response may be either verbal and/or in writing. The respondent will have an opportunity to provide relevant information/documents regarding witnesses and evidence (emails, memos, photos, etc.).

e. Interviews: The investigator will determine the order of interviews depending on the nature of the complaint. The investigator will arrange interviews with witnesses having firsthand knowledge of the alleged behavior and gather evidence relevant to the allegations. If necessary, the investigator may contact identified witnesses on more than one occasion during the course of the investigation to obtain additional information and clarification.

f. Investigative report: After completing the interviews and gathering evidence supporting or rejecting the allegations, the investigator will draft a report. A template for the investigative report is available in HRRR. The template may be used as a guide to identify the components of an investigative report, but it is not intended to prescribe mandatory report contents or formats. The final report will assess each of the allegations and may conclude there is sufficient evidence to substantiate the alleged behaviors or there is insufficient evidence to substantiate the alleged behaviors. The final report will not include legal conclusions or determine whether a policy has been violated or misconduct has occurred. There is no appeal of an investigation finding.

A copy of the final report will be provided to the respondent's supervisor, respondent, and the complainant, if any, to the extent permitted by law.

g. Investigative File. The investigator will confirm the final investigative file is organized and

complete with a copy of the final investigative report and copies of any evidence (e.g. written statements, notes, documents, photos, etc.) gathered in the course of the investigation.

h. Storage of Files and Final Reports. The Office of Equal Employment Opportunity and the University Police department will store investigative files for investigations conducted by their office/department, and will provide a copy of the final investigative report to HRRR within ten (10) business days after completion of the report involving an employee so that HRRR can follow-up with management and prepare Investigation and Management Decision summary reports as required.

Supervisors and outside investigators will forward their entire investigative file, including the final investigative report, to HRRR for storage. All investigative files and final reports for investigations conducted by HRRR will also be stored by HRRR.

3-2. Supervisor Review and Action

If the final investigative report substantiates findings that could be considered a violation of law, policy, or university regulations, misconduct or performance issues, where discipline may be warranted, the supervisor will contact the University's Labor Relations Manager within ten (10) business days from the date the report is received. The purpose of the meeting will be to review the matter and to determine appropriate action based on applicable CBAs and/or University policies.

After the pre-disciplinary meeting, the supervisor will consider the investigative report and relevant information in consultation with the Labor Relations Manager and the Director of HRRR to determine whether discipline is warranted and if so, the appropriate level.

APPENDIX A - COMPLAINT FORM



COMPLAINT FORM

Case File Number: _____

A. GENERAL INFORMATION					
I am an EWU <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Contractor <input type="checkbox"/> Other					
Your Name:				Today's Date:	
Phone:		E-mail:		Dept:	
Address:			City:	State:	Zip:
B. COMPLAINT DETAILS					
Alleged Offender is: <input type="checkbox"/> EWU Student <input type="checkbox"/> EWU Employee <input type="checkbox"/> Contractor <input type="checkbox"/> Other					
Alleged Offender's Name: _____					
This is a complaint of					
<input type="checkbox"/> Sexual Misconduct		<input type="checkbox"/> Sexual Harassment		<input type="checkbox"/> Discrimination - Based on: _____	
<input type="checkbox"/> General Misconduct		<input type="checkbox"/> Bullying		<input type="checkbox"/> Other _____	
Please describe the specific incident(s):					
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					
<i>Continue on back if necessary.</i>					
C. EMPLOYEES					
Have you notified a supervisor? <input type="checkbox"/> YES <input type="checkbox"/> NO				Supervisor's Name:	
If "YES," please describe the outcome and/or actions taken:					
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					
Have you filed a complaint with any other agency? <input type="checkbox"/> YES <input type="checkbox"/> NO				Agency:	Case No:
D. CERTIFICATION					
Additional Comments:					
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					
I affirm all information is accurate and true to the best of my knowledge. This complaint is made in good faith.					
_____			_____		
SIGNATURE			DATE		

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FILING INSTRUCTIONS

If you need any assistance in completing this form, please contact the Director of Equal Opportunity/Affirmative Action/Title IX/ADA Compliance at 509-359-4673 or the division of Human Resources, Rights and Risk at 509-359-2381.

Complaints may filed online or by mail, email, fax, or in person

In person or by mail:	Director of EO/AA/Title IX/ADA Compliance Eastern Washington University 214 Showalter Hall Cheney, WA 99004	Division of Human Resources, Rights and Risk Eastern Washington University 314 Showalter Hall Cheney, WA 99004
Email:	gthomas9@ewu.edu	HR@ewu.edu
Fax:	509.359.6823	509.359.2874
Online:	http://sites.ewu.edu/secureforms/ewu-complaint-form/	

Description of incident(s) continued:

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Anonymous Employee Exit Survey

Job

Did you feel you were under or over-qualified for your job based on the training experience?

- I felt like I was qualified for the position
-

Did you feel your job was important to your area or the institution?

- Yes I felt like my job was important to the Athletics department and the institution.

Did you feel your position met your expectations? If not why?

- I do not feel like the position met my expectations, not because of the department as a whole but because of the head coach in whom I worked for. What he described his program being when interviewing for the job was depressingly and drastically different than how we “sell” it to people. His ideas and philosophies are great and was a big reason why I chose to uproot my family for this job, however I don’t believe he really instills those values within himself. I was asked to do some questionable things, was put in questionable situations, and didn’t feel as though I was treated very well.

Did you feel you were making progress in your position

- This is a difficult question to answer. I feel like in the beginning I was making progress, learning and applying knowledge. As my time progressed however I think it stalled, not because I wanted it to but because I became fearful to voice my thoughts and opinions for fear of retaliation. So if I had to give a holistic answer I would say that I was progressing and then stopped.

Did you like your work environment (hours, space, equipment, etc.)

- I think the schools is great
- I think the facilities that our athletes play and train in are awesome for the Big Sky Conference
- I had all the tools to excel at my position
- The job hours and demands were what I expected and I have no complaints
- I did not however enjoy the interaction with my supervisor/Head Coach
 - I didn’t feel safe
 - I started to get severe anxiety coming to work

Did you feel there was opportunity for advancement?

- Yes

Did you feel Secure in your Job

- No
- With some of conversations I had with the Head Coach (Mike King), I felt as though we would hint that if I’m not on board then “we might need to talk about

wither or not this is a good fit for you”, how I perceived that was being employed here or not because I disagreed with him.

- If I tried to voice concern to upper administration I was lectured about how that isn't ok and if there were concerns that I needed to address them with him otherwise it makes all of us look bad. These were major concerns of mine in how he was not only treating me as an employee but how he was treating and interacting with the players. Some of which I did address him early on and he didn't acknowledge that he was doing it. He blamed the girls for not being morally correct or mentally tough.
- I felt bullied

Benefits/Salary

Did you feel you received an adequate orientation for your position?

- Yes

Did you feel your salary was adequate for your position

- Yes

Did you feel the fringe benefits were adequate?

- Yes

Did you feel the benefits and allowances were fair?

- Yes

Relationship with Supervisor

Did you feel your supervisor was fair and consistent in use of his/her authority?

- No

Did you feel the line of communication was good your supervisor and yourself?

- No as a whole
- Office work: I would say this was ok, it needs improvement but I think everyone can improve on this side of things. The thing I would be most confused by is that he would consistently change what he wanted. For example we would talk about tasks and how he wanted them done. I would take the time to do it and then he would say that what I was doing wasn't what he asked. I understand that people change their minds and or that naturally we develop more efficient ways to do things over time and the more times we do them, but this wasn't the case. It almost felt like he didn't remember even having conversations about the task we spoke about. I tried to have a conversation with him about it and he was completely closed off and found a way to make it my fault. I don't deny that it could have my fault because communication is a two way street but it just happened way too often for me. To the point where it was irregular. This isn't my first job and it just felt off.

- Practice: Practice concepts, strategic concepts and skill were constantly changing and it made it a difficult learning environment for the players which in turn was difficult with for me as an assistant. I wanted to be a good assistant and back what Mike was asking them to do and help them understand why he was having them do those things I would but I was also starting to have a hard time understanding. During staff meetings or practice planning sessions I would ask for clarification and brought up that ideas and concepts were changing often and it was getting difficult not only for me as a coach but for the players as well. The criticisms was not received well he was really upset.

Did you play a part in decision making?

- Topics were discussed but ultimate decision making was done by the head coach.

Did you feel the supervisor took an interest in your welfare and progress?

- At times. At other times I feel like he threatened my potential progress in advancement and or Job mobility with other institutions later on in my career.

Did you feel you had a good working relationship with co-workers?

- Yes, I really enjoyed everyone in the athletic department. I was closer with others but generally really liked everyone.

Organization as a whole

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Thank you for the opportunity here at Eastern I truly believe this is a fine establishment. I really wish I had a more enjoyable experience from a work standpoint. I think this program and school has the ability to continue to grow and impact individual's lives. I do however have concern for future athletes who choose to participate in the volleyball program under the direction of Michael King. Thank you again for the opportunity.