

November 30, 2023

Sent by Email

Emma Patterson



NOTICE OF ALLEGED VIOLATION & INVESTIGATION

Dear Ms. Patterson:

Between October 16, 2023, and November 7, 2023, the University of Idaho's Office of Civil Rights and Investigations ("OCRI") received reports from you and other Vandal Volleyball team student athletes (the "Complainants") alleging that Vandal Volleyball team head coach Andre Christopher Gonzalez (the "Respondent") engaged in different treatment based on national origin and sex, harassment based on sex, and retaliation against Vandal Volleyball team student athletes and female coaching staff members.

Specifically, it was alleged that during the 2022 and current (2023) women's volleyball seasons:

1. Respondent has favored international players and disfavored American volleyball players (national origin discrimination).
2. Respondent has mistreated female coaching staff to a greater extent than he has mistreated male coaching staff (sex-based discrimination).
3. Respondent has made unwelcome negative comments to volleyball players about their bodies and personal characteristics to demean, hurt, and belittle them, including through electronic communications, and touched female athletes without their consent in a manner that he acknowledged could be seen as sex-based harassment (sex-based harassment).
4. When current or former volleyball players reported concerns with actions by Respondent that they believed violate law or University policy, he harassed and belittled them, forced them to engage in extreme and excessive physical activity, or threatened to force them to engage in such activity (retaliation).

OCRI evaluated the allegations and determined that, if substantiated, the conduct could violate policies that OCRI enforces. OCRI determined that this matter is not appropriate for informal resolution. Accordingly, OCRI will investigate and adjudicate the allegations using the Formal Complaint Procedures in [OCRI's Discrimination and Harassment Complaint Resolution Procedure](#). Under those procedures, I must provide all parties written confirmation of the allegations to be investigated, which are stated above.

Please carefully review the Formal Complaint Procedures in [OCRI's Discrimination and Harassment Complaint Resolution Procedure](#), which contains the process that OCRI will use during its investigation. I also encourage you to review University Policies [FSH 3200](#), [FSH 3220](#), and [FSH 3810](#), which outline the elements for allegations of discrimination, including harassment and retaliation. If you have any questions about the cited documents, please do not hesitate to contact me to discuss.

Please note that opening an allegation for investigation in no way implies that OCRI has made a determination with regard to its merit. During the investigation, OCRI is a neutral factfinder, collecting and analyzing relevant evidence from the complainant(s), the respondent(s), and other sources, as appropriate. OCRI will ensure that its investigation is legally sufficient and is dispositive of the allegations in accordance with the provisions of OCRI's policies and procedures. If you have any questions about the process or the allegations, please do not hesitate to contact me to discuss.

OCRI has implemented the following supportive measures/limited no-contact order for this matter:

1. The parties must limit their interactions and communications to those necessary for official volleyball team activities. Communication includes any communication or attempt to communicate in writing, orally, electronically, non-verbally, or through another person. Electronic communications include email, text, social media, and the volleyball team's What's App group chat.
2. All written, oral, or electronic communications involving the Respondent and one or more of the Complainants must include at least one non-party. For electronic communication involving the Respondent and one or more of the Complainants, Senior Associate Athletic Director Chris Walsh (cjwalsh@uidaho.edu) must be copied on or included in the communication.
3. The Complainants may opt out of non-physical volleyball team activities. Examples of team activities that involve physical activity include volleyball skill development and strength and conditioning training. Team activities that do not involve physical activity include team or individual player meetings and social activities. A Complainant should communicate the decision to opt out to the Respondent in writing via electronic mail before the relevant team activity. Such communication must include Senior Associate Athletic Director Chris Walsh (cjwalsh@uidaho.edu), in accordance with Supportive Measure #2, above.

These supportive measures/limited no-contact order will remain in place unless and until you are notified in writing that the measures/order have been removed. OCRI may amend or supplement the measures/order as OCRI deems necessary.

During the course of the investigation and resolution process, all parties are expected to avoid engaging in retaliation. Retaliation is conduct that intimidates, threatens, coerces,

or adversely impacts any individual because that individual reported a perceived wrongdoing, inequity, or violation of law or UI policy, filed a complaint alleging illegal or prohibited discrimination or retaliation, or participated or refused to participate in a grievance or appeals process. The University takes retaliation seriously and will investigate and respond to all allegations of retaliation. If at any time you feel that you or any other person has been subjected to retaliation in relation to this complaint or OCRI's investigation, please promptly contact me to report those concerns.

Investigations of this nature can be stressful. Please know that there are resources available to you, some free of charge. One of those resources is the University's [Counseling and Mental Health Center](#), where you can confidentially speak with a licensed counselor. The University's [Dean of Students Office](#) may also be able to provide support to you during this time. OCRI also may be able to offer you additional supportive measures regarding the allegations. If at any time you would like to discuss [resources](#) that are available or supportive measures, please do not hesitate to reach out to me.

Please note that you have the right to file a complaint external to the University at any time if you believe that the University has violated your rights, including with respect to this grievance process. The agencies identified below may be able to assist you further:

Office for Civil Rights

Seattle Office

Phone: 206-607-1600

Email: OCR.Seattle@ed.gov

Website: <http://www.ed.gov/ocr>

Idaho Human Rights Commission

Phone: 208-334-287

Toll Free: 888-249-7025

Email: inquiry@ihrc.idaho.gov

Website: <https://humanrights.idaho.gov/>

Equal Employment Opportunity Commission

Seattle Field Office

Phone: 800-669-4000

TTY: 800-669-6820

ASL Video Phone: 844-234-5122

Website: <https://www.eeoc.gov/field-office/seattle/charge>

If you have any questions regarding this process, please contact me at jwernz@uidaho.edu.

Sincerely,

Jacqueline Wernz

Jackie Gharapour Wernz
Interim Director, Office of Civil Rights and Investigations
University of Idaho
Office of Civil Rights
and Investigations