

# Report of the NWSL and NWSLPA Joint Investigative Team

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**COVINGTON**

**Weil**

## Table of Contents

I.	Introduction.....	1
II.	Investigative Process .....	3
	A. Formation and Mandate of the Joint Investigative Team .....	3
	B. Oversight Committee Composition and Operation .....	5
	C. Investigative Methodology.....	6
	D. Limitations and Challenges .....	8
	E. Standards for Assessing Reports of Misconduct.....	8
	F. Naming Criteria.....	9
III.	Background.....	10
	A. History of Professional Women’s Soccer in the United States .....	10
	B. The NWSL’s Founding, Initial Success, and Challenges .....	11
	C. Formation of a Players’ Union .....	11
	D. Development of an Anti-Harassment Policy.....	12
	E. Reports of Misconduct in 2020 and 2021 .....	13
IV.	Observations and Findings .....	14
	A. The History and Culture of the League and its Member Clubs Discouraged Reporting of Potential Misconduct .....	14
	B. Players Experienced an Array of Interpersonal Misconduct and Reports of That Misconduct Were Mishandled .....	17
	C. The League and Clubs Failed to Take Adequate Steps to Protect Players in Hiring and Filling Positions.....	82
	D. Players Lacked Clear Guidance Regarding What Constituted Misconduct .....	85
	E. Players Lacked Effective Channels for Reporting Inappropriate Behavior.....	88
	F. U.S. Soccer, the NWSL, and Clubs Failed to Adequately Share Information Regarding Misconduct .....	97
V.	Summary of Inappropriate Conduct.....	100
	A. Coaches and Club Staff.....	100
	B. Clubs and Owners .....	105
	C. U.S. Soccer .....	108
	D. NWSL.....	111

VI. Recommendations..... 112

- A. Strengthen Anti-Harassment Policies ..... 113
- B. Develop and Enforce Guidelines Addressing Appropriate Interactions Between Club Staff and Players ..... 114
- C. Develop and Implement Trainings That Reflect and Address Player and Staff Experiences ..... 116
- D. Coordinate with Clubs and U.S. Soccer to Improve and Centralize Hiring Practices..... 118
- E. Enhance Reporting and Investigation Procedures ..... 120
- F. Prioritize DEI Initiatives to Create a More Inclusive Environment for All Players and Staff..... 124

VII. Conclusion .....125

## I. Introduction

Founded in 2012, the National Women's Soccer League (the "NWSL" or the "League") has enjoyed success as the longest-running professional women's soccer league in U.S. history. During the 2021 season, however, a series of news reports exposed multiple examples of interpersonal misconduct going back years by coaches and other club staff towards players in the NWSL. Most prominently, on September 30, 2021, *The Athletic* reported that then-North Carolina Courage Head Coach Paul Riley had engaged in sexual misconduct during his tenure as head coach of Portland Thorns FC. *The Athletic* recounted the experiences of two former players, Mana Shim and Sinead Farrelly, and reported that Riley sexually coerced players, provided alcohol to players and drank excessively with them, and made derogatory comments about players' weight and sexual orientation. Although the Thorns conducted an investigation in 2015 that led to Riley's termination, the Thorns publicly announced only that Riley was not being retained, with no explanation as to why. Riley went on to be named head coach for two other NWSL clubs, the Western New York Flash and the Courage, in 2016 and 2017, respectively. The article further reported that in 2021, Shim and Farrelly asked the NWSL to re-open the investigation into Riley, but that then-Commissioner Lisa Baird declined to investigate further.

Riley was only one of several NWSL club personnel accused of misconduct in the 2020 and 2021 seasons. Club owners, coaches, and general managers from Utah Royals FC, OL Reign, NJ/NY Gotham FC, the Washington Spirit, Racing Louisville FC, and later, the Chicago Red Stars departed their clubs following reports of misconduct towards players, including overtly racist conduct, verbal and emotional abuse, sexual harassment, and sexual assault. In the course of 2021 alone, six of the League's then-existing ten clubs fired or accepted the resignations of general managers or head coaches due to misconduct, in some cases misconduct that had persisted for years.

The public revelation of Riley's misconduct and the systemic issues it exposed prompted outcry and action. Players, fans, and the public expressed anger that the NWSL and its member clubs had failed to protect players while shielding perpetrators from public humiliation or the loss of job opportunities. The two most senior executives in the League's front office, Commissioner Lisa Baird and General Counsel Lisa Levine, resigned. The NWSL announced an investigation into abuse and misconduct towards NWSL players. The NWSL Players Association ("NWSLPA") also demanded an independent investigation into abusive conduct.

The NWSL engaged Covington & Burling LLP ("Covington") to conduct an independent investigation, and the NWSLPA engaged counsel at Weil, Gotshal & Manges LLP ("Weil"). The NWSL and NWSLPA ultimately directed Covington and Weil to jointly conduct an independent, thorough, and objective investigation, to be led by Covington, under the direction of a newly-formed Oversight Committee. Covington and Weil (collectively, the "Joint Investigative Team") reviewed all reports indicating that a person in a position of power in the NWSL or one of its member clubs engaged in or facilitated inappropriate conduct towards NWSL players, including discrimination, harassment, sexual, physical, or emotional abuse, and retaliation related to such reports. The Joint Investigative Team then investigated those reports or, in limited instances, referred the reports to an appropriate entity, including U.S. Soccer, the League, and individual clubs, for investigation. In each instance in which a report of misconduct was referred to another entity, the NWSL and the NWSLPA were consulted and agreed to the referral.

The Joint Investigative Team investigated specific instances of misconduct that shed light not only on the lived experiences of the impacted players, but also on the cultural and

systemic issues that contributed to, and were perpetuated by, those instances of misconduct. The Joint Investigative Team also reviewed the practices and policies in the NWSL and its member clubs related to identifying, investigating, and addressing such misconduct. The League office cooperated fully with this investigation, provided all necessary resources, and granted the Joint Investigative Team full autonomy to follow the facts and evidence wherever they led. The NWSLPA encouraged and facilitated participation by a significant number of players, past and present. At the end of the investigation, the Joint Investigative Team delivered this Report to the NWSL and NWSLPA. The NWSL and NWSLPA authorized the Report's release, in its entirety, to the NWSL community and the public.

This Report, prepared by Covington in collaboration with Weil, summarizes that joint investigation and offers recommendations for systemic reform. It begins with an overview of the investigation's scope and process, and a summary of the history and founding of the NWSL, including its establishment and management by U.S. Soccer. It then describes the Joint Investigative Team's observations and findings based on specific incidents and evidence obtained during the investigation, and summarizes findings of misconduct relating to key individuals and entities. The Report concludes with systemic recommendations for the NWSL and its member clubs.

As detailed below, the Joint Investigative Team found widespread misconduct directed at NWSL players. Some types of misconduct against players, including certain instances of sexual abuse and manipulation, have already been widely reported. Other misconduct, which this Report discusses in detail below, has not received as much, if any, public attention. The Joint Investigative Team found, for example, that club staff in positions of power made inappropriate sexual remarks to players, mocked players' bodies, pressured players to lose unhealthy amounts of weight, crossed professional boundaries with players, and created volatile and manipulative working conditions. They used derogatory and insulting language towards players, displayed insensitivity towards players' mental health, and engaged in retaliation against players who attempted to report or did report concerns. Misconduct against players has occurred at the vast majority of NWSL clubs at various times, from the earliest years of the League to the present.

The Joint Investigative Team found that the underlying culture of the NWSL created fertile ground for misconduct to go unreported. Players were frequently reminded of the fragility and financial instability of the League. From the early days of the League, they were told to be grateful, loyal, and acquiescent, even as they were not afforded the resources or respect due to professional athletes. Players told the Joint Investigative Team that this environment dissuaded them from reporting misconduct. Compounding this effect, the League lacked trainings, policies, and other resources on harassment, abuse, and other forms of misconduct. Players and staff members alike were often unsure of whether behavior rose to the level of misconduct and, even if they were able to identify behavior as misconduct, where to report it.

Institutions meant to investigate and address misconduct failed to do so effectively. U.S. Soccer, the League, and individual clubs were not clear on which entity held the ultimate responsibility for establishing and enforcing policies and practices relating to misconduct, or thoroughly investigating complaints and allegations of misconduct. As a result, the creation and enforcement of policies—and in some cases, investigations and the communication of their findings—fell through the cracks. The lack of clearly established responsibilities allowed individuals within these institutions to disclaim personal responsibility for player protection and to turn a blind eye or shift blame to other individuals and entities, while players were left exposed to further misconduct and unsafe environments. Players from marginalized backgrounds, or with the least job security, were often targets of misconduct. At the same time,

these players faced the greatest barriers to speaking out about or obtaining redress for what they experienced.

This misconduct did not occur in a vacuum. Like many institutions, the League has been influenced by sexism, racism, homophobia, and other biases. These biases are central to any evaluation of misconduct in the League. Systemic bias disempowers women, people of color, and other historically marginalized groups. Individual bias can contribute to discrete acts of misconduct. Inadequate individual and institutional responses to this misconduct can further normalize and perpetuate the underlying bias, and dissuade reporting. These dynamics have been apparent in the League and beyond.

The League is also part of a soccer ecosystem in which mistreatment of players is endemic—one which affects not only the NWSL, but other professional leagues, both domestic and abroad. Misconduct in the League is not wholly independent from abuse that begins in youth soccer, where many coaches' and players' formative experiences shaped the way they engaged in, or reacted to, misconduct and abuse in the NWSL.

Moreover, individual acts of misconduct in the League cannot be addressed without considering the failures in institutional structures, policies, and procedures—at U.S. Soccer, the League, and individual clubs—that have allowed misconduct to persist. While the League itself cannot dictate changes to settings outside its purview, such as youth soccer or other leagues, it can implement reforms to the policies and practices within its control, which will in turn allow the League to serve as a standard-bearer and blueprint for other institutions.

Since the Joint Investigative Team began its work, the NWSL has increased efforts to eradicate misconduct, embraced greater accountability, and experienced a cultural shift regarding behaviors that are no longer tolerated. However, there is substantial work to be done. To that point, during this investigation, the Joint Investigative Team received reports of ongoing misconduct at more than half the League's clubs. To effectuate lasting change, the League must commit to the long-term, critical, incremental work of systemic cultural and structural transformation.

## **II. Investigative Process**

### **A. Formation and Mandate of the Joint Investigative Team**

Following the September 30, 2021, publication of the *Athletic* article detailing allegations against Courage Head Coach Paul Riley, the NWSLPA released a statement announcing that players would “no longer be complicit in a culture of silence that has enabled abuse and exploitation in [the League] and in [soccer].” The statement called on the NWSL to (i) open an independent investigation into the issues described by *The Athletic*; (ii) suspend any staff accused of violating the anti-harassment policy; and (iii) disclose how Riley was hired within the NWSL after leaving another club following an investigation into his misconduct.

The NWSL announced on October 3, 2021, that it had retained Covington to conduct an independent investigation into workplace misconduct within the League and to recommend reforms. The League announced that the investigation would include the following:

- “An independent review of practices and policies at the league and club levels—including workplace policies for each club in the league, league-mandated anti-discrimination and anti-harassment policy, and processes for identifying, investigating, and enforcing

violations of those policies—to identify and reform deficiencies. The league will work with the players association to ensure that the results of these team and league reviews will serve as a road map to ensure safe environments for players and staff.”

- Evaluation of “[c]omprehensive policies and procedures created for the league and all member clubs to ensure moving forward that there is a systematic, transparent, and effective execution of any harassment or workplace conduct issues.”
- “A reopening of the 2015 investigation regarding former NWSL coach Paul Riley, including a review of the circumstances surrounding his departure from the Portland Thorns FC, and his subsequent hiring by Western New York Flash and the North Carolina Courage.”
- “A review of the available investigative reports related to all historical complaints of discrimination, harassment, or abuse (physical, emotional, or sexual) in the NWSL, and where necessary, a reopening of the respective investigation, or the initiation of a new adjudication process.”
- “The continuation of ongoing investigations initiated under the NWSL’s current anti-harassment policy, and the recommendation of sanctions where appropriate.”

The same day, U.S. Soccer announced that it was launching an independent investigation into reports of abusive behavior and sexual misconduct in women’s professional soccer, to be conducted by former Deputy Attorney General Sally Q. Yates of King & Spalding LLP (the “USSF Investigation”).

On October 6, 2021, NWSL teams returned to play for the first time since publication of the *Athletic* article. During the sixth minute of each match, the teams stopped play and gathered in a circle at midfield in recognition of the six years it had taken for the reports against Riley to become public. That same day, the NWSLPA issued an expanded list of demands, including that (i) every coach, manager, and owner take part in an investigation into abuse; (ii) the scope of the NWSL’s investigation be expanded to include every club; (iii) the scope be expanded to include League administration; (iv) the League implement a “Step Back Protocol,” to require individuals in a position of power to be suspended in some circumstances when a person being investigated for abuse had been working under them; (v) the League release the details of internal reports into abuse; (vi) the NWSL disclose findings, conclusions and reports in connection with the NWSL’s investigation to the NWSLPA; (vii) the NWSL cooperate with the NWSLPA; and (viii) the NWSLPA have a say in the hiring of the next NWSL commissioner.

The NWSLPA also announced that it would conduct its own independent investigation into workplace misconduct within the League. The NWSLPA retained Weil to conduct this investigation. The NWSLPA stated that it expected the League to cooperate with the NWSLPA’s independent investigation.

On October 29, 2021, following extensive negotiations, the NWSL and NWSLPA announced that in lieu of separate, standalone investigations, the two entities would conduct a joint investigation into workplace misconduct toward NWSL players and systemic issues in the League that impact the detection, handling, and prevention of misconduct. The Joint Investigative Team was comprised of Covington, as counsel for the NWSL, and Weil, as counsel for the NWSLPA.

The scope of the investigation included a review of all reports of inappropriate conduct directed towards players in the NWSL and its member clubs from 2012 through the present, as well as a review of workplace misconduct and anti-discrimination policies and practices in the League and its clubs. This scope included both sexual misconduct and other forms of misconduct. Sexual misconduct, as used in this Report, is a broad term intended to encompass a range of conduct, including conduct that could be described as sexual assault, sexual abuse, and sexual harassment.

The investigation focused on misconduct by NWSL employees and club staff directed at players. The investigation did not focus on player-on-player misconduct or misconduct directed at League or club staff. The Joint Investigative Team was tasked with making recommendations regarding the League's processes for identifying and investigating complaints of misconduct and addressing violations of the League's anti-harassment and discrimination policies. Making recommendations on discipline for individuals or organizations was outside the scope of the Joint Investigative Team's work.

In the course of the investigation, the Joint Investigative Team investigated not only historical misconduct by coaches and other club staff, but also ongoing concerns of misconduct raised by players and staff regarding current player-facing personnel in the NWSL, including concerns that were raised for the first time after the investigation commenced. Where necessary to protect the integrity of the investigation, the Joint Investigative Team recommended temporary suspensions of certain individuals pending the conclusion of the Joint Investigative Team's review. The Joint Investigative Team recommended temporary suspensions only where it had a factual basis to believe that interim action was warranted to protect players from imminent harm, prevent retaliation, or prevent interference with the investigation. As publicly reported, the Joint Investigative Team recommended the suspension of Houston Dash Head Coach James Clarkson in April 2022 and of Orlando Pride Head Coach Amanda Cromwell and First Assistant Coach Sam Greene in June 2022, while investigating reports of their misconduct, which were ultimately substantiated.

The publication of this Report marks the conclusion of the Joint Investigative Team's mandate to investigate ongoing concerns of misconduct in the NWSL. Going forward, the NWSL will, in accordance with its policies and procedures, investigate and address any allegations of misconduct that are reported through its established reporting channels. The League has committed to communicating and consulting with the NWSLPA in player-involved investigations as part of these procedures.

## **B. Oversight Committee Composition and Operation**

The Joint Investigative Team reported to an Oversight Committee comprised of two representatives selected by the NWSLPA, Meghann Burke (Executive Director, NWSLPA) and Terri Jackson (Executive Director, Women's National Basketball Players Association); two representatives selected by the NWSL, Jessica Berman (Commissioner, NWSL) and Djenaba Parker (General Counsel and Chief People Officer, Goop, Inc., and former General Counsel, New York Red Bulls); and one independent member, former United States District Judge Barbara S. Jones (Partner, Bracewell LLP). The Oversight Committee pledged to ensure that the investigation was independent, thorough, and objective. The Joint Investigative Team reported regularly to the Oversight Committee on its progress and investigative strategy.

## C. Investigative Methodology

The Joint Investigative Team identified and examined facts relevant to potential abuse or misconduct against players by those in positions of power in the NWSL and its member clubs. As described in detail below, the Joint Investigative Team contacted and interviewed stakeholders representing a variety of perspectives, including current and former players, coaches and other club staff, NWSL employees and officials, U.S. Soccer officials, NWSLPA and U.S. Women's National Team Players Association ("USWNTPA") leadership, and other members of the professional soccer community. The Joint Investigative Team also conducted a substantial review of emails, text messages, and other relevant documents, including documents collected from the NWSL, the NWSLPA, U.S. Soccer, all 12 clubs, players, and other individuals.

### 1. *Trauma-Informed, Survivor-Centered Approach*

The investigation was conducted in a trauma-informed, survivor-centered manner, respecting the empowerment, autonomy, and physical and mental wellbeing of any individual impacted by inappropriate conduct. The Joint Investigative Team encouraged players and other witnesses to share their experiences in the manner they found most comfortable. The Joint Investigative Team also committed, with the authorization of the NWSL and the NWSLPA, to protect the confidentiality of players who reported inappropriate conduct they experienced or witnessed to the extent permitted by law. This included not disclosing the identities of players interviewed, absent their express consent, to the NWSL, the NWSLPA, or any club, unless it was necessary to do so to prevent ongoing inappropriate conduct.

### 2. *Outreach and Coordination Efforts*

The Joint Investigative Team made substantial efforts to contact individuals who might have information relevant to past and present misconduct in the NWSL, and did not refuse any witness's request to speak with the Joint Investigative Team during this investigation. The Joint Investigative Team created an email address and phone number for individuals to confidentially provide information. The Joint Investigative Team distributed this contact information via email to all current and former players for whom the Joint Investigative Team could identify an email address. The Joint Investigative Team also posted these reporting lines on the NWSL webpage and in the League's Anti-Harassment Policy. These confidential reporting lines offered an opportunity for players to disclose information to the Joint Investigative Team without reporting through a club or the League. In addition, players could report complaints to the NWSL HR Manager, the email address and phone number for which are published in the NWSL Anti-Harassment Policy, posted on the League website, and disseminated to clubs and players. The NWSLPA also established a 24-hour anonymous reporting system through which players could report abuse, and invited reports directly to the NWSLPA, the Joint Investigative Team, or to the NWSLPA's counsel at Weil.

The Joint Investigative Team reached out to approximately 780 current and former NWSL players regarding the investigation. The Joint Investigative Team sent emails to all current and former players for whom the NWSL maintained an active email address, encouraging players to share any information about harassment, abuse, bullying, discrimination, or any other misconduct they experienced or observed during their time playing in the NWSL. The NWSLPA regularly encouraged its members to share relevant information with the Joint Investigative Team. Players who preferred to remain anonymous were invited to contact the Joint Investigative Team anonymously by calling or emailing a hotline maintained by Covington. The Joint Investigative Team also reached out to approximately 150 current and former players individually by email, telephone, and/or text and invited them to share their

experiences with the Joint Investigative Team. Where necessary to gather additional facts, the NWSLPA further followed up with some players directly, requesting they share their experiences with the Joint Investigative Team.

The Joint Investigative Team contacted and attempted to interview every individual who was the subject of a report of misconduct and whom the Joint Investigative Team considered naming in this Report. Each individual was invited to speak with the Joint Investigative Team. This Report notes where certain individuals agreed to be interviewed, provided a written response, declined the Joint Investigative Team's invitation, or did not respond.

The Joint Investigative Team also contacted all 12 active clubs in the NWSL in writing at the outset of the investigation. The Joint Investigative Team requested documents from every club through the appropriate club official or club counsel. In addition, the Joint Investigative Team contacted approximately 90 current and former club staff, including coaching staff, and invited them to speak with the Joint Investigative Team.

The Joint Investigative Team engaged with 15 current and former League staff to invite them to be interviewed by the Joint Investigative Team or to collect documents.

The Joint Investigative Team sought evidence from U.S. Soccer in the form of relevant documents and interviews of current and former U.S. Soccer employees. The Joint Investigative Team requested interviews of 11 current and former U.S. Soccer staff. In addition, the Joint Investigative Team coordinated with the USSF Investigation team where appropriate for certain interviews or other fact gathering. Following the conclusion of the USSF Investigation, the Joint Investigative Team reviewed the Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer (the "USSF Report"). While the Joint Investigative Team considered the findings of the USSF Report, and identified lines of inquiry that merited further investigation, the objective of this Report is to summarize the work of the Joint Investigative Team, rather than to comment on, or respond to, the USSF Report.

### *3. Interviews Conducted*

Over the course of this investigation, the Joint Investigative Team conducted approximately 100 interviews of current and former NWSL players, 6 interviews of current and former leadership of the NWSLPA and the USWNTPA, approximately 90 interviews of current and former club staff, 15 interviews of current and former League leadership and staff, and 8 interviews of current and former U.S. Soccer personnel. Through these interviews, the Joint Investigative Team gathered evidence from players in every active and former NWSL club. In most cases, witnesses were interviewed one at a time, although some interviews were conducted in small groups—for example, interviews of NWSLPA player representatives from certain clubs and of representatives from the Black Women's Player Collective, an organization founded by Black NWSL players to "advance opportunities for Black girls in sport and beyond." When appropriate, the Joint Investigative Team interviewed individuals more than once.

### *4. Documents Collected and Reviewed*

The Joint Investigative Team collected documents and other materials from a variety of sources, including the NWSL, its member clubs, the NWSLPA, U.S. Soccer, and various individuals. In total, the Joint Investigative Team reviewed approximately 200,000 documents. These documents included organizational and policy documents related to the clubs, as well as documents related to specific reports of misconduct and subsequent investigations. In addition,

the Joint Investigative Team sent each club a document collection questionnaire to gather information about its organization, structure, and mechanisms for reporting complaints. The Joint Investigative Team also reviewed documents collected from the League relating to League organizational structure, policies, and trainings regarding harassment, abuse, and discrimination, as well as documents related to complaints and reports of misconduct and investigations into those reports of misconduct, and communications between League personnel.

#### **D. Limitations and Challenges**

Based on the considerable efforts made to identify and collect all reasonably available sources of information, the Joint Investigative Team is confident in the soundness of its findings and the factual basis for the matters discussed in this Report. Nonetheless, the Joint Investigative Team faced a number of limitations throughout the investigation.

First, many players were hesitant to share information with the Joint Investigative Team. This phenomenon is not unique to this investigation or the NWSL: interpersonal misconduct, and particularly sexual misconduct, is generally underreported. Multiple players and club staff interviewed by the Joint Investigative Team also expressed distrust of the League, concerns about confidentiality, and fear of retaliation for participating in the investigation. To help address these concerns, players were invited to ask the Joint Investigative Team or the NWSLPA's counsel any questions about the investigation and interview process, confidentiality, and any other concerns without any obligation or expectation to participate in an interview. In keeping with the Joint Investigative Team's commitment to take a trauma-informed, survivor-centered approach, the Joint Investigative Team did not pressure any current or former player to participate in the investigation.

Second, U.S. Soccer and certain NWSL clubs asserted the attorney-client privilege and work product doctrine over information relevant to this investigation, or delayed providing key evidence on privilege grounds or due to confidentiality or non-disparagement provisions in agreements with coaches fired for misconduct. This prevented the Joint Investigative Team from timely gathering documents and information relevant to the investigation, and substantially delayed important parts of this investigation. In particular, and as detailed in the findings section of this Report, the Thorns, Racing Louisville, and the Red Stars withheld key documents from the Joint Investigative Team on these grounds until late in this investigation, and after U.S. Soccer released King & Spalding's USSF Report. Even after repeated requests and lengthy negotiations with the separate law firm U.S. Soccer retained to respond to the Joint Investigative Team's requests, U.S. Soccer did not meaningfully respond to those requests until shortly before, and again after, the USSF Report was released. This included withholding documents and other information, for the better part of a year, related to an investigation U.S. Soccer conducted into reports of misconduct by Rory Dames. When U.S. Soccer did respond to the Joint Investigative Team's requests, it produced limited documentation and refused the Joint Investigative Team's request to identify the documents withheld.

#### **E. Standards for Assessing Reports of Misconduct**

In evaluating potential misconduct towards players by those in positions of power, the Joint Investigative Team gathered relevant evidence, made factual findings, and analyzed whether those findings met established definitions of misconduct. The Joint Investigative Team looked to a variety of sources, including the League's 2022 Anti-Harassment Policy and professional coaching standards, when making these assessments.

The Joint Investigative Team considered whether the conduct at issue violated the 2022 Anti-Harassment Policy, regardless of when the conduct occurred. The policy contains a broad prohibition on harassment, discrimination, bullying, and retaliation, and explicitly applies to “any and all” forms of each type of misconduct. Given the scope of the Joint Investigative Team’s work, the Team considered it appropriate to evaluate historical misconduct under the 2022 Anti-Harassment Policy, which reflects the NWSL’s current approach to these issues. Because the Joint Investigative Team was not tasked with imposing discipline on individuals accused of misconduct, it expresses no opinion on whether it would be appropriate to impose discipline for conduct that would have violated a policy that did not exist when that conduct occurred.

The Joint Investigative Team also took into account whether conduct complied with professional coaching standards. The world of professional soccer, and professional sports more broadly, presents unique questions about what constitutes inappropriate conduct by coaches and other staff. For example, coaches often must raise their voices to be heard across a field. They may need to navigate conversations about how players’ fitness or injury recovery impact performance. Coaching often requires split-second decisions and interactions during practice and games, without the time for deliberation or consultation, for example with HR. At the same time, certain behaviors that have been normalized as “tough” coaching, such as screaming in players’ faces, are slowly but increasingly recognized as inappropriate and abusive. The fact that certain coaching behaviors may have been tolerated previously does not establish, or in itself suggest, that the behavior is, or was at that time, appropriate. Standards of acceptable coaching behavior are evolving. It has become more apparent that the influence and control coaches hold over players and their careers increase the risk that abuse will occur in the first place—and that if it does, players will fear the repercussions of reporting that abuse. In evaluating professional coaching standards, the Joint Investigative Team reviewed and considered professional and academic literature on verbal and emotional abuse in sport.

In certain instances, the Joint Investigative Team determined that conduct did not violate the Anti-Harassment Policy or other relevant standards. In October 2022, the Joint Investigative Team received a report that then-Thorns Head Coach Rhian Wilkinson had disclosed to the Thorns’s HR director potentially inappropriate interactions with a player with whom she had formed a friendship. The Joint Investigative Team promptly conducted a thorough investigation and, based on the evidence, found that Wilkinson did not engage in wrongdoing or violate the Anti-Harassment Policy. On November 4, 2022, these findings were conveyed to the NWSL, NWSLPA, Thorns, Wilkinson, and the player involved. Out of respect for player privacy, this Report does not provide a detailed account of the evidence or findings in this and other instances where the Joint Investigative Team determined no misconduct occurred.

## **F. Naming Criteria**

The Joint Investigative Team carefully considered which individuals to identify by name in this Report. In deciding whom to name, the Joint Investigative Team considered both the need for public accountability as well as the potential impact on player confidentiality. The Joint Investigative Team considered the following factors when deciding whether to identify an individual who engaged in misconduct: whether (i) the misconduct was widely reported in major news outlets; (ii) the misconduct was severe; (iii) the misconduct was repeated; and (iv) there is a risk of substantial harm to NWSL players, youth players, or others if the individual is not identified. This Report does not identify individuals if doing so would create an unjustifiable risk of revealing a player’s or reporter’s identity when that player or reporter did not give the Joint Investigative Team consent to be named in this Report, or if the Joint Investigative Team was unable to corroborate the conduct at issue. These factors do not constitute a bright-line test;

instead, the Joint Investigative Team conducted a holistic assessment in determining which individuals to name in this Report.

Given their public roles in U.S. Soccer, League, and club management, this Report also uses the names of individuals in the following roles: (i) club owners involved in day-to-day club management; (ii) club leadership and management, including presidents, general managers, and other equivalent positions; (iii) the U.S. Soccer Board of Directors and senior members of U.S. Soccer management; (iv) members of League management; and (v) where necessary, outside counsel and consultants.

Finally, in certain instances where players reported concerns publicly, including on social media or in statements to the press, or have otherwise authorized the Joint Investigative Team to use their names, this Report identifies those players where appropriate.

### **III. Background**

#### **A. History of Professional Women's Soccer in the United States**

The history of women's professional club soccer in the United States has often been tumultuous. On the international stage, the United States has been a powerhouse of women's soccer. The U.S. Women's National Team ("USWNT") has consistently ranked in the top of FIFA's rankings and has never finished below third place in the Women's World Cup. The USWNT has won medals—including four gold medals—in every Olympic Games except one since women's soccer was added as an event in 1996.

Maintaining a competitive women's professional league in the United States has long been viewed as critical to the long-term success of the USWNT. The NWSL represents the third attempt to establish a women's professional soccer league in the United States. The NWSL's predecessor leagues—the Women's United Soccer Association ("WUSA") and Women's Professional Soccer ("WPS")—both buckled under financial pressures.

WUSA, the first women's professional soccer league in the United States, began play in April 2001. WUSA enjoyed initial success, with all-star lineups, television exposure, and high attendance at games. However, its high operating costs and failure to attract corporate sponsors soon began to cause financial strain. Within a few months, investors had spent what was originally expected to sustain the league for three to five years. While the organization cut back its spending in 2002 and 2003, it could not recover financially. Ultimately, WUSA announced it was folding on September 15, 2003, less than a week before the kickoff of the 2003 World Cup in the United States.

Following WUSA's collapse in 2003, the United States was without a professional women's soccer league until WPS began play in March 2009. WPS faced many challenges, including poor attendance, low television ratings, and declining revenue. Its low operating budget, a response to the overspending of WUSA, left WPS to run on thin margins. WPS's problems compounded in 2011, when Dan Borislow, the owner of the WPS club magicJack, became embroiled in a series of conflicts over his violations of WPS procedures. Adding to this controversy, in July 2011, the WPS players' union filed a grievance that accused Borislow of bullying and threatening players, and creating a "hostile, oppressive and intimidating work environment." A 2012 *ESPN* article later reported that Borislow's conduct included verbal abuse and sexually suggestive comments towards players. Ultimately, WPS terminated magicJack's franchise rights in October 2011. Borislow sued the WPS, entangling it in a costly legal battle

that worsened its financial troubles. By January 2012, WPS suspended operations and announced it would be folding permanently in May 2012.

## **B. The NWSL's Founding, Initial Success, and Challenges**

After WPS collapsed in 2012, U.S. Soccer, the official governing body of soccer in the United States, convened representatives from various semi-professional leagues to discuss the future of women's professional soccer in the United States. In November 2012, U.S. Soccer announced that it would manage a new women's professional soccer league, to begin play in 2013. Former USWNT General Manager Cheryl Bailey would serve as the League's executive director. To keep costs under control, U.S. Soccer would provide funding for the League front office, pay the salaries of USWNT players, and pursuant to the Management Agreement, administer "management, governance, operational, administrative and advisory services." Under the Management Agreement, the League was subject to U.S. Soccer's decision-making in operational areas such as sponsorships and marketing, operations, player affairs, communications, and legal.

This league, eventually named the National Women's Soccer League, began play in April 2013. At the time, the League consisted of eight clubs, including former WPS clubs: the Flash, Boston Breakers, the Red Stars, and Sky Blue FC; and new additions the Spirit, Seattle Reign FC, the Thorns, and FC Kansas City.

Since then, the lineup of clubs has undergone various changes. Both the Breakers and FC Kansas City folded in 2017. The League added seven expansion teams, and four teams were rebranded or relocated. At the start of the 2022 season, the NWSL consisted of 12 teams: Angel City FC, the Red Stars, the Dash, Kansas City Current, Gotham, the Courage, OL Reign, the Pride, the Thorns, Racing Louisville, San Diego Wave FC, and the Spirit. Representatives appointed by each of the 12 NWSL club owners comprise the League's Board of Governors, which acts on behalf of the League. Players on NWSL clubs are NWSL employees, while coaches and other team personnel are club employees.

The NWSL has seen a series of changes in its executive leadership between 2012 and 2022. The NWSL's leaders have included Cheryl Bailey (Executive Director, 2012–14), Jeff Plush (Commissioner, 2015–17), Amanda Duffy (Managing Director of Operations, Managing Director, and President, 2016–20), Lisa Baird (Commissioner, 2020–21), Marla Messing (Interim CEO, 2021–22), and Jessica Berman (Commissioner, 2022–present). U.S. Soccer stopped managing the NWSL in December 2020, and terminated the allocation system through which it paid USWNT players' club salaries in December 2021.

Despite this high turnover, the NWSL has proven to be more resilient than its predecessor leagues. When the NWSL kicked off its fourth season in 2016, it became the first professional women's league in the United States to play more than three seasons. The NWSL celebrated its tenth anniversary in 2022.

## **C. Formation of a Players' Union**

In 2017, players in the League formed the NWSLPA to unite professional and amateur players on NWSL rosters who were not allocated to the League by the U.S. or Canadian national teams. The NWSLPA was initially conceived as a means to improve communication between the players and the League and to facilitate reporting and addressing of concerns about the player experience. It was not an official or recognized union; it had no full-time staff, and it was run by active players.

In 2018, the League voluntarily recognized the NWSLPA as the exclusive bargaining representative for all players who signed a standard player agreement—in other words, all players except players allocated to the League by the USWNT. The NWSLPA did not pursue collective bargaining at that time, and instead continued to focus on improving communication and addressing player concerns with the League. The League did not have standing meetings with the NWSLPA, and communications remained informal and irregular.

Around 2020, the NWSLPA took on a more active and public role in advocating for player safety and well-being. The NWSLPA and the League began collective bargaining in late 2020, and Meghann Burke was hired to a full-time position as the Executive Director of the NWSLPA in early 2021. At the start of 2022, with the termination of U.S. Soccer's allocation system, the NWSLPA expanded its representation to include USWNT players competing in the NWSL. In early 2022, the NWSLPA and the League announced that they had signed their first collective bargaining agreement. The agreement increased minimum player salaries; created free agency; and provided severance pay, mental health, and parental leave. The NWSLPA continues to advocate for player safety and amplify players' voices regarding opportunities for change and improvement in the League.

#### **D. Development of an Anti-Harassment Policy**

Prior to 2021, the NWSL did not have a formal policy prohibiting harassment, which includes sexual harassment, discrimination, and retaliation. Although U.S. Soccer and League leadership at various points discussed and explored the creation of conduct policies, none were ever adopted or implemented. This appears to be in part due to uncertainty surrounding which entity or entities bore responsibility for developing policies of this nature. As manager of the League until December 31, 2020, U.S. Soccer was tasked with providing the "NWSL with all management, governance, operational, administrative, and advisory services." U.S. Soccer's failure to exercise its power as manager in this regard contributed to widespread confusion across the League, clubs, and players, as to which entity was tasked with preventing and addressing misconduct. Amidst this confusion, no entity embraced this responsibility.

In late 2020, the NWSLPA began advocating for the League to adopt an anti-harassment policy. In March 2021, a group of 240 NWSL players signed a letter to Commissioner Lisa Baird urging the NWSL to adopt an anti-harassment policy. The NWSLPA, in collaboration with a group of players, then drafted an anti-harassment policy and advocated for its adoption. In April 2021, the NWSL adopted its first such policy, called the Anti-Harassment Policy for a Safe Work Environment (the "2021 Anti-Harassment Policy"). The 2021 Anti-Harassment Policy prohibited harassment, sexual harassment, sexual misconduct, bullying, hazing, and other forms of physical and emotional misconduct. The 2021 Anti-Harassment Policy primarily focused on maintaining a safe environment free of harassment.

In 2022, in consultation with the NWSLPA, the NWSL replaced the 2021 Anti-Harassment Policy with the Policy to Prevent Workplace Discrimination, Harassment, and Bullying (the "2022 Anti-Harassment Policy"). The 2022 Anti-Harassment Policy expands the scope of protections to prohibit discrimination based on any protected characteristic and to more explicitly prohibit retaliation. The 2022 Anti-Harassment Policy prohibits a range of misconduct. This includes harassment; sexual harassment; discrimination on the basis of race, color, national origin, sex, gender, gender identity or expression, sexual orientation, religion, age, or any other protected status under federal, state, or local laws; bullying; sexual misconduct, including the use of coercion, force, intimidation, or certain power imbalances; emotional misconduct; physical misconduct; and retaliation.

The League revised certain terms in the 2022 Anti-Harassment Policy to define different types of prohibited misconduct, and to make clear who is protected by the policy and who must comply with it. The 2022 Anti-Harassment Policy clarifies that it applies to all “NWSL Personnel,” which includes “certain individuals and entities not employed by NWSL,” including team owners, team personnel, and team medical staff. One of the more significant changes revised the procedures for handling and investigating reports of potential violations. The revised 2022 Anti-Harassment Policy sets forth multiple channels for reporting suspected violations of the policy, including the RealResponse hotline, the NWSL HR Manager, and the Joint Investigative Team. In addition, the policy sets forth a general process for conducting investigations into potential violations and reporting the findings of such investigations.

#### **E. Reports of Misconduct in 2020 and 2021**

As discussed in further detail below, players have reported misconduct throughout the League’s history. But public reporting around misconduct against NWSL players has increased in recent years. In 2020 and 2021, the League saw a series of high-profile departures following reports of interpersonal misconduct. The first departure occurred in August 2020, when Royals owner Dell Loy Hansen sold the club after reports surfaced that he had made racist comments. On September 20, 2020, the Royals placed Head Coach Craig Harrington on a leave of absence, which public reporting stated was related to “inappropriate comments of a sexual nature with staff.” The club fired Harrington on November 9, 2020. Though the club did not announce a reason for his termination, sources told *The Salt Lake Tribune* that Harrington “was placed on leave after players complained he was being ‘verbally abusive.’”

Hansen’s and Harrington’s departures in 2020 presaged a wave of departures in 2021. On July 2, 2021, OL Reign announced that Head Coach Farid Benstiti had resigned. Though the club did not provide a reason for Benstiti’s resignation at the time, *The Washington Post* reported later that year that Benstiti had made “inappropriate comments to players regarding their fitness and nutrition.” On July 16, 2021, Gotham announced that General Manager Alyse LaHue was terminated following an investigation into a complaint that she had violated NWSL policy. The same day, *The Athletic* reported that the investigation was related to a violation of the NWSL’s anti-harassment policy. On August 11, 2021, *The Washington Post* reported that Spirit Head Coach Richie Burke had verbally and emotionally abused players. Players, including Kaiya McCullough, recounted in that article that Burke berated, screamed at, and targeted players, and that he had used “racially insensitive” language. The Spirit suspended Burke pending an investigation initiated shortly after the *Washington Post* article was published, and the club fired him on September 28, 2021, following the completion of that investigation. On August 31, 2021, Racing Louisville announced that they had terminated Head Coach Christy Holly’s contract “for cause.” The club provided no other explanation for Holly’s abrupt departure in his first season as their head coach.

On September 30, 2021, *The Athletic* reported that Courage Head Coach Paul Riley had sexually coerced players and made derogatory comments about players’ weight and sexual orientation prior to and during his tenure as head coach of the Thorns. The Courage fired Riley hours after the *Athletic* article was published.

On October 1, 2021, the day after *The Athletic* reported Riley’s misconduct, the NWSL announced that all scheduled matches for that weekend would be rescheduled. Later that day, NWSL Commissioner Lisa Baird resigned. Her resignation followed screenshots posted on Twitter by Alex Morgan, a member of the USWNT and former Thorns player, which showed Baird had denied an April 2021 request from Sinead Farrelly to reopen the investigation into Riley. That same day, NWSL General Counsel Lisa Levine also resigned.

In November 2021, *The Washington Post* published an article reporting that Rory Dames, head coach of the Red Stars and the longest-tenured coach in the League, had been verbally and emotionally abusive towards players, and that U.S. Soccer had failed to adequately investigate and respond to reports of his misconduct.

Collectively, this public reporting gave the impression of widespread misconduct by coaches and those in positions of power, and that U.S. Soccer, the NWSL, and clubs had failed to take measures to protect players and prevent future misconduct. Players, fans, and the public reacted with outrage. This investigation followed.

#### **IV. Observations and Findings**

Based on the evidence obtained during this investigation, the Joint Investigative Team makes the following observations and findings.

##### **A. The History and Culture of the League and its Member Clubs Discouraged Reporting of Potential Misconduct**

Players told the Joint Investigative Team that the NWSL's culture and the unstable history of women's professional soccer in the United States deterred them from raising concerns about abuse, bullying, harassment, and other forms of misconduct. Many players reported that they feared instability both in terms of their own careers and the viability of the League, that they were advised to feel grateful to have the chance to play the game at all, and that they felt a personal responsibility to sustain the existence of the NWSL by keeping their heads down and their complaints unvoiced. In addition, despite recent messages of empowerment from the League and clubs, gender norms and biases led many players to believe that their needs and concerns were not worthy of attention.

##### *1. The League's Unstable History and Players' Fear of Collapse*

The history of women's professional soccer in the United States, and the looming possibility that the NWSL would fold as its predecessors had done, was never far from players' minds, in part because clubs explicitly relied on that history to stifle criticism. Players were "aware that this league could go under. Two prior leagues have." One player recalled her club expressing "over and over" in response to players' requests for improved conditions and more resources, "This is how it is. If you don't like it, then there's never going to be a league." Another player explained, "We are still in a growing league, and that's not lost on players." The same player noted that when players considered raising concerns, they wondered, "Are we going to ruin something? Are we going to hurt the league?"

Players also expressed concerns about the financial viability of their individual clubs. For example, multiple players on the Red Stars reported that players were concerned that the club would fold if it received negative press. A player recalled the owner of her club warning her that if players complained, the club would fold as the Breakers had already done because the owner would depart, anyone buying the club would have to assume the debts attached to it, and no one would be willing to do so. Another player on the same club recalled that club leadership gave the players the sense that if their owner was "thrown to the wolves" as a result of a player complaint, the club would cease to exist. The message internalized by these players was that the institutions of which they were a part were at constant risk of failure and that by rocking the boat, they could single-handedly cause that failure.

Uncertainty about the League's stability also may have influenced how the leaders and managers of the League addressed potential issues and concerns. Former U.S. Soccer President Sunil Gulati observed that it was a challenge every year to get the owners to come back for another year and lose money. He noted, for instance, that if Chicago Red Stars owner Arnim Whisler quit the League, the League would fail. Gulati also noted that U.S. Soccer was limited in its ability to enforce standards against the League when U.S. Soccer believed the NWSL owners, Whisler among them, would not agree, and out of concern the clubs would simply fold.

## 2. *Leveraging Players' Job Insecurity and Ambition*

Players were aware not only of the NWSL's uncertain future, but also of the precariousness of their own individual futures within the NWSL. Players were not in control of their own movement between teams. Most players enter the League through a draft, and player contracts are not required to be guaranteed. For much of the League's history, clubs were free to waive non-guaranteed players, releasing them from their contracts with the club without compensation and leaving them open to being claimed by another club via an established process. The 2022 Collective Bargaining Agreement retained the waiver system, but provided four weeks of severance pay for waived players. Until 2022, the League also had no free agency for any players, meaning a single club retained the rights to the player even if the player was not under contract. The 2022 Collective Bargaining Agreement introduced free agency for a subset of players that meet certain service requirements.

Multiple players described the fear and uncertainty that accompanied the constant threat of being traded to another team or waived. One player recalled that she and her teammates were told by their club, "People would die to be in [your] shoes," and that if the players had issues with the club or the League, "they don't have a problem waiving you." A player on another team remembered her coach saying to a teammate, in front of others, "I could take away your contract like that." The player described feeling shocked at the sudden threat because her teammate "[hadn't] done a thing" and was "harmless." On a third team, a player described her coach threatening players with waiver after the coach heard that those players had questioned decisions he made during training. "You had no job security," a player explained. Two players also reported they believed that if they complained about a problematic coach, they, and not the coach, would likely lose their jobs. These threats, or even the perceived risk of waiver for raising concerns or expressing disagreement with clubs and coaches, signaled to players that they were dispensable.

Players explained that this dynamic can be exacerbated for bench players or newer players who might not feel empowered to speak up, or who might feel that their position on the team is not sufficiently secure. For example, Racing Louisville player Erin Simon observed that former Racing Louisville Head Coach Christy Holly, discussed at length below, would inappropriately put his hands on players "all the time in training," and a rookie teammate went along with his inappropriate touching because she was a bench player and feared being cut from the team.

Some coaches would also explicitly wield their power over players' career success, including consideration for the USWNT, to manipulate players or bring them in line. Simon described her fear that reporting Holly's misconduct could destroy her career after he insinuated to her that he had orchestrated her youth national team call-up; she recalled thinking, "He could ruin me." Volunteer chaplain Taylor Starr shared her impression that Simon "kept it in for so long because she thought her career was on the line." Former Sky Blue player Nikki Stanton said that Holly frequently told her in training sessions, "If you want to be the best" in the League at your position and make the national team, "you need me." She felt that this behavior was

“manipulative” and noted that Holly stopped building her up and “became a monster” after she began a relationship with someone. Another player recalled Holly unexpectedly screaming at a teammate that her poor performance during a practice drill would “prevent [her] from being on the national team,” and later in the season asking her to do one-on-one film sessions with him, saying, “I can help you get onto the national team.” Multiple players recalled former Thorns Head Coach Paul Riley informing players that he could influence their national team call-ups. As one player described, Riley made it seem like “he had a direct line” to the USWNT head coach, and so as a player “you were willing to do everything he said to get you there.” Players reported that playing time and favorable feedback from coaches were critical to their chances of selection for the USWNT; a lack of playing time also impacted sponsorship opportunities, without which many players had to work second jobs in the off-season to supplement their income.

Even retired players expressed fears that former coaches could affect their careers. In at least one instance, a former player declined to participate in a prior investigation due to this fear.

### 3. *Expectations of Gratitude and Acquiescence*

In addition, multiple players described a “be grateful” mentality permeating the League. In response to player requests for the improvement of conditions and resources at clubs, players were often reminded that they ought to be grateful, even when players sought benefits or allowances included in their contracts. For example, one player recalled reaching out to an owner regarding a housing stipend that clubs could provide to players. In response, the owner pointed out that the player was one of the highest-paid players in the League and discussed how club expenses came out of his own pocket. The player felt that the owner was suggesting that she was selfish for even raising the point. To the player, the undertone of the response—and of the owner’s consistent approach to such requests over the years—was clear: “Why are you not grateful for what I’m providing?” The player recalled thinking, “I can be grateful and still ask for progress.”

Another player, when describing a time her teammates requested that their club help them wash their uniforms, recalled that the club administrator responded, “Be grateful you’re even able to play for a team, getting paid for this . . . if you don’t want it, get a regular job.” In one case, a member of club leadership, while following up on younger players’ complaints of staff mistreatment, was told by more seasoned players that the younger players were “entitled” and did not appreciate, for example, that the club provided them meals at the training facility. When recalling their early experiences in the NWSL, multiple players described feeling grateful in situations ranging from practicing in subpar facilities, to living with host families, to accepting a salary of \$6,000 a year, to not being traded in retaliation for reporting a complaint.

### 4. *Sexism and Gender Bias*

Players also described a patronizing culture that many saw as inextricably tied to gender bias. Multiple players described being made to feel like they were a charity case for their ownership, rather than professional athletes. “We existed because [our owner] . . . wanted a soccer team for his daughter. We felt like charity,” one player explained. Two players, in separate interviews, described feeling like a “tax write-off” to their clubs’ owners.

Some owners described their involvement in terms that one would not expect from owners of professional sports franchises. One owner said, “I came on as a passive investor. It really wasn’t an investment so much as it was philanthropy.” Another owner described himself as a “volunteer.” One club’s player representatives expressed frustration that those investing in

the League “come with the mentality of doing you a favor.” Some owners regularly analogized the players to children or daughters, which both staff and players alike found unprofessional. As one player said regarding the owner of her team, “He made it seem like his players were his kids—which, if you had the owner of the Knicks saying that to one of his players, that’s weird.”

Where players’ clubs shared ownership or management with men’s teams, players reported that their owners prioritized the men’s teams, even in cases where the women’s teams were more successful. One player recalled that the men’s team was allowed to train on better practice fields, and the women were asked to train on inferior fields despite the availability of better fields near where the men practiced, apparently because the men’s team found it distracting to practice near the women. The attitude that women’s sports are not professional, or not as valued as men’s sports, gave players the impression that they were less valued and that their concerns would not be addressed.

#### 5. *Lack of Confidence in League Responses to Misconduct Complaints*

These aspects of the culture in the NWSL discouraged some players from reporting any concerns. One player said that she considered quitting rather than reporting harassment because she was skeptical that the League would handle her complaint properly. Another player recalled being hesitant to participate in prior investigations out of fear that her participation could be traced back to her and shared with club owners, the coach, or others. A player recalled that she and her teammates were not sure whether to provide negative feedback about coaches in anonymous player surveys because they were doubtful that their comments would be taken seriously. Even when provided with anonymous reporting channels during the course of this independent joint investigation, including through the NWSLPA, some players expressed skepticism that reports would be appropriately handled due to historical distrust in the League.

One player opined that in the past, players had an innate instinct to “put up with” problematic behavior and to protect a nascent, unstable league. However, looking back, this player observed, “People realized, ‘There are different ways to do this. This actually isn’t okay. Things actually can be spoken up about, be brought to light.’” Other players also pointed to the developments of the past two years, and in particular, the implementation of the NWSL Anti-Harassment Policy, as positive signs of a cultural change. Kaleigh Kurtz, who reported experiencing sexual misconduct from Riley at the Courage, said that she did not report Riley’s behavior in the past out of fear of being called a “troublemaker,” but that she felt comfortable being named in this Report because “players who come forward will be protected.”

#### **B. Players Experienced an Array of Interpersonal Misconduct, and Reports of That Misconduct Were Mishandled**

In addition to reports of misconduct involving Paul Riley, Rory Dames, and Christy Holly, described in detail below, the Joint Investigative Team identified many instances of coaches, staff, club leadership, and other individuals in positions of power engaging in misconduct directed at players. This misconduct included sexual misconduct, inappropriate relationships with players, the blurring of professional boundaries, racially insensitive remarks, inappropriate statements about players’ weight and body types and other forms of emotional misconduct, and retaliation for reporting misconduct.

On multiple occasions, instances of misconduct reported to U.S. Soccer, the League, and its member clubs were inadequately investigated or addressed. As described in the following sections, the failure to fully and adequately investigate and address these reports harmed NWSL players and discouraged players and other stakeholders from reporting misconduct.

1. *Mishandling of Paul Riley’s Misconduct by U.S. Soccer, the NWSL, and the Portland Thorns*

Paul Riley joined the NWSL in December 2013, when the Thorns hired him as head coach for the club’s 2014 season. In September 2015, a player on the Thorns, Meleana “Mana” Shim, emailed a complaint to leadership within the Thorns and to Jeff Plush, then-Commissioner of the NWSL, detailing numerous instances of sexually inappropriate conduct by Riley during the 2015 season.

The Thorns initiated a week-long investigation (the “2015 Thorns Investigation”) conducted by its HR director, who found that some of Shim’s allegations were undisputed and who summarized findings against Riley in a final investigative report. This report, along with text message and email exhibits, was shared with individuals at U.S. Soccer and the NWSL. Based on the findings, the Thorns terminated Riley. Publicly, however, the club merely announced that it would not retain Riley for a third season, and then-Thorns General Manager and President of Soccer Gavin Wilkinson said, on behalf of the club, “I would like to thank Paul for his services to the club these past two seasons.” Additionally, despite the adverse findings, the Thorns asserted in an email to the NWSL that the 2015 Thorns Investigation revealed no “unlawful harassment,” a conclusion that was not included in the 2015 investigative report itself and that was not further explained.

Five months later, another NWSL club, the Western New York Flash, hired Riley as head coach. He remained with the Flash until the club was sold in 2017. The Flash then became a new NWSL club, the Courage, which also retained Riley as head coach. Neither the Flash nor the Courage were provided a copy of the report that led the Thorns to fire Riley, and each received only limited details from the Thorns, U.S. Soccer, and the NWSL about Riley’s misconduct in 2015. Riley continued his inappropriate conduct (both sexual and non-sexual) towards players while coaching for the Courage.

On September 30, 2021, an article in *The Athletic* shared accounts by Shim and her former Thorns teammate Sinead Farrelly detailing not only Riley’s 2015 misconduct towards Shim, but also his prior sexual misconduct—which the 2015 Thorns Investigation had not uncovered—towards Farrelly. After the article was published, six years after Shim had raised the alarm about Riley to the Thorns and the NWSL, Riley was fired by the Courage. Shim, Farrelly, and other players speaking out about their experiences—this time publicly—led directly to Riley’s firing. Shim later stated, “I’m just so grateful for this opportunity to get these bad people out of the League and really shine a light on this issue because it’s so prevalent. It’s not just this team. It’s not just this coach. It’s across the League. It’s across the sport. And we have to do something about it.”

The Joint Investigative Team conducted a review to assess the allegations against Riley and to analyze the 2015 Thorns Investigation and the response by the Thorns, NWSL, U.S. Soccer, and other stakeholders. In the course of this investigation, the Joint Investigative Team spoke to 47 individuals with knowledge relevant to Riley, including current and former players, key leaders—including owners and general managers—from the Thorns and the Courage, and other current and former club staff, League staff, and U.S. Soccer staff who were involved in or had information about the 2015 Thorns Investigation and Riley’s subsequent hiring at the Flash and the Courage. The Joint Investigative Team also reviewed emails, text messages, and other documents, including materials that were not reviewed during the 2015 Thorns Investigation.

Although this investigation gathered substantial evidence, the Joint Investigative Team also encountered challenges. Key individuals involved in the 2015 Thorns Investigation and

Riley's subsequent hiring by the Flash would not speak with the Joint Investigative Team, including the Thorns's HR director who conducted the investigation, the former Flash vice president, and Riley himself. Additionally, despite numerous requests and months of protracted negotiations, the Thorns were slow to answer questions and provide requested documents, and they withheld a number of potentially key documents by claiming they were protected by legal privilege, before ultimately conceding that many key documents were, in fact, not protected by legal privilege. In October 2022, the Thorns made witnesses available for additional interviews with the Joint Investigative Team.

The Joint Investigative Team found that Riley engaged in repeated misconduct, including towards Farrelly and Shim, and Courage player Kaleigh Kurtz. The Joint Investigative Team also found numerous deficiencies in the 2015 Thorns Investigation and subsequent communications by the Thorns, the NWSL, and U.S. Soccer about Riley's misconduct.

First, the Joint Investigative Team found that the 2015 Thorns Investigation was inadequate in key ways. The Thorns selected a lead investigator who was relatively inexperienced in conducting sensitive investigations. An attorney retained by the Thorns following the report by Shim did not conduct any interviews or otherwise play an active role in the investigation. As became evident to some of the witnesses in 2015, the investigation appeared to be focused more on determining whether Shim might have a legal claim and on limiting the club's liability than on thorough fact-gathering. The focus of the investigation was too narrow, and interviews were not sufficiently thorough. Neither the club nor U.S. Soccer followed up on indications from the investigation that suggested Riley may have had a more extensive relationship with Farrelly. Furthermore, the investigation was not conducted in a trauma-informed manner, as is standard for such an investigation. For example, the interviews of Shim and Farrelly were conducted at the Thorns's stadium—rather than a neutral location—where Shim and Farrelly may have been seen by club personnel or other players. In addition, Shim's complaint identified Farrelly as a target of Riley's misconduct, but Farrelly was not treated as a potential target of misconduct; her interview was brief and focused on Shim's allegations and on whether Farrelly had told anyone about them.

Second, the Joint Investigative Team found no support for the Thorns's independent assertion that the 2015 investigation did not reveal any "unlawful harassment" by Riley, an assertion which seemed to have emerged just after the 2015 Thorns Investigation. Moreover, even if there were support for this assertion, clubs investigating allegations of misconduct should not limit their assessment to whether "unlawful harassment" occurred.

Third, the Joint Investigative Team found that the Thorns, the NWSL, and U.S. Soccer failed on numerous occasions to fully and clearly communicate the allegations and findings against Riley to other NWSL clubs that subsequently hired Riley. The assertion of legal privilege over the investigation, and various communication breakdowns, had the effect of enabling Riley to continue coaching in the NWSL for years after the Thorns fired him, leaving Riley's players, who were not provided with any reason to be wary of him, vulnerable to further misconduct.

Neither the Flash nor the Courage—the NWSL clubs that employed Riley after he was terminated from the Thorns—received a copy of the Thorns's 2015 investigative report detailing Riley's misconduct. Additionally, the 2015 allegations and findings against Riley were often downplayed, including by discussing only certain aspects of the allegations and at times by using the phrase that no "unlawful harassment" occurred as a way to summarize the investigative findings. Moreover, leadership at the Thorns made comments favorable to Riley, which further served to obfuscate the misconduct. Overall, the downplaying of Riley's misconduct by key individuals with first-hand knowledge evinced that the Thorns, the NWSL, and U.S. Soccer did

not respond appropriately to Shim's concerns for six years, until after Shim and Farrelly went public.

a) Riley's Misconduct at the Portland Thorns

Riley had a long and successful coaching career when he joined the Thorns in 2014, having held several head coach positions and having been named coach of the year in two soccer leagues. He was also a prominent owner and operator of youth soccer programs in New York.

After Riley joined the Thorns, he targeted Thorns player Mana Shim. Shim had joined the Thorns during the NWSL's inaugural 2013 season, prior to Riley's hiring. She was left unprotected by the Thorns in the 2014 expansion draft and was selected by the Dash for the 2014 NWSL season. However, Shim preferred to stay in Portland, where she already had a lease and was working as a private coach, so she asked Riley if the team would try to keep her. Riley agreed to try, and the Dash traded her back to the Thorns a week later.

During the 2014 season, Riley belittled Shim, calling her names, commenting on her weight, and making unusual remarks, such as telling her in front of others that he would like to "squish her" against a wall. This behavior contrasted with other periods during which he would ignore Shim. Riley's attitude changed during the early 2015 NWSL season, when he began texting Shim often, asking her to coffee during road trips, and inviting her to watch game film with him to identify areas for improvement, sometimes changing the location of film-watching to his apartment.

As the season wore on, Riley became more demanding of Shim, and she struggled to say "no" to Riley's advances without angering him and risking retribution. She was mindful of his ability to control her playing time or trade her to another team, and she felt she owed him because he had worked to keep her in Portland.

One night in May 2015, members of the Thorns went to a bar in Portland following a home game. At some point that night, only Riley, Shim, Farrelly, and Thorns Assistant Coach William "Skip" Thorp remained in the bar, and the four left together when the bar closed. Both at the bar and as they were walking after the bar closed, Riley brought up Shim's and Farrelly's sexual orientations and raised the notion of the two players "getting together." Shim needed to use the restroom, and Riley offered the use of his bathroom in his nearby apartment. The group, including Thorp, went to Riley's apartment, though Thorp left shortly thereafter.

After Thorp left, Riley brought out more alcohol and turned on music, asking Shim to dance with him. Riley grabbed Shim, pulled her back against him, and tried to "grind" against her. Riley, however, claimed during the 2015 Thorns Investigation that he had danced with Shim the way a father would dance at a wedding with his daughter. Riley stepped away to use the restroom, and Farrelly and Shim discussed leaving.

Riley returned from the restroom and asked the women, who had been assigned by Riley to share hotel rooms on team road trips during the season, if they "hooked up" while traveling for games, a notion he had raised even before that night and something they denied doing. At some point, the notion of Shim and Farrelly kissing was raised, though no one could recall in 2015 who raised the idea; Farrelly told the Joint Investigative Team that Riley pushed the notion of intimacy between the players—both that night and persistently even before that night—and Shim and Farrelly have since recalled that Riley likely came up with the idea for them to kiss. In any case, Riley told them that if they kissed, the team would not have to run the "suicide mile," an intensive fitness drill, that week. Shim, feeling pressured and placed on the spot, kissed with

Farrelly briefly, and the players left the apartment. The next day, Riley said, “A deal is a deal,” and he did not require the team to run the suicide mile that week.

After that night, Riley continued to make inappropriate advances towards Shim. For example, he would ask Shim to come to his apartment to review game film, and on two occasions, she went. Shim reported that at his apartment, Riley offered her wine and placed his hand on her leg.

Riley asked Shim out to dinner, though she made excuses to avoid accepting. One evening, he persuaded her to have dinner at an Italian restaurant in Portland. Riley encouraged her to order a drink, eventually ordering a bottle of wine and food for both of them. Shim recalled feeling uncomfortable because she felt that Riley was treating the evening like a date. Afterwards, Riley asked her for a ride home, and she declined.

Riley targeted Shim in other ways as well. He would switch seats on the plane during team travel to sit next to her. He frequently texted Shim, even though she did not always reply, sometimes asking her to come to his apartment or turning the conversation to her sexual orientation. In one text, he sent her a photo of himself in compression shorts. Riley told Shim to delete his text messages because Shim was living with her then-partner, and Shim complied. Additionally, Riley would talk frequently about sex around Shim, would call Shim “hot” and “sexy,” and would tell her he was “turned on.”

While traveling for an away game in June, Riley pressured Shim over text message to have a drink with him in his hotel room. Shim declined, stating she needed to take care of a sick teammate. When traveling for another away game, Riley asked Shim to bring him a bag of chips from downstairs in the hotel up to his room. When Shim arrived, Riley opened the hotel door so that he was behind it, requiring Shim to step all the way inside. He shut the door and stood between Shim and the door, and she saw he was wearing only his underwear. Riley told her to get on his hotel bed to go over film, though she saw there was no film on the television. Shim declined politely so as not to upset Riley, stating she had to prepare for a game the following day, and she walked out the door despite his attempts to persuade her to stay. Shim said that particularly after that night, she was scared and feared Riley could physically try to restrain her or try to have sex with her.

Sometime after that incident, Shim asked Riley to maintain a strictly professional relationship with her. He complied with her request for a little while, but his inappropriate behavior resumed soon after.

In late June 2015, Riley encouraged players to attend a Women’s World Cup match in Vancouver. Prior to the event, he forwarded Shim an email containing his hotel reservation—one room with a king bed—and asked Shim to stay with him. Shim declined, and she traveled to Vancouver with her then-partner instead, along with Farrelly and her then-partner. Even in Vancouver, Riley pushed Shim to stay the night with him. Shim believed Riley would try to pressure her to have sex with him during the trip, so she made sure she was never alone with him.

Shim contacted Riley by email that July, telling him that his conduct was inappropriate and made her uncomfortable. She asked him to remain professional going forward. Riley admitted in 2015 that he deleted Shim’s email without showing it to anyone in a higher position of authority at the Thorns or the NWSL. A consultant who assessed Riley’s email account as part of the 2015 Thorns Investigation concluded that Riley had deleted the message from his inbox, and then further selected it for permanent deletion from the deleted items folder, which he had

not done with other deleted emails. In response to Shim's email, Riley texted Shim asking to meet, and the two corresponded about meeting but ultimately did not meet. Following that email, Riley's behavior towards Shim changed: he barely acknowledged Shim, and her playing time noticeably dropped. Shim told the Joint Investigative Team that it would be an "easy thing" for Riley to claim that her performance had decreased to justify the drop in playing time. She added that it was possible her performance had in fact decreased because she was not comfortable with the situation.

Riley also engaged in other inappropriate behavior during his tenure on the Thorns, and he surrounded himself with staff members who were not likely to speak out against him. After Riley joined the Thorns in 2014, he brought on assistant coaches who had worked for him in the past and who, according to multiple accounts, appeared loyal to Riley. Players and Thorns staff described the assistants as Riley's "yes-men" and recalled that they would not speak against Riley.

Players also described how Riley hosted a multi-day social retreat at his house on Long Island, during which players stayed together in barracks-style quarters—on numerous twin beds—in Riley's attic. The retreat involved drinking, with alcohol provided by Riley, and some players recalled that they felt the retreat was mandatory and that they could not leave. One player recalled that Riley hosted a similar trip for Flash players at his Long Island property when he later coached that club.

Club staff and players also recounted that Riley went out drinking with players and would buy them drinks, which some players, without experience with other coaches or clubs, assumed must have been normal for professional soccer. Wilkinson told the Joint Investigative Team he learned of at least one occasion in mid-2015 in which Riley had been drinking socially with players. Wilkinson said that he informed Riley this could not occur again, and he separately told Thorns staff members that they could not go out drinking with players. Wilkinson did not follow up with Riley, staff, or players to confirm that his instruction had been followed.

Shim described Riley as "obsessed" with players' romantic and dating relationships. For instance, Farrelly began dating one of her teammates on the Thorns during the 2014 NWSL season. According to multiple players and club staff, Riley repeatedly made negative comments about the relationship to other players on the team, including remarks that Farrelly was not truly a lesbian and that Farrelly's then-partner was a "predator."

Finally, players and club staff recalled that Riley made caustic remarks to Thorns players, calling players "idiots" and "motherfuckers," harshly criticizing their weight, and commenting about players' sexual orientations (including stating that a player "loves a strap-on"). Two former staff members recalled reporting to Wilkinson concerns they had about Riley's treatment of players; one of the staff members said Wilkinson dismissed the staff member's concerns and told the staff member to "support the coaching staff." Wilkinson informed the Joint Investigative Team that he did not recall staff raising concerns about misconduct by Riley. Some witnesses also recalled that Riley would at times exert pressure to have injured players play, in spite of medical advice to the contrary. Anonymous results from an annual NWSL player survey conducted in 2014, and described in greater detail below, also indicated similar misconduct by Riley. In the player survey, Thorns players anonymously commented that Riley "ripped/yelled at players in a hurtful, non-productive way," was "verbally abusive [sic]," and would "call [players] dumb, stupid, slow, idiotic, retarded, we have no balls, we will never be better than the average 16 year old boy, worthless."

b) The Thorns's Flawed 2015 Investigation and Opaque Termination of Riley

On September 16, 2015, Shim reported Riley's conduct to the Thorns and to the NWSL. Shim had told a teammate, Alex Morgan, about some of Riley's conduct and had consulted Morgan regarding reporting. The two players found it difficult to identify reporting channels, whether anonymous or not, at either the NWSL or the Thorns. After significant effort and some inquiries, they ultimately identified Nancy Garcia (formerly Nancy Garcia Ford), the HR director for the Thorns and its affiliated men's team, the Portland Timbers.

Shim emailed a complaint, with a narrative describing Riley's inappropriate conduct, to Garcia, Riley, Wilkinson, and Thorns owner Merritt Paulson. Shim also forwarded the complaint to then-NWSL Commissioner Jeff Plush. Plush responded to Shim acknowledging receipt, and he forwarded the complaint to then-personnel at U.S. Soccer, which at the time managed the NWSL, including U.S. Soccer President Sunil Gulati, CEO and Secretary General Dan Flynn, General Counsel Lisa Levine, and Chief Financial Officer Eric Gleason.

The next day, the Thorns placed Riley on administrative leave pending an investigation, which Paulson directed Garcia to begin. Garcia was relatively inexperienced in conducting sensitive investigations. Emails show that Paulson, Wilkinson, and Thorns President of Business Mike Golub were included in conversations with Garcia surrounding the investigation and that Paulson and Wilkinson edited some of Garcia's outreach to players.

Shortly after Garcia began investigating, the Thorns retained a law firm to assist in the investigation. Paulson told the Joint Investigative Team that Garcia conducted the investigation at the law firm's direction, though the exact nature of the firm's role is unclear because the Thorns withheld much of the relevant information from the Joint Investigative Team, claiming it is protected by the attorney-client privilege and is attorney work product. Garcia declined to speak with the Joint Investigative Team.

After the 2015 Thorns Investigation commenced, Plush followed up with Shim by email, notifying her that the League was monitoring the investigation and stating, "[If] there is any additional information that you wish to provide me, separate from what you have discussed with Portland's human resources manager, or if you have concerns about the investigation, please feel free to reach out to me directly." During the course of the investigation, an attorney from the law firm engaged by the Thorns provided Levine—who in addition to her duties at the time as general counsel of U.S. Soccer would advise the NWSL—with updates regarding the progress of the investigation. These updates were provided under a common interest agreement, which restricted Levine's ability to share what she learned in those conversations.

The 2015 Thorns Investigation was poorly handled in key respects. Garcia, who conducted all of the interviews and collected and reviewed documents and text messages from individuals she interviewed, is not a lawyer and lacked experience in conducting sensitive investigations. Her investigation included interviews of Riley, Thorp, and four players; three of these interviews—including the interview of Farrelly—lasted 30 minutes or less. One of the players interviewed by Garcia by telephone told the Joint Investigative Team that her conversation with Garcia involved general questions, and she was given no indication that the conversation was part of an investigation.

All of the interviews, except the interviews of Shim and Farrelly, occurred by phone. Shim's and Farrelly's interviews occurred in person at Providence Park, the stadium where

Thorns staff worked and players played games. Shim recalled being “uncomfortable” that someone she knew might see her being interviewed.

During her interview—which was two hours long (more than twice as long as any other interview conducted at the time)—Shim recounted the instances she had described in her complaint. Towards the end of the interview, she told Garcia that she was afraid of what Riley could do to her career, noting Riley “ha[d] contacts, help[ed] players play overseas, [and had] big ties.” She also said she was “petrified” that Wilkinson would trade her from the Thorns because Riley had portrayed himself and Wilkinson as good friends. Shim told Garcia that she did not want Riley to coach anywhere in the NWSL, which is why she had alerted the NWSL commissioner, Plush. Shim later recalled that during the interview, Garcia appeared focused on whether Riley had engaged in *unlawful* harassment, and Garcia expressed that Shim did not have a legal claim because she was not able to provide corroborating evidence.

According to Garcia’s interview notes, her interview with Farrelly lasted only 30 minutes, though Farrelly recalled it being even shorter. During the interview, Farrelly described the night that she and Shim had kissed in Riley’s apartment, and she said she had seen some of Riley’s inappropriate text messages to Shim. Farrelly later recalled that she did not feel she was treated by Garcia as someone who had been targeted by Riley on the night of the kiss. Rather, she said the focus of the interview was on assessing the truth of Shim’s allegations and determining whether Farrelly had told anyone about the incident. Farrelly recalled feeling guilty after the interview that she had told her partner about the kissing incident.

In that interview, Farrelly did not discuss, and Garcia did not ask, about Riley’s other misconduct towards her, which was not uncovered until later. Farrelly reported to the Joint Investigative Team that she did not go into the interview with Garcia planning to disclose that history and instead planned to respond to the specific questions asked. She also reported that she had not at the time personally dealt with her experiences with Riley, and she was afraid of jeopardizing her position on the Thorns, which she felt was the best team to play for in the NWSL. Even though Farrelly did not disclose Riley’s other misconduct towards her, the 2015 Thorns Investigation uncovered information suggesting that Riley and Farrelly had a more extensive relationship. For instance, Garcia was told of Riley’s close relationship with Farrelly and his negative, potentially homophobic commentary about Farrelly’s relationship with another player on the team. Additionally, Shim told Garcia that following the incident in which she and Farrelly kissed at Riley’s apartment, Farrelly told Shim that this kind of thing happened with Riley. In fact, an attorney from the law firm retained by the Thorns informed Levine that there were “suggestions in [Shim’s] interview [with Garcia] that Paul Riley’s relationship [with Farrelly] was more extensive than [Shim’s]/Riley’s.” Despite learning this information, investigators and individuals kept apprised of the investigation, including the Thorns and Levine, did not probe further by interviewing other witnesses, requesting additional text messages or emails, or asking Riley about his relationship with Farrelly, among other things. The Joint Investigative Team found no evidence that the Thorns, U.S. Soccer, or the NWSL ever shared these indications of a “more extensive” relationship between Riley and Farrelly with the NWSL clubs that subsequently employed Riley.

Seven days after the investigation began, Garcia completed a final investigative report, dated September 23, 2015, which was reviewed by attorneys from the law firm retained by the Thorns. The report made clear that certain facts were not disputed. It established that Riley, Shim, Farrelly, and Thorp drank at a bar one night and ended up at Riley’s apartment, where alcohol was made available. It stated that Riley danced with Shim at the apartment and that Shim and Farrelly kissed that night, which Shim claimed (and another player corroborated) was done to avoid the suicide mile. The report further established that Riley had two one-on-one

film sessions at his apartment with Shim, had dinner alone with Shim one night, sent inappropriate text messages to Shim, and deleted Shim's July email to him stating Riley's conduct was inappropriate without notifying his superiors about the email. Though Shim had deleted many of the inappropriate communications she had received from Riley after Riley instructed her to do so, the report also included some text messages between Riley and Shim, some submitted to Garcia by Shim and some submitted by Riley. In some of these texts, Riley had noted that his messages to Shim "get a bit riskee [sic]," and he complained that he never saw Shim alone, telling her, "[Y]ou avoid me like the plaque [sic]."

The report found that Riley had (i) violated instructions by Wilkinson not to socialize with players "when alcohol was involved"; (ii) "engaged in inappropriate and unprofessional behavior and exercised poor judgment by sending inappropriate text messages, not establishing and maintaining appropriate professional boundaries, inviting players to his apartment, serving alcohol to players, dancing with a player and touching her while doing so, inviting a player to his hotel room, having one-on-one dinners (and involving alcohol), having one-on-one game film sessions in his apartment, and failing to notify his supervisor of the July 5 email"; and (iii) likely violated his employment contract by doing so. Paulson told the Joint Investigative Team that Garcia and an attorney presented the report to Thorns leadership. The report did not make any recommendations, noting instead that recommended actions for the Thorns to take would be determined by Paulson and Wilkinson.

Through counsel, the Thorns emailed Levine a copy of the report with its attachments. The cover email was not marked as privileged, or confidential, or as subject to any legal protection. It acknowledged that the League had a "need to know," and that an "allegation that a head coach has acted inappropriately toward a player is obviously of concern to the League." It did not ask the League to withhold or keep confidential any information about the investigation.

The email included, without any explanation, a conclusion that the investigation did not reveal any "unlawful harassment." The report itself did not include or reference any finding about the lawfulness of Riley's conduct. Levine told the Joint Investigative Team that she did not second guess this determination or come to her own conclusion on this issue based on her review of the facts laid out in the final report. Levine forwarded this email to Plush in September 2015.

The Thorns's counsel's unexplained conclusion was consistent with what was communicated to Shim and Riley. Garcia emailed Shim, stating that although Garcia "did not conclude that unlawful harassment had occurred," she concluded that policy violations had taken place. Wilkinson also wrote to Riley in a letter, "While our investigation did not reveal any unlawful conduct by anyone, we did confirm that, on occasion, you exercised poor judgment in your interactions with one or more players." The statement that no "unlawful harassment" had occurred proved significant going forward, as it was repeated a number of times in the following years as a summary of the investigation's conclusions.

Paulson told the Joint Investigative Team that Riley denied the allegations against him in 2015 and never apologized, though Paulson recalled that Riley had made a comment that he had been isolated from his wife and should not have gotten drunk.

The Thorns terminated Riley in September 2015, though his contract was set to end in December of that year. The Thorns's public announcement merely stated that Riley would not be retained as head coach for the 2016 season, without mentioning the investigation or termination, and without providing any reason for Riley not being retained. Paulson told the Joint Investigative Team that the Thorns phrased the announcement this way based on the

advice of legal counsel. Paulson also said he had heard that Shim did not want Riley's termination made public, though there is no evidence that Garcia or anyone else on the Thorns asked Shim for her preference, and Shim told the Joint Investigative Team that she did not recall making any such statement. No information about the investigation or Riley's termination was made public until the release of the *Athletic* article on September 30, 2021.

Following the 2015 Thorns Investigation, Farrelly saw one of her fears coming true; within less than a month after Paulson and Wilkinson received the report detailing Farrelly's account to the Thorns's investigator, Wilkinson informed Farrelly she was being traded. Farrelly emailed Wilkinson expressing discontent and concern that she was being traded so soon after the investigation into Riley's conduct. Farrelly noted in her email that only a few months prior, Wilkinson had asked her to represent the Thorns on an international trip, an invitation that she believed he would only extend to players with a future on the Thorns. Wilkinson responded that the trade was "purely a player move that made sense." On October 26, 2015, the Thorns announced that they were trading Farrelly to the Breakers, a now-defunct NWSL club.

In September 2021, *The Athletic* publicly reported on the existence of a prior, more extensive history between Riley and Farrelly, which was suggested by Shim to the Thorns investigator in 2015, but not explored in that investigation.

Prior to joining the NWSL, Riley had coached Farrelly on the Long Island Fury and on the Philadelphia Independence in 2012 and 2013, respectively. Riley—who is around 15 years older than Farrelly—began lowering professional boundaries with Farrelly during that time, including by focusing his attention on her during nights out drinking with the team, asking probing personal questions, and telling her she was "beautiful." At first he told her he admired her fitness and her "soccer body," but then shifted to making other comments about her body, including calling her "sexy."

Riley grew bolder in making sexual advances over time, and Farrelly reported to *The Athletic* and to the Joint Investigative Team that they had sexual intercourse after Riley went out drinking with the team following a loss at an away game. Farrelly described this as a "build-up" with Riley. The team tried to fit into a rented van to return to their hotel, and team members sat on each other's laps. Farrelly sat on Riley's lap, though she felt strange doing so, and she described that Riley grabbed her hips. When they arrived at the hotel, where the team was staying on the same floor, she and Riley walked back together. At Riley's door, she felt he expected that she would come into his room. Farrelly felt coerced into having sexual intercourse with Riley based on the dynamic between them and his control over her soccer career. She later described feeling "powerless" and "scared to say no."

Farrelly said she felt coerced by Riley into having sexual intercourse on several occasions thereafter. As with the first instance, the sex occurred after heavy drinking, with Riley paying for drinks and Farrelly feeling she had to appease Riley given his power in professional soccer and over her career. Similarly, the sex occurred only when Farrelly and Riley had come together for soccer-related activities, such as after Riley invited Farrelly to dinner to discuss her 2012 soccer contract. Farrelly tried to pretend these sexual encounters never occurred, but Riley would try to talk about them with her.

The Thorns acquired Farrelly on January 13, 2014, a month after the club named Riley head coach. Although the sex did not continue in Portland, Riley continued to fixate on Farrelly, and she continued to feel that he could put her in a position in which she could not refuse him sex.

c) Lack of Transparency with NWSL Clubs About Riley's Conduct

Other clubs in the NWSL pursued Riley after it became known that the Thorns would not retain him and in the absence of any public information indicating that he had been terminated for cause. On at least two occasions—when Riley was recruited by the Flash and later when he was recruited by the Courage—the Thorns, U.S. Soccer, and the NWSL were not transparent with the recruiting club about the allegations and findings of misconduct against Riley in 2015. This lack of transparency enabled Riley to continue to coach NWSL players for another six years after he was fired from the Thorns.

In September 2015, Sky Blue, an NWSL club now known as NJ/NY Gotham FC, expressed an interest to the NWSL and the Thorns in speaking with Riley regarding a coaching position. In written responses to the Joint Investigative Team, Plush stated that he told then-Sky Blue President and General Manager Tony Novo there were allegations of inappropriate conduct against Riley, encouraged Novo to reach out to the Thorns, and discouraged him from hiring Riley. Plush stated that he did not share additional information because the investigation was ongoing at the time. The evidence also reflects that Levine, after speaking with Plush about the issue, subsequently had a conversation with Novo in which she shared that Riley had been terminated from the Thorns and shared certain information related to Riley's termination, and the club did not pursue Riley. However, Novo told the Joint Investigative Team that the club was not seriously pursuing Riley at the time and that he does not recall hearing "anything bad" about Riley.

The Flash, the predecessor club to the Courage, began speaking with Riley regarding the head coach position in January 2016, around a month after Aaran Lines stepped down as head coach and became vice president of the Flash. During that time, Lines spoke with Wilkinson, Lines's former teammate on the Portland Timbers and the New Zealand national team, regarding Riley and his suitability for the head coach role. The Joint Investigative Team repeatedly sought to speak with Lines about the Flash's inquiries regarding Riley, but Lines declined to speak with the Joint Investigative Team.

The Flash were not fully informed of the allegations or investigative findings against Riley, and they received a favorable assessment of Riley from Wilkinson. Wilkinson told the Joint Investigative Team that he discussed Riley's termination with Lines, though he was uncertain whether Lines had already known Riley was terminated, rather than simply not retained. Wilkinson said that on advice of counsel for the Thorns, he did not discuss the reason for Riley's termination and did not tell Lines about the allegations against Riley. According to Wilkinson, he told Lines that U.S. Soccer had the investigative report regarding Riley. Wilkinson also said he told Lines that Riley was a good coach if not for the reason he had been fired.

Following the publication of the *Athletic* article in 2021, Paulson stated in Golub's presence that "Mike [Golub] spent a lot of time on the phone w/Aaran Lines" when the Flash were considering hiring Riley. Golub told the Joint Investigative Team he did not recall speaking with Lines during that time regarding Riley. Paulson told the Joint Investigative Team that he had recalled that Golub received a call from Lines during which they discussed the allegations against Riley, but Paulson no longer believes that call occurred because Golub and others have told him it did not.

Wilkinson told the Joint Investigative Team that Lines previously knew Riley, and that he felt Lines had been "ticking a box" by contacting Wilkinson. Paulson also told the Joint Investigative Team that Riley and Lines had a "long-standing relationship," and at the time

Lines discussed Riley with Wilkinson, the decision to hire Riley had already “effectively been made.”

Paulson’s and Wilkinson’s accounts of the information shared with the Flash are inconsistent with a document the Flash prepared for the Joint Investigative Team’s review summarizing the club’s vetting and hiring of Riley. According to that document, Wilkinson told Lines and then-Flash President Alex Sahlen—who is also the daughter of former Flash owner Joe Sahlen and the wife of Lines—that an investigation into Riley had occurred based on “only one incident with a disgruntled player,” but that no wrongdoing was found. The Flash also wrote to the Joint Investigative Team that the “only negative reference” made was that Riley “did not mesh well with all of the personalities” in the locker room, and Wilkinson had said to get Riley if the Flash could.

In February 2016, after learning that the Flash were set to announce Riley’s hire as head coach, Plush wrote in an email to Gulati, Flynn, and Levine, that he “guess[ed]” Wilkinson may have “helped [Riley] with [Lines],” and that he had given Golub’s phone number to the Flash’s then-general manager. (Golub told the Joint Investigative Team he did not know the Flash’s then-general manager and said he did not know Plush sent his number to anyone at the Flash.) Gulati asked the group to meet the next day to discuss the matter. A few days later, Plush emailed Gulati, Flynn, and Levine and recounted a “long conversation” with Lines. Plush’s email summarized Lines’s report of a conversation with Wilkinson, in which Wilkinson brought up what he referred to as the “human resource issue,” said Wilkinson felt Riley “was put in a bad position by the player,” and said Wilkinson would “hire [Riley] in a heartbeat.” According to Plush’s email, Lines had spoken with Riley, who told Lines, “I shouldn’t have put myself in that situation.” Lines told Plush that he told Riley that Riley “can not allow that the [sic] of situation to happen again.” Plush also reported that the Flash were “comfortable with the situation at [that] point.”

In a written statement, Wilkinson denied this account of his discussion with Lines. He stated that he told Lines that Riley was a “good coach” but “definitely never stated” that he would hire Riley.

Plush told the Joint Investigative Team that the Flash had been considering Riley since October 2015, and Plush warned Lines in October 2015 that the Flash should not hire Riley but should follow up with the Thorns as to why Riley was “no longer coaching there.” Plush wrote that he was “very careful in describing the situation” with Riley because he had been informed by counsel to U.S. Soccer that he could not share the Thorns’s investigative report or its details. However, this position appears inconsistent with the email from the Thorns’s counsel transmitting the Riley report to the League, which Plush received and which did not place any restrictions on the League.

According to Plush, as a result of his conversation with Lines, Riley called Plush and “accused [Plush] of trying to ‘blackball [Riley] out of the league.’” Plush said he subsequently spoke to Joe Sahlen over the phone in December 2015 reiterating that the club should not hire Riley. Plush also said he spoke to Lines and Alex Sahlen in January 2016, “encouraging them to look elsewhere for a new coach.” However, Plush observed, “Looking back, it is clear to me that no matter how many conversations I had with [the Flash] . . . they were always going to take [Wilkinson’s] recommendation over mine.”

Gulati told the Joint Investigative Team that the Thorns said they would only share the 2015 investigative report with the NWSL and with U.S. Soccer’s General Counsel, Levine. Gulati said he could not recall the details regarding the Flash’s consideration of Riley but told the Joint

Investigative Team that he surmised that U.S. Soccer and the NWSL received legal advice from Levine that there was nothing they could formally do to stop Riley from coaching elsewhere in the NWSL.

The Thorns did not provide the Flash with a copy of the investigative report. Instead, Wilkinson said he told Lines that U.S. Soccer had the report, and Paulson said Wilkinson was advised to direct to the NWSL questions the Flash had about Riley. Paulson said the Thorns's counsel who directed the 2015 investigation was concerned about a lawsuit against the Thorns and told the Thorns that it was the NWSL's responsibility to convey information related to the investigation to other NWSL clubs. Paulson told the Joint Investigative Team that he believed the NWSL could and would convey information about Riley's misconduct to the Flash. Yet, in responding to document requests from the Joint Investigative Team, the Thorns asserted the report was protected by attorney-client privilege and claimed they had shared it with U.S. Soccer in 2015 pursuant to a common interest agreement under which neither the NWSL nor U.S. Soccer would be permitted to share the report. The Thorns reversed their position in February 2022 after protracted discussions with the Joint Investigative Team about the validity of the privilege claim as to the report. There is no evidence that the NWSL or U.S. Soccer provided the Flash with the report, and the Joint Investigative Team did not uncover evidence indicating that the Flash attempted to obtain a report or other written documentation of an investigation.

The Flash announced Riley as their head coach in February 2016. At the time, Levine told U.S. Soccer and NWSL leadership that she would send letters to Riley and to Joe Sahlen warning that coaches must remain professional and reminding Sahlen to report any inappropriate conduct by staff to the NWSL. However, the Joint Investigative Team found no evidence that the letters were written or sent. Also during that time, in connection with Riley's hiring by the Flash, Plush, Gulati, Flynn, and Levine corresponded by email indicating some or all of them had discussed "the need for [an NWSL] policy and training." However, the NWSL did not implement relevant policies until years later; the NWSL's anti-fraternization policy was implemented in January 2018, and its anti-harassment policy was implemented in April 2021, after a push by NWSL players.

In March 2016, Paulson emailed Alex Sahlen congratulating the Flash on hiring Riley and stating that he had "a lot of affection" for Riley.

Shim told the Joint Investigative Team she cried when Riley joined the Flash; she said she never wanted to see Riley again, and she was concerned for other players. Farrelly told the Joint Investigative Team that the announcement "solidified" her decision not to tell her own story, noting the hiring was "extra validation" that Shim's allegations did not seem to matter.

#### d) Lack of Transparency with the Courage Regarding Riley

In January 2017, NCWFC, LLC, owned by Steve Malik, bought the Flash and moved the team to North Carolina, renaming it the North Carolina Courage. The club ultimately elected to retain Riley as head coach, but this decision was similarly affected by the Thorns's, U.S. Soccer's, and the NWSL's lack of transparency about Riley's misconduct.

Before retaining Riley, the Courage spoke to numerous people who knew Riley. Individuals at the Courage learned of a prior investigation into Riley while at the Thorns and attempted to learn more, but neither the Thorns nor the NWSL provided them with the 2015 investigative report, and the Courage were given sparse and incomplete descriptions of Shim's allegations and the investigative findings against Riley.

In a written summary prepared for the Joint Investigative Team, the Courage stated that Chief Soccer Officer Curt Johnson and Malik vetted Riley, including by speaking with leadership at the Flash and with some of Riley's players at the Flash, who provided positive feedback. They also spoke with Cindy Parlow Cone—former Thorns head coach and current U.S. Soccer President—who indicated that Riley was better with up and coming players, was not as good with established players, and that players felt Riley over-trained them.

The club also wrote to the Joint Investigative Team that Johnson and Malik spoke with Plush from the NWSL, with Gulati and Flynn from U.S. Soccer, and with Paulson from the Thorns. From these conversations, the Courage said it understood that an investigation into Riley had been conducted and that Riley had exhibited “poor judgment,” the same language used in the Thorns's 2015 investigative report to describe Riley's conduct. They were also informed that players had come to Riley's apartment after drinking at a nearby bar and that an allegation was made that Riley had suggested two players kiss. The Courage understood Riley had denied this allegation.

Johnson told the Joint Investigative Team that he spoke to Flynn on the phone as part of vetting Riley and that Flynn shared that Riley drank with players at a bar and that players “ended up” at Riley's apartment. Johnson said Flynn told him an allegation was made that Riley asked “a player to kiss another female,” and that Riley had denied this occurred. Johnson recalled Flynn describing the incident as “a moment of poor judgment.” Johnson said he did not understand from the conversation with Flynn that the incident had played a role in Riley's departure from the Thorns; rather, Johnson understood from Riley and from media reports that Riley's departure was related to a team performance issue. Flynn, on the other hand, in written responses to questions posed by U.S. Soccer, stated that he never reviewed the Thorns's final investigative report and did not have a complete understanding of the findings of the investigation. Flynn did not specifically recall providing the details noted by Johnson; rather, he only recalled telling Johnson to speak to individuals at the Thorns and to other club owners prior to making a decision regarding Riley because others might know the results of the 2015 Thorns Investigation.

Malik told the Joint Investigative Team that he communicated with Plush at the NWSL, who suggested Malik speak with Paulson about hiring Riley, and with Gulati at U.S. Soccer, who told Malik to reach out to Riley's previous employers. Malik also told the Joint Investigative Team that he consulted University of North Carolina, and former USWNT, Head Coach Anson Dorrance about Riley while he considered buying the club. Malik texted Gulati that he “appreciate[d]” the “confidential advice to Anson.” Gulati responded that Dorrance “should reach out to previous owners as well” as part of “due diligence” about Riley. However, Gulati told the Joint Investigative Team that he did not tell Dorrance anything about the 2015 allegations or investigation of Riley. Gulati, who said he had never received the 2015 investigative report, said that although he could not remember clearly, he surmised that he was given legal advice by Levine not to disclose or discuss information regarding the allegations and investigation by the Thorns. Gulati said that he generally tells people who are considering hiring candidates to call former employers, but in this case, he was also specifically hoping that Malik would contact the Thorns.

Malik said that after he spoke to Gulati, he then spoke to Paulson, who told Malik to ask the NWSL for a copy of the 2015 investigative report, rather than providing Malik with a copy of the report himself. Paulson said that he did not recall speaking with Malik about Riley when the Courage were vetting Riley, though he said he spoke with Amanda Duffy, then the NWSL's Managing Director of Operations, and told her to “make sure” the Courage were aware of Riley's prior misconduct. As noted above, the Thorns asserted privilege over the report in responding to

requests from the Joint Investigative Team, making it likely that Paulson understood that there would be limitations on the NWSL's ability to share it.

Malik recalled that after his conversation with Paulson, he asked Plush for the report but Plush declined, telling Malik that the issue was an "HR matter" and that Riley had been cleared. In a written statement to the Joint Investigative Team, Plush contended that he was "very clear" with Malik that the Courage should not retain Riley and that Malik should reach out to Paulson to understand why Riley was "no longer coaching in Portland." Plush said he made Malik aware that the Thorns had conducted an investigation into Riley, though he acknowledged he did not disclose the investigative findings or conclusions because he had been advised by counsel that this information was "confidential" and was not the League's information to share. Plush stated that he never told Malik that Riley was "cleared" or in "good standing."

Notwithstanding the seriousness of the conduct conveyed to Malik, and the unusual resistance Malik encountered when he sought more information, the Courage did not take further steps to try to obtain the report, such as making a written request for it, appealing to the Board of Governors, or seeking intervention from Gulati or U.S. Soccer. The Courage never received a copy of the report or learned the full findings, which also discussed Riley's other serious misconduct. That January, the Courage made Riley their first head coach.

e) U.S. Soccer's 2019 Consideration of Riley for U.S. Women's National Team Coach

Around August 2019, U.S. Soccer was considering Riley for the position of head coach for the USWNT, though several current and former U.S. Soccer employees stated that Riley was never in serious contention for the role. This sparked discussions and concern by individuals at the NWSL, U.S. Soccer, and the Thorns about Riley's prior sexual misconduct, evincing their recognition that the prior findings against Riley were cause for concern in assessing his suitability to coach players.

During this time, Duffy, who had recently become NWSL president, and Levine, who had transitioned to the role of NWSL general counsel, worked with NWSL communications staff to prepare a draft public statement (which was never publicly released) related to the handling of sexual harassment complaints and the Riley investigation. On August 15, 2019, Levine forwarded to Duffy the 2015 email in which the attorney retained by the Thorns in connection with the 2015 Thorns Investigation into Riley made the unexplained statement that the investigation revealed no "unlawful harassment" and to which the attorney had attached the Thorns's 2015 investigative report regarding Riley as well as supporting texts and emails. Levine's email contained no context or explanation for why she was forwarding the report. Levine told the Joint Investigative Team she sent the report because Duffy was concerned at the time about a potential story regarding the Riley allegations, though Levine could not recall specifics. Duffy similarly stated that she did not recall why Levine sent her the report at that time.

The same day, on August 15, 2019, Duffy forwarded the Thorns's attorney's 2015 email, along with the Thorns's investigative report and its supporting attachments, to then-U.S. Soccer Chief Legal Officer Lydia Wahlke. As noted, several current and former U.S. Soccer employees told the Joint Investigative Team that Riley was never seriously considered for the USWNT coaching position. But at the same time, Wahlke was having internal discussions about Riley's prior misconduct. On August 14, 2019, outside counsel for U.S. Soccer emailed Wahlke stating Riley "was having a relationship with a Portland player. There is more history." The counsel continued, "This person cannot be the new [USWNT] coach . . . I'm told that people at

[U.S. Soccer] are aware of the issues because they were raised when he was at the Thorns.” Additionally, Wahlke told the Joint Investigative Team that around this time, she learned from Becca Roux, Executive Director of the USWNTPA, that the USWNTPA would not support Riley’s candidacy for this position.

Wahlke also showed USWNT General Manager Kate Markgraf—who was involved in hiring the USWNT coach and who told the Joint Investigative Team that Riley was never seriously considered—a document containing some of the allegations that had been made against Riley in 2015. According to Markgraf, Wahlke said that the Thorns had investigated the matter, and Markgraf understood from the conversation that Riley had been cleared and that his departure from the club was not related to the 2015 investigation. Markgraf also told the Joint Investigative Team that a player subsequently warned Markgraf not to hire Riley and left Markgraf with the impression that Riley was a “bad guy.”

Additionally, Paulson told the Joint Investigative Team that Wahlke contacted him at that time regarding Riley, and the two discussed the Thorns’s 2015 investigation. Paulson said that Wahlke had spoken with Levine and that Wahlke had some knowledge about the 2015 complaint and findings, including that the investigation found no unlawful harassment. Paulson told the Joint Investigative Team that he described to Wahlke the incident involving the coerced kiss between Farrelly and Shim, and they discussed the investigative findings and the fact that Riley had been terminated. Paulson noted that Wahlke “kept coming back” to the determination of no unlawful harassment.

In August 2019, a Thorns staff member emailed a draft public statement (which was never publicly released) to Paulson and Golub for review. The draft statement explained that the club conducted an investigation into Riley, determined that “bad judgement [sic]” was involved, and “chose not to renew his contract.”

Also around that time, Paulson—who frequently communicated with Malik—wrote to Malik via text message: “Paul’s contract was up when he left us and we didnt [sic] renew it. A technicality but a distinction.” Paulson told the Joint Investigative Team that prior to sending this message, he had told Malik over the phone that the Thorns had fired Riley based on Shim’s complaint. Per Paulson, he could not recall during their phone conversation how the Thorns had publicly announced the termination, so he followed up with the text message, which he said was relaying the public announcement. Paulson told the Joint Investigative Team he thought it would be important to Malik that, from Paulson’s perspective, the Thorns accurately announced that Riley’s contract would expire at the end of the 2015 season. Paulson thought Malik was “making a decision about the likelihood that Mana’s complaint would go public,” and that the Courage would be less inclined to allow Riley to continue as a coach if another team had terminated him. Paulson further noted that this was not the first time he told Malik that Riley had been terminated; he said he told Malik about the termination during a meeting of NWSL owners prior to this August 2019 call. Malik, on the other hand, provided a contrary explanation of his communications with Paulson. According to Malik, Paulson told him in 2019 that the Thorns did *not* terminate Riley, but that Riley’s contract was not renewed. Malik stated that Paulson’s text message “re-emphasize[d]” this point.

According to Malik, then-U.S. Soccer Vice President (now-President) Cone contacted him to ask if he knew of any concerns with Riley during Riley’s time at the Courage. Malik reported that he told Cone that there were no concerns with Riley on the Courage, but that Malik understood there had been issues involving Riley in the past, and he and Cone discussed Riley drinking alcohol with players in 2015. Malik told the Joint Investigative Team that he thought at the time that Riley’s drinking with players in 2015 was “unacceptable” for a coach of the USWNT

and that for this reason, Riley would be disqualified from consideration. Cone told the Joint Investigative Team that prior to her discussion with Malik, she had received a phone call from a player agent stating that Riley had previously acted “inappropriate[ly]” towards a Thorns player. Cone said she informed others at U.S. Soccer about this call, and she called Malik to ensure Courage players were safe. According to Cone, Malik thanked her and expressed that he did not know what she was talking about, but that he would make sure players were safe. Malik later called her back and stated there had “apparently” been an incident involving two players kissing in front of Riley.

Riley publicly withdrew his name from consideration for the position on August 20, 2019. Despite the discussions between U.S. Soccer, the NWSL, and both the Thorns and Courage regarding Riley’s unsuitability to coach the USWNT, no steps were taken to remove or prevent him from coaching NWSL players.

f) Resurfacing of 2015 Allegations Against Riley

During the spring of 2021, the 2015 complaints against Riley resurfaced. However, the allegations once again were not responded to appropriately by the NWSL, including by Levine, who had read Shim’s 2015 allegations against Riley as well as the 2015 investigative report.

Years after both Shim and Farrelly left the Thorns, the former teammates spoke about their experiences with Riley, and Farrelly shared with Shim her own experiences with Riley’s misconduct. They also spoke with their former teammate Alex Morgan. In March 2021, Morgan sent a letter representing 240 NWSL players to then-NWSL Commissioner Lisa Baird. In the letter, players demanded that the NWSL adopt policies to protect players, including by requiring clear reporting channels for complaints as well as procedures for thorough and impartial investigations. Morgan and NWSLPA President Tori Huster also spoke on the phone with Baird and Levine about the issue.

Days later, Shim emailed Baird to ask if the NWSL would take further steps in connection with her 2015 complaint, considering the “apparent failure of the NWSL to take any action to protect players” in response to that complaint. Shim attached to her email to Baird her September 16, 2015 email to the Thorns in which she made the complaint against Riley, along with responses to her complaint by Garcia and Plush. Baird consulted Levine—who had worked as general counsel for U.S. Soccer in 2015, and for the NWSL since 2017, and who had been kept closely apprised of the 2015 Thorns Investigation when it occurred—on how to respond. Using language drafted in part by Levine, Baird exchanged a few emails with Shim, and during one such exchange, Shim emphasized that “given the League’s inaction” in response to her 2015 complaint, she was concerned for current players; she requested confirmation that “these issues will be investigated and that appropriate corrective action will be taken to ensure that abusers are not permitted to coach in the NWSL.” Baird ultimately replied that Shim’s 2015 complaint was “investigated to conclusion” and that she was “not at liberty to share any more” with Shim.

Farrelly also emailed Baird and the NWSL HR Office email account in April 2021, stating she had “not only witnessed but also experienced firsthand extremely inappropriate conduct” by Riley, that she had raised “serious” allegations during the 2015 investigation that were not independently investigated, that she had experiences of Riley making comments about her personal relationships and sexual orientation in addition to what she reported during the 2015 investigation, and that there were “numerous instances of severe misconduct” involving Riley prior to when she joined the NWSL. Farrelly asked what steps the NWSL intended to take in connection with “inappropriate conduct that was initially reported” and offered to make herself available for an interview.

An NWSL HR employee recalled that she immediately went to Levine's office to discuss Farrelly's email. Levine had previously instructed the HR employee to monitor the email account and to elevate any complaints so that Levine could then determine next steps and manage any subsequent investigations. Levine told the HR employee not to worry about the email from Farrelly because a third party had already investigated the allegations and found no fault, and Riley had been hired by another club following the investigation. During the conversation, Levine also noted that Riley was a "well-respected coach" in the NWSL. After speaking with Levine, the HR employee—understanding Levine and Baird would conduct a follow-up investigation in light of language in Farrelly's email indicating she was raising new allegations—responded to Farrelly, thanking her for reporting and stating, "We take these claims very seriously and do not tolerate any form of harassment within our League. Please be assured that we will carefully and thoroughly investigate this matter." After the HR employee sent this response, Levine informed the employee that Baird would respond directly to Farrelly, which the employee communicated to Farrelly. Baird suggested to Levine that they should set up a call with Farrelly, but Levine stated that they should email Farrelly first. Baird then—again based on a response Levine had drafted—responded to Farrelly with an email similar to the one she had sent Shim, stating that the initial complaint in 2015 had been "investigated to conclusion" and that she could not "share any additional details."

When interviewed by the Joint Investigative Team, Levine deflected criticism of the NWSL's failure to act in response to these complaints onto the players themselves. When asked why she did not inquire further in response to Shim's and Farrelly's 2021 complaints, she responded by focusing on language from Shim's and Farrelly's 2021 complaints in which they asked how the NWSL would respond to Shim's initial or underlying 2015 complaint, which Levine said had already been investigated by outside lawyers and which she did not believe there was a basis for re-opening. This was despite Shim and Farrelly both indicating in their 2021 communications that they were dissatisfied with the NWSL's response to the 2015 complaint and investigation, and Farrelly providing additional information regarding Riley that should have been of interest to the NWSL. Levine claimed that Farrelly "withheld" her experiences with Riley in 2015, and she asserted through her counsel that Farrelly and Shim consciously did not explain Farrelly's "alleged sexual history" with Riley when they emailed the NWSL in 2021 as part of an effort to "gain leverage over the League." Levine claimed that their failure to do so "contributed to [Riley's] remaining in the League" until Farrelly and Shim went public in September 2021.

A few days after Farrelly's complaint to the NWSL, on May 3, 2021, an anonymous complainant emailed the NWSL Office and NWSL HR Office email accounts to report sexual harassment by Riley against Thorns players during Riley's time with the Thorns. The complainant explained that one night, Riley told two players that the team would not have to do fitness drills if they kissed. The complainant stated that Riley made comments about a relationship between two other teammates, stating that one of the players was "not in fact gay," and that the other was a "predator." The same HR employee who spoke to Levine about Farrelly's complaint told the Joint Investigative Team that she printed the complaint and handed it to Levine. The HR employee told the Joint Investigative Team that Levine conveyed that the matter was under control, had been investigated, and that Riley had been "cleared." Levine gave the HR employee the impression that Riley was a "respected coach" and the "players [were] trying to get him out."

A player also recounted hearing that around this time, Wilkinson asked Shim's agent at the time to meet in Portland. The player heard that during the meeting, Wilkinson asked about Shim's March 2021 email to the NWSL and stated he could not believe Riley had been hired by

another club following the 2015 investigation. According to this player, Wilkinson told the agent that before their meeting, he had met with Paulson and Baird to discuss the situation. Wilkinson and Paulson told the Joint Investigative Team that they were not aware of Shim's 2021 email to Baird.

Finally, NWSLPA Executive Director Meghann Burke said she warned Baird in July 2021 that Baird would receive a complaint against Riley and that Baird should take the complaint seriously. Burke (who did not know at the time of her conversation with Baird that Farrelly and Shim had already emailed their complaints to the NWSL) said Baird did not seem to indicate recognition in response to Burke's warning.

On September 30, 2021, *The Athletic* published the article regarding Riley, and the Courage publicly announced Riley's termination that same day. Baird told *ESPN* that reading the article was the first she ever heard of accusations of sexual abuse against Riley. However, Baird had received and reviewed Shim's complaint to the NWSL in March 2021, to which Shim attached her September 2015 complaint detailing sexual misconduct by Riley. Also that same day, Levine reported Riley to the U.S. Center for SafeSport (an organization that investigates reports of abuse and misconduct in athletics) based on information that was then publicly available. Levine explained to the Joint Investigative Team that she made the report "the day [she] learned of [the] sexual relationship between [Riley] and a player," referring to Farrelly. Levine did not report Riley to SafeSport between its creation in 2017 and the publication of the *Athletic* article.

Malik published an open letter on October 6, 2021, stating that when the Courage bought the Flash, the Courage was made aware of a 2015 investigation into Riley but was "subsequently assured he was in good standing." Paulson also published an open letter on October 4, 2021, stating that once the Thorns received Shim's 2015 complaint, the club placed Riley on immediate suspension, conducted an investigation that led to Riley's termination, and shared investigative findings with the NWSL. Paulson acknowledged in the letter that the club had made an "opaque" public announcement regarding Riley's termination, and he outlined new and ongoing initiatives for improvement.

On October 4, 2022, in response to the USSF Report, Paulson publicly stated that he, Wilkinson, and Golub were removing themselves from all Thorns-related decision-making until the Joint Investigative Team's investigative findings were released. On October 11, 2022, Paulson further stated that he was removing himself as CEO of the Thorns and the Portland Timbers, and was announcing a search for a permanent CEO. On December 1, 2022, Paulson announced the decision to sell the Thorns.

g) Failures of the 2015 Thorns Investigation and Subsequent Communications

The 2015 Thorns Investigation into Riley was mishandled, and the Thorns, U.S. Soccer and the NWSL consistently failed to treat the allegations and findings against Riley seriously and to be transparent about them. These failings enabled Riley to continue coaching players in the NWSL for years after his sexual misconduct was discovered.

First, the 2015 investigation conducted by the Thorns had several shortcomings. The lead investigator selected by the Thorns was inexperienced in conducting sensitive investigations, and player interviews—particularly Farrelly's—were not of the duration and scope appropriate for an investigation into serious allegations of sexual misconduct. Additionally, the investigation seemed focused on limiting the club's liability rather than

conducting thorough fact-finding. The scope of fact-finding was limited, and during the interview of and subsequent communications with Shim, the investigator was focused on whether any unlawful harassment had occurred and whether Shim might have a legal claim against the Thorns. It also appears Shim's and Farrelly's interviews were not conducted in a trauma-informed manner. The location of Shim's and Farrelly's interviews—the Thorns's stadium—was not an appropriate setting for such a sensitive conversation and contributed to Shim feeling uncomfortable and concerned that staff would see her being interviewed. Additionally, Farrelly was not treated as someone who was also targeted by Riley, and her interview—which lasted only 30 minutes at most—focused on Shim's allegations against Riley and whether Farrelly had told anyone about the incidents; the interview did not probe deeply into Farrelly's own negative experiences with Riley.

Second, the repeated assertion that the 2015 Thorns Investigation did not reveal “unlawful harassment” by Riley is troubling. Even if it were appropriate to only assess Riley's conduct under the legal standard for sexual harassment, no standard was set forth in the report and no explanation was given for the assertion that Riley's conduct was not “unlawful harassment.” The Joint Investigative Team found no support for this conclusion, and the Thorns continue to assert attorney-client privilege over the advice they claim they received on this point. Moreover, investigations into allegations of misconduct should not be limited to assessing whether “unlawful harassment” occurred. Club staff must be held to higher standards.

Third, Thorns leadership, U.S. Soccer, and the NWSL were not transparent with other NWSL clubs regarding the allegations and findings against Riley in the 2015 Thorns Investigation. The 2015 investigative report was never shared with either of the clubs that subsequently employed Riley. Decisions regarding the disclosure of sexual misconduct are complex and involve numerous considerations, including player confidentiality and safety. However, player confidentiality and safety were not the motivating factors in the Thorns's decision to withhold information about Riley's misconduct from the Flash and the Courage. Instead, it appears that, in the face of threatened litigation by Riley, and on the advice of counsel, the Thorns sought to limit their potential liability to their former coach.

None of the individuals interviewed by the Joint Investigative Team who had contemporaneous knowledge of Riley's misconduct, and who were in positions to take action at the Thorns, U.S. Soccer, or the NWSL, appeared to appreciate the seriousness of the misconduct, or viewed Riley as a danger to players, until Shim and Farrelly went public in 2021.

The Thorns's 2015 report clearly established certain of Shim's uncontested allegations, including that Riley made alcohol available to Shim and Farrelly at his apartment and danced with Shim, and that the players kissed at Riley's apartment that night (something Shim and another player corroborated was done to avoid the suicide mile); that Riley had one-on-one film sessions at his apartment with Shim and had dinner alone with Shim; that Riley sent Shim a series of inappropriate text messages; and that Riley deleted an email from Shim to Riley informing him that his conduct was inappropriate without telling his superiors about Shim's email. In spite of this, the evidence shows that neither club that subsequently hired Riley was given a full understanding of the extent of Shim's allegations and the full investigative findings against Riley. Rather, the allegations and findings against Riley were frequently downplayed, including by discussing only certain aspects of certain of the allegations against Riley and, as noted, by using the determination of no unlawful harassment to summarize the investigative findings. For instance, the Courage credibly recounted that the club was only informed that players went to Riley's apartment after drinking with Riley in a nearby bar, and that someone stated that Riley had suggested they kiss. The Courage learned nothing of the allegation that Riley had said players could avoid the suicide mile by kissing, or of the other clearly established

findings about Riley’s inappropriate behavior beyond that night. In another example, Paulson recounted that when he spoke to Wahlke about the 2015 Thorns Investigation when U.S. Soccer was considering hiring Riley as a coach in 2019, Wahlke focused on the fact that the investigation had found no unlawful harassment. Even as individuals at U.S. Soccer came to the conclusion that Riley’s conduct made him unsuitable to be a national team coach, no one took any action to remove him from coaching NWSL players. And Levine, in spite of having been kept apprised of the Thorns’s investigation in 2015 and having read the investigative report, did not take Shim’s and Farrelly’s 2021 complaints to the NWSL regarding Riley seriously; in fact, Levine drafted responses on which Baird—who had no prior familiarity with the 2015 investigation—relied to respond to Shim and Farrelly and essentially decline to inquire into Riley further.

Furthermore, comments made by individuals at the Thorns were favorable to Riley and had the effect of indicating to the Courage and the Flash that Riley had not engaged in misconduct while at the Thorns. For instance, when the Flash were vetting Riley, Wilkinson told the Flash that Riley was a good coach if not for the reason he had been terminated. Shortly after the Flash hired Riley, Paulson expressed to Alex Sahlen that he had “a lot of affection” for Riley. He also sent friendly emails to Lines, sometimes copying Riley or favorably discussing Riley; in one email, Paulson wrote to Lines, “Happy to see [the Flash] and Paul doing so well!!” And when Riley was coaching at the Courage, Paulson tweeted several times commending Riley, stating, for instance, that Riley had “done a phenomenal job” coaching and that “full credit” should go to the Courage and to Riley, who won the NWSL championship that year. (Paulson has since deleted these tweets.) These sentiments, in combination with the downplaying of the allegations and findings against Riley, contributed to the Flash’s and Courage’s limited understanding of the events of 2015.

#### h) Reports of Riley’s Misconduct at the Courage

Allowing Riley to continue coaching in the NWSL endangered NWSL players. Even before the *Athletic* article detailing Riley’s misconduct was published, two Courage players had made complaints—one directly to the NWSL and one to the Courage (which was later reported to the NWSL)—that Riley had made inappropriate comments about players’ weight and that he had required a player to report her weight to him daily for more than two months. In response to the complaint made directly to the League, Baird spoke with Malik and Riley to relay that Riley should not be speaking to players about their weight; rather, weight and fitness issues should be handled by a nutritionist.

However, Riley’s misconduct at the Courage extended beyond inappropriate comments about weight. The player who raised a complaint to the Courage, Kaleigh Kurtz, had joined the Courage in 2018 and was initially pleased to be playing for Riley. Kurtz earned playing time while a more senior member of the Courage was competing with the USWNT, and she recalled Riley encouraging her with the news that Jill Ellis, then-Head Coach of the USWNT, was considering her for a spot on the team.

During the 2019 season, Riley joined Kurtz as she was eating lunch outside the Courage practice facility. He shared personal information with her, talking about his ex-wife, his relationship status, and his sex life, including describing his preferred sexual positions. Riley invited her to share details about her romantic life, and in the following weeks and months, persistently asked her about her love life and how her relationship was going.

In 2019, as the national team players departed for the World Cup, Kurtz expected to have opportunities to start for the Courage. Ten days before the first game she expected to start, Riley

harshly criticized Kurtz's weight. He asked her what she was eating, told her she looked chubby, and told her she would need to lose 14 pounds before the game to keep her starting role, telling her, "I hope you know I'm doing this because I love you." Over the following weeks, Riley continued to comment on Kurtz's weight. Kurtz said that Riley's conduct led her to develop an eating disorder for which she later sought professional help.

On an away trip to Portland following the 2019 World Cup, Kurtz received a text message from Riley with a picture of a bar he was at, commenting that Kurtz would like the bar and that he wished she were there. Kurtz said that she found the text to be "weird" and was confused as to whether Riley was trying to invite her to the bar. She showed the text message to a teammate to try to gauge Riley's intention. The teammate told her to put her phone away and not show the message to anybody. On other occasions, Riley texted Kurtz about being at bars.

Kurtz continued to struggle with Riley as her coach, and described her experience of the 2019 season as "hellfire." At an end-of-season meeting in 2019, she asked Riley for a trade. Riley told her he would do whatever he could do for her, adding, "You know I love you." In response to her request, Courage Assistant General Manager Bobby Hammond conveyed to Kurtz or her agent that the club was unable to find a trade for her, but that it could increase her salary by a "few thousand dollars." Riley called Kurtz a few months later and told her she had no "trade value."

Kurtz recalled speaking to Riley in late 2020 to again tell him she wanted to leave the club. According to Kurtz, Riley denied her request, telling her the club "need[ed]" her. Following this discussion, Kurtz recalled having a telephone call with Hammond to discuss her request. According to Kurtz, Hammond told her that he had spoken with Riley and she would not be allowed to leave the club. Kurtz said she cried on the phone, telling Hammond that her request was not about playing time—she said she did not feel comfortable being around Riley and told Hammond that Riley had called her "chubby." Kurtz recalled Hammond responding, "You're a professional athlete; I hope you know you're not chubby." According to Kurtz, Hammond did not ask follow-up questions about why she felt uncomfortable around Riley. He reiterated that she would not be allowed to leave.

Hammond told the Joint Investigative Team that he remembered a call with Kurtz about her interest in a trade after the 2019 season, when Kurtz was in the process of negotiating a new contract. Hammond said that Kurtz's agent had requested a trade, and Hammond reached out to teams to try to find a trade for Kurtz. Hammond said that he received only one offer, a last-round pick, which he felt was not adequate compensation given the investment the Courage had made in Kurtz. Hammond denied ever speaking to Riley about this request and denied that Riley told him that Kurtz could not be traded.

Hammond recalled telling Kurtz in a phone call that the Courage were not able to find a trade for her. He said that Kurtz seemed accepting of this news, but she mentioned in passing something about Riley calling her "chubby." Hammond came away from the call with the understanding that Kurtz was uncomfortable with what Riley said, and he did not recall asking follow-up questions about the circumstances or any other concerns about Riley. He said that he did not believe Kurtz was saying that she could not play for Riley, and did not believe that Kurtz was upset or emotional during the call. Hammond told the Joint Investigative Team that he assured Kurtz that she was not chubby and told her that "sometimes, coaches choose their words poorly." He said he shared with Johnson that Kurtz mentioned Riley calling her chubby, and understood that Johnson would talk to Riley about his choice of words. Hammond acknowledged that he did not follow up with Kurtz after the call to share any steps that were being taken or to see if there had been any improvement in Riley's behavior. Johnson reported

that Riley denied “weight-shaming” Kurtz, and Johnson told Riley that he should speak to players about “fitness,” not “weight.”

Upon reading the article regarding Riley in *The Athletic*, Kurtz recognized many of her own experiences with Riley in the accounts of Shim and Farrelly, identified his conduct towards her as abusive, and realized that he had been “grooming” her for sexual abuse. Kurtz came forward to the Courage and reported this misconduct. Separately, during a large group meeting with Baird and Levine, she told them about some of her experiences with Riley. In this meeting, she recounted that Riley sent her text messages that made her uncomfortable and refused to trade her from the Courage despite her request for a trade. Kurtz also reported in this meeting that Riley made “sexual comments” to her and criticized her weight, including by calling her “chubby.”

In the fall of 2022, Kurtz decided to share Riley’s misconduct with the Joint Investigative Team. She also detailed how Riley questioned her about her dating life and discussed his own sex life with her, sharing his preferred sexual positions. Kurtz also said Riley called her “fat” and told her to lose a significant amount of weight within ten days. She recalled Riley’s behavior oscillating between positive comments about her performance and tearing her down—she had positive experiences with Riley in 2018, but recalled Riley “spiraling [everything] back to [her]” and leaving meetings with him “in tears” in 2019. She said that she chose to come forward about her experiences and was willing to be identified in this Report to help other players. Kurtz said her biggest fear was being considered a “troublemaker” for reporting misconduct, but she feels now that “players who come forward will be protected.”

Kurtz was not the only player to share her experiences with Courage management after the *Athletic* article was published. Another player told Courage leadership that Riley had been verbally abusive and created a “culture of fear” in which players could not express opinions, and that other coaches had allowed Riley to engage in this behavior.

Riley declined to respond to requests to participate in this investigation.

## 2. *Mishandling of Rory Dames’s Misconduct by U.S. Soccer, the NWSL, and the Chicago Red Stars*

In 2018, former Red Stars player Christen Press made a complaint about Chicago Red Stars Head Coach Rory Dames to U.S. Soccer, alleging that he engaged in verbal and emotional abuse. Press’s complaint was not the first time she had raised concerns about Dames’s treatment of players to U.S. Soccer leadership and staff. In fact, concerns about Dames’s behavior were well known by that point.

Press had first shared concerns about Dames in a September 9, 2014, meeting of USWNT representatives from the NWSL. On September 15, 2014, legal counsel for the USWNTPA emailed Gulati a memorandum of that meeting, which included a summary of Press’s comments that Dames “created a hostile work environment.” Gulati acknowledged that he had read the memorandum in advance of a meeting with players, including Press, on September 17, 2014, but said that he did not remember any specifics about the meeting, including whether Dames’s conduct was discussed.

A few weeks later, on October 2, 2014, then-NWSL Executive Director Cheryl Bailey shared a version of the USWNT players’ comments with the Red Stars. The comments stated: “The head coach was disrespectful to players and created a hostile work environment. He used a lot of language that was inappropriate and abrasive and his coaching style in general was not

good, making sexist, racist, abusive, and other prejudicial remarks to players. His training sessions were inconsistent in intensity based on his mood.” In an email responding to these comments, Red Stars owner Arnim Whisler attributed concerns about Dames to Whisler’s perception that “one or both of the [US]WNT players did not like [Dames]—probably because they did not start or play the way they wanted to.” Whisler also wrote, “The senior [US]WNT players absolutely want this league to shut down so they don’t have as much competition for their spots and so they can make more money overseas.” According to Whisler’s email, after seeing the comments, Dames “offered his resignation . . . because of the embarrassment he thought it caused the organization,” but Whisler “didn’t accept.” The Joint Investigative Team is not aware of any action by U.S. Soccer, the NWSL, or the Red Stars to address the behavior described in the 2014 comments.

After Press made her 2018 complaint regarding Dames’s behavior, U.S. Soccer hired an outside law firm to conduct an investigation (the “USSF Dames Investigation”). The investigation began in May 2018, and within a few weeks, another player made a separate complaint to the NWSL about Dames. The NWSL began its own investigation into the player’s complaint, but stopped after two days at the direction of U.S. Soccer. Over a year later, in September 2019, the law firm retained by U.S. Soccer completed its investigative steps and produced a draft report to U.S. Soccer (the “USSF Dames Report”). The report included: (i) descriptions of those interviewed; (ii) details about players’ concerns, as well as Dames’s and Whisler’s responses to those concerns; (iii) a summary of the law firm’s factual findings; and (iv) a conclusion. The report’s conclusion stated, “Dames has unpredictable behavior, singles out certain players for constant criticism, and yells excessively. These behaviors undisputedly occurred and are still occurring.” However, the report ultimately determined, “The only result that is clearly called for by this external review is the establishment of standards for conduct by NWSL coaches and education on those standards, to resolve any uncertainty going forward.”

The Joint Investigative Team reviewed the USSF Dames Report, spoke to the lawyer who led the investigation and the lawyers at U.S. Soccer who directed it, and independently reviewed Dames’s conduct as head coach. In addition, the Joint Investigative Team reviewed materials from the short-lived NWSL investigation and spoke to individuals involved with that investigation.

The USSF Dames Investigation surfaced several concerns about Dames, but those concerns were not appropriately investigated or addressed. U.S. Soccer took no steps to protect players during the 16 months it spent on the investigation. Most critically, when the investigation was completed, U.S. Soccer did not communicate the results of the investigation to the players, the Red Stars, or the NWSL on the basis of attorney-client privilege. It was not until August 2022, after seven months of requests, that U.S. Soccer provided the Joint Investigative Team with a copy of the USSF Dames Report.

Further, the Joint Investigative Team found that the NWSL investigation put the complainant at risk of retaliation and failed to adequately prevent interference from the Red Stars. Additionally, Whisler repeatedly minimized and dismissed concerns raised by players and staff about Dames.

a) Dames’s Misconduct at the Chicago Red Stars

Dames joined the Red Stars in 2011 as a volunteer coach, when the club was part of the semi-professional Women’s Premier Soccer League (“WPSL”). In December 2012, the Red Stars officially hired Dames as its first head coach in the newly-formed NWSL. Dames remained head coach for nine full seasons in the NWSL, and when he resigned in November 2021, he was the

longest-tenured coach in the League. In announcing his resignation, which immediately preceded the *Washington Post* article detailing his abuse and harassment of players, the Red Stars credited Dames's "leadership" for the club's "consistent" and "excellent" on-field performance.

The Joint Investigative Team spoke to multiple current and former players from the Red Stars, ranging from Dames's first season in the NWSL to his last. These players reported that Dames engaged in consistent patterns of behavior over his tenure as head coach, including frequent yelling, targeting certain players for harsher treatment, lodging personal insults, and blurring personal and professional boundaries.

One player described Dames as "driven by his outward expression," which involved yelling rather than coaching. Both she and other players reported that Dames would fixate on certain players when he was yelling. One player recalled that there were instances where the team could see that a person was "mentally destroyed," and Dames "would just keep digging the knife in." In those moments, she said she "just wanted to yell, 'Stop, they're not okay.'"

Players also emphasized that Dames often focused his yelling on fringe players, who started in some games but not all. One player recounted feeling like Dames picked the players who did not "have power to report him," while those with "more status in the League" were given his trust and respect. This player added that as a result of this division, players feared telling their own teammates about their experiences with Dames, worrying that their teammates might report their comments to him. Players also recalled that Dames would threaten to shred a player's contract or kick them off the team or out of practice if they made a mistake. These sorts of threats were most frightening to fringe players, who felt that Dames "had complete control" over their career prospects.

Dames's conduct was also often personal. As one player explained, Dames would make "mean" comments and call people names rather than say things like "bad pass." When he was not yelling, players felt that Dames was "emotionally manipulative" and would use information he knew about them against them. For instance, former Red Stars player Nikki Stanton recalled that she felt "worthless" during her time on the Red Stars, but she prided herself on being a good teammate and maintaining a positive attitude. On one occasion, Dames called her into his office in the presence of his two assistant coaches and said that the two assistant coaches had told him she "had a really bad attitude" and was a bad teammate. When Stanton started "bawling [her] eyes out," Dames told her, "Your response is making me feel better about the accusation." Days later, the assistant coaches told her that they had never complained about her attitude. On a different occasion, Dames called Stanton into his office and told her she was playing poorly. He made a comment along the lines of, "I don't know if it's because your girlfriend is world famous and you can't handle her fame." Stanton reflected that Dames "knew how to take the things that meant the most to you and turn them against you."

While Dames yelled at players on the field, off the field, he developed close relationships that blurred personal and professional boundaries. One player reported that Dames extended frequent social invitations, inviting players to get lunch or ice cream with him. Dames would "hang out with some players more often than others," and a player remembered hearing that some players felt Dames "always want[ed] to hang out," in a way that made them uncomfortable. Similarly, other players reported that Dames texted certain players "all the time," including late at night. Multiple players recognized the frequency of these invitations and communications as "not normal" and "inappropriate." Dames's boundary-blurring behavior is described in more detail below.

During the USSF Dames Investigation, multiple players reported similar concerns about Dames's behavior to U.S. Soccer's investigator. Yet, because of the deficiencies of the investigation and the systemic failures of U.S. Soccer, the NWSL, and the Red Stars, Dames's behavior went unaddressed during his nine seasons as head coach.

b) Player Reports of Misconduct During the USSF Dames Investigation

In May 2018, U.S. Soccer's investigator spoke to Press regarding her complaint that Dames "verbally and emotionally abuse[d] . . . players." A few weeks later, on June 12, 2018, another Red Stars player emailed the NWSL HR office to file a complaint about Dames and Whisler. In her email, the player said that she wanted to "report[] her owner" for "neglecting issues he is aware of" and alleged that Dames was "engaging in inappropriate relationships with players." The player spoke to Levine and Duffy later that day to explain her concerns. The player reported that Dames had texted one player at night to tell her he liked her outfit, and that he had "a tendency to 'pick on weak willed players and . . . manipulate them.'" The next day, on June 13, 2018, Levine informed Whisler that a player had raised a complaint. According to Levine's notes from that conversation, Whisler immediately guessed which player had raised the complaint, then speculated that the player had "lost her starting job" and might be "trying to take [Dames] out." In her summary of the conversation, Levine noted that she had cautioned Whisler about potential retaliation. She also asked him not to speak to one player implicated in the complaint about the complaint until the League had the opportunity to call that player, but Whisler refused to comply, saying that "th[e] situation has the potential to destroy team chemistry." Whisler did not recall knowing who raised the complaint and said that he did not think Levine instructed him to refrain from speaking to players during this initial conversation, but she did tell him not to speak to players in a subsequent call to inform him of U.S. Soccer's investigation. When U.S. Soccer Chief Legal Officer Lydia Wahlke learned that Levine had told Whisler about the complaint, she expressed concern, noting that "it could put [Whisler] in the position of unwittingly creating a retaliation claim if he acts on it or communicates it to any third party (and worse, to the responding party)." This concern was well-founded. A text message conversation between Whisler and Dames on June 13, 2018, indicates that Whisler informed Dames of the complaint shortly after speaking to Levine.

Text messages between Whisler and Dames in the days following the complaint suggest that Levine's approach to the investigation increased the risk of both retaliation against players and interference with the investigation. In a text message to Whisler on June 13, 2018, Dames asked about waiving the player who he suspected had raised the complaint. Whisler informed Dames that waiving the player "the day after she raised an issue (if it was her)" would increase the risk of a claim of retaliation, and Dames responded, "Of course it was her . . . To think we would keep her around is insane." The following day, on June 14, 2018, Dames texted Whisler that he heard Levine had contacted a player to set up a call, and Whisler promptly responded that he had spoken to the player in question. In a separate conversation with Dames, Whisler revealed that he had also spoken to a different player about the complaint. By the time Levine and Duffy spoke to the two players they interviewed other than the complainant, Whisler had already spoken to both of them. Whisler acknowledged to the Joint Investigative Team that he had spoken to Dames and the players involved in the complaint because he felt it was necessary to address the issues they raised.

On the evening of June 14, 2018, two days after the NWSL received the complaint about Dames, Levine and Duffy paused their investigation at Wahlke's request and informed the players they had contacted that they were "handing the matter off to an independent third party." By June 26, 2018, Levine had transferred her records of the short NWSL investigation to

Wahlke. In interviews with the Joint Investigative Team, both Levine and Duffy remembered that they paused the NWSL investigation at Wahlke's request. When the Joint Investigative Team interviewed her, Wahlke denied making such a request. However, in a June 14, 2018 email, Wahlke informed Flynn and then-U.S. Soccer Chief Commercial Officer Jay Berhalter that she had "expressly taken [the investigation] over from [the NWSL]" because it overlapped with U.S. Soccer's ongoing review.

By the time U.S. Soccer's investigator contacted the complainant to interview her, the Red Stars had already traded her. In the months that followed, U.S. Soccer's investigator spoke to other players, who reported concerns about Dames's behavior that corroborated the two formal complaints about Dames. Players told the investigator that Dames (i) yelled excessively; (ii) singled certain players out for constant criticism; (iii) behaved unpredictably; (iv) failed to maintain professional boundaries; and (v) used personal information against players. In addition, players provided specific examples of Dames commenting on players' personal appearances, making racially insensitive comments, and controlling players.

Nearly every player who spoke to U.S. Soccer's investigator said that Dames targeted certain players, criticizing them more often and with more severity than others. According to the USSF Dames Report, one player said that Dames "was constantly putting her down, diminishing her self-worth, and making it clear he had the power and control and she did not." Another player said Dames was "hostile and sarcastic" and would "shame" her, but would not "pick on the top players" or "anyone with leverage." A player who said that she liked Dames acknowledged that he would not make "the blunt crazy comments" to her that he made to others. While he sometimes yelled at her during practice, she described the yelling as a "one and done"; "others he [would] stick with for a whole practice." Another player who felt positively about Dames similarly said that Dames would "pick on" certain players, "constantly criticizing their on-field performance."

In terms of Dames's unpredictable behavior, one player told the investigator that she "never knew what to expect from Dames" because he was sometimes "jolly and goofing off" but then "would be 'pissed and yelling.'" Two players described Dames's mood shifts as "a cycle of abuse." Even players who were more supportive of Dames said that he was "definitely very unpredictable" and that players "[did not] know what kind of Rory [they would] get at practice."

A majority of the players who participated in the investigation raised the concern that "Dames would get close to players, learn personal information about them, and then use the information he gained . . . as leverage to manipulate players." One player recalled that at Dames's suggestion, she spent more time socializing with players identified as Dames's favorites. Over time, she felt that Dames was learning "details of her personal life" from these players and felt the need to "distance herself" from them. Two other players said they felt that Dames gathered information about their personal and romantic relationships and used the information he learned about their personal lives as a tool for manipulation.

Players raised a variety of other concerns to U.S. Soccer's investigator, in many cases providing specific examples of Dames's behavior that made them uncomfortable. For example, players reported that Dames would make comments about players' personal appearances. One player recalled a specific comment Dames made about "her attractiveness." Another player echoed these concerns, saying that Dames "sometimes ma[de] statements" suggesting he found players attractive, but she felt these comments had "cooled off" after Dames's daughter was born.

Players also told U.S. Soccer’s investigator that Dames used his power as head coach to exercise control over them. In one instance, players said they felt “confined to their hotel” on their day off because Dames told them that each player would have to meet with him “within five minutes of him calling them or they would be cut from the team,” but did not give them advance notice of the meeting times. As a result, players felt they could not “risk going for dinner.” The USSF Dames Report noted that Dames denied knowing “the impact of his demands,” but the report did not find his denial to be credible.

Three players said that they heard Dames make racist remarks, including “referring to black players as ‘thugs’” and telling one Black player that she was “acting like a gang member after a game in which [she] played aggressively.” According to the USSF Dames Report, Dames admitted that he used the term “thug” to refer to a Black player but “adamantly denied” any racial intent.

In addition to their many concerns about Dames, players told U.S. Soccer’s investigator they felt the club’s owner, Arnim Whisler, was “insensitive and unresponsive to their concerns about Dames.” Players expressed concerns that Whisler was loyal to Dames and justified Dames’s behavior even when players brought concerns directly to Whisler. Players also suggested that Whisler perpetuated and allowed Dames’s behavior because Whisler was “cheap” and Dames coached on a reduced salary.

Dames declined requests to be interviewed in this investigation.

c) Failure to Protect Players

While the investigation was ongoing, Dames was not suspended and there was no intermediary action to prevent further misconduct that could harm current players on the Red Stars. When asked about this, the lawyer who led the investigation for U.S. Soccer said the issue of whether to take intermediary action “was not . . . discussed with [her].” From her perspective, the concerns about Dames were not “an emergency situation because the players identified as Dames’s primary targets were no longer with the team” and the issues involved “older conduct.” This is inconsistent with the final USSF Dames Report issued in September 2019, which stated that Dames was still “unpredictable,” and that he was continuing to target specific players “for constant criticism” and yelling excessively. Additionally, the explanation put forth by U.S. Soccer did not account for the risk that players who remained on the team and under Dames’s management did not report contemporaneous conduct for fear of retaliation. The failure to take intermediary action left players in an unsafe environment for well over a year while the investigation was ongoing.

d) Failure to Investigate

The Joint Investigative Team found that there were multiple process failures during the USSF Dames Investigation, which left notable gaps in the fact-finding. During the lengthy investigation, players were given insufficient opportunity to speak to the investigator, and the investigator did not speak to any club staff members other than Dames. In the almost year and a half period from May 2018 to September 2019, the investigator spoke to only nine players. As *The Washington Post* reported, at least three other players “wanted to speak to U.S. Soccer investigators” about their experiences with Dames but were not given the opportunity. In explaining this limited scope, the investigator stated that she did not have “unfettered discretion in the investigation.” Rather, working closely with U.S. Soccer, she proceeded “stepwise” until she felt she had collected enough information to speak to Dames and Whisler. She also emphasized that she was focused on getting a “balanced” perspective from interviewees; in other

words, speaking to individuals who were critical of Dames and those supportive of him. Wahlke agreed that the investigation proceeded stepwise and also stressed that the investigator had trouble contacting players during the off-season and the 2019 World Cup. Further, U.S. Soccer paused its investigation for one month from March to April 2019 while SafeSport exercised jurisdiction over a complaint about Dames marrying one of his former youth players. The investigation's limited, stepwise approach meant that some players on the Red Stars were not even aware that there was an ongoing investigation into Dames's conduct.

In addition to conducting minimal outreach to players, U.S. Soccer's investigator did not speak to staff members other than Dames, even when players' statements suggested that a particular staff member could shed light on relevant facts. After speaking to Dames and Whisler, the investigator did not reach out to players again or conduct fact-finding to corroborate Dames and Whisler's comments. For instance, two players told the investigator they had left the Red Stars in part because of Dames's abuse. Both Dames and Whisler said that after leaving, the two players had "expressed a desire . . . to return" to the club. The investigator did not ask the players about this assertion or take other steps to determine the accuracy of the claim that the players wanted to return. In another example, Dames told the investigator that he revoked the media credentials of a player's boyfriend because he concluded that the boyfriend's presence was "not positive" based on a conversation with a USWNT coach. Dames told the investigator this was not retaliatory, though Dames said he understood why the player felt retaliated against. The investigator made no effort to verify the accuracy of Dames's explanation, yet the report stated that Dames had "offered [a] credible explanation[]" as to the reason for his treatment of the player.

U.S. Soccer's investigator also did not look into players' concerns that Whisler was not receptive to their complaints and that he had a financial incentive to protect Dames. The Joint Investigative Team found strong evidence to corroborate players' concerns about Whisler. In text messages to Dames, Whisler spoke negatively of Press and expressed suspicion about players' motives for raising concerns. For instance, in a January 19, 2018, text to Dames, Whisler complained that Press "wouldn't return [his] calls unless she was asking for something for her." He then characterized Press as "impossible to work with" and suggested she had a "fragile mentality."

In June 2018, shortly after hearing about one of the complaints about Dames to the NWSL, Whisler texted Dames that he "stopped coaching young women after age 12" because "too many angry players can destroy." He went on to describe players as "desperate to get starts" and said he knew that the team would become fragile "if th[e] poison continue[d]." In addition, Whisler acknowledged that Dames's ownership of Eclipse Select, a local youth club, created a mutually beneficial relationship between the Red Stars and Eclipse. In his interview with the Joint Investigative Team, Whisler said it was "clear that it was mutually beneficial," especially given that the Red Stars were "probably the poorest team in the League." Whisler and Dames's text conversations reflect this benefit. In January 2018, Dames informed Whisler that he could lower the pay for two staff members because those staff members would earn additional income working for Eclipse. Months before that, in July 2017, Whisler had also texted Dames that he was "trying to think of a buyer" who would purchase both the Red Stars and Eclipse.

#### e) The USSF Dames Investigation's Conclusions

The Joint Investigative Team found multiple flaws with both the summary and conclusion of the USSF Dames Report. The report reached conclusions that minimized player concerns, that contradicted the factual findings laid out in the report, and that unjustifiably credited Whisler and Dames's statements.

In multiple instances, the USSF Dames Report's factual summary was directly contradicted by facts provided elsewhere in the report. For example, the report summary stated, "The players broadly described how Dames did not maintain professional boundaries, was too close to certain players, and tried to gather information to get close to others. These allegations were largely unsupported by specific examples and appear to either be the result of personal relationships that have soured and/or a reaction to Dames's undisputed favoritism of certain players." Contrary to the assertion that the allegations were "largely unsupported by specific examples," the report's own findings included multiple examples of the ways in which players felt Dames did not maintain professional boundaries. According to the report, one player recalled that players "felt forced to attend" social interactions with Dames, and if they did not, he "wouldn't look at [them] the next day at practice." Other players reported instances of Dames texting players late at night, commenting on players' appearances, and "routinely" taking "some of his favorites out to dinner."

As another example, the summary stated, "Several players described Dames using personal information against players, in those words, but struggled to articulate what they meant by this allegation and to provide specific examples. The phrase 'using personal information against you' appears to be a catch-all phrase used by players to capture conduct by Dames that was perceived as being mean toward players on a personal level." However, according to the report, three players had "provide[d] specific examples" of this behavior. One player provided multiple examples of instances in which she felt Dames had used personal information against players. Two others explained why they felt Dames had used information about them to manipulate them. These players' clear descriptions of particular experiences with Dames call into question the report's conclusion that players "struggled to articulate what they meant." The report summary further included the finding that "[w]hile a few players described their belief that Dames inappropriately shares personal information they all appeared to be referring to the [same] incident." Two players had in fact described the same example of Dames sharing personal information, but one of the two players also provided a different example of when Dames's had shared information in a way that made her uncomfortable.

In addition to the USSF Dames Report's internal contradictions, the report summary inappropriately minimized the severity of players' concerns. In one instance, the report dismissed concerns about Dames's racist comments as "not supported by recent examples," finding that "the three examples of alleged inappropriate remarks, if they were made, were insensitive and perhaps thoughtless, but not made with any apparent intent." The caveat, "if they were made," ignores the undisputed fact that Dames admitted to calling a Black player a "thug." In addition, the report failed to contemplate that even if Dames's comments were not motivated by racial animus, they were still racist.

In another instance, according to the report summary, the investigator determined that "players provided very little detail about specific, inappropriate comments made by Dames about their personal appearance." The summary continued, "This was not a widely-held concern [and was not] identified as a significant concern." However, four of the nine players interviewed had raised concerns that Dames made inappropriate remarks about players' appearances, and two players provided specific examples of those comments. Whether or not players specifically described this particular issue as "significant," the report should have independently assessed the facts provided by the players.

While the report summary downplayed players' concerns in spite of the evidence, it credited Dames's and Whisler's explanations of events without further scrutiny. For instance, players reported that Dames mistreated one player in part because of "issues [he] had with her boyfriend," and the U.S. Soccer report detailed two incidents which players felt were indicative

of Dames's issues with the player's boyfriend. The report stated that "Dames and Whisler offered credible explanations" for Dames's behavior in one incident. Dames's explanation relied on his communications with another staff member, but the investigator did not attempt to speak to this staff member or otherwise corroborate Dames's explanation. In another example, one player reported that after a player "lodg[ed] a complaint with the PA," Dames retaliated against the team by denying players their "family time." According to the report summary, this concern "was not raised by any other player and was credibly denied by Dames and Whisler." It does not appear that the investigator affirmatively asked players if this incident had occurred in an attempt to corroborate the allegation. The summary also stated that the allegation was "credibly denied by . . . Whisler," but he in fact did not explicitly deny the allegation. Rather, according to the report, he indicated that he "was unaware of any retaliation." While Dames affirmatively denied the allegation and said that he "let people go home all the time," the report provided no explanation for why the investigator credited his denial.

The U.S. Soccer investigator also took at face value Whisler's claims that he was "very accessible" and that players could "come to [him]" with their concerns. The report's conclusion stated, "Whisler, as an owner, has demonstrated a commitment to continuous improvement of the player experience, as well as an intolerance for abusive and insensitive behaviors. Whisler has demonstrated a willingness to counsel Dames and shut down offensive conduct." This assessment of Whisler failed to acknowledge the report's own statement that "four of the players with the most significant concerns did not, for various reasons, believe Whisler [was] willing to address those concerns." For instance, one player said that while she felt Whisler "cared," she felt he did not "get it" or "understand what he lets happen." Another player said she felt that Whisler had "loyalty" to Dames and did not "hear" players' concerns. A third player felt that Whisler knew "Dames [had] a 'dark side,'" but that Whisler "believe[d] 'that's what [made] him a great coach.'" Whisler himself admitted that the club had an "inadequate HR" person and the person who served as "HR lead" for the club at the time "scare[d] people," exacerbating these problems.

The conclusion of the report similarly minimized players' concerns in favor of Dames's and Whisler's self-serving explanations. While the conclusion stated that Dames (i) yelled excessively; (ii) targeted players; and (iii) behaved unpredictably, it mentioned none of the other concerns about Dames. Instead, the conclusion of the report stated, "Beyond the undisputed behaviors, there are a significant volume of other concerns shared by some, but not all players. Each of these issues could potentially require their own mini-review to sort out the conflicting versions of events. The larger point is that if the environment at [the Red Stars] was different, and were perceived as one of mutual respect and professionalism, these issues would likely not be issues." This assessment of players' many other concerns underplayed the fact that players had raised several corroborated concerns and that the investigator had identified some of these concerns as requiring remediation. In the report's summary, which preceded the conclusion, the investigator flagged as problematic three additional issues beyond Dames's "three undisputed behaviors." First, the summary stated that Dames "appear[ed] to need guidance on when and how often it is appropriate to text players and the best way to provide constructive feedback." Second, the summary noted that "Dames and Whisler should be concerned about . . . the mere appearance" that Dames had "an inappropriately close relationship" with one player. Third, Dames made "personal insults," and the summary stated, "these comments in a professional environment are concerning." The conclusion mentioned none of these concerns. Instead, according to the conclusion, "Dames [had] made great strides in the last few years and improved tremendously as a coach," and "Whisler [had] . . . taken demonstrable steps toward eliminating the stressors that may have contributed to Dames's bad behaviors."

The stated purpose of the USSF Dames Investigation was “to understand the experience of the . . . players . . . and provide U.S. Soccer legal advice with respect to whether the alleged misconduct by Dames, to the extent that it occurred, is acceptable from the head coach of a National Women’s Soccer League (NWSL) team from the perspective of U.S. Soccer.” Despite this purpose, neither the summary nor the conclusion of the investigative report provided a determination as to whether Dames’s conduct was acceptable. The lead investigator told the Joint Investigative Team that she believed Dames’s “excessive yelling, unpredictable behavior, and singling out players for constant criticism . . . amounted to verbal and emotional abuse.” In addition, she agreed that Dames’s conduct would violate the SafeSport Code of Conduct, if it had applied. The report, however, did not conclude that Dames’s conduct “amounted to verbal and emotional abuse” or that his behavior would constitute a violation of the SafeSport Code of Conduct, if the Code applied. Instead, the report concluded: “The only result that is clearly called for by this external review is the establishment of standards for conduct by NWSL coaches and education on those standards, to resolve any uncertainty going forward.”

f) Failure to Disseminate Findings

Work on the USSF Dames Investigation ended in September 2019, and the investigator’s draft report was sent to Wahlke, but the investigation was never formally concluded. When the Joint Investigative Team interviewed her, Wahlke said that she did not believe the investigation was ever closed during her tenure at U.S. Soccer. She said she decided to hold the report open while U.S. Soccer and the NWSL negotiated the relationship that U.S. Soccer would have with the League going forward. There is no evidence that any additional investigative steps were taken between September 2019 and Wahlke’s departure from U.S. Soccer the following year. The Joint Investigative Team found no evidence that Wahlke took any steps to transition management of the investigation to a successor when she left U.S. Soccer in 2020, and she does not appear to have notified anyone that she still considered the investigation open.

After receiving the USSF Dames Report, U.S. Soccer failed to share sufficient information about the investigation with the NWSL, the Red Stars, or players. For instance, Duffy told the Joint Investigative Team she received “maybe one or two” updates while the investigation was ongoing. Levine denied receiving a readout or final report of the investigation and assumed “if something material came out of it,” the NWSL “[would have] been made aware.” Whisler said that Wahlke called him for “just a couple minutes” when the investigation ended, and that on this call, he was not informed of the need for “dramatic remediation” and there was no suggestion that Dames “shouldn’t be in the [NWSL].” Wahlke admitted that she did not share the findings and conclusions from the report with the NWSL or the Red Stars because the material was privileged. However, Wahlke recalled that she met with Whisler in person after receiving the investigative report and told Whisler that he should find “personal development opportunities and maybe anger management training” for Dames. The failure by U.S. Soccer to share its investigation findings with the NWSL or the Red Stars was particularly perplexing in light of the fact that Wahlke had instructed the NWSL to stand down in its own investigation of Dames, and the fact that U.S. Soccer had concluded it was not in a position to take any action against Dames.

Similarly, the players were left in the dark about the findings of the investigation. As one player told *The Washington Post*, her interview during the investigation was “the last she ever heard” about the investigation. A former player told the Joint Investigative Team she believed the investigation was “inconclusive” because “no action was taken.” USWNTPA Executive Director Becca Roux, who helped Press bring her complaint, told the Joint Investigative Team that Wahlke “called [her] and said nothing was a fireable offense,” but she received no factual findings from the investigation until November 2021. As Press told *The Washington Post*, this

lack of information sharing deterred players from speaking out and left players with the impression that Dames's conduct was appropriate. She said, "I was made to feel by U.S. Soccer that I was in the wrong, there was nothing to report, and that this was acceptable."

g) Consequences of Inaction

Despite the 2014 and 2018 complaints and a formal investigation in which players reported a wide range of concerns corroborating Press's account, the Red Stars, the NWSL, and U.S. Soccer failed to address Dames's conduct. As described above, U.S. Soccer's failure to share the findings of the investigation created the impression among players that Dames's conduct was acceptable. Duffy was also aware there was an ongoing investigation at the Red Stars, but the Joint Investigative Team found no evidence the NWSL requested updates regarding the investigation or requested the final investigative report, and Levine acknowledged that she interpreted the lack of update from Wahlke as a lack of material negative findings concerning Dames. Since U.S. Soccer did not adequately disseminate the findings to the NWSL, the NWSL did not take any disciplinary or corrective action toward Dames.

At the club level, U.S. Soccer's failure to share its findings allowed Whisler to take the position that U.S. Soccer essentially had cleared Dames of wrongdoing and that no action was required by the Red Stars. Whether or not Whisler received a clear, formal report from U.S. Soccer about the findings of the investigation, he learned of concerns that players had raised about Dames by participating in the investigation. As the investigator who led the USSF Dames Investigation told the Joint Investigative Team, "[Whisler] was already aware of the concerns. We discussed them at length in his interview." When he spoke to the investigator, Whisler indicated that he was aware of players' concerns even before Press's complaint. He is quoted in the report as saying, "[S]ome number of players each year wither under [Dames's] approach, don't respond well, and need to leave for their own good." Further, he told the investigator that Dames "ha[d] a hard side," that he had heard players describe Dames "as a bully," and that he had "no doubt" Dames would "ride a player during practice." A player who raised concerns about Dames's treatment of players to Whisler in 2021 recalled that Whisler told her, "Yes, I had this conversation with Rory a couple years ago to reel him back in. It looks like I'm going to have to do that again." Despite these recurrent issues, Whisler told the investigator that he believed that Dames had improved in his "demeanor, mindset, and patience" during his years as head coach and that Dames would not "be hard on someone unless he [thought] they [had] it within them to rise up." However, Dames privately complained to Whisler about the need to change his behavior. In August 2019, with the U.S. Soccer investigation ongoing, Dames texted Whisler that he had to "toe[] the proper line to not set off nonsense," and he felt this approach had made players "complacent."

Instead of addressing players' concerns, Whisler repeatedly downplayed them and protected Dames throughout his tenure. In December 2013, Whisler emailed Cheryl Bailey that he had "sat with [a player] and addressed" her concerns about Dames; he then speculated, "Whatever the [player's] story is now it is window dressing likely because she wants more money." In 2014, when he read that players felt Dames was creating "a hostile work environment," Whisler responded that the players who raised those concerns probably "didn't start or play the way they wanted to." In 2018, when players filed formal complaints, Whisler appeased Dames by telling him that players were "desperate to get starts." In 2021, responding to an email that mentioned the USSF Dames Investigation, Whisler wrote that Dames was "fully investigated" based on "an anonymous tip from a disgruntled former player," and that U.S. Soccer found that "no action was required." While Whisler acknowledged receiving each of these complaints, he said he felt there was no "pattern" of complaints and wished he had received more information in order to take action earlier. On the day Dames resigned, Whisler texted him

that he did not have “near enough support” to keep him at the club and they would “need to find the right wording.”

While Whisler told U.S. Soccer’s investigator that Dames’s “demeanor” and “patience” had improved by 2019, in an external “organizational climate review” the Red Stars conducted in the fall of 2021, players raised the same concerns about Dames that Press first raised in 2014. According to this review, in 2021, players described Dames “as ‘condescending’, ‘manipulative’, ‘aggressive’, ‘insulting’, [and] ‘an intimidator.’” Players said they felt that Dames targeted “one or two players” and that he “utilize[d] preexisting relationships . . . to discount the impact of his behaviors.” Those who had known Dames for a long time acknowledged that his “behaviors ha[d] improved,” but the review stressed the importance of “consider[ing] the severity of the starting point as context for growth in behavior.”

Whisler received a copy of the organizational climate review on November 21, 2021, and recalled that he was “repulsed” by the findings. By this time, Whisler knew that *The Washington Post* was planning to publish an exposé about Dames. However, even with that knowledge and after reviewing the findings—which included that 70% of players “reported concerning behaviors that are consistent with the generally accepted definition of emotional abuse in sport” and felt Dames “creat[ed] an environment of fear [and] retaliation”—Whisler contemplated keeping Dames involved with the Red Stars in a non-player-facing role, such as a sporting director or draft consultant. Based on the findings of the external review, Whisler told Dames that he should offer his resignation or he would be terminated that day.

After Dames tendered his resignation, Whisler entered into a separation agreement with Dames—even though Dames was terminable at will. Whisler recalled that the club worked to get the severance agreement “done by midnight” on November 21, and he signed the agreement that night. The severance agreement provided that “Dames and the [Red Stars] may in the future enter into a new independent contracting relationship and wish to make clear their ability to do so upon a mutual agreement.” The club also agreed to pay Dames through the end of the year. Whisler said he believed that Dames might still be able to assist with the draft or contribute to the club in other ways, and wanted to “preserve” the option in the agreement. According to Whisler, when he read the *Washington Post* article the next day describing Dames’s pattern of abuse and harassment, it became clear that Dames could not take on such a new role with the club.

The separation agreement included mutual non-disparagement and confidentiality provisions, and a mutual release of claims. As applied to the Red Stars, the non-disparagement clause restricted not only Whisler but also “[all] owners, executive and senior management and front office staff” from making any negative, critical, or disparaging statements about Dames. The clause prevented Dames from making any negative, critical, or disparaging remarks about Whisler or the Red Stars, but did not restrict Dames’s remarks about players. Whisler signed this non-disparagement clause notwithstanding the commissioning of the NWSL and NWSLPA Joint Investigation the month prior by the NWSL Board of Governors, of which Whisler was a member at the time. Although the separation agreement included a specific carve-out to the non-disparagement provision allowing the club to share information about Dames with current players, club staff, and club ownership in connection with the organizational climate review, the agreement included no such exception for the NWSL and NWSLPA Joint Investigation. Reflecting on the agreement, Whisler said that he believed the provisions were “standard” and the club “just tried to get through it . . . [in] less than a day.” On December 5, 2022, Whisler announced that he would sell the Red Stars.

The Joint Investigative Team encountered significant delays in its attempts to collect relevant documents from the Red Stars. In particular, the Joint Investigative Team did not receive a copy of Dames's separation agreement from the Red Stars until the end of this investigation, after the publication of the USSF Report.

### 3. *Christy Holly's Sexual Misconduct and Abuse*

The Joint Investigative Team also received credible reports of sexual misconduct by former Racing Louisville Head Coach Christy Holly, targeting player Erin Simon. The Joint Investigative Team spoke to Simon, who shared details of Holly's sexual misconduct. The Joint Investigative Team interviewed Simon twice, and her description of Holly's sexual misconduct was consistent during both interviews. While much of the sexual misconduct she described took place when Simon and Holly were alone, Simon confided in her friend and teammate, Brooke Hendrix, who spoke to the Joint Investigative Team and shared what Simon told her about some of Holly's abuse as it was occurring. Simon also confided in Racing Louisville's team chaplain Taylor Starr, whom the Joint Investigative Team also interviewed.

The Joint Investigative Team requested an interview with Holly, and he initially agreed to be interviewed. The Joint Investigative Team was in the process of scheduling an interview with Holly when the USSF Report was released. Holly then declined to speak to the Joint Investigative Team.

Simon first met Holly in 2016. Simon had just graduated from college, and after an open tryout, Holly offered Simon her first professional contract to play for Sky Blue, where he was the head coach. Simon said that during her first year playing at Sky Blue, nothing "out of the ordinary" happened. Holly offered Simon another contract in 2017, which she accepted. During the 2017 season, Simon recalled players learning that Holly had been dating another player, Christie Pearce Rampone. Simon described Pearce Rampone as a close friend, and Simon said both Pearce Rampone and Holly were mentors to her "in soccer." As discussed further below, Holly's relationship with Pearce Rampone created problems at Sky Blue and led, in part, to his departure from the club. Holly stepped down as coach of Sky Blue during the 2017 season, and Simon was waived by Sky Blue in 2018. Simon then joined West Ham United in the English Women's Super League, a move she credited in large part to Holly's help and connections.

During a break for West Ham in the summer of 2019, Simon returned home to New Jersey, where Holly lived about 20 minutes from her home. Simon trained with Holly and Pearce Rampone during this time. Simon explained that she would request to train or meet with both of them, but sometimes when she would arrive at their house, Pearce Rampone would not be there, and Holly would "always give a reason she wasn't there."

Simon reported that Holly first engaged in sexual misconduct toward her in the summer of 2019. He began by making dirty or sexual jokes; however, his behavior escalated. On one occasion at his house, Holly grabbed Simon's breasts while Pearce Rampone was present but had her back turned. Simon shoved Holly's hands away, and in response, she felt that Holly looked at her like it was a "challenge."

Subsequently, on more than one occasion, Holly held doors open for Simon and grabbed her buttocks as she passed by him. Hendrix recalled Simon telling her that Holly would grab her buttocks or touch her inappropriately when she walked through the door in front of him. Holly also told Simon on more than one occasion that he wanted to have a threesome with her and another former player, and he would refer to it as "the most epic threesome." Holly also sent Simon inappropriate messages on Snapchat, including a photo of him lying on his bed in boxers

with an erection. Holly also asked Simon to send him “suggestive” pictures of herself, including a request for a picture of her in his boxers. Hendrix recalled Holly texted Simon requesting pictures of Simon. Simon eventually deleted Snapchat from her phone because she did not want Holly to continue sending her inappropriate photos, but Holly would ask her why she had deleted the application or encourage her to download it again. Hendrix recalled Holly would get mad if Simon did not respond to his messages.

Simon said that in 2019, she received an invitation to a U-23 national team camp. Holly was an assistant coach at the U-23 camp, which Simon did not know until a couple of days prior to the start of the camp. Simon said she was nervous when she learned he would be an assistant coach at the camp, because she knew he would try to get her to go into his hotel room. Simon felt like she owed him, because she believed he played a role in getting her a spot at the camp. Simon recalled that during the camp, Holly did in fact try to get Simon to come to his hotel room, but she never did.

In January 2020, Simon left West Ham and signed with the Dash. Holly told Simon that he may have talked to people behind the scenes to get her signed to the Dash. In August 2020, Holly was named head coach of Racing Louisville, and in November 2020, Holly selected Simon in the expansion draft. Simon recalled being excited to play for Racing Louisville but also “terrified” because of Holly’s past behavior toward her. She recalled thinking that now that he was the head coach for her team—and therefore her boss—the inappropriate behavior might stop. Simon said she told Holly that now that he was her boss, he would have to stop the inappropriate behavior, and he replied that he had until January 1, because that was when her contract started.

After Simon signed with Racing Louisville, Holly and Pearce Rampone came over to Simon’s parents’ home for dinner. While Simon’s parents gave Pearce Rampone a tour of the home, Holly grabbed Simon’s buttocks and felt her over her leggings. Simon said she moved away from Holly when he touched her and told him he was “insane.”

Before the season, Holly invited Simon to his home on two occasions to watch film, telling her that Pearce Rampone would be there. Simon said she thought the film sessions were in preparation for playing at Racing Louisville. When Simon arrived at Holly’s house, Pearce Rampone was not there. On both occasions, Holly began touching Simon as they were watching film. On one occasion, Holly took her upstairs and began showing her film and discussing soccer, but then he searched for and showed her pornography. Holly then pulled down his pants and began masturbating in front of her. Holly grabbed Simon’s wrist and forced her to touch his penis. Simon told Holly she was uncomfortable and did her best to get out of the house, but she did not want to anger Holly because she was scared. Simon described feeling helpless and like she could not escape. She recalled trying to leave Holly’s house, but as she rounded a corner to go downstairs to leave, Holly grabbed her arm. Simon felt scared and physically intimidated.

After Simon began training and playing with Racing Louisville, Holly’s abuse continued. Holly sent Simon a picture of his penis over WhatsApp. Hendrix also recalled that Holly sent Simon a picture of his penis. Holly also sent Simon videos of himself masturbating on Snapchat. Hendrix also said that Holly both texted Simon and told her in person that she had too many clothes on and he could not see her nipples. Holly lived in the same apartment complex with players at Racing Louisville, and he tried to get Simon to go to his apartment many times, but she refused. Simon said she was “terrified” to go to Holly’s apartment alone, so she often came up with excuses not to go, or she would bring Hendrix with her. Holly complained to Simon about Hendrix and referred to Hendrix as a “cockblock.”

Simon recalled that Holly once brought her into a suite in the Racing Louisville stadium for a film session, even though she had tried to hold it in a public place. Leading up to this meeting, Simon had been nervous, because she had been able to avoid one-on-one meetings with Holly until then. In the suite, he began touching her under her shirt and under her pants, and told her that for every pass she “fucked up,” he was going to touch her. She pushed his hands away, crossed her legs, and turned away from him, but Holly told her to “lighten up” and “have fun.” Hendrix said Simon told her about this incident right after it happened, and she recalled Simon crying.

Simon recalled Holly often telling her when he tried to cross boundaries that if she would “loosen up” and “have more fun” off the field, it could “help her on the field.” After the incident at the stadium, Simon avoided Holly for a few weeks, but he eventually pulled her into the same suite in the stadium where the previous incident occurred and confronted her. Simon recalled that when she told him he could not touch her like that and that it was “messing” with her, he responded, “If you don’t want me to touch your tits, I won’t touch your tits.” Hendrix said Simon shared Holly’s comment with her, and Holly’s “nonchalant” response to Simon asking him to stop touching her made them wonder if he was “doing something to someone else.”

After she told Holly not to touch her, Simon felt Holly was harsher to her on the field: yelling at her frequently, taking her out of games regardless of her performance, and refusing to shake her hand when she came off the field, but shaking other players’ hands.

Simon was afraid to tell anyone of Holly’s abuse because she was scared for her physical safety if Holly found out she had reported him. She also feared Holly would ruin her career. She did not consider reporting Holly to the NWSL or U.S. Soccer, in part because she did not know who to contact or how to make a report. Hendrix, who knew about the abuse, also stated she and Simon did not report to the club’s HR, because they “did not realize that’s the person you would talk to about sexual abuse,” and they did not know the HR employee well enough to feel comfortable talking to her about the abuse. Hendrix also said that reporting to the NWSL did not seem like an option, and that she and Simon were afraid that because they were not high-profile players, their word would not be valued and weighted as much as Holly’s.

Toward the end of July 2021, Simon had coffee with Starr and told Starr that Holly had touched her inappropriately while reviewing film at the stadium. When Starr asked Simon how Holly had touched her inappropriately, Starr recalled Simon stating that Holly had “put his hands down her pants” while watching film at the stadium, and that if she “messed up,” Holly would “hold it against her.” According to Starr, Simon “begged her” not to say anything to anyone. Starr recalled feeling confused about what to do, in part because she knew Simon was afraid, and she did not want to destroy Simon’s trust in her.

Around this time, a Racing Louisville staff member raised concerns that Holly was romantically involved with another staff member at Racing Louisville and that this alleged relationship negatively impacted the team environment. One player said that the observed closeness between Holly and the staff member created a “crazy, weird power dynamic,” where the staff member was given improper decision-making authority over issues like nutrition. Racing Louisville investigated but did not substantiate a relationship between Holly and the staff member.

Starr recalled that a couple of weeks later, she met with Simon again, and Simon informed her that the abuse had been “going on for a while.” Simon told Starr that Holly would do “inappropriate things” to her, even when Pearce Rampone was present but unaware. Starr also recalled Simon showing her text messages she had received from Holly, including messages

indicating he wanted to go to Simon's apartment and describing "inappropriate things he would do."

In mid-August 2021, Starr told the NWSL volunteer chaplain coordinator that a player shared that Holly had touched her inappropriately, though Starr did not share Simon's name. Starr recalled that the NWSL volunteer chaplain coordinator "didn't know what to do," and had never navigated a similar report of abuse. Starr said it would have been helpful to have received more clarity and guidance about how to handle the situation in her role, and that she received no training from the NWSL. In late August 2021, approximately four weeks after Simon first disclosed Holly's abuse to Starr, Starr told Louisville City's chaplain Garrett Bates that Holly was "sexually harassing" a player, and that he had "touched a player inappropriately." However, she did not name Simon. Later that night, Bates texted Starr informing her he spoke to Racing Louisville Executive Vice President James O'Connor and Racing Louisville President Brad Estes about the sexual harassment, and they needed to know who the player was.

Starr went to Simon's apartment that evening to let her know she had reported Holly's abuse but had not given Simon's name. Simon said there were certain questions she needed answered before she felt comfortable allowing Starr to give the club her name, like how the club would protect Simon. Simon recalled being scared and noted that Holly lived in her apartment building, so she wanted to know how the club could keep her safe and make sure Holly did not come to her apartment after he was fired. The following morning, on August 31, 2021, Starr met with Racing Louisville's HR Director Erin Wilkins, O'Connor, Estes, and Bates. During this meeting, Starr shared Simon's name.

After Starr revealed Simon's identity to the club, Wilkins set up a meeting for later that morning with Simon, Starr, and Wilkins's supervisor. Hendrix also attended the meeting. During this meeting, Simon recalled Wilkins and her supervisor asked Simon to share as much detail as she was comfortable sharing about Holly's treatment of her, and they asked her to go from "start to finish." Estes and O'Connor later joined the meeting. During this meeting, Simon emphasized that she wanted to remain confidential, because she felt scared and unsafe. At the end of the meeting, Simon was informed that the club planned to fire Holly that night.

Wilkins, Estes, O'Connor, and outside legal counsel met with Holly later that day and terminated his employment. During the meeting, Holly was reportedly "fidgeting" and "fumbling over his words." O'Connor reported that Holly could not explain when asked about sending inappropriate text messages to Simon. Estes explained that Holly indicated this conduct "may have flowed over" from his time in New Jersey to his time as head coach of Racing Louisville. O'Connor noted "there was definitely acknowledgement" by Holly. In describing that meeting, Estes said that "the ultimate corroboration came from Christy Holly."

The day Racing Louisville fired Holly, players received a text message to meet at the training facility that evening for an "emergency" meeting. Estes, O'Connor, and Wilkins attended this meeting with players. The Joint Investigative Team heard different accounts regarding exactly what information was shared with players at this meeting. One player recalled that O'Connor informed players that Holly had been terminated due to "an inappropriate relationship" with a player. Wilkins similarly recalled O'Connor or Estes stating that Holly had a potentially inappropriate relationship with a player. Another player recalled either O'Connor or Estes stating that what Holly did was "disgusting" and "unacceptable," and that the club would ensure "this never happens again." One player recalled that O'Connor announced there were allegations made against Holly, an investigation was conducted, and there was an "overwhelming amount of evidence to prove the allegations were correct." According to O'Connor, he informed players that a player made an allegation against Holly, the allegation was

substantiated, and the club had fired Holly. While O'Connor could not recall what level of detail he provided related to Holly's misconduct, he recalled telling players that the player requested the club not "go into detail" and that the club would respect the player's wishes.

Players recalled being confused after this meeting and not understanding exactly why Holly had been fired. Players also recalled that the club requested players keep what was discussed at the meeting confidential. One player noted, "It was really pushed into our brains, 'don't say anything.'" Some players said they thought the club should have been more direct with the players regarding the reason for Holly's termination, although two players stated they thought the club handled Holly's termination well and they believed the lack of information shared was to protect Simon's privacy.

The club announced Holly's termination "for cause" on August 31, 2021. The announcement did not specify that the "cause" was sexual misconduct. On September 1, 2021, Holly texted Simon and told her he was fired for "an inappropriate relationship" with her.

Racing Louisville entered into a severance agreement with Holly upon his departure, which provided for a severance payment to Holly of \$14,000. The agreement also provided that Racing Louisville would take over the future payment obligations of Holly's apartment lease if Holly vacated the apartment. It further stated that the club's executive team and Holly each agreed not to make "any written or verbal communication in any form . . . to any third-party that denigrates, disparages, criticizes, defames, or is derogatory of the other." The non-disparagement language in the agreement included a caveat, which allowed Holly to "provide his honest assessment of players on the Club team, solely as it relates to their performance as soccer players." It did not contain a carve-out that would allow the club to voluntarily disclose Holly's misconduct to law enforcement. The agreement provided that if Holly or the club breached the non-disparagement clause, the other party would be entitled to a payment of \$5,000.

Estes was involved in negotiating the severance agreement and explained that the club pursued the agreement after Simon expressed concern for her safety and confidentiality. He stated that the club sought to address Simon's concerns through the severance agreement, including by securing Holly's removal from his apartment in a complex shared by Simon and requiring that Holly not disparage players or the club. He stated that the non-disparagement clause was mutual, in that it required that the club not disparage Holly. He stated it was included because, in Estes's view, no one would sign a unilateral non-disparagement provision. However, he could not recall any request by Holly or Holly's attorney that the provision bind the club. While the club discussed with Simon the possibility of a severance agreement, there is no evidence that the club sought Simon's input on these terms.

To the extent that Racing Louisville has asserted that the severance agreement was intended to address Simon's confidentiality concerns, the non-disparagement provision was far more limiting on the club than what was necessary to protect her confidentiality. The agreement prohibited the club from disclosing Holly's sexual misconduct, including to law enforcement, unless compelled by law. This prohibition extended to disclosures that would not identify Simon or that Simon approved. It, therefore, prevented the club from being able to confirm Simon's account if she chose to share her experience publicly, and it put other players at risk by preventing the club from disclosing Holly's conduct to any clubs and organizations considering hiring Holly.

After the release of the *Athletic* article detailing sexual misconduct by Riley, the club's communications department received outreach from a journalist seeking to speak with someone knowledgeable about the basis for Holly's termination. The club encouraged Simon to consider

making a statement to the reporter. Simon felt pressure to do so but declined. Out of concern for Simon's anonymity, the NWSLPA and Racing Louisville players released a statement acknowledging the media and public's interest in transparency, while underscoring that "player safety will always be at the forefront" and affirming that they "stand behind Racing Louisville in the handling of the Club's recent matter and ask everyone to please trust and stand with us at this time."

During this investigation, Racing Louisville initially refused to allow witnesses to discuss substantial aspects of Holly's employment and termination, citing the severance agreement's mutual non-disparagement and non-disclosure provisions. Racing Louisville only provided more meaningful cooperation after the USSF Report criticized the club for its "limited" cooperation with U.S. Soccer's investigation.

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The misconduct of Riley, Dames, and Holly has been a focus of public reporting regarding the treatment of players in the League. However, it is far from the only misconduct experienced by players. Players reported to the Joint Investigative Team a wide range of misconduct, including many instances of misconduct that have not been previously reported. This misconduct was perpetrated by coaches, staff, club leadership, and other individuals in positions of power. Additionally, U.S. Soccer, the League, and its member clubs often failed to investigate, conducted an inadequate investigation, or otherwise failed to address misconduct reported to them. As described in the following sections, these failures harmed NWSL players and discouraged players and other stakeholders from reporting misconduct.

#### 4. *Inappropriate Intimate and Sexual Interactions with Players*

Players described numerous instances of club leaders engaging in sexual misconduct, including making unwanted sexual advances toward players and making inappropriate sexual remarks to players. These inappropriate sexual remarks included inquiries and remarks about players' sexual orientation and dating lives, and remarks about players' appearances and attractiveness. Some players reported the interactions made them uncomfortable, but they felt like they had to tolerate the behavior because they were concerned they would face retaliation, including loss of playing time or being cut from their team, if they raised any concerns.

##### a) *Unwanted Sexual Advances Toward Players*

Riley and Holly were not the only club staff members reported to have made unwanted sexual advances toward players. Some players recalled that a former assistant coach, while at a club-sponsored party where he was drinking heavily, made sexually explicit remarks to players. Players recounted that he told one player he would have sex with her. Witnesses also reported that the coach attempted to get another player to dance with him and told her he did not care about her sexuality.

A player described to the Joint Investigative Team concerns she developed regarding former Gotham General Manager Alyse LaHue's interactions with her. The Joint Investigative Team received evidence that LaHue texted the player, "You were in my dream last night. Getting a massage." The evidence shows that LaHue then followed up with, "You were going to get a massage, I didn't see it. Rarely so well behaved in my dreams." LaHue's inappropriate messages continued even after the player told LaHue that it felt like LaHue was acting like a "jealous girlfriend," and asked LaHue to "accept that we are working together and nothing more." The player explained that although she repeatedly pushed back against LaHue's inappropriate

conduct, LaHue persisted. On one occasion, when she informed LaHue that other players had asked why LaHue was “so mean” to her, LaHue responded, “Tell them kids at the playground always pick on their crush.” LaHue later texted the player, “I don’t see us as friends.” In text messages, LaHue also expressed an emotional reliance on the player and repeatedly questioned the player’s interactions with another individual, stating in one message, “[Y]ou knew I’d be mad about you talking to [her] so long. Why not adjust? Why not talk to me?” The player said that LaHue was also critical of her religious beliefs and told her that she and other team members who shared those beliefs were seen as judgmental.

Another member of the team said that LaHue paid special attention to this player and described instances in which she believed LaHue provided preferential treatment or sought to be close to the player. This team member said she had not experienced a similar situation in a professional environment. During the League’s 2021 investigation into LaHue’s conduct before her termination, multiple staff members reported that LaHue behaved differently around this player. As one staff member explained, there had “always been a high interest and attention” in this player by LaHue.

During its investigation, the Joint Investigative Team identified discrepancies in versions of an email exchange involving LaHue that was part of the file from the 2021 League investigation. Notwithstanding these discrepancies, based on the totality of evidence, including interviews and other documents, the Joint Investigative Team determined that LaHue’s interactions with the player constituted misconduct. LaHue participated in an initial interview with the Joint Investigative Team but canceled a second scheduled interview and declined the Joint Investigative Team’s repeated requests to reschedule. As a result, the Joint Investigative Team was not able to fully question LaHue about her interactions with the player. In an email, LaHue’s counsel described the allegations against LaHue as “false claims.”

#### b) Inappropriate Sexual and Objectifying Remarks to Players

Players recounted numerous instances in which club staff made inappropriate sexual and objectifying comments. Two players recalled former Red Stars Assistant Coach and Utah Royals Head Coach Craig Harrington, while intoxicated, making comments about cheating on his wife and comments about players’ appearances. One player recalled Harrington saying, on multiple occasions in front of players, “I need to have sex with someone tonight who’s not my wife.” Two other players said that Harrington told a player he wondered what her hair looks like when she gets out of the shower. Another player said Harrington made other comments about players’ appearances and bodies, including their breasts. She recalled Harrington commenting that some players had “good bodies” but “unattractive” faces, and he would refer to those players as “butterfaces” or “shrimpheads.” Harrington denied making these comments, and he stated that he never made comments about players’ physical attractiveness and never “sexualized” players.

Players also reported club staff inappropriately making comments about players’ appearance and personal lives. As noted above, Riley called Mana Shim “hot” and “sexy.” Players reported that Riley often inquired about and commented on players’ romantic and dating relationships. Kurtz reported that Riley shared details of his sex life and asked her probing questions about her relationship.

Multiple players also said that Dames commented on players’ attractiveness. One player reported that Dames had one-on-one dinners with players where he made comments about their appearances and dating lives. The same player recalled that Dames would discuss another player’s boyfriend frequently in the locker room and would make it known that he hated the boyfriend. According to the USSF Dames Report, Dames told a player that when her son got

older, all of his friends would want to sleep over at her house—which the player understood as an insinuation about her attractiveness. Dames also texted a player after a fundraising event they both attended and told her that she looked nice that evening. While the player denied that this text made her uncomfortable, another player reported that she found the text concerning.

Players reported that Holly also regularly made overtly sexual remarks toward players, both at Sky Blue and Racing Louisville, separate from the misconduct directed toward Simon. According to one former Sky Blue player, Holly told a player in the weight room that when he saw her squat, he wanted to “grab her ass.” He also asked this player if she preferred boxers or briefs. The same player said that Holly told her she should send a photo to someone she had planned to meet for a date but who did not show up for the date. When the player asked if Holly was referring to a nude photo, she recalled that Holly replied that if that was what it took to get a nude photo from that player, he would stand her up “any day.” The same player stated that Holly would “attack” another player about her boyfriend, and Holly would tell this player that he felt like he was dating her. The player called this behavior an example of how Holly was manipulative. Nikki Stanton reported that Holly, who had been close to her and spent hours each week personally training her, abruptly stopped when Stanton told him she had started dating another player. He became condescending toward her and made jokes about “ripping [her] contract up.” Multiple players reported that Holly complimented a Racing Louisville player about her hair in one of her Instagram photographs; she was wearing a bathing suit in the photograph. According to one player, Holly sometimes sent another player “heart eyes” emojis through Instagram.

A player on another team recalled that when her team was divided into groups, an assistant coach commented that one of the groups of players was the prettiest and most attractive group.

### c) Inappropriate Player-Staff Relationships

Multiple witnesses reported romantic relationships between players and staff members, which disrupted team environments, blurred professional boundaries, and in some cases, contributed to the mistreatment of players. Clubs did not consistently prohibit player-staff relationships, which created confusion about whether such relationships were permissible. The NWSL’s Non-Fraternization Policy, adopted in 2018, states: “No person in management or a supervisory position with a Team or the League shall have a romantic or dating relationship with a League or team employee whom he or she directly supervises or whose terms or conditions of employment he or she may influence.” The Joint Investigative Team found multiple instances of romantic relationships between players and staff members in violation of this policy.

Women’s soccer in the United States has a long history of relationships between players and staff. Some of the sport’s most prominent players are married to their former coaches, including their college coaches. One former player recalled that her college goalkeeper coach and assistant coach were both married to former players. She recalled thinking at the time, “they’re all adults,” and did not consider the “context of how these people met.”

This normalization of player-coach relationships has continued from predecessor leagues to the NWSL. One player remarked, “The relationship lines are very strange in the NWSL.” A former player stressed that “players married to staff members [and] coaches” is “an issue across multiple clubs.” Another player echoed this sentiment, saying, “There are . . . relationships in the League between player and coach, and there have been for a long time.” Romantic relationships between players and staff members pose several potential problems, including (i) the power

imbalance between supervisors and their reports; (ii) the threat of favoritism; and (iii) disruption of the team environment. In addition, romantic relationships between players and staff, even when consensual, blur the lines between appropriate and inappropriate behavior, increasing the risk of misconduct.

Multiple players and club staff reported that in 2017, while Holly was head coach of Sky Blue, he began dating Pearce Rampone. Players reported that Holly's relationship with Pearce Rampone led to a dysfunctional team environment, made players question Holly's decision-making, and exacerbated Holly's mistreatment of players. A player and a former Sky Blue staff member both said that the environment at Sky Blue "unraveled" when the team learned that Holly was dating Pearce Rampone. Another club staff member felt that Holly lost "trust in the locker room" because of his romantic relationship.

Over time, players' lack of trust in Holly led to a divide between Holly, Pearce Rampone, and the majority of the team. Multiple club staff reported that on an away trip, Holly sat at an airport gate with Pearce Rampone, while the rest of the team sat together at a different gate. The relationship also created problems among the players. One player said that "everything" players told Pearce Rampone "went back to" Holly. A club staff member said the relationship made players feel that they did not "have anyone to talk to" or "anyone to trust."

Players and club staff also reported that they questioned Holly's decision-making because of this romantic relationship. One staff member said that "everything" Holly did "in film, in training, in games, in formations, in tactics . . . centered around protecting" Pearce Rampone. A player expressed a similar concern, saying that she felt Holly made "decisions . . . that weren't in the best interest of the team" because of his relationship. Multiple players and one staff member described a particular incident in which Holly's romantic relationship appeared to impact his decision-making. The day before a game, Holly got into a fight with Pearce Rampone during training. Holly pulled Pearce Rampone from the starting lineup following the fight, but once they resolved their conflict, he put her back into the lineup.

Several players said that Holly dating Pearce Rampone also affected the way he treated other players. One player said it felt "like the lid came off" when the pressures of being head coach combined with Holly's personal life. She remembered that Holly "verbally attacked" players, and his behavior was "just different" than it had been in 2016. Another player said that "it was clear [Holly] was not in an emotional place" to coach in 2017. At one point during the 2017 season, players held a meeting with coaching staff to address their concerns that Holly was dating Pearce Rampone. One player recalled that Holly "suddenly exploded" during the meeting. Two players remembered that he lashed out at one player in particular, saying something like, "Everyone knows you want to have sex with me." Then-Sky Blue President and General Manager Tony Novo reported that by August 2017, there was "enough bad blood" on the team and Holly's relationship "became so disruptive to the organization" that Sky Blue decided to part ways with him. The reasons for his departure were not shared publicly.

Sky Blue was not the only club at which a staff member and player became involved. The Joint Investigative Team learned of a relationship between a staff member and a player, although due to player confidentiality concerns this Report provides limited identifying details. According to one player, this staff member began dating the player mid-season. After several months, the staff member notified the club of the romantic relationship with the player and resigned. The staff member and player then moved to a second club, where they continued their relationship. Players suggested that this relationship led to favoritism and improper information-sharing. According to a player at the first club, the staff member "used [their] power to help th[e] player" they were dating. As an example of this favoritism, another player

said that the staff member allowed the player “to get things reimbursed that didn’t qualify” for reimbursement. She also recalled that when the club left the player unprotected in an expansion draft, the staff member “went berserk” and “th[rew] other players under the bus.” At the second club, the relationship between the staff member and the player allowed rumors to pass between management, staff, and players. One player remarked that “rumors [got] around” because of the player-staff relationship, and a staff member said that while you could articulate a policy of “church and state . . . sometimes things trickled up.” This information sharing between the staff member and the player led other players to express concerns to team management that the staff member was sharing players’ private medical information with the player they were dating.

In early January 2018, a prospective purchaser of a club reached out to the League’s Managing Director Amanda Duffy with concerns about relationships of this type. The prospective owner shared that he had learned of a relationship between an owner and a player at one club, and a coach and a player at another club. The prospective owner asked how “pervasive” the problem was and wrote that he “need[ed] to know that NWSL is protecting these girls and is vigilant about preventing such abuses of power in the future.” Later that month, the NWSL adopted a Non-Fraternization Policy as part of its Operations Manual.

Both before and after the NWSL implemented its Non-Fraternization Policy in 2018, clubs responded inconsistently to player-staff relationships. Some clubs have strictly enforced a non-fraternization policy. For example, in 2018, the owner of one club learned of a relationship between a staff member and a player. The owner said that if the player and staff member wanted to continue their relationship, then “one or both would have to not be employed.” In 2020, another club learned that a staff member was in a relationship with a player, and the player described the relationship as “loving and consensual.” The club immediately terminated the staff member for violating club policy. In other cases, clubs knew of and allowed the staff member and player to continue their romantic relationship, particularly where the relationship pre-existed their time at the club. A witness recalled that when introducing a staff member to the front office, a general manager announced that the staff member was “engaged to one of [the] players.” The relationship was widely known by club management. And while Sky Blue leadership, the League, and Racing Louisville knew that Holly had a relationship with Pearce Rampone, who had been one of his players, the relationship was generally viewed as not concerning because Pearce Rampone was older than Holly and a prominent figure within the women’s soccer landscape.

Player-staff relationships, even when consensual, can create problems within a team environment and, in some instances, contribute to the mistreatment of players. Clubs’ inconsistent responses to player-staff relationships left players confused about whether the NWSL prohibited such relationships. Reflecting on the prevalence of player-staff relationships, one player asked, “Has the policy changed? Is that never appropriate?”

##### 5. *Boundary Blurring Between Players and Staff*

Players and staff also reported that staff members engaged in a wide variety of unprofessional behavior that blurred professional boundaries, including staff: (i) drinking alcohol to excess with players; (ii) living in player apartment complexes; (iii) holding meetings with players in hotel rooms; (iv) organizing frequent social interactions with players; and (v) communicating in an unprofessional manner. In many cases, a lack of separation between players’ professional responsibilities and personal lives allowed staff members to exercise undue influence over players. In some instances, players felt that the lack of boundaries made it difficult for them to differentiate between appropriate behavior and misconduct.

a) Drinking with Players

Players reported concerns about staff members drinking alcohol excessively with players. As one player observed, the practice of drinking together erased the sense of boundaries between “players, coaches, and general manager[s].” A different player recounted that after a tournament, her team received a “ton of alcohol to have a party.” A staff member “got really drunk” during this party and “made inappropriate passes at people.”

Several players raised concerns about Riley encouraging players to drink to excess. One player said, “After games, you could find [Riley] at the bar with players buying drinks,” which she felt crossed “a propriety line.” Another player remembered that Riley would “buy rounds and rounds of shots,” which she thought was “awesome” as a 21-year-old but later found “weird.” A third player recalled that during trips for away games, the team would “go to the bar together” and Riley would “be there buying players . . . beers, shots, whatever.” This same player said that Riley would be at the bar “from the time” the players arrived until after players left. She heard from another player that it felt like Riley was “really waiting until [players] were either belligerent or a little intoxicated.”

Riley also held club events for players at his Long Island home, where players reported that they drank with him during their stay. One player remembered that there was “casual drinking throughout the day” while players stayed at his home, and it felt like the “alcohol was a gateway” for Riley to “wiggle his way in” with players. Another player also recalled hearing players say they “would be at [his] pool and drinking,” but Riley would then “get mad” because he thought that the players should be training. This left players “confused about what [Riley] wanted from them,” and whether the trip was “training or vacation.” This player said that on another occasion, she did “not really” want to visit Riley’s Long Island home but “felt . . . pressure to go.” She recalled hearing Riley make negative “comments about players who [had] made the national team” and then stopped doing favors for him. This player sensed that Riley “wanted to keep [her] feeling like [she] owed him and would do favors for him.”

Two players recalled an instance when Harrington, former head coach for the Utah Royals and assistant coach for the Red Stars, went out drinking with players after a game and noted that Harrington had drunk to excess. After the group returned to the hotel, Harrington came upstairs to two players’ hotel room. When one player opened the door, she told Harrington that she and her roommate did not want to go back out for drinks. Harrington reportedly tried to enter the hotel room, and one of the players “shoved him out.”

During his interview with the Joint Investigative Team, Harrington described the incident differently: Harrington said he was at the hotel when one of the players either messaged or called him to ask for help taking an intoxicated player to her hotel room, which he claimed he did. The Joint Investigative Team asked Harrington for his cell phone records, with call and text details, for the month in question. Harrington responded that he reviewed his phone records, but he could not verify how the player contacted him. Harrington then stated that the player may have contacted him via WhatsApp or may have “just flagged [him] down” in the hotel lobby. Harrington also stated “with 100% certainty” that he “never [did] and would never enter a player’s room.”

The player in question denied calling Harrington to ask for his help and noted Harrington “was never the one called to come assist.” However, she noted that she had asked a female staff member for help, and that when this staff member came over to help, Harrington “was also there.”

Another player recalled that Harrington went to a strip club with players after a season-ending loss when he was an assistant coach with the Red Stars. Based on his conduct, she assumed he was leaving the Red Stars and was surprised when he returned the next season. When asked if he recalled coaches and players ever going to strip clubs together, Harrington recalled one instance after a game where staff and players went to a strip club together. Harrington said the coaches realized once they were inside that it was not a “regular” bar. Harrington said the coaches got drinks from the bar, finished their drinks, and then “got out of there.”

#### b) Staff Living in Player Apartment Complexes

Some clubs provide housing for both staff and players, and in some cases, staff and players lived in the same apartment complexes. At Racing Louisville, for example, Holly lived in the same apartment complex as Simon and other players, one of whom described this arrangement as “weird.” One player recalled that Holly knew “every time [she] had people at [her] apartment,” and a second player noted that Holly heard if players “were playing loud music or things like that.” The second player expressed concern that even after players were told that Holly had been fired for cause, they knew he would be “going back to [their] apartments” to pack his things. A staff member for another club noted that “the whole team” lived in the same apartment building with some coaching staff.

Players reported that club staff living with players allowed the staff to exercise control over players’ personal lives. One player described this as a particular challenge with former Dash Head Coach Vera Pauw, who lived in player housing. The player recalled that Pauw “knocked on [her] door at night and invited herself in just to check how [her] apartment setup was.” Another player said that Pauw was able to monitor players and would tell them they could not go to the pool in the afternoon. The same player recalled that Pauw would “have certain [players] over for coffee and biscuits,” which she felt was inappropriate. A third player reported that Pauw’s presence limited players’ training routines, and that she could not use the apartment complex’s weight room because Pauw prohibited players from lifting weights on the belief that it would make them “bulky.”

One player reported that club staff living in the same housing as players led to unprofessional interactions. The player recalled that a staff member who lived in her apartment complex “would offer to come over” to her apartment to “give [her] a massage” or “help [her] with things like hanging [her] blinds.” At first, she thought the offers were “nice” because she did not “know what the boundaries [were].” Eventually, she reported the staff member to her coach because she felt that the staff member was “crossing the line and making [her] uncomfortable.”

#### c) Meetings in Hotel Rooms

Club staff and players reported that some staff members held meetings with players in staff hotel rooms, rather than in public meeting rooms. For instance, Stanton recalled Holly asking her to come to his hotel room to review film one-on-one on two to three occasions. A different player explained that “a lot of coaches . . . h[ad] meetings in their hotel rooms” and held these meetings with “[the] door closed.” She specifically recalled having meetings in hotel rooms alone with two coaches and stressed that from her perspective, it is never appropriate for a male coach to meet with a player in his hotel room with the door closed.

Even when these meetings were strictly professional, players expressed discomfort with meeting coaches in their hotel rooms. One player recalled that Riley held film sessions in a

“massive” suite in his hotel room. According to this player, in her experience, the film sessions were professional rather than social; players would go to Riley’s hotel room to review film, and then leave. The player said it later struck her as “weird” that Riley held these sessions in his hotel room rather than using a meeting room. And as discussed above, in some cases, Riley’s practice of holding meetings in hotel rooms did in fact lead to boundary-crossing interactions with Shim.

#### d) Frequent Social Interactions and Controlling Players’ Social Lives

Multiple players reported concerns about staff members having frequent social interactions with players and controlling players’ social lives. A player for the Courage said Riley “would ask [her] to dinner” in a “very casual way.” This player felt “the lines [were] blurred,” and she never knew whether the invitations were inappropriate or if he “just genuinely care[d] about [her].” The same player said that at another club, she saw players go to dinner with the coach “all the time.” A former player recalled that Dames would “hang out with some players more often than others.” This former player said a few players “were kind of being weirded out” by Dames’s invitations, because they felt he was “always asking” them “to go get food” or to “hang out” with him. A player reported similar conduct by Dames to *The Washington Post*.

Multiple players said that they felt they could not decline social invitations from coaches. One player said that when she suggested players decline Dames’s social invitations, the players asked her, “Then what if he doesn’t play me?” This player explained, “You don’t want to say no to the coach.”

Players and club staff also reported that Dames exercised control over players’ social lives. One club staff member stated that Dames would give the team three days off, but would not inform them until the day before, leaving the team “stuck [and] not able to get out of Illinois.” The staff member said, “I don’t know if that’s him being controlling,” but also noted that it felt like Dames “didn’t like people leaving market.” A player who participated in the USSF Dames Investigation told the investigator about an instance in which Dames kept her from visiting her parents. On an away trip to another state, she asked Dames for permission to visit her parents, who lived in the state. She “played poorly” that day, and after the game, Dames told her she would return with the team to Chicago. When the team arrived in Chicago, Dames “gave the team the entire weekend off.” Another player who participated in the USSF Dames Investigation told the investigator that Dames once interfered with her plans to visit her boyfriend on an away trip. She said that Dames knew of her plans, and when he saw her leave the hotel to visit her boyfriend, he texted her to schedule a meeting for 15 minutes later.

#### e) Unprofessional Communications

Players at a number of clubs reported that staff members engaged in unprofessional communications with them. Two players reported that Dames texted some players in a manner that felt “very different” from his communications with other players. One of these players reported that Dames’s late-night texts on subjects unrelated to soccer felt “inappropriate.” Stanton reported that Holly texted her “all the time” while he was an assistant coach at Sky Blue, sometimes communicating in a way that felt like it was “teetering on the line” of professionalism. One player said that after Holly learned she had experienced a personal loss, he encouraged her to meet with him late at night. She said he told her, “Let’s meet and talk,” and, “If you’re up really late, you can come talk to me.” For the player, the offer “was weird” and “not appropriate.”

## 6. *Offensive and Insensitive Behavior Related to Race and Ethnicity*

The 2022 Anti-Harassment Policy prohibits harassment, including harassment on the basis of race. It defines harassment as “unwelcome conduct, whether verbal, physical or visual, that is based upon a person’s race . . . or any other protected status.” Examples of prohibited verbal conduct include epithets; derogatory comments or slurs; negative stereotyping; and jokes, kidding, or teasing about another person’s protected status. These examples are illustrative and non-exhaustive; the policy makes clear that harassment can also include physical, visual, and written conduct, such as circulating or posting written materials that show hostility toward an individual because of their protected status, including derogatory cartoons, drawings, websites, emails, text messages, gifs, or memes. The policy prohibits harassing conduct, regardless of whether it rises to the level of a legal violation.

Multiple players reported instances of club staff, including coaches, using racial epithets, making derogatory comments, using negative stereotypes, and making jokes about race and ethnicity. Some of these remarks were not necessarily targeted toward specific players but were made openly in the presence of other club staff and/or players and created an unwelcome working environment, especially for players of color. Some players of color reported they did not feel they could report racially insensitive and offensive conduct. On some occasions, the NWSL and clubs failed to timely address misconduct until the public was made aware or until players took initiative to speak up about the issue.

Players reported that Spirit Head Coach Richie Burke used racial epithets, made jokes about race and ethnicity, and undermined activism on issues of race. In May or June 2020, shortly after the murder of George Floyd, Burke made a comment—when players were kneeling for a photo to show solidarity for the Black Lives Matter movement—about how it would look if someone took a photo while he knelt on a practice dummy and “flipped off” the camera. When asked about his comment, Burke claimed that he was not making light of the incident, but rather that he was upset about it.

Spirit players reported that Burke also used the full N-word in recounting past racism against a family member; asked players if he should sing the “Black version” or “white version” of “Happy Birthday”; and joked, to a player wearing a Black Lives Matter shirt and who had a black eye, that “black eyes matter.” Several players noted that Burke’s conduct was very open, including in front of team staff and management, and that numerous players were uncomfortable with his conduct.

Burke also engaged in multiple instances of conduct that included stereotyping and jokes about Jewish people. For example, Burke told the team they were having a “Holocaust” when performing poorly; put a surgical mask—used to protect against COVID-19—on his head to simulate a yarmulke and sang a “Jewish song” (which Burke told the Joint Investigative Team was Adam Sandler’s “The Chanukah Song”); and called a passing drill the “Jew star.”

Burke acknowledged much of this conduct to the Joint Investigative Team, though he expressed that he did not view his conduct as problematic and claimed that some of the instances had been mischaracterized. When reflecting on his jokes related to Jewish people, Burke said that he did not know there had been Jewish people on the team.

Burke also discouraged player activism for racial equity. One player, who was vocal about racial equity, told the Joint Investigative Team that Burke and an assistant coach pressured her to leave her “blackness off the field” and discouraged her activism. Texts between the player and Burke indicate Burke spoke to her supportively at one point in or around June 2020 about her

beliefs and goals as a player. However, the player told the Joint Investigative Team that around the time she started speaking out publicly about her views and her support of the Black Lives Matter movement, Burke and the assistant coach began “gaslight[ing]” her by telling her that her fitness and performance needed improvement without offering her specifics. This player told the Joint Investigative Team that she did not feel comfortable reporting Burke’s misconduct to Spirit club leadership because of Burke’s control over players’ careers and because of his seeming closeness with certain club staff and leadership.

Players and club staff also described observing or learning of derogatory comments, negative stereotyping, and jokes about race and ethnicity by several other club coaches and leaders. In 2020, the NWSL investigated Dell Loy Hansen, then-owner of the Royals, for making racially offensive comments. Witnesses reported during the 2020 NWSL investigation that Hansen described individuals as “colored” or “oriental” and used descriptors and references based on racial stereotypes, including calling Black players on an opposing team “African gazelles.” He also reportedly told a male player on an opposing Major League Soccer team that Hansen could lynch the player, supposedly in an effort to ask the player to play for Hansen’s team. Following public reporting about Hansen’s statements, the NWSL conducted an investigation and pushed Hansen to sell the club.

One assistant coach described how Holly would “ream” out two Black players on the team and how he described them as “lazy.” The assistant coach noted Holly’s description was both inaccurate and racially insensitive.

Players on another team reported that a former assistant coach “liked” tweets critical of the Black Lives Matter movement, causing several Black and non-Black players to be uncomfortable and upset with the assistant coach. Players told the team’s head coach that Black players on the team felt unsupported and that the posts did not align with the team’s values. The head coach notified club management and spoke with the assistant coach, reporting to club management that the conversation “didn’t go well.” The head coach emailed club management, stating that the assistant coach wanted “clarification on what ‘likes’ on Twitter are racist or offensive,” and the club president replied, “I’ll handle w[ith] HR.” Later that day, the head coach told club management that, “The players are fine, emotions are high but they do not have any problem with [the assistant coach].” Players told the Joint Investigative Team that the assistant coach was away from the team for a few days, before returning without any warning to them. Some players recalled the head coach telling the team that they would not go to the Challenge Cup without the assistant coach. After players continued to push for a response, including through an HR manager, the club fired the assistant coach. The team, including the head coach, later engaged in conversations regarding creating a safe workplace for players.

More broadly across the NWSL, several witnesses recalled instances when coaches and other club staff would confuse non-white players, sometimes repeatedly. As then-Racing Louisville player Jorian Baucom discussed publicly on Twitter, Racing Louisville publicly confused her and another Black player in a social media post, something club staff had done with respect to these two players on numerous prior occasions. A player told the Joint Investigative Team that the club first attempted to fix the social media post without acknowledging the error or reaching out to the player, and only later issued an apology after Baucom posted about the error on Twitter. That player also said that Black players were uncomfortable because the club often placed the substantial burden of engaging in race and other culture-related activities on them. A player at a different club recounted that she was berated by coaching staff for her conduct during training, and staff would not let her get a word in to explain that a different player with the same skin tone had actually engaged in that conduct.

Some witnesses also expressed concern that the experiences of players of color were discounted or not taken seriously. For example, in 2021 following an NWSL game in Houston, Sarah Gorden, a Black player, posted on social media that her boyfriend, who went to see her in the stands after the game, was followed by stadium security and was told he would be arrested if he came close. Gorden observed that white players, on the other hand, had been speaking closely with their families in the stands, and she felt targeted. The tweet led to public support from Gorden's teammates, other NWSL players, and others. The NWSL completed an independent investigation, and it announced that based on witness interviews and a review of video footage, no disciplinary action would be taken against the club. However, many players were troubled by the way the Dash handled the situation. While the NWSL investigation was ongoing, Dash Head Coach James Clarkson—during a team meeting prior to completion of the investigation—wrote phone numbers for stadium security on a board and asked players to call and apologize for their conduct. Some players and club staff explained that the apology was requested because players had violated COVID-19 protocols in the stands. But some players and club staff described that Clarkson seemed to defend stadium security, and players and club staff expressed disappointment at Clarkson's and the club's failure to attempt to understand the Black players' perspective. On the other hand, some thought Clarkson handled the situation well and reported that he later expressed his support and apologized if he had appeared insensitive. Following the meeting in which Clarkson requested player apologies, at players' prompting, a Black club staff member led a presentation discussing racial injustice at another club meeting.

Black Women's Player Collective representatives told the Joint Investigative Team that they experienced racial microaggressions on their teams. (Racial microaggressions are intentional or unintentional verbal or behavioral actions, often brief and commonplace, that insult or discredit people of color). One player explained that these were not always instances of "overt discrimination," but they "add up over time and it makes you question your performance and your role in the team." Some players expressed that they sometimes let these microaggressions go because they felt that speaking out about their experiences would make others uncomfortable or because they felt they would not be believed. One player told the Joint Investigative Team that when Black players raised the issue of race, they were "pushed to the side" or made to feel "crazy." Another player said it was "tough" to report "racial allegations" as a Black woman because "it almost feels like you're having to convince someone that it actually happened." Another player said she did not know who at her club she would report to if she heard a staff member say something racist, and she was not sure it would be the same person she would go to if she heard a staff member engage in other forms of emotional abuse. Two players expressed the concern that speaking out about issues of race could jeopardize a player's soccer career.

On several occasions, the NWSL or clubs did not investigate racially insensitive conduct or attempt to improve conditions for players of color until allegations of racism were brought to the public eye, or until players pushed for a response. One player also observed that her club was silent on issues of racism by not recognizing Juneteenth or doing work to support the Black community, which she said was in contrast to her former club where there were frequent discussions regarding anti-racism and her coach thought "about the broader world and how that could affect your performance." The same player emphasized that "continuous commitment to anti-racism is important" and the burden should not be on Black players to educate others.

## 7. *Offensive and Insensitive Behavior Related to Sexual Orientation*

The 2022 Anti-Harassment Policy prohibits discrimination and harassment on the basis of sexual orientation, gender identity, and gender expression, yet players reported that coaches used offensive language and made offensive comments about players' sexual orientation. Players

also reported instances where clubs responded to player and fan conduct in a way that reflected insensitivity to LGBTQIA+ issues.

One club employee recalled that Riley often made comments about lesbian players, including that players dating women negatively impacted their playing performance and their commitment to the team. This witness said that Riley did not make similar comments about players in relationships with men. Multiple witnesses reported that Riley criticized Sinead Farrelly's romantic relationships, stated that Farrelly was "too hot to be a lesbian," and said that Farrelly's then-partner was a "predator." Riley also would tell players that he wanted "to see two women kiss," and made other statements that one player described as "homophobic."

As described above, Nikki Stanton recalled that Dames said she was not playing well because of her girlfriend at the time. Another witness reported that Dames used "homophobic" language directed at players to demean them.

On another club, a staff member observed that when new players joined the team, the head coach would comment on their sexual orientation. The head coach would ask questions about players who were dating women, and another coach would contrast players who were dating women with players who were not, implying that the team should consider players' sexual orientations when making roster decisions.

Players also reported concerns with how clubs responded to incidents involving reported discrimination on the basis of sexual orientation, and which gave them the impression that sexual orientation discrimination was not important. For example, the Courage re-signed Jaelene Daniels in 2021, after her brief retirement. In 2017, Daniels had withdrawn from a USWNT camp so as not to wear an LGBT pride jersey, and according to an article in *The Athletic*, "repeatedly made homophobic statements on her public social media." After re-signing her in 2021, the club issued a public apology "to all those we have hurt, especially those within the LGBTQIA+ community," but stood by its decision, keeping Daniels on the team for the remainder of the season. One Courage player reported feeling that the club was moving in the right direction in 2021 after the firing of Riley, but that the club's signing of Daniels was a decision that "says a lot" and did not "align with the direction we thought we were heading in."

In a publicly reported incident, the Orlando Pride supporters group displayed a banner during a game in protest of the Florida "Don't Say Gay" bill, and the club had the banner removed. The supporters group claimed that the banner was removed because it was a political statement. A member of club staff told us the decision was based on a "business perspective," but could not "ascribe any personal feelings" to the decision. The club issued a public apology stating that it had "wrongly focused on signage policy and procedures, instead of allowing the important meaning of the message."

One former player reported that at the Utah Royals home stadium, fans called players names "based off race and sexual orientation," and players did not want to play in Utah as a result.

## 8. *Emotional Misconduct*

The 2022 Anti-Harassment Policy defines emotional misconduct as "deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to another person," including "verbal, physical, or other acts that deny attention or support to or degrade, insult, sabotage, humiliate, belittle, berate, and/or single out, ignore, or reject an individual." In certain circumstances, NWSL personnel "maliciously threatening to waive, bench, or trade

players” or “belittling players about their body image or weight” may constitute emotional misconduct. These categories are illustrative and non-exhaustive; emotional misconduct also can include intentionally acting in a manner that causes emotional or psychological harm, including severe or repetitive conduct, such as insulting or degrading players or by creating a hostile working environment for players.

The 2022 Anti-Harassment Policy applies an objective standard for emotional misconduct. Under the language of the policy, the question in evaluating conduct is whether it has the potential to cause emotional harm for a similarly situated player, and not whether the target of the conduct in fact experienced such harm or whether the emotional harm was specifically intended. The subjective experience is important to consider when assessing whether conduct rises to the level of emotional misconduct. Whether the conduct was severe or repetitive and whether it was intentional are factors that may influence this analysis.

Many players and staff admitted that they struggled to identify the line between emotional misconduct and “tough coaching.” Some players explained that their own experience playing for tough or abusive coaches in youth leagues or in college colored their ability to accurately determine whether NWSL coaches’ conduct constituted emotional misconduct. Some players said that they only realized that they were in emotionally abusive or manipulative environments after the fact. One player explained that it took her several years to realize that Riley’s treatment of players on the Courage was manipulative, and that “other coaches don’t treat people this way.” Another player stated that her team had been “brainwashed” into thinking that Riley’s coaching methods were necessary for the team to win. A third Courage player recalled that she “had a lot of really hard coaches growing up,” including her college coach, and wondered, “Do I even know if I’ve been abused?”

Some coaches and staff staunchly defended certain conduct as “tough coaching,” “demanding,” or “directness,” even when players found the conduct emotionally abusive. In the USSF Dames Report, Whisler explained Dames’s behavior towards players as “a stress moment,” and argued that Dames’s yelling was “not derisive or demeaning, it’s frustration.” Burke told the Joint Investigative Team that he was a “demanding” coach and acknowledged that he could be “profane” at times, but he adamantly denied that his behavior was abusive toward players.

a) Unconstructive, Personal, or Threatening Verbal Misconduct

Coaches’ behavior may cross the line into emotional misconduct when their criticisms are divorced from performance-related or corrective language, including by using insults or derogatory language to criticize players, attacking characteristics of players that are unrelated to their professional performance, or threatening players’ careers.

Several coaches routinely relied on derogatory language and name-calling to shame or criticize players. For example, one staff member recalled hearing Holly call a Sky Blue player “lazy” and “dumb.” A player described Riley saying to players, “You fucking idiot,” and “You have no idea what you’re doing, why the fuck are you on the field,” and another recalled Riley telling a player, “You’re the clumsiest fucking player I’ve ever coached.” With regards to Dames’s treatment of players, one player recalled, “It wasn’t like, ‘Hey, bad pass.’ It was, ‘You idiot. You moron.’ It was mean.” When one Spirit player tackled a teammate during practice, Burke “went off out of nowhere,” calling the player a “fucking asshole” and a “cheat.” Burke also reportedly described one player as a “moron” in front of others on the team. When asked whether he ever referred to players as “morons,” Burke told the Joint Investigative Team he could not recall ever calling a player a “moron” directly, but that he may have said to players, “Don’t be a moron.”

Coaches can also engage in verbal misconduct when they target players for personal attributes or immutable characteristics, such as their appearance, parental status, medical condition, or socioeconomic and educational background. For example, as reported in *The Washington Post*, Dames criticized one player's communication skills by screaming at her, "If you can't even talk on the field, what kind of mother are you?" This incident was corroborated by both players and staff members. One player who witnessed this incident described that Dames's comments that "had nothing to do with actually playing soccer" were "constant." Dames was not the only coach who resorted to critiques of players' parental status: a player described Riley "berating [one player]" through an entire game and "blaming the loss on her infant son." In the USSF Dames Report, a player described Dames calling a player "trailer trash" and insulting her educational background when she made a mistake. As another example of a coach targeting a player's personal attributes, according to a staff member, Holly criticized a player by wondering aloud why he had "wasted a draft pick" on her after a stress test revealed she had a medical condition.

Many players emphasized to the Joint Investigative Team that they are willing to take tough coaching, or as one player put it, "harsh criticism . . . with direction." For example, one former player explained, "If I don't cover my man and they score, that might warrant screaming." Another player said, "There's a time and a place for a good yell." One former player differentiated between raised voices in different locations: the player opined, "If you're working in an office cubicle, no one will scream at you for your terrible touch, but that might be needed on the field." Even within the soccer world, the player explained, a tone appropriate for the field would not be appropriate in other settings, such as locker rooms, team dinners, or one-on-one meetings with players. In general, players felt that the line between tough coaching and emotional misconduct is crossed "when it becomes an attack, versus a criticism." As one player explained, an emotionally or verbally abusive coach would "yell to hurt [players'] feelings, not make them better."

Players pinpointed instances in which it appeared that coaching staff were trying to humiliate and sabotage players, rather than help them improve. As one former player described, "It was almost like [the coach] was trying to break down [my teammate's] confidence so that she would not even be playing for the team." A Spirit player stated that rather than engaging in constructive criticism, Burke would "[go] at [her teammate] just to get her to cry." Another Spirit player pointed out the disconnect between Burke's verbal attacks and constructive performance improvement: Burke "would pick on someone, and then he would see they were playing worse because he was picking on them, and pick on them more. It's a vicious cycle." One player on the Red Stars described witnessing Dames go after her teammates even after it was "pretty obvious" that they were "mentally destroyed."

Players described how emotional misconduct affected their performance. One player described being screamed at by Burke during a game until she began "hiding behind the other team because [she] was so scared of touching the ball." A player on another team recalled that after her coach physically "stormed" after a player to make an example of her mistake to the rest of the team, that player "shut down . . . mentally" and could not perform at her best for the rest of the year.

Players also drew a connection between coaches who engaged in abusive behavior and coaches who, in the players' view, relished the feeling of having power over their players. One player, asked to differentiate between a coach she considered abusive and one that she considered a tough coach, stated that the abusive coach had a "power-craving take on coaching." Another player recalled that Riley "loved the feeling of controlling our lives," and that he acted on this feeling by "chang[ing] the schedule at the last minute" and "withhold[ing] information

that would allow us to travel home.” A player similarly described Riley policing details, like players’ off-field wardrobes, and described his behavior as creating a “constant state of being on edge.” Pauw, too, was described by players as a “power freak” who would monitor players’ use of their apartment complex pool and “text at 8:00 p.m. saying that training for 5:00 p.m. the next day was moved to 8:00 a.m. the next day. It didn’t matter that the girls had other jobs—this team was their life.” As discussed in more detail below, Pauw also strictly controlled players’ eating and workout habits. Another player stated that Holly liked “to play mind games” with players, including one incident in which he purposely benched a starting player immediately before a game just to observe her reaction, and then threatened to cut her from the team when she reacted poorly. One person who works with players in the League mentioned that she had seen text messages to other players from coaches that engaged in such emotional manipulation. She recalled reading texts that said, “You’re nothing without me. You should be so thankful I’m part of your life. You should be so grateful for me. Don’t ever leave me.”

The Joint Investigative Team received reports from players that reflected concerns that Houston Dash Head Coach James Clarkson was engaged in ongoing emotional misconduct and insensitivity. In December 2021, the Joint Investigative Team received a complaint about Clarkson and began an investigation. In the early stages of the investigation, the Joint Investigative Team interviewed seven current and former players who described Clarkson as volatile, verbally abusive, and as not showing appropriate regard for players’ wellbeing. While the investigation into Clarkson was ongoing, players submitted an additional formal complaint and again reached out to the Joint Investigative Team to raise both related and additional concerns about Clarkson’s treatment of players, expressing fear that Clarkson would retaliate against them if he learned they had raised complaints. Following these reports and upon learning that Clarkson had been made aware that he was under investigation, the Joint Investigative Team recommended in April 2022 that Clarkson be placed on temporary suspension pending investigation. Following Clarkson’s suspension, the Joint Investigative Team interviewed 19 additional current and former Dash players and staff, including Clarkson. The Joint Investigative Team also collected and reviewed relevant emails, texts, and WhatsApp messages from interviewees and the club. At the conclusion of its investigation, the Joint Investigative Team determined that Clarkson’s actions constituted emotional misconduct.

Several players interviewed reported that Clarkson targeted one or two players each year for excessive and unjustified criticism, and that Clarkson’s conduct towards these players was outside the bounds of appropriate coaching. Some of these players reported feeling significantly affected by Clarkson’s conduct; some reported that it affected their performance during games; and two players reported that they sought therapy. A majority of players expressed the view that Clarkson’s treatment of players did not rise to the level of abuse or misconduct, though some of them took issue with some of Clarkson’s conduct or aspects of his coaching style. Several of these players described Clarkson as fair, but tough on players based on their soccer performance and potential. Nearly every interviewee agreed that Clarkson was not adept at tailoring his coaching style to particular players’ needs or reactions, and that he failed to recognize or appreciate when certain players did not respond well to his coaching style. A majority of interviewees believed that Clarkson’s mood could be unpredictable—that he could be hot or cold, or they would not know what to expect in terms of his attitude on any given day. Some players reported that Clarkson’s unpredictable mood contributed to a culture of anxiety. One player said she felt that she could not breathe or think when Clarkson yelled at her as she was playing; another said she felt under the microscope based on the position she played and feared she would be cut from the team.

Multiple players described an incident in which Clarkson was “out of line” and created a culture of fear and anxiety. During the 2022 preseason, the Dash traveled to Mexico City for pre-season games against the Mexican club Pumas. The team’s first game was scheduled for 10:00 a.m. Tuesday morning, which required a 6:00 a.m. wake-up call. On the Monday night before the game, four Dash players had dinner at a Pumas player’s apartment and returned to their hotel around midnight. On Tuesday, one player, who attended the dinner and was expected to start in the day’s game, became ill during the warm-up.

Interviewees reported that the performance staff told Clarkson that the player was dealing with altitude sickness (Mexico City is over 7300 feet above sea level). Clarkson believed the player was hungover because he had been alerted by a local friend that the sick player had gone out the night before with some Dash teammates and several Pumas players. A staff member reported that he and another staff member told Clarkson that they did not believe it was a hangover. According to several interviewees, the Dash players had not been drinking alcohol. Clarkson asked a staff member to request security footage from the hotel, but the staff member was not able to obtain the footage.

At a team meeting the next day, players observed that Clarkson was visibly angry as he reprimanded the team at length, calling them selfish, disrespectful, and unprofessional by going out drinking prior to a game. According to multiple interviewees, Clarkson did not allow the players to address the accusation that they had been drinking and told them, “Cameras don’t lie.” After the meeting, the team captains followed up with Clarkson and reportedly told him that his conduct had scared players. Two interviewees reported that Clarkson told the team captains that the players “should be scared.” Some players reported feeling that the incident left them feeling attacked, scared, and on edge. Clarkson admitted speaking to players about drinking and professionalism, and although he understood that the players may have felt attacked, he denied “attacking” anyone.

In another incident, players reported that Clarkson criticized an injured player. The player had reported to one member of the coaching staff, but not to Clarkson, that she was feeling ankle discomfort before a game. Nevertheless, she decided to dress for the game because she did not think she would get any playing time. The staff member stated that Clarkson believed that the player was “100%” fit to play because she had dressed for the game, although the player reported that Clarkson was aware she had been dealing with the injury. Clarkson put her in as a substitute, and she soon began struggling with pain. She told Clarkson during a water break shortly after entering that she had to come off the field due to her injury. Accounts differ about what happened next. The injured player recalled that Clarkson angrily asked her, “How the fuck are you so unprofessional?” One player on the bench reported that she did not recall those specific words, but recalled Clarkson reacting with “disgust on his face” while the injured player “was visibly crying and upset.” This player who observed the incident from the bench said she discussed the incident with Clarkson and he agreed that he did not handle it correctly. Clarkson denied making this comment to a player.

In his interview with the Joint Investigative Team, Clarkson exhibited a lack of candor. Clarkson denied ever raising his voice at players or losing control of his emotions, notwithstanding credible evidence to the contrary.

#### b) Non-Contact Physical Behavior

Non-contact physical behavior can also contribute to the creation of emotional misconduct. Multiple players described coaches engaging in behavior that was perceived to be physically threatening to players, such as chasing players down to scream at them, screaming in

their faces, and gesturing in a threatening manner in their faces. For example, players on multiple teams recalled either being chased down to be yelled at or watching their coach physically follow their teammates to berate them in a way that bystanders recognized as unacceptable. One player described feeling anxious and upset after a coach was “almost screaming on top of [her], pointing his finger.” Another player described being yelled at by another coach to the point where the player could “feel [the coach’s] spit almost in [her] face.” A player at another club described a coach getting “really close” to her face during a game and screaming and cursing—conduct she had observed the same coach repeat with another player.

### c) Volatile Conduct

Players and staff also described coaches creating emotionally toxic workplace environments by subjecting players to volatility or manipulation. More than one individual used the phrase “Jekyll and Hyde” to describe Holly, who exhibited patterns of hot and cold behavior that caused anxiety and uncertainty for players. Such volatility was a common thread among many coaches in the League who engaged in other forms of emotional, verbal, or sexual misconduct.

Describing Dames, a Red Stars player stated that a “huge day-to-day struggle was the fear—what was the day going to bring?” The player wondered, “Are you going to get a jokey type of day, or is he . . . going to make your life hell that day?” In the USSF Dames Report, one player described Dames’s emotional abuse as “having a ‘boyfriend that beats you, says sorry, and you go back to him.’” A Dash player also described her coach, Pauw, having “outbursts” of “emotional yelling” in which she would “get up in a frenzy,” and recalled a player receiving warning calls to inform her of incoming phone calls from Pauw. One player described Holly screaming at a player during a game, only to bring her into a meeting after the game in which he cried and told her that she was his favorite player. Another player explained that she had dealt with coaches yelling in the past, but what set Holly apart was that there was “such a shift” and he would “lose control.” The erratic, emotional behaviors exhibited by these three coaches were repeatedly described by players as “cycles” of abuse. Several players and staff described Clarkson’s mood as unpredictable or “hot or cold,” leading players to feel like they were walking on eggshells around him or would not know what to expect in terms of his attitude on any given day.

Multiple players described outsized, angry reactions to innocuous questions or requests. One Spirit player recalled Burke going “from zero to a thousand on the aggressive scale” towards one of her teammates during a halftime speech and making the teammate cry. The player stated that Burke’s lack of emotional control was “very regular.” Another Spirit player recalled Burke “screaming” at a player, “You don’t ever fucking call a coach before a game,” after the player asked for feedback on her performance two days before a game. A player on another team recalled that a general manager, when asked by a player about hotel room arrangements, screamed at the player for several minutes and accused the player of “trying to get inside information about who was going to be traded.”

Both players and staff on the Current described disproportionately angry responses by their former head coach, Huw Williams, to routine questions in the course of games or practices. When one player asked Williams during a game how the team should adjust their positioning after a player was removed from the game due to a red card, Williams screamed, “Are you fucking serious? Just get out there and fucking play.” When an assistant coach attempted to give the player the requested advice, Williams told the assistant coach, “Shut the fuck up and go sit down.” Another player also reported that Williams said, “I’m going to ream her, I’m going to rip

her a new one,” about a player and within earshot of the player after she asked about practicing set pieces during training.

d) Inappropriate Comments About Player Weight and Body Types

The 2022 Anti-Harassment Policy provides that emotional misconduct may include “belittling players about their body image or weight.” Players across numerous clubs described weight-shaming comments and actions by both male and female coaches. While coaches and staff may appropriately discuss professional players’ fitness in the context of players’ performance, coaches often made comments that did not address performance, but rather were focused on appearance or other arbitrary criteria. These comments constituted impermissible emotional misconduct because they had the potential to, and did, cause emotional and psychological harm by degrading, insulting, and belittling players based on their weight.

(1) Weight-Shaming Comments and Pressure

Multiple players emphasized that coaches who weight-shamed players often were concerned with appearance, irrespective of players’ on-field performance. These players explained that coaches would target players they perceived as overweight, even if their strength and fitness levels were on par with their teammates’, and even if the coach lacked the expertise to make such judgments. Players reported that certain coaches expressed disgust towards players’ weight. For example, a player described Pauw saying to a player, when that player lifted her shirt to wipe her face, “Put that away.” Players also stated that Pauw commented on players’ legs as being “bulky” and prohibited players from lifting weights based on her view that it would make them bulkier when she wanted players to be lean. Players also told the Joint Investigative Team that Riley “[made] a face” when players lifted their shirts to wipe their faces, commented that players had “refrigerator[s] on their ass[es],” and stated that a player was “eating too many hamburgers.” One player recalled Riley repeatedly calling a teammate that he considered chubby “Chips” in front of the entire team.

Players described their coaches’ continual policing of food intake not as informed decisions based on nutritional needs, but rather as an example of these coaches’ compulsion for control. For example, players noted that Pauw wanted to exert control over “every aspect of [their] lives,” including “everything you were putting in your body, every exercise you were doing.” One player, describing Riley’s fixation with players’ weight, stated that he was “100% the most controlling person I’ve ever met.” Another player recalled that he deployed a strategy of “breaking down [a player’s] confidence, saying she doesn’t look fit,” and then when he needed her, “building her confidence back up and controlling her in that way.” According to players, Riley made unrealistic and seemingly arbitrary demands for player weight loss. On at least one occasion, he mandated that a player “weigh in” on a daily basis and told her that she would not see the field until she hit a certain weight. One player recalled Riley demanding that she lose 10 to 15 pounds in a month. The player wondered, “How the hell am I going to lose 10 to 15 pounds without starving myself? I never had the ability to quickly lose weight.” Riley told Kaleigh Kurtz that he could “see the cellulite on [her] legs” and that in order to retain her starting position, she needed to lose 14 pounds in 10 days. He told Kurtz, “I hope you know I’m doing this because I love you.”

Players recalled coaches monitoring the snacks and meals that players ate, forbidding players from eating things like fruit, peanut butter pretzels, and baked chips, and hiding food from players to prevent them from eating, even when the food was provided by the team. One player reported that former OL Reign Head Coach Farid Benstiti announced to players, “If I see you eat snacks, I will kill you.”

Players also described coaches who publicly shamed players for their weight, rather than addressing the issue privately. Coaches would berate players about their weight in front of their teammates or speak disparagingly about a player's weight to people other than the player. One player reported that Riley "ripped" a player for being "too fat" during a halftime speech. Another player described the way Riley spoke disparagingly about players' weight to another coach, in the open, where other players overheard. One assistant coach recalled another coach making comments about players' weight and once telling a player at a restaurant, "You can't eat this. This is too much. You're eating too much." A player recalled this same coach making comments about what players "had on their plates" and "food-shaming" players. Another player recalled other players informing her this coach was telling people that she needed to lose weight, but he never discussed it with her directly.

Multiple witnesses reported that coaches continued their weight-shaming behavior even after being warned by players and other staff that such behavior was harmful. In certain instances, these coaches justified their behavior by relying on the rationale that the behavior was "cultural" or by doubling down on claims that their behavior was oriented around fitness. After experiencing weight-shaming by Pauw and Riley, witnesses reported that players developed eating disorders and sought mental health treatment.

Pauw appeared for an interview with the Joint Investigative Team, but refused to cooperate. She provided a written denial of what she suspected were the allegations against her, including a statement that she has never remarked on the appearance of a player or kept track of players' weight. She claimed that players had called themselves "bulky." Pauw acknowledged that at the end of the season, a player had raised concerns to Pauw that Pauw's mistreatment had caused a teammate's eating disorder, but Pauw denied any role and stated that the reporting player should have "tak[en] responsibility as an adult" by looking out for her teammate sooner.

## (2) Weight-Shaming by Farid Benstiti

In January 2020, OL Reign hired Benstiti as their head coach, despite the availability of public reporting by multiple media sources that Benstiti harshly criticized Lindsey Horan's weight when he was her coach at the French club Paris Saint-Germain ("PSG") and told her she could not play until she lost weight. Benstiti was the head coach of PSG from 2012 to 2016.

Horan spoke publicly about weight-shaming behaviors at PSG on multiple occasions before Benstiti's hiring at OL Reign. For example, in 2018, Horan wrote an op-ed about her time at PSG and stated what she "went through . . . was almost like abuse – emotionally and mentally," and "extremely intense." In 2019, several media outlets, including *Yahoo! Sports* and *The New York Times*, published articles detailing her experience at PSG. The *Yahoo! Sports* article mentioned Benstiti by name, stating that "the club's technical staff, led by Benstiti, didn't care about communicating fitness goals respectfully." The same article reported that Horan said Benstiti and his staff "were just terrible" about discussing fitness goals and told players, "You need to lose weight, you need to get thinner, you need to run more." The article also noted Horan's observation that Benstiti's insistence on weight loss was "more [about] how you were seen and not how it was helping you play." An April 2019 Adidas commercial focused on Horan overcoming her negative experience with Benstiti. In the commercial, she discussed a time when she beat all of her teammates in a physical fitness test but her coach said, in front of the whole team, "Lindsey, you're not going to play in any games until you lose more weight." Horan also said "the French coach was very brutal with it." In October 2019, Horan also appeared in a *Players' Tribune* podcast episode, titled "Lindsey Horan Opens Up About Body Shaming at PSG," in which Horan said playing at PSG was the "lowest" part of her career in part because the coach was "brutal" and was not playing her because of "how [she] looked."

At the time of Benstiti's hiring, Bill Predmore was the club's majority owner and CEO, and he conducted the head coach search process. Olympique Lyonnais LLC, a wholly owned subsidiary of the OL Groupe ("OL"), was set to buy the Reign ahead of the 2020 season, so Predmore updated OL throughout the hiring process. OL was supportive of the decision to hire Benstiti, who had been employed as a head coach for OL from 2001-10. When Olympique Lyonnais became the club's majority owner in January 2020, Predmore retained his position as CEO and was primarily responsible for day-to-day club decisions.

Predmore said he did not know about Benstiti's weight-shaming before deciding to hire Benstiti and remarked that "by the time it came out[,] Farid had signed his contract." One witness expressed disbelief after Predmore told him that he did not know about Benstiti's treatment of Horan: "I was like, are you living under a rock?" A USWNT staff member said they were familiar with Benstiti before the Reign hired him and recalled that "everyone had heard rumors of his treatment of Lindsey Horan" because "it was public." The staff member also said they brought up Horan's negative experience with Benstiti to Predmore in late December 2019 or early January 2020. They warned Predmore that he "[needed] to double check" on Benstiti's comments to Horan and noted that they were "flagging" it for him. According to the staff member, Predmore said the Benstiti weight-shaming issue was a "cultural thing" and that he "worked on it." The staff member's account contradicts Predmore's claim that he was unaware of any issues with Benstiti until after Benstiti signed his contract on January 11, 2020. A former OL Reign staff member who worked closely with Predmore was adamant that Benstiti had not yet been hired when Predmore was made aware of the issue.

After Benstiti's hiring, Predmore instructed Benstiti not to discuss "player weight or nutrition" with players, and "specifically forbade him" from talking about "anything related to food." Furthermore, he instructed Benstiti to bring any dietary or weight-related concerns to another staff member, who could have conversations about diet and fitness with players. Several individuals separately confirmed Benstiti was explicitly told he could not discuss weight or food with the players.

Benstiti did not obey this instruction. A staff member recalled that during the 2020 season, a player made overnight oats for breakfast, and Benstiti told her in front of other players, "You don't need those oats. You need to lose weight." One player said that during the 2020 Challenge Cup, which began five months after Benstiti signed his contract, Benstiti was "already hiding food under the table he didn't want girls to eat." She also stated that Benstiti "was always commenting on food and women and their weight."

Predmore confirmed that during the 2020 Challenge Cup, he was informed by a staff member that Benstiti made comments to a player about the quantity and type of food the player was eating during a team meal. Predmore said he told Benstiti that his comments were not appropriate and that he was not permitted to have a conversation with any players about diet, nutrition, or fitness under any circumstance.

One player said the team reached its "breaking point" when Benstiti gave a speech about diet during a losing streak in the summer of 2021. Multiple individuals confirmed that Benstiti addressed the players to criticize their diets and weight. One player compiled other players' accounts of Benstiti's speech into a formal complaint, which reported that Benstiti said, "If I see you [eat] snacks, I will kill you"; told players he would be monitoring their food and snacks; and "specifically brought up Lindsey Horan . . . and said, 'I don't care, I will do the same thing and I don't care if it's in the paper.'" Two other players recalled that Benstiti mentioned Horan by name. One of the players recalled that Benstiti said, "I don't care if you go to the newspapers . . . no more fast food. I'm going to watch what you eat," and the other recalled

Benstiti saying that he would replicate his “very strict monitoring and measuring [of Horan’s] weight and what she’s eating” with the club’s players. On June 28, 2021, a player reported Benstiti’s comments to Predmore, who suspended Benstiti from interacting with players the next day. Predmore also began discussing with the management of OL Groupe what action to take with regard to Benstiti. Three days after Benstiti’s speech, a player formally reported Benstiti’s conduct to the League pursuant to the Anti-Harassment Policy. Around the same time, on July 1, 2021, OL Reign decided to remove Benstiti from the club, and asked for his resignation that same day. Predmore notified the players that Benstiti would be removed from his role as head coach. One player told Predmore that they believed it to be “so important” that the club’s communications state “that Farid ha[d] been terminated. Not ‘resign.’” Predmore responded that the club’s “primary objective” was “to remove [Benstiti] from the role as quickly as possible” and the question of resignation or termination was “an important, but secondary concern.” He told the player that the club had provided Benstiti the opportunity to resign as “the most immediate and least risky path” to removing him from the club. The player told Predmore she understood. On July 2, 2021, OL Reign announced, “Farid Benstiti has resigned his position as head coach of the club with immediate effect.” One player told the Joint Investigative Team that they felt Benstiti should have been fired and there should have been a private apology from the club to the players and a commitment to do right by the players.

Benstiti did not respond to the Joint Investigative Team’s request to speak with him.

e) Insensitivity Toward Mental Health

Numerous players reported that they experienced mental health challenges due to toxic and abusive working environments created by coaches’ behavior and treatment of players. Players also reported that club staff, including coaches, were unhelpful to players who experienced mental health challenges.

Multiple players at the Pride experienced anxiety attacks due in part to a stressful working environment. In one instance, players reported that Pride Head Coach Amanda Cromwell and Assistant Coach Sam Greene ignored a player who was having a panic attack. Players reported the coaching staff physically turned their backs on the player while she was experiencing a panic attack and did not follow up with this player afterward to ask how she was doing.

Players also reported that Burke continued to yell at a player during a game when she was experiencing a panic attack on the field. When the player was emotional after the game, Burke reportedly continued to yell at her and called her “selfish.” When asked about this incident, Burke denied ever having yelled at a player who appeared to be experiencing a panic attack and explained that he always tried to make players laugh and feel comfortable before and during games. One player also recalled that while Burke hired a sports psychologist to work with the players, Burke “thought there was something wrong with” the players and said the players were “all headcases.”

In 2020 and 2021, James Clarkson emailed club staff, including the club president, in an effort to develop a mental health program to support players. However, interviewees reported that Clarkson on occasion failed to recognize or appreciate his effect on players. For example, in one incident, Clarkson likened an injured player’s stride to that of a “lame horse,” and laughed when she jokingly responded, “So should I shoot myself?” After this exchange, the player reported having a panic attack in the locker room, and multiple interviewees described her as crying and visibly upset when walking onto the field for the game. The player reported that she later told Clarkson she found the comment offensive, and he laughed again. Clarkson denied

ever having a second discussion about the remark with the player. On another occasion, after the detention of WNBA player Brittney Griner and Russia's invasion of Ukraine, Clarkson approved conveying to a player's agent a contract offer from a Russian club, without acknowledging or showing sensitivity to the risks that would accompany playing in Russia.

A player for another club recalled that she had to take a break from the team to be with family due to anxiety, and when she returned, both her coach and the general manager informed her she would have to find her own housing because she had "made the choice" to go home temporarily due to mental health reasons. She recalled feeling like she was being punished by them for her mental health struggles and for choosing to be home with her family during that time. Consultants who spoke with players at one club observed after their conversation that they had concerns about the club environment which were "exacerbated by the recent suicides of former soccer players, observed stigma around mental health and seeking help, and seemingly limited suicide prevention practices."

#### 9. *Reports of Retaliation for Complaints of Misconduct*

Players reported to the Joint Investigative Team multiple instances in which club staff, coaches, or club leadership retaliated against players for reporting misconduct or for participating in an investigation into misconduct. The 2021 and 2022 Anti-Harassment Policies expressly prohibit retaliation, but retaliation occurred both before and after implementation of the 2021 Anti-Harassment Policy. Players reported that as a result of reporting misconduct or supporting others in doing so, they were verbally abused, isolated and ignored by coaches, removed from starting roles, waived, traded, and not re-signed, among other consequences. Additionally, players reported instances in which behavior by coaches, staff, or club leadership created a culture in which players feared retaliation. As a result, players reported multiple instances in which they did not report concerns or misconduct.

##### a) Definition of Retaliation

Under the 2022 Anti-Harassment Policy, the League "prohibits reprisal or retaliation against anyone for engaging in the following Protected Activity: filing a good faith report under this Policy; supporting or assisting, in good faith, someone else in pursuing a report or in an investigation; objecting to misconduct; or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency." The 2022 Anti-Harassment Policy further explains that "[p]rohibited retaliation could include any of the following actions if taken because of a player/employee's involvement in Protected Activity: termination of employment, demotion, transfer to less desirable position, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit."

##### b) Retaliation by Amanda Cromwell and Sam Greene

In May 2022, the Joint Investigative Team commenced an investigation into reports from Pride players that members of the club's coaching staff were retaliating against players who they believed had participated in a previous investigation into misconduct allegations against coaching staff. The previous investigation into misconduct allegations was conducted by outside counsel for the Pride in March 2022 (the "March Investigation"). Following the receipt of evidence that Cromwell and Greene were retaliating against players and considering removing from the team players they believed had participated in the March Investigation, the Joint Investigative Team recommended in June 2022 that Cromwell and Greene be placed on

temporary administrative leave pending the results of an investigation. After interviewing coaches, players, and club staff, the Joint Investigative Team concluded that Cromwell and Greene retaliated against players for participating in the March Investigation in violation of the 2022 Anti-Harassment Policy.

The March Investigation focused on concerns that Cromwell inappropriately showed favoritism towards certain players, communicated with players in an unprofessional manner, and inappropriately commented on players' physical appearances, and that Greene inappropriately showed favoritism towards certain players. This investigation precipitated the chain of events leading to the later retaliation claims. At the conclusion of the March Investigation, the Pride's counsel substantiated that Cromwell engaged in favoritism, inappropriately communicated with and "verbally attack[ed]" players, made sexualized comments about players' appearances, disregarded the advice of the sports medicine staff, and discouraged players from utilizing reporting channels. The investigation found that Greene had engaged in conduct that gave the perception of favoritism and fraternization. When the club held a call with players and staff to share the results of the investigation, however, the message left players and staff with the incorrect understanding that none of the reports against Cromwell and Greene were substantiated, that no remedial actions were taken to address their behavior, and that the club was standing by the coaches.

As a result, several players felt that they needed to apologize for participating in or failing to stop the March Investigation. Neither Cromwell nor Greene took any steps to convey to players that they did not need to apologize for participating in an investigation. In addition, while Cromwell and Greene denied knowing who made complaints about them during the March Investigation, the evidence suggests that they formed a belief as to which players made complaints or spoke negatively about them in connection with the March Investigation. Numerous individuals relayed that as a result, Cromwell and Greene stopped speaking to players who they believed had participated in the March Investigation and who did not show contrition in the aftermath. According to players and staff, including Cromwell and Greene, Cromwell and Greene deliberately declined to speak with these players, adopted as wholesale negative reports of these players' behavior from other players, and refused to entertain that there was another side to the stories, even when another staff member offered to facilitate a dialogue between the coaching staff and certain players. Cromwell also sought to exclude the players she believed to have been involved in the March Investigation from her efforts to improve the locker room culture. At one point, she sought to bring in a team-building expert to improve locker room dynamics. In a text message she sent about bringing in the expert, Cromwell stated, "We don't want [those players] around this week." Greene also made comments to staff members about reporting, including that she was going to find out who started the March Investigation and "get to the bottom of it," and that staff members should bring issues to the coaching staff, rather than club management.

Cromwell and Greene also expressed a desire to remove these players from the team. Cromwell told club leadership in reference to these players that "the negative players" "suck the life out of this team," and that they were "miserable people" and "bullies." Cromwell said the team could "manage" one player, but the others "need to go." During the retaliation investigation, one of the players identified by Cromwell and Greene as having been involved in the March Investigation was informed that she would be waived by the club, and word spread in the club that Cromwell wanted to waive or trade several other players who she believed were involved in the March Investigation. The close timing between the March Investigation and the proposed player transactions creates a reasonable inference that the decisions were motivated in part by retaliation. And while the coaches offered some purported legitimate, non-retaliatory

reasons for the waiver/contract buyout and other proposed waivers, several additional considerations supported the conclusion that retaliation was a motivating factor. These considerations included the coaches' sudden fixation on and urgency in removing these players, the labeling of these players by Cromwell and Greene as "negative" and not "bought-in," the decision to avoid interactions with these players and plan to exclude them from certain team activities following the March Investigation, and Cromwell's and Greene's shifting justifications for the intended transactions.

Cromwell's and Greene's conduct fostered a fear of retaliation among certain players and staff at the Pride. As a result, multiple players and staff members credibly expressed fear of severe consequences for their participation in the March Investigation and the subsequent retaliation investigation if they spoke negatively about the coaching staff, or if they were not "bought in."

The Joint Investigative Team concluded that Cromwell and Greene violated the NWSL's 2022 Anti-Harassment Policy prohibiting retaliation. The Joint Investigative Team further found that Goalkeeper Coach Aline Reis did not fully cooperate with the investigation, in violation of NWSL policy, including by pressuring players to share favorable information with investigators. Cromwell's, Greene's, and Reis's conduct could discourage players and staff from reporting misconduct in the future, and their conduct, therefore, directly contradicted the 2022 Anti-Harassment Policy, which aims to detect and prevent misconduct, protect players and others from retaliation for engaging in Protected Activity, and create a safe working environment for players.

On October 10, 2022, the NWSL publicly announced that the Joint Investigative Team found that Cromwell and Greene engaged in retaliation and attempted retaliation, in violation of NWSL policy, against Pride players whom Cromwell and Greene believed had made or supported earlier misconduct allegations against them, and that Reis violated NWSL policy by not fully cooperating with the retaliation investigation. The NWSL announced that Cromwell's and Greene's employment contracts were terminated effective immediately and that they were ineligible for future employment in the NWSL unless approved by the Commissioner. To be eligible for future employment in the NWSL, Cromwell and Greene must participate in mandatory training regarding retaliation, discrimination, harassment, and bullying, and must participate in mandatory executive coaching. Cromwell and Greene may apply to the Commissioner for consideration only after they have successfully completed the mandatory training and coaching, acknowledged wrongdoing, and demonstrated a sincere commitment to modifying their behavior. Reis was placed on unpaid administrative leave and is required to participate in mandatory training regarding retaliation, discrimination, harassment and bullying, and must participate in mandatory executive coaching. Reis may not return to work until she has completed the mandatory training, acknowledged wrongdoing, and demonstrated a sincere commitment to modifying her behavior.

#### c) Other Incidents of Retaliation

Multiple players reported to the Joint Investigative Team that Holly had retaliated against them for raising concerns. Simon explained that after she confronted Holly for sexually abusing her, as discussed in greater detail above, Holly began verbally abusing her, including in front of other players. At least one player and a volunteer at the club corroborated that Holly treated Simon harshly. Hendrix informed the Joint Investigative Team that she had subtly tried to prevent Holly from being alone with Simon. Hendrix said she believed that Holly may have retaliated by taking her off the starting roster. Hendrix also heard from a teammate that Holly had been speaking negatively of her to club staff.

In some cases, players reported that club leadership failed to protect them from retaliation. For example, in June 2021, a group of players reached out to O'Connor and asked if they could speak with him. They told O'Connor that they "would really appreciate if this was kept confidential." O'Connor responded, "Confidentiality in our culture suggests it is an issue which is either illegal or immoral," and the players responded that it did not fall into those categories. O'Connor met with the players, who shared concerns about how the staff was handling players' medical issues as well as concerns about Holly's treatment of players. After the meeting, one of the players said she felt like things were getting better. She was surprised then when the club's HR personnel emailed staff and the players who raised concerns to schedule a meeting for them to discuss the issues collectively. The player said she and the others felt like "[they were] never going to play again."

O'Connor defended the club's approach, saying he told the players that everyone would get together to discuss their concerns. He told the Joint Investigative Team, "We're all adults. If [we have] a concern, we're going to sit down and try to find a solution." He also said, "If you're trying to build trust, which is what we're trying to do, it's hard to build trust if someone's saying to you, '[I] can't tell you where it's coming from.' In essence, that's part of building trust, you have to create transparency." Regarding confidentiality, O'Connor stated repeatedly that confidentiality was at odds with the club's culture of "trust" and "transparency," and that there was no need for confidentiality in reporting unless there were issues that were "illegal or immoral." O'Connor acknowledged that he did not follow up with the players to determine whether they experienced any retaliation after the group meeting.

The players, however, reported to the Joint Investigative Team that they did experience retaliation after this meeting. One player explained that Holly demoted her to training with reserve players. Another player similarly reported that Holly stopped playing her after she raised concerns about his behavior to an assistant coach.

Multiple players, in public statements or in interviews with the Joint Investigative Team, reported that they experienced retaliation for reporting concerns about Dames. For example, one player reported to *The Washington Post* that after she resisted inappropriate comments and invitations from Dames, he benched her and forced her to practice with reserve players, rather than the first team. That player requested that *The Washington Post* not name her in the article due to fears of retaliation. Another player reported to the Joint Investigative Team that she was traded from the Red Stars shortly after she raised a complaint to the NWSL about Dames; the player expressed concern that her complaint played a role in her departure from the team. A text message conversation between Whisler and Dames confirms the player's concern. The day after the player spoke to the NWSL about her complaint, Dames texted Whisler that he was planning on waiving her. Whisler cautioned, "Don't do [that] out [of] emotion. If [a player] gets [an] injury we still need [her.]" Dames responded, "[S]he was one of the 2 in consideration prior to any of this crap going on per our text last night. No reason to keep her, she is poison at this point. I don't want her anywhere around the team." When asked about this conversation, Whisler acknowledged that it was "a clear attempt at retaliation," and said that he told Dames that was not an appropriate reason for the trade. Whisler said he then proceeded with the trade based on "soccer reason[s]" after consulting with the League. Whisler shared his perspective with the Joint Investigative Team that "if you're a coach and you know a player doesn't want to be in your environment, has other players upset because she turned something in to the League . . . there's a chemistry issue that I think has to be thought through from a team health perspective." The Joint Investigative Team spoke to other players on the Red Stars who reported similar concerns of retaliation.

#### d) Concerns of Retaliation at the Kansas City Current

Multiple current and former players from the Kansas City Current raised concerns that Head Coach Huw Williams retaliated against players for participating in an August 2021 meeting with other club leaders, including club owners Chris and Angie Long. Players reported they raised concerns during this meeting regarding Williams's ineffectiveness as a coach and unprofessional and demeaning communication style. According to an outline prepared by players before the meeting, their concerns included comments made during training, like "I'm going to ream her ass," and "you are a pain in my ass," demeaning players' abilities, and telling players, "I do this [drill] with my 12 year-olds" and "I do this with my U14s," which players felt did not afford them respect as professionals.

Angie Long recalled that players raised concerns about how training and practices were being conducted, but did not recall the players raising any concerns about how Williams interacted with players on the team. Williams, who was not at the meeting, reported being told by the Longs and a staff member that players were not happy because the team was not doing well. He also recalled being told that players were concerned about the amount of training given to non-starters. Williams acknowledged that club leaders also identified to him specific players who organized the meeting, although he did not know all the players who participated. Players reported Williams apologized to the team the day after the meeting, but players felt the club did not take action to address players' concerns after the meeting.

Several players reported that following this meeting, Williams began to treat certain players negatively. One player reported that Williams stopped communicating with her, would ignore her when greeting other players, and made efforts to avoid her. Another player recalled hearing about and witnessing the same behavior. Multiple players reported hearing that Williams referred to this player, a leader in the locker room, as "toxic." Williams reported that he had a good relationship with this player during the season.

Before the next season, certain players who had participated in the meeting or raised concerns about Williams were traded, waived, or not re-signed. Multiple players reported that there was an overlap between these players and those who had been vocal at the meeting. One player recalled that six players spoke during the meeting; only one returned for the next season. One player who spoke up at the meeting and was subsequently traded shared that because she and other players spoke up, "[w]e all knew we were going to be traded." Another player recalled this teammate remarking that she would not be surprised if she was traded after the meeting. One player who was waived after the 2021 season had signed a multi-year contract extension with the club before the August meeting.

The Joint Investigative Team requested an interview of Angie and Chris Long, and Angie Long sat for an interview. During that interview, she explained that she was more involved in on-the-field issues and that Chris Long was more involved in sponsorship and other business issues. Angie Long did not recall many details of discussions regarding these player transactions. She did recall discussing one of the transactions with Williams and that he offered a soccer-related reason for the transaction. Williams proffered non-retaliatory justifications for the transaction to the Joint Investigative Team. Both Williams and Angie Long recalled the club trying to find a trade within the NWSL for one player, but being unable to find a trade partner. In explaining the transactions the club made before the next season, Williams said, "We needed to make a lot of changes—we were last [in the League]. . . . The changes we made were to become a better soccer team."

After the end of the 2021 season, when the Current finished in last place in the League, Williams was relieved of his coaching duties, and he moved to a scouting role at the Current. Long pointed to the fact that “he wasn’t winning” as the reason for the change in Williams’s role.

e) Fear of Retaliation

In addition to the specific incidents and individuals discussed above, players and staff members across a variety of teams described a general fear of retaliation for reporting concerns or otherwise taking action protected by the Anti-Harassment Policy.

Multiple players and staff shared that they have witnessed behavior from coaches that confirmed in their minds that coaches, staff, or club leadership would retaliate if they raised complaints. For example, one player explained that because of Riley’s past behavior, she feared he would retaliate against her if she ever spoke out against him. A staff member at another club reported that they overheard club management commenting that another staff member “had to go” because the staff member was questioning management, and that those comments created an environment of fear of retaliation. Other players similarly reported that they feared retaliation from Burke, or otherwise held back from criticizing Burke, due to incidents in which Burke threatened to waive players who disagreed with him and due to the fact that he had unilateral control over player contracts. Players from other clubs shared similar sentiments: for example, players from one club said they feared a coach would retaliate if they reported concerns about him because they had seen him “lash out” at players during meetings and because he had once removed a player from the roster after an on-field disagreement. A player from another club recalled players feeling like they would not be protected if they spoke up about a coach’s misconduct, and the player also expressed fear that she would be traded or cut if she raised concerns about her coach.

**C. The League and Clubs Failed to Take Adequate Steps to Protect Players in Hiring and Filling Positions**

The Joint Investigative Team found that the League and its clubs failed to take adequate steps to protect players in hiring and filling positions. In many instances, in the absence of League requirements for coach vetting, the NWSL and its clubs failed to sufficiently vet coaches before hiring them. In other instances, clubs transitioned coaches accused of misconduct to front office roles instead of terminating their employment. These failures placed players at risk and deepened players’ distrust that reports of misconduct would be handled appropriately.

1. *The League and its Clubs Often Have Not Sufficiently Vetted Coaches and Staff*

Background checks and reputational vetting of player-facing club employees were not mandatory for much of the NWSL’s existence. Many of the coaches and individuals who engaged in misconduct and who are discussed in this Report were not appropriately vetted by their clubs.

a) Vetting Requirements for Coaches and Staff

For most of its history, the NWSL did not require clubs to perform background checks when hiring coaches or other player-facing staff. Instead, the vetting of player-facing club employees—including whether background checks were conducted and what those background checks included—was left entirely to the clubs’ discretion. This framework remained unchanged until August 13, 2021, when the NWSL implemented a process requiring clubs to submit their head coach candidates to the NWSL for a background check and subsequent approval. On

September 30, 2021, assistant coaches and any other club staff who would “regularly interact with the players” also became subject to NWSL vetting.

On November 23, 2021, the NWSL established additional “temporary protocols” for hires of “key personnel.” These protocols mandated that all coach, general manager, and president hires had to be approved by the NWSL and that such employees had to complete a New Hire Certification, complete an NWSL-directed background check, and have certain language included in their contracts. While the “temporary protocols” mentioned only coaches, general managers, and team presidents, in practice, the NWSL directed clubs to submit for background checks all employees who work closely with players. These background checks include education verification, employment verification, political exposure checks, and reviews of criminal and sex offender records, SafeSport records, civil litigation records, liens and judgments, bankruptcy records, and social media. An additional reputational check—which would involve additional research into the candidate, including interviews with references and other contacts—is not required, but can be conducted at the club’s election.

#### b) Failures of Background Checks

Because background checks were not required for player-facing staff until late 2021, several of the coaches, staff, and other individuals discussed in this Report were not subject to those checks. For example, a member of club management reported that when Sky Blue hired Christy Holly as their head coach in August 2020, he was not subject to a criminal background check. The same is true of the Red Stars’s hiring of Rory Dames as their head coach. Recalling the club’s mindset at the time, Red Stars owner Arnim Whisler explained that a check was not considered, as Dames was a well-known figure within the soccer community.

Even where clubs did conduct background checks, the checks were in many cases narrow and limited to reviewing only a candidate’s criminal history. For example, when Racing Louisville hired Holly as its new head coach in August 2020, it conducted a narrow criminal background check, in addition to speaking with former employers. Likewise, OL Reign performed a background check but did not perform a reputational check when hiring Farid Benstiti, who later left the club following reports of misconduct that, as discussed above, mirrored public reports about his behavior while coaching a team overseas.

The NWSL’s current processes and requirements, while improved, can be better implemented. While many clubs properly submitted candidates for the required vetting once these processes were in place, on at least two occasions, clubs hired player-facing staff and allowed them to begin working before they were cleared by the NWSL. In one instance, a club—which had properly followed the protocols with respect to its new head coach—hired two assistant coaches without informing the NWSL or completing the NWSL’s vetting process. The NWSL then informed the club that it was not in compliance with the policy. In a second case, a club hired a technical staff member who participated in training sessions before his required vetting was complete. The Joint Investigative Team understands that the staff member did not remain with the club after members of the NWSL office shared with the club that the coach was known in the soccer community to be abusive.

The failure of clubs, at least in some instances, to submit coaches and staff for required vetting may reflect both confusion on the part of clubs as to which staff members require NWSL vetting, as well as a lack of controls over that process. For instance, a member of the NWSL office expressed concern in February 2022—over two months after the temporary protocols were implemented—that there was still “confusion” over whether certain members of club staff

required NWSL vetting, and this person raised concerns that clubs may not have been submitting all hires for screening.

c) Necessity of Additional Vetting

Significant gaps exist in the NWSL's revised background check requirements. In particular, the NWSL's "temporary protocols" do not require the use of a reputational check. Such a requirement would mandate additional research into the candidate, including interviews with references, former players at youth, professional, and other levels, and other contacts.

Multiple individuals emphasized the critical insight that can be gained by speaking with persons knowledgeable about the candidate and expressed the view that background checks alone are unable to detect every potentially problematic issue. For example, the League's former interim CEO, Marla Messing, recalled multiple instances where, due to her experience in the soccer community, she was able to identify potential hires by clubs who were "terrible" or "abusive," but who had received "clean" background checks.

Emails reflect that Messing raised concerns that a club was planning to hire a technical staff member who, based on Messing's understanding, was "one of the most verbally abusive youth coaches around." The club had asked the NWSL to run a standard background check on this potential hire but did not request a reputational check. The NWSL ran its standard background check, and its resulting report contained no significant adverse findings. Two weeks later, an NWSL employee raised a concern she had heard from U.S. Soccer employees that the potential hire was "worse than Rory Dames in terms of belittling players" in youth soccer. NWSL personnel informed the club's ownership about this feedback. Club ownership noted that the individual had "cleared" his background check and that they had planned to hire him, but that they ultimately chose not to hire him after the NWSL advised against it.

Another NWSL employee expressed concern that criminal background checks are insufficient: "None of the issues we had last year with our coaches would have been discovered unless a reputation check had been conducted before they were hired. These aren't criminal issues, they're behavior issues." Likewise, a current general manager expressed that background checks "only catch[] so much" and explained that for this reason, her club also relied on input from players when hiring.

Multiple current and former players shared their belief that clubs' vetting practices have been insufficient. For example, while Whisler told the Joint Investigative Team that he had not uncovered any red flags regarding Dames before his hire, two players expressed that concerns about Dames were known in the soccer community. Likewise, at least two players expressed surprise that Amanda Cromwell had been hired as head coach of the Pride despite concerns arising from her tenure at UCLA. Players directed similar criticism to the processes that led to the hiring of Richie Burke, Farid Benstiti, Christy Holly, Vera Pauw, and Paul Riley.

Background checks, reputational checks, and other forms of vetting are not an infallible defense against coaches or staff who engage in misconduct. And thorough vetting, including a reputational check, is time-intensive and expensive. Nonetheless, reasonable and thorough vetting remains a key piece of any efforts to identify and prevent inappropriate conduct.

2. *Clubs Moved Coaches Accused of Misconduct to Other Roles*

On multiple instances, clubs transitioned coaches accused of misconduct to front office roles instead of terminating their employment. For example, when Burke announced he was

stepping down from his position as the Spirit's head coach, the club first announced he would be reassigned to the club's front office. Arnim Whisler confirmed considering a similar plan for Dames at the Red Stars, even after Whisler learned that a majority of the players on the team believed Dames created an environment of fear and expressed concerns about retaliation. After players reported concerns about Huw Williams's behavior around players, he was removed from his coaching role and moved into a scouting and player identification role. Players also expressed concerns that Williams, whom they believed had engaged in retaliation towards players who complained about him, was moved into a position where he was involved in decisions on player trades and other transactions; Williams acknowledged being involved in player transaction decisions during this time, but said the general manager finalized such decisions. Another staff member at the same club was retained as a consultant after complaints that he made inappropriate comments and singled out players. And after players reported concerns about Aaran Lines through the NWSL's player survey, the club removed him from his coaching position and installed him in the front office.

#### **D. Players Lacked Clear Guidance Regarding What Constituted Misconduct**

Since its inception, the NWSL and clubs have failed to provide clear guidance to players regarding what constitutes misconduct. Until 2021, the NWSL did not have a formal policy prohibiting harassment. Even following the League's adoption of an Anti-Harassment Policy, players faced inconsistent policies at the club and NWSL levels governing conduct by NWSL stakeholders. Players also lacked uniform trainings addressing how to identify and respond to inappropriate conduct. As a result of these failures, in multiple instances, players reported experiencing difficulty or confusion in reporting concerns of inappropriate behavior.

##### *1. Inconsistencies Between Club Anti-Harassment Policies and the NWSL Anti-Harassment Policy*

In the fall of 2021, the Joint Investigative Team asked clubs to produce their anti-harassment policies, and this Report analyzes the policies received from that request, some of which were implemented only recently. Many of the club anti-harassment policies provided to the Joint Investigative Team were inconsistent with the NWSL's Anti-Harassment Policy, including by prohibiting a narrower scope of conduct.

##### *a) Club Anti-Harassment Policies Emphasized Unlawful Harassment*

Many clubs' anti-harassment policies were too narrow because they only prohibited unlawful harassment. For example, Angel City's policy as of 2021 stated that it was "committed to providing a workplace free of sexual or any form of unlawful harassment, discrimination, or retaliation based on protected characteristics." The Dash's policy was titled "Policy Against Unlawful Harassment." The Courage's policy stated that "[d]isciplinary action, up to and including discharge, will be taken against any employee engaging in sexual or other unlawful harassment." The Thorns's policy similarly stated that remedial action will be taken "if the company determines that unlawful harassment has occurred," and it lists examples of "[p]rohibited unlawful harassment." The Spirit's policy stated that the club will "take all steps necessary to prevent and eliminate unlawful harassment" and contains a definition of "unlawful harassment." It further stated that any employee "who believes they have been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint."

In contrast, the NWSL's 2021 Anti-Harassment Policy prohibited certain forms of misconduct even if the conduct was not unlawful. The policy provided that "while harassing conduct is generally unlawful only if it affects tangible job benefits and/or is sufficiently severe or pervasive so as to interfere unreasonably with work performance and creates an abusive or hostile work environment, this policy prohibits harassing conduct regardless of whether it rises to the level of a legal violation." The NWSL's 2022 Anti-Harassment Policy contains this same language, and it further clarifies that the NWSL prohibits discriminatory and harassing conduct in any form, regardless of whether it rises to the level of a legal violation.

b) Club Policies Inconsistently Addressed Romantic Relationships

The NWSL's Non-Fraternization Policy states, "No person in management or a supervisory position with a Team or the League shall have a romantic or dating relationship with a League or team employee whom he or she directly supervises or whose terms and conditions of employment he or she may influence (for example, roster decisions, promotion, termination, discipline, and compensation)." Most clubs do not address romantic relationships between club staff, or between club staff and players, in their employee handbooks. The clubs that do address these topics in their handbooks set forth policies that depart from the League policy in various ways.

The Thorns's handbook contains a similar Anti-Fraternization Policy which states that "[d]ating, romantic, and sexual relationships between players and staff and between managers and subordinates are prohibited." The policy, however, then states that "[i]f a dating, romantic, or sexual relationship between a player and a staff member or between staff members develops, it must be disclosed to Human Resources" to allow the club "to take steps to protect the interest of [the] organization and the parties involved," which seems to suggest exceptions may be made to the policy. The Current's employee handbook states that employees "should not be employed in positions with supervisory responsibilities over the work of any family member or other person with whom the employee has a romantic or similarly close relationship," but it does not clarify if this applies only to relationships between club employees, or whether it also applies to relationships between club employees and players, who are NWSL employees. It also states that "[e]xceptions to this policy may be granted by ownership or the Chief Operating Officer if, in their sole discretion, it is determined that the close relationship is not likely to cause actual or perceived conflict or favoritism," which is inconsistent with the NWSL policy.

c) Other Inconsistencies Between the NWSL Anti-Harassment Policy and Club Policies

Some club policies also were less protective of players than the NWSL Anti-Harassment Policy. For example, the Courage's policy did not contain an anti-retaliation provision. Instead, it stated only that "[e]mployees, without fear of retaliation, have the responsibility to bring any form of intimidation, threats, and sexual or other harassment to the attention of any member of management." It did not expressly prohibit retaliation against anyone for engaging in Protected Activity. Given the pervasive fear of retaliation in the NWSL, the absence of an anti-retaliation provision is particularly problematic.

Gotham's policy contained a provision stating that "[e]mployees who witness offensive behavior in the workplace—whether directed at them or another employee—are encouraged, though not required, to immediately address it with the employee whose behavior they found offensive." This provision puts an unfair burden on employees experiencing misconduct by suggesting they should confront the employee engaging in misconduct. It also could dissuade employees from reporting misconduct to club or NWSL HR because employees may instead

attempt to address the issue themselves by confronting the employee engaged in misconduct, which could prevent the NWSL from investigating the “offensive behavior” and taking necessary corrective action.

## 2. *Lack of Uniform Training*

The NWSL began the roll-out of training by the U.S. Center for SafeSport in January 2021. SafeSport produces over a dozen “abuse awareness and prevention courses,” and all NWSL employees (including players) and club employees are required to participate in at least one training course developed by SafeSport.

All NWSL staff, players, and club staff, including coaching staff, are required to take a 90-minute SafeSport Trained Core Course, which includes training on sexual misconduct awareness and education, mandatory reporting, and physical and emotional misconduct. NWSL staff, players, and club staff are required to then take three 30-minute annual refresher courses. In addition to the SafeSport Trained Core Course and three annual refresher courses, medical staff are required to take a 60-minute course titled, “SafeSport for Health Professionals: Your Role in Preventing Abuse.” According to the course description, this course trains medical staff on how to “[r]ecognize types and signs of abuse and misconduct,” “[c]reate safer, abuse-preventative spaces and policies for training and treatment,” “[r]espond to abuse and disclosures and recognize barriers to reporting,” “[i]ncorporate a trauma-informed approach into [their] practice,” “[s]afely reintegrate athletes who have been harmed back into sport,” and “[c]reate and promote a culture that prioritizes athlete safety.”

In addition to the SafeSport Trained Core Course, players who are not minors are required to take a 30-minute SafeSport Training for Adult Athletes. The course description states that the course trains players to “[i]dentify and navigate power imbalances (including coach/athlete relationships) that can play a role in sexual misconduct,” “[d]efine consent and understand relevant factors including age and impairment,” “[r]espond and report appropriately (and legally) to abuse and its disclosure,” and “[u]nderstand barriers to reporting, and factors such as retaliation.”

One member of the NWSL community criticized the SafeSport trainings as not being interactive and consisting of lectures and short quizzes that participants are not required to pass before proceeding with the training. Some players also reported that the SafeSport trainings are not applicable to professional women’s soccer and are geared toward youth sports, with the trainings including examples of misconduct involving children. The courses also apparently do not describe the process whereby participants can report misconduct. While some players expressed doubt that the SafeSport trainings were helpful, one player recalled that the SafeSport training made her realize she was experiencing sexual harassment; however, the player also noted that the training did not provide any NWSL-specific resources to help players experiencing misconduct.

The NWSL has not consistently offered anti-harassment training to players and club staff beyond the SafeSport trainings. In 2017 and 2019, the NWSL hired a law firm to conduct an in-person anti-harassment training for all players and a separate anti-harassment training for all club staff, though according to former NWSL General Counsel Lisa Levine, one club declined to participate in 2019. Since the training in 2019, the NWSL has not offered a League-wide anti-harassment training. The NWSL planned to offer the same in-person anti-harassment training in 2020 but did not do so due to the pandemic. Since 2019, some clubs have offered their own anti-harassment trainings, but those trainings have not been approved by the NWSL, and one club’s HR staff reported that the NWSL had not been helpful in developing trainings.

When the NWSL distributed its Anti-Harassment Policy in April 2021, it was not accompanied by any training. The NWSL began planning for a 2021 anti-harassment training, but the training did not happen before the crises that emerged in the fall of 2021. Both players and club staff reported being unsure what conduct violates the Anti-Harassment Policy and what is required under that policy. One NWSLPA member expressed the need for training on the Anti-Harassment Policy. One player noted “bystander training” for players could be helpful so that players could help other players experiencing misconduct. Another player noted the need for diversity, equity, and inclusion (“DEI”) training, and specifically, “anti-Black racism” training. The lack of uniform NWSL-wide anti-harassment training contributed to players and club staff being unsure what conduct is appropriate and what behavior constitutes misconduct under the policy.

#### **E. Players Lacked Effective Channels for Reporting Inappropriate Behavior**

This investigation found that players lacked effective channels for reporting inappropriate behavior. This failure stemmed, in part, from confusion between U.S. Soccer, the League, and its clubs about their respective roles in responding to reports of misconduct, including whether they were expected—or even permitted—to develop HR functions and address misconduct. Players were confused about where to report misconduct, and the absence of clear guidance about reporting channels or designated personnel to receive reports compounded the problem. In other instances, players were told they could raise concerns to club management or ownership but feared doing so due to close relationships between coaching staff and club management, or because their coach also served as general manager. Against this backdrop, some players reported misconduct anonymously through player surveys conducted by the NWSL. However, these surveys were not specifically intended to capture this information, and in multiple instances, the NWSL and U.S. Soccer failed to investigate or address comments from player surveys stating that club staff engaged in misconduct. These failures created barriers to identifying and reporting misconduct, and bred distrust among players that reports would be handled appropriately by the League or clubs.

##### *1. Insufficient Understanding of the Respective Roles of U.S. Soccer, the League, and Clubs in Investigating Misconduct*

For much of the League’s existence, there was confusion between U.S. Soccer, the League, and its clubs regarding their respective roles in responding to reports of misconduct against players. These misunderstandings hindered the reporting and identification of misconduct, placing players at unnecessary risk.

The Management Agreement executed between the NWSL and U.S. Soccer on December 12, 2012, established U.S. Soccer as the manager of the NWSL. The Management Agreement explained that U.S. Soccer would “provide NWSL with all management, governance, operational, administrative, and advisory services.” U.S. Soccer remained the manager of the NWSL until December 31, 2020.

However, witnesses provided conflicting accounts of U.S. Soccer’s actual role in managing the League. For example, individuals affiliated with U.S. Soccer denied that U.S. Soccer operated in a managerial role, despite the terms of the Management Agreement. Former U.S. Soccer CEO Dan Flynn stated, in a written statement, “[T]he USSF’s role as ‘manager’ (a misnomer to be sure) of the NWSL was really quite limited. To be clear, the USSF never had responsibility for the day-to-day management of the NWSL.” Flynn noted that U.S. Soccer personnel only “periodically” attended NWSL board meetings “as a show of support.” Former

U.S. Soccer President Carlos Cordeiro characterized U.S. Soccer's relationship with the League as a “regulator and sanctioning body.”

Other individuals disputed this characterization. Former NWSL Commissioner Lisa Baird stated that U.S. Soccer had “widespread approvals over everything in the League” and that representatives from U.S. Soccer were “participants in every board meeting.” Former NWSL President Amanda Duffy also recalled that under the Management Agreement, U.S. Soccer had full authority over day-to-day operations, and compared U.S. Soccer’s control of the League to that of a commissioner. She described the NWSL office as a “very disempowered place to be given the power and authority of U.S. Soccer.” An individual affiliated with the USWNTPA described former U.S. Soccer President Sunil Gulati as a “puppeteer” overseeing the League and recalled Gulati exerting authority over proposed player trades.

Leaders from U.S. Soccer and the League also argued that decision-making authority lay with the club owners, through the Board of Governors. They stated that they had difficulty convincing the Board of Governors to act. When asked whether she could have compelled Chicago Red Stars owner Arnim Whisler to obey a League instruction not to speak with players in relation to an investigation, former U.S. Soccer and NWSL General Counsel Lisa Levine stated that the Executive Committee of the Board of Governors—of which Whisler was a member at the time—had shown that it was not inclined to act to discipline clubs.

This confusion extended to the question of whether U.S. Soccer, the League, or clubs were expected—or even permitted—to develop HR functions and address misconduct. With regards to the League’s legal and HR functions, from 2012–2017, then-U.S. Soccer General Counsel Levine handled the NWSL’s legal and HR responsibilities in the absence of an NWSL general counsel. Levine recalled that she reported to Flynn and Gulati during this time. The first HR employee hired by the NWSL recalled that, prior to her hiring in 2019, U.S. Soccer had been managing all of the League’s HR operations. She recalled that her interview for the role was conducted at U.S. Soccer, by U.S. Soccer employees.

Moreover, former League and U.S. Soccer executives also expressed expectations that clubs, not the League, would develop robust HR functions and be prepared to address misconduct, under the League’s supervision. Former NWSL Executive Director Cheryl Bailey said that in the League’s early years, there was an expectation that clubs would each develop their own HR capability. Similarly, Levine reported that, prior to 2020, the League had only been involved in one or two investigations, and that no formal procedure for handling complaints had been developed. Levine explained that, at that time, her role in investigations was unclear and that her only instruction was to ensure the League was informed of investigation results by clubs because of its direct employment relationship with players. Gulati also stated that U.S. Soccer relied on the League and the clubs to develop their own policies regarding misconduct, but he did not recall ever conveying to the clubs that they were responsible for setting up these policies. As late as December 2021, the majority of clubs still did not have dedicated HR staff tasked with receiving or investigating reports concerning misconduct.

Multiple clubs expected the League to take a more active role in addressing misconduct. For example, Thorns owner Merritt Paulson said the Thorns “shared everything with the League” and believed the League would further investigate and suspend former Head Coach Paul Riley from working in the League following the 2015 allegations against him. Courage owner Steve Malik said when he learned of a complaint that Riley made inappropriate weight-related comments, he did not follow up with the player; instead, he “presumed the League would respond to [the] complaint” because he was told the complaint went to the League. A member of

Racing Louisville’s management said that when the club notified the League that it finished its investigation into former Head Coach Christy Holly, Baird told the club to pause so the League could investigate.

The relationship between the League and players—as employer and employees—contributed to the confusion between clubs and the League about their responsibilities in addressing misconduct. In practice, players reported issues to someone at their club because they had more day-to-day interactions with club personnel, who were more akin to the players’ actual employers. In fact, multiple players reported that they did not consider the League as an option to report misconduct and did not know of anyone at the League to whom they could report concerns. For at least one player, the limited size and resources of the League contributed to an impression that clubs were solely or primarily responsible for handling investigations.

The NWSL’s 2022 Anti-Harassment Policy attempts to clarify the roles of the clubs and League in investigating misconduct. It explicitly requires club employees to elevate all reports of misconduct to the League and clearly states that the League will investigate such reports.

2. *Failure to Identify Reporting Channels and Obligations in Club Anti-Harassment Policies*

Club anti-harassment policies generally provided reporting channels for employees who believe they were subjected to or witnessed discrimination or harassment; however, none of these policies listed the NWSL HR Office as a reporting channel. Club policies only listed club personnel—including supervisors, club presidents, other members of club management, and club HR departments—as potential reporting channels. The Courage and the Spirit listed an anonymous reporting hotline whereby employees could make complaints, but no clubs referenced the NWSL RealResponse hotline in their policies. Though many of these policies were drafted prior to the activation of the NWSL RealResponse hotline, they had not been updated to reflect that important development.

The club policies also failed to address NWSL reporting requirements. None of the club policies referenced the 2021 Anti-Harassment Policy provision requiring supervisors, managers, coaches, and all general managers to report all potential violations of the policy to the NWSL HR Manager. The 2022 NWSL Anti-Harassment Policy contains a similar provision that “[s]upervisors in NWSL, including supervisors affiliated with or employed by Teams, are required to report promptly all complaints or reports of misconduct (including incidents of workplace discrimination, harassment, or bullying that they experiences, witness, or receive information about, whether or not reported as formal complaints) and all other potential violations of this policy to the NWSL HR Manager.” Some of the club policies stated that managers who receive complaints should elevate those complaints to the club HR department, but they mentioned nothing of the requirement that the NWSL HR Office be notified. Other club policies did not address supervisor or manager obligations to elevate complaints to anyone.

Only two clubs’ employee handbooks—the Spirit’s and Gotham’s—referenced the NWSL Anti-Harassment Policy. The Spirit’s handbook stated that “all employees and contractors are required to receive and acknowledge receipt of the NWSL Anti-Harassment Policy for a Safe Work Environment. This policy provides additional instructions regarding the reporting of complaints.” Gotham’s handbook stated that the club “will also adhere to National Women’s Soccer League’s Anti-Harassment Policy.” The Red Stars’s, the Dash’s, and the Current’s handbooks stated generally that employees were required to comply with all NWSL rules and/or policies, but other handbooks did not reference compliance with any NWSL policies. Overall, even the employee handbooks that generally acknowledged that club employees must comply

with NWSL policies were unclear as to what those policies were and what club employees' obligations were.

### 3. *Insufficient HR Staff at the NWSL and Clubs*

For much of the NWSL's history, the NWSL and many of its clubs did not employ any designated HR staff. Until 2017, the NWSL front office had five or fewer full-time staff members, and it did not have a dedicated HR staff member for players, who are NWSL employees, until June 2019. Of the ten clubs that were in operation in October 2021, seven did not have dedicated HR staff tasked with receiving complaints or reports of misconduct and with investigating misconduct. Players at seven clubs (Racing Louisville, Gotham/Sky Blue, the Dash, the Courage, the Thorns, the Spirit, and the Red Stars) reported to the Joint Investigative Team that they were unaware of whether their clubs had HR personnel or that they otherwise did not know to whom they could report concerns at their clubs.

In some cases, even where clubs did have HR personnel, the clubs did not adequately inform players about the reporting channels available to them, leaving players under the impression that there were no HR personnel to whom they could report issues at the club. For example, players at the Thorns and at Racing Louisville were unaware that both clubs had designated full-time HR staff. Players at the Dash reported that they had heard that the club had hired an HR representative in 2021, but that players did not have much contact with her. One player for the Dash noted that the HR representative primarily worked for the MLS team and was unfamiliar with the reporting channels for the women's team. Beginning in March 2022, the Dash instituted a practice of sending a weekly email to players containing information about the club's HR resources in an attempt to make reporting channels more visible to players.

Where clubs had existing HR functions, those functions were frequently under-staffed, under-resourced, or ill-equipped to handle misconduct complaints. Some clubs, including Sky Blue, the Current, the Courage, the Spirit, and the Red Stars, had staff who were nominally in charge of HR overall, but who in practice focused only on handling payroll and other logistics issues. At Sky Blue, a former chief financial officer handled the club's budgeting, sponsorships, payroll, and merchandising in addition to the club's HR. At OL Reign, CEO (and for much of the club's history, the principal owner) Bill Predmore also managed HR. In addition, some clubs did not historically offer anonymous reporting channels for players, which resulted in players not coming forward out of fear of retaliation.

Club HR staff also were not adequately trained or provided guidance on how to respond to allegations of misconduct or how to conduct sensitive investigations in a trauma-informed manner. Additionally, club HR staff were not provided guidance from the NWSL on appropriate coaching behavior in a professional sports setting.

Many players told the Joint Investigative Team that they defaulted to viewing the NWSLPA as the most trustworthy channel to receive and respond to player complaints. One player noted, "In the NWSL, if players have a problem, we send an email or call to the Players Association to help us decide which direction to go. If it's big enough to take it to the League . . . [we] use the [NWSLPA] as a voice or shield to speak to the executives at the club. We don't have HR. That's the problem with this league." While the NWSL and clubs have worked to strengthen their HR resources, many players continue to gravitate towards the NWSLPA as the safest reporting mechanism: even veteran players on the USWNT told the Joint Investigative Team that they would default to bringing their concerns through the NWSLPA.

The perceived absence of HR at the NWSL and its clubs meant that many players felt that they had no clear path to report misconduct they experienced. Multiple players told the Joint Investigative Team that they felt disconnected from the NWSL or did not know who at the NWSL to contact if they experienced misconduct. One veteran player, recounting her years of experience in the NWSL, explained, “You didn’t have HR in place or anyone running the show [at the NWSL] . . . there was no structure in place, there was nothing that said what the line was or when lines were crossed, or if something happened, where you would go to report things.” Another veteran player commented on her early years in the NWSL: “I couldn’t even have told you who was the president of the League at that time. I had no avenue to communicate with the League, or whatever that even meant. I just played for [my team].”

A lack of clarity in the roles played by the NWSL and clubs in receiving and responding to complaints of misconduct has contributed to confusion about reporting channels. One interviewee reported that some clubs that had HR departments historically “[could not] use them because of the single-entity structure [of the NWSL].” One owner similarly expressed confusion over the extent to which clubs could perform HR functions for players, given that clubs are “not [players’] employers.” Another club’s general manager noted a lack of clarity in whether the NWSL or clubs should be handling complaints from players. She said that when clubs receive a player complaint, they must “ask the League what to do [and] where to tell them to go,” and added that it was “really unclear . . . what do you do locally versus what goes straight to the League.” The HR director at one club explained that she had to reach out to the League for guidance on HR matters because none was provided, and she often assumed that the League, not the club, would handle potential misconduct reported by players.

#### 4. *Flaws in Clubs’ Other Reporting Channels*

In the absence of dedicated HR staff, some clubs told players that reports of misconduct could be made to club management or ownership. However, players expressed reluctance about bringing complaints about coaching staff to management due to close relationships between management and coaching staff, coaching staff occupying dual coach-management roles, and club ownership’s lack of engagement with their players.

##### a) *Perceptions of Bias and Cronyism*

In some instances, close relationships between coaching staff and club management led players to feel they could not report concerns about coaches to management or vice versa. Players expressed a belief that the close relationships between coaching staff and management meant any complaints of misconduct would fall on deaf ears or subject them to retaliation.

These fears were not unfounded. At the Spirit, a player reported that issues she had raised about Spirit Head Coach Richie Burke to the club’s then-owner, Steve Baldwin, who players perceived to be a longtime friend of Burke’s, “always seemed to get back to [Burke] no matter what.” The player said she did not report Burke’s abusive behavior to Baldwin because she “figured he’d go to [Burke] and [she would] get waived during the season.” The player reported that when her teammate had approached the owner about mistreatment by Burke, Baldwin “did nothing about it.” Multiple Spirit players expressed that they felt it was futile to report incidents to ownership or the club’s general manager, as “it was known that they were all just friends anyways, [and] there was no separation.” A staff member at the club said that Baldwin “[got] protective and [dug] his claws in about people. It [did not] matter what kind of abuse and toxicity they [were] creating. [The owner’s] people [got] to stay, no ifs ands or buts about it—there [were] no consequences for [his] people.”

Players at the Thorns reported that they felt uncomfortable making complaints about Head Coach Paul Riley to Thorns President Gavin Wilkinson because the two were “buddy-buddy.” One player reported that Riley, Wilkinson, and Thorns owner Merritt Paulson had a close relationship, leading to a perception that players could be traded for raising complaints against any one of the three. The perception of closeness between Riley and the Thorns front office was not limited to players; former NWSL Commissioner Jeff Plush remarked in an email, after learning that Riley had been hired at the Flash in 2016, that his “guess” was that Wilkinson “helped” Riley with the Flash.

Players and staff at the Red Stars said that the close relationship between Head Coach Rory Dames and club owner Arnim Whisler made them feel that raising complaints to ownership would be pointless. Both a staff member and players expressed that they believed Whisler “knew about [Dames’s] emotional and verbal abuse towards players” but took no action. The staff member said that a player told her that the team felt “if they ever said anything [negative about Dames], at the end of the season . . . they would just get traded off.” When asked whether she thought Whisler’s close relationship with Dames led to players’ unwillingness to report Dames’s behavior, the staff member said she did think “there came a point where players felt, ‘[W]hy are we even raising issues to [Whisler]?’”

A player at Racing Louisville reported feeling that complaints about Christy Holly were not appropriately addressed due to the close relationship he had with club management.

Players at the Dash told the Joint Investigative Team that they were unsure where to report misconduct by James Clarkson because they believed that he and club President John Walker were “best friends.” Coupled with the fact that Clarkson served as both head coach and general manager, this perceived close relationship led players to feel like they had no avenues to report their concerns and that no one was monitoring Clarkson’s conduct to ensure that it was appropriate.

Players at the Current said that the friendly relationship between Huw Williams and club owners Chris and Angie Long, dating back to Williams’s management of the Longs’s daughter’s youth soccer club, affected players’ ability to report misconduct. Players reported that the relationship between Williams and the owners made players feel that any complaints raised to ownership would get back to Williams. One player said Williams bragged that he was the only head coach in the League who could lose every game and not get fired.

#### b) Additional Barriers to Effective Reporting

When one person holds both coaching roles and general manager roles, players have fewer avenues to report misconduct and may fear that reporting misconduct will lead to retaliation. At more than one club, one individual served as both head coach and general manager. An owner of a club emphasized that “one of the problems with having a coach and a general manager who are the same person” was that it meant “one less channel of communication that you have” to report concerns. Several Dash players expressed concerns with Clarkson serving as both coach and general manager, noting that players “[could not] talk to our general manager because he’s our coach.” One of these players said that the dual head coach-general manager role was “a nightmare.” Even Clarkson told the Joint Investigative Team that he felt that the head coach and general manager roles should be held by two different people, and that he raised this issue with the Dash’s president. A Current player added that the dual role entailed “a ridiculous amount of power and influence to really make someone’s life or career . . . There needs to be a separation of power and more protection for players.”

In one case, an individual designated to receive player complaints was accused of misconduct, leaving players feeling as though they had no recourse to report those individuals. One player recalled wanting to report conduct by her general manager, Alyse LaHue, but said that the team “didn’t even know who we could contact because [the general manager] is our only contact . . . . There’s no one. It was hopeless.”

To address these concerns, the League has recently taken steps to create more effective reporting channels, including by setting up an anonymous hotline and listing reporting channels in the 2022 Anti-Harassment Policy. The policy provides multiple options for players to report concerns, including via an anonymous text hotline, or by emailing, calling, or writing to the NWSL HR office. Players may also report concerns via the NWSLPA hotline, the details for which are set forth in the policy, or to any team HR department, general manager, or administrator. Additionally, the policy requires each club to designate two individuals to receive reports of potential misconduct, at least one of whom must not be the club’s Board of Governors representative or head coach. Any individual who receives a report of potential misconduct must immediately submit the report to the NWSL HR Office.

## 5. *NWSL Player Surveys*

Players sometimes reported misconduct through player surveys conducted by the NWSL, even though the surveys were not specifically intended to capture this information. The NWSL periodically distributed annual player surveys seeking feedback from players about a variety of topics. The NWSL did not distribute these player surveys consistently: player surveys were distributed yearly from 2013 to 2017, and again in 2020. The NWSL did not distribute player surveys in 2018 and 2019 due to bandwidth and resource constraints, and it did not distribute player surveys in 2021 in part because the NWSL received feedback from players on many topics covered in previous player surveys during CBA negotiations.

Between 2013 and 2017, the NWSL distributed player surveys asking general questions about players’ history in the NWSL and plans for the off-season. Players were asked to rate on a scale of one to five their satisfaction with: (i) facilities; (ii) technical staff knowledge and skill; (iii) logistics and accommodations; (iv) club organization; and (v) overall experience as a member of their NWSL teams. The surveys also asked some open-ended questions and provided space for players to enter comments.

The player survey changed significantly in 2020. That survey still contained questions about the prior topics, but also included more detailed questions about the NWSL, including player satisfaction with the contract and trade processes. The 2020 survey also asked several questions about NWSL tournaments and schedules.

While the player surveys asked players to rate the knowledge and skill set of certain club staff, including coaching staff, the surveys did not ask specific questions about any misconduct the players experienced or observed.

### a) *Reports of Misconduct in Survey Comments*

In the 2014 player survey, several players for the Thorns shared negative comments about the coaching staff, including Riley. One player referred to Riley as verbally abusive. Another player wrote that Riley was “personally verbally attacking” a player during a game and further alleged that he “lashed out every single game.” This same player stated Riley called players “dumb, stupid, slow, idiotic, retarded” and “worthless,” and remarked that the players had “no balls” and would “never be better than the average 16 year old boy.” Another player

wrote that the staff were “not good” and generally stated there was “sexism and manipulation,” and that “the combination of poor coaching and a destructive leader summ[ed] up [their] season.” When asked to describe negative aspects of the team, one player responded, “[T]he head coach,” and another responded “[C]oaching staff.”

In a separate survey of USWNT players, there were several negative comments about Dames: survey comments stated that the “head coach was disrespectful to players and created a hostile work environment.” Comments further stated that Dames made “sexist, racist, abusive, and other prejudicial remarks at players.” In the 2015 survey, two players for the Red Stars stated that Dames was “abusive.” Another player said the overall environment was “abusive.” Another comment said that the “coach made this year horrible for most people” and expressed uncertainty that people would be honest in their survey responses “out of fear.”

In the 2015 player survey, several players made negative comments about Flash Head Coach Aaran Lines. One player stated that, “Dishonesty and manipulation from your . . . coach creates a toxic environment.” Another player wrote that Lines was “emotionally abusive,” “belittle[d]” people, and should be terminated. A third player stated that Lines “often encourage[d] hard fouls in training,” which created a “dangerous” and “toxic” team culture during training. Another player also stated that the training environment was “dangerous” and that there was a lack of proper coaching. One player referred to the environment as “dehumanizing” and “dangerous.”

In the 2020 survey, a player for the Spirit wrote that Burke was “unprofessional in his communication” with certain players, that he “play[ed] major psychological games” with certain players, and that he used “demeaning language.”

#### b) Failure to Investigate Allegations from Player Surveys

The NWSL and U.S. Soccer in multiple instances did not investigate or address comments from player surveys stating that club staff engaged in misconduct. NWSL staff responsible for reviewing player survey results were not trained on how to handle player survey responses suggesting misconduct against players.

In 2014, while U.S. Soccer was managing the NWSL, then-NWSL Executive Director Cheryl Bailey sent USWNT player survey results to Red Stars owner Arnim Whisler. These player survey results had already been shared with Dan Flynn and Sunil Gulati at U.S. Soccer. Whisler responded to Bailey via email, “I’m not sure how you want me to respond,” and Bailey told Whisler she was “not looking for any response.” She said, “I would filter them, look for comments that can help the Red Stars improve and move on.” In this email exchange, Bailey did not mention the player survey responses stating that Dames created a hostile work environment and that he made sexist, racist, abusive, and other prejudicial remarks directed at players. When interviewed by the Joint Investigative Team, Whisler acknowledged that he received the survey comments in 2014, but said that these comments reflected only the USWNT players’ views on Dames and he was aware that at least one USWNT Red Stars player—Christen Press—did not want to be on the team. While the emails between Whisler, Bailey, Flynn, and Gulati obtained by the Joint Investigative Team do not reflect this, Whisler said that he attempted, but was unable, to get more information from U.S. Soccer on the comments regarding Dames or direction on how to address them.

Bailey also noted to Whisler that the player survey results were shared with Flynn and Gulati, and Whisler emailed both Flynn and Gulati regarding the survey results. In written responses to questions posed by U.S. Soccer and provided to the Joint Investigative Team, Flynn

stated: “I had no direct involvement in the creation, administration or review of the player surveys. Nor do I have any independent recollection of who, if anyone, at the USSF reviewed these surveys, if the USSF had any policy or practice regarding who must review them, what follow-up actions should be taken in response to the surveys, and/or what information was shared with the NWSL teams.” Flynn clarified that while he was copied on “several emails that relate to the results of those surveys,” he did not recall ever personally reviewing them. In discussing the player surveys, Flynn also noted he could “not remember any concerns that were ever brought to [his] attention by USSF personnel that specifically related to the quality of coaching or any abusive coaching tactics.”

In an interview with the Joint Investigative Team, Gulati stated he could not recall being aware in 2014 of player survey comments from that year indicating Riley was verbally abusive. Following the survey responses, Whisler wrote in an email, “I can tell you that Rory offered his resignation to me last night because of the embarrassment he thought it caused the organization. I didn’t accept it.” Gulati recalled this email and stated, “I don’t know what else we can do when [Whisler] doesn’t accept the coach’s resignation.” Gulati further noted that it was his understanding that U.S. Soccer could not impose discipline on Dames, and that, in his view, U.S. Soccer had “no ability to discipline coaches as manager or as the governing body.”

The response from League leadership to 2015 survey results regarding Aaran Lines stood in stark contrast to the response to the survey results regarding either Riley or Dames. Levine, who was General Counsel of U.S. Soccer at the time, told the Joint Investigative Team that she recalled the comments about Lines were “very unfavorable.” At the time, Plush contacted Gulati and Flynn, saying that the player survey comments from the Flash were “disturbing” and “more worrisome than others.” Gulati responded saying, “We need to discuss this immediately.” Levine recalled that Plush shared those comments with the club ownership, who according to Levine, was “understandably upset.” Levine said after the player survey comments were shared with the club, the club moved Lines to a front office role. Levine told the Joint Investigative Team that from what she could recall, Lines was removed “directly in response” to the survey results. When asked about the 2015 player survey responses regarding Lines, Gulati said he did not recall having any conversations about Lines’s treatment of players, and Gulati did not know why Lines was moved from the head coach role to a front office role.

Aside from Lines, Levine told the Joint Investigative Team that she could not recall any specific follow-up by the League or U.S. Soccer based on survey results. Levine did not recall reviewing survey responses in the ordinary course, but told the Joint Investigative Team that she would have expected survey responses referring to abuse to be elevated to HR, the commissioner, and to her.

Jill Ellis, then-Head Coach of the USWNT, was also emailed copies of certain player survey results. In her interview with the Joint Investigative Team, Ellis did not recall players bringing to her attention verbal abuse or racist or sexist comments by NWSL coaches during her tenure with the USWNT. She specifically denied receiving any complaints from Press regarding Dames. She explained that her job responsibilities were limited to coaching the national team, and she did not have a role in oversight of NWSL coaches. She further explained that national team players had a “direct line” to Gulati, and “he was the person who was in charge of the national team in terms of direct contact with players.”

NWSL staff began reviewing and compiling the results of 2020 player surveys, but they did not complete a comprehensive review of the responses. In response to the August 11, 2021 *Washington Post* article stating that Burke verbally and emotionally abused players, Levine told others at the NWSL that the League had not received any complaints about Burke, despite a

player commenting in the 2020 player survey that Burke used demeaning language. The Joint Investigative Team found no evidence that any of the 2020 player survey responses were elevated to Levine or anyone working in HR at the League.

Moreover, NWSL staff reviewing player survey results—when they were reviewed—were not trained or provided any guidance on how to analyze player survey results for statements indicating misconduct and were not instructed to elevate any potential misconduct to NWSL HR or the NWSL General Counsel.

## 6. *Confusion Over the Role of SafeSport*

Historically, SafeSport has been an ineffective reporting channel for NWSL players experiencing misconduct. This is partly due to institutional factors; SafeSport only has jurisdiction over reports concerning NWSL coaches or staff who hold U.S. Soccer coaching licenses. Many players who spoke with the Joint Investigative Team were not aware that they could report concerns about misconduct to SafeSport. Some within the NWSL held the misconception that SafeSport deals with misconduct against youth athletes and does not investigate misconduct against professional athletes.

Some individuals did not know reporting incidents of misconduct to SafeSport was an option at all. A volunteer who interacted with players at Racing Louisville, when asked whether she considered reporting Christy Holly's misconduct to SafeSport, said, "No, and that's a great point. It would be good to know those things exist, to get access. I have no idea." Another Racing Louisville staff member did not recall any conversations at the club about reporting Holly to SafeSport.

### **F. U.S. Soccer, the NWSL, and Clubs Failed to Adequately Share Information Regarding Misconduct**

The ability of individuals within the League to identify and report misconduct, and to receive sufficient responses to those reports, has also been hampered by a failure of stakeholders—including U.S. Soccer, the League, and clubs—to adequately share information. In multiple instances, coaches and staff accused of misconduct were able to find employment at other clubs despite losing their previous employment due to misconduct. For example, and as discussed in detail above, when Riley was separated from employment with the Thorns and subsequently hired by the Flash, neither the Thorns nor the League informed the Flash of the precise issues or investigative findings against Riley. Had they done so, Riley likely would not have been hired by the Flash or, later, the Courage.

Likewise, at least one player expressed concern that the nature of Holly's departure from Sky Blue was not fully disclosed to Racing Louisville before the club hired Holly as their head coach in 2020. Interviews with club and League personnel suggested a lack of information sharing both within Sky Blue and with the League. Former Sky Blue President and General Manager Tony Novo told the Joint Investigative Team that Holly was "let go" from Sky Blue in 2017. Novo explained that before this happened, players approached him and requested a meeting to share concerns about Holly. Novo could not recall the date of this meeting. During this meeting with Novo, players shared that Holly had screamed at and verbally abused players. Players also told Novo that Holly was in a romantic relationship with another player, Christie Pearce Rampone. Novo recalled that Holly denied a romantic relationship with Pearce Rampone.

In an email exchange in July 2017, Sky Blue owner Steven Temares asked Novo whether “Christy has a relationship that takes advantage of any player or makes his independence as a coach questionable among the players.” Novo responded, “My answer is that Christy [Holly] has a very good and fair relationship with our players . . . . Our players respect what Holly does as a coach and how he treats other players, coaches, and staff.”

According to Novo, after his meeting with the players, he took the concerns to the club’s ownership and asked if the club could let Holly go. Novo said club leadership told him to give Holly “the opportunity to step away if he wants to.” Temares did not recall Novo coming to him with this question and rather remembered “being surprised” because he heard about Holly’s departure after the fact. According to Novo, after his conversation with ownership, he met with Holly and told him it was “time to move on.” During this conversation, he asked Holly, “How would you like to handle that?”

On August 16, 2017, Sky Blue announced that Holly was “stepping down” as head coach, and the club said it had come to a “mutual agreement with Holly” and that he left “on good terms.” In a public tweet the day of Holly’s departure, the club wrote, “You were always an amazing asset to Sky Blue FC, and words cannot ever express how much we appreciate everything that you did for us.” Temares and former Sky Blue Chief Financial Officer Mary Smoot did not recall being consulted about, or in any way involved in, the press release. When Racing Louisville was considering hiring Holly, no one contacted Novo regarding Holly or the reason he departed Sky Blue. Although Racing Louisville spoke to both Temares and Smoot about Holly, both Temares and Smoot only recalled discussing that Holly’s departure related to his alleged relationship with Pearce Rampone. Novo said that shortly before Holly’s departure, he communicated concerns about Holly’s conduct to Smoot, and that Temares knew that Novo felt Holly should not be coaching elsewhere. Neither Temares nor Smoot recalled Novo telling them concerns about Holly’s treatment of players, and they emphasized that they were not in player-facing roles. Instead, both Temares and Smoot recalled only that Novo had raised concerns regarding Holly’s potential relationship with Pearce Rampone. According to Temares’s and Smoot’s accounts, neither had the information necessary to share that others in Sky Blue leadership were aware of complaints that Holly screamed at and verbally abused players.

In addition to the lack of information at Sky Blue, NWSL personnel did not have a clear understanding of why Holly left Sky Blue. Former NWSL President Amanda Duffy recalled hearing that Holly stepped down and believed his relationship with Pearce Rampone “may have been part of [the reason]” that he left. At the time, the NWSL was addressing a number of other issues with Sky Blue, unrelated to misconduct against players, and Duffy recalled “being confused” about how to handle Holly’s relationship with Pearce Rampone and how Holly’s departure fit into other concerns with the club. Levine remembered that Holly left Sky Blue because of his relationship with Pearce Rampone and that the relationship created “issues with team chemistry” but could not recall any complaints or concerns with respect to Holly’s treatment of players. As a result, when Racing Louisville hired Holly in 2020, individuals they spoke with at Sky Blue and the NWSL lacked the information necessary to provide a complete answer about Holly’s departure from Sky Blue.

The failure to fully share information between stakeholders in women’s soccer was also an issue during the USSF Dames Investigation. As discussed above, after U.S. Soccer directed the League to hand over its investigation into Dames, the League was not briefed on the findings. While a short briefing of the investigation’s findings was provided to the club, the Joint Investigative Team understands that U.S. Soccer did not share the nature of the complaints or conclusions of the investigation, including whether the reports against Dames were corroborated.

Multiple players also voiced concerns that coaches found to have committed misconduct were not terminated but were instead allowed to resign from their positions. In several instances, when announcing departures of coaches found to have committed misconduct, clubs released vague public statements that obscured the reason for the coach's departure. For example, when Riley was terminated from the Thorns in September 2015, the club's public announcement merely stated that Riley would not be retained as head coach for the 2016 season. The statement did not mention the investigation into Riley's conduct or his termination, and did not provide any reason for Riley's departure. It contributed to the perception among the general public, players, club staff, and owners alike that Riley's departure from the Thorns was voluntary or performance-related, rather than due to his misconduct. Similarly, when Racing Louisville terminated Holly following allegations of his sexual misconduct, the club stated only that Holly was terminated "for cause." The announcement did not specify that the "cause" was sexual misconduct. OL Reign's July 2021 announcement that former OL Reign Head Coach Farid Benstiti had resigned from the club made no mention of his disparaging comments. While Gotham's July 2021 announcement of General Manager Alyse LaHue's termination specified that LaHue had violated "League policy," it did not specify that she had violated the League's prohibition of harassment. These vague public statements contributed to the failure to adequately share information between U.S. Soccer, the League, and clubs regarding coaches who committed misconduct.

Historically, there was no established process for sharing information about misconduct complaints or investigation findings among U.S. Soccer, the League, and clubs. This was apparent in the hiring of Riley by the Flash, and subsequently the Courage. In these instances, U.S. Soccer, the League, and the Thorns shared incomplete and high-level information about Riley's misconduct, which underplayed the extent of his misconduct. As another example, League staff were unsure whether data from player surveys—which at times detailed incidents of coaches' misconduct—were ever shared with the relevant clubs. Ultimately, decisions about whether to share information about misconduct was left to the individual's discretion. Since 2021, the League has taken some steps to rectify this issue. The 2022 Anti-Harassment Policy requires clubs to promptly report all reports of misconduct to the League.

Similarly, the League had no process for clubs to speak to former owners, general managers, staff, or players when hiring a new coach. Instead, these conversations occurred on an ad hoc basis and were left to individual clubs. Several witnesses noted that speaking to a coach's former players or employers about the coach's behavior could surface issues that would not be uncovered in a traditional background check. However, the extent to which clubs actually spoke to former owners, general managers, staff, or players who had worked with a coach varied drastically. One club, in hiring a head coach, spoke to management at two of the coach's former clubs, individuals at the League and U.S. Soccer, players at one of the coach's former clubs, player agents, and a non-NWSL-affiliated member of the women's soccer community. At the other end of the spectrum, another club "leaned on the League to run the background checks" or, in the case of its head coach, "did not do that vetting because in the soccer community, [the coach] was such a public and well-known figure." Falling between these two approaches, one club consulted with owners at the coach's former club and U.S. Soccer staff during the hiring process, but not with the coach's former players. Because there was no requirement for clubs to consult former colleagues and players in the hiring process, clubs took an inconsistent approach and often collected only limited information about individuals' past conduct in the League, contributing to the issue of "recycling" individuals accused of misconduct into roles at other clubs.

In addition, investigation findings were often not memorialized such that they could be reliably disseminated to relevant stakeholders. As discussed above, the USSF Dames Investigation resulted in a “draft” report. In multiple investigations by the NWSL, no written report, summary, or other record of findings was prepared, and findings were not broadly shared. For example, the NWSL engaged a third-party investigator specializing in workplace investigations to conduct investigations into former Royals owner Dell Loy Hansen in 2020, Dash stadium security in 2021, and LaHue in 2021. While the investigator documented the investigative steps that were taken, at the request of Levine, she did not prepare a summary of her findings and conclusions in either of these investigations, instead communicating informally with Levine.

Furthermore, in at least one instance, players received potentially misleading information about the outcome of an investigation. As discussed above, in early 2022, counsel for the Pride conducted an investigation into reports of inappropriate conduct by Head Coach Amanda Cromwell and Assistant Coach Sam Greene. During the Pride’s investigation, players corroborated these reports, although the investigation did not support some of the reported conduct, and Cromwell and Greene were given written warnings. The findings, however, were not effectively communicated to Pride players or staff. Pride leadership held a call with players and staff in which they were informed generally that some reports had been substantiated and some had not. The players were not told which complaints had been substantiated and were told only that the “club has taken and will continue to take certain follow up actions as necessary to address these issues, whether real or perceived.” Some players and staff (other than Cromwell and Greene) were left with the incorrect understanding that none of the allegations had been substantiated, that no remedial actions were taken to address Cromwell’s and Greene’s behavior, and that the club was standing by the coaches. Misunderstandings resulting from the way the findings were conveyed contributed to the development of substantial tension and divisiveness within the locker room.

## **V. Summary of Inappropriate Conduct**

The preceding sections of this Report summarized, thematically, the Joint Investigative Team’s factual findings. These thematic findings form the basis for the recommendations set forth at the end of this Report. The Joint Investigative Team also recognizes that NWSL players and other key stakeholders are looking to this Report to identify the individuals and entities who should be held responsible for acts of interpersonal misconduct directed at players and for the failures of institutions connected to women’s professional soccer to prevent and address this misconduct. What follows is a high-level summary of the Joint Investigative Team’s findings related to these key individuals and entities.

### **A. Coaches and Club Staff**

1. *Paul Riley (Portland Thorns, Head Coach, 2014–2015; Western New York Flash, Head Coach, 2016; North Carolina Courage, Head Coach, 2017–2021)*

Paul Riley engaged in sexual misconduct towards Sinead Farrelly and Mana Shim. When Riley was Farrelly’s coach prior to the NWSL, he coerced Farrelly into having sexual intercourse on several occasions. When Riley was head coach of the Thorns, after a night out drinking alcohol with Thorns players, Riley brought Shim and Farrelly to his apartment, made additional alcohol available, tried to “grind” against Shim, and told Farrelly and Shim that if they kissed each other, the team would not have to run an intensive fitness drill that week. Riley directed

other inappropriate sexual conduct at Shim, including attempting to be alone with Shim, and opening his hotel room door in his underwear and asking Shim to get on his bed.

Riley also engaged in other inappropriate conduct while at the Thorns, including going out drinking with players, hosting multi-day social retreats involving alcohol at his home on Long Island that some players felt pressure to attend, and making comments about players' sexual orientation. He also commented on players' weight and made verbally caustic remarks towards and about players; some players credibly reported that he was verbally abusive, including that he called players "idiots," "motherfuckers," and "dumb, stupid, slow, idiotic, retarded," and that he said that they "have no balls" and "will never be better than the average 16 year old boy."

Riley engaged in additional misconduct while at the Courage. Upon reading the accounts of Shim and Farrelly, Kaleigh Kurtz recognized many of her own experiences with Riley. She felt that he had been grooming her and identified his conduct as abusive. Riley made sexual comments towards Kurtz, including giving her detailed accounts of his sex life on a number of occasions in what appeared to be an attempt to invite her to do the same in return; that conduct waned only when Kurtz was in a serious relationship. Riley made shaming, non-performance-related remarks about Kurtz's weight and appearance. A second player credibly reported that Riley made comments regarding that player's weight and required her to report her weight to him daily. A third player reported that Riley called players "fucking idiots" while at the Courage, and another player recalled Riley calling an injured player "the clumsiest fucking player I've ever coached."

Riley declined to respond to requests to participate in this investigation.

## 2. *Rory Dames (Chicago Red Stars, Head Coach, 2012–2021)*

Rory Dames engaged in both verbal and emotional abuse and made racially insensitive and sexist comments to players. Dames yelled at players, targeted certain players for harsh treatment, made personal insults, and blurred personal and professional boundaries with players. According to an external review conducted by the Red Stars in 2021, players described Dames "as 'condescending', 'manipulative', 'aggressive', 'insulting', [and] 'an intimidator.'" Players told the Joint Investigative Team that Dames threatened them, saying he would shred a player's contract or kick them off the team or out of practice if they made a mistake. During the USSF Dames Investigation, players reported multiple instances of Dames using racist language, including calling a Black player a "thug" and describing her as "acting like a gang member." He also made other inappropriate comments, including calling one player "trailer trash" and insinuating he found players attractive. Players credibly reported to the Joint Investigative Team that Dames was "emotionally manipulative" and would use information about their personal lives against them. On one occasion, Dames made a derogatory comment to a player who was a mother, saying something like, "What makes you think you're going to be a good mother if you can't communicate?"

Off the field, Dames blurred personal and professional boundaries. He often invited certain players to have lunch or dinner with him, taking one small group of players out to dinner on a regular basis. Players reported in the USSF Dames Investigation that the dinners were inappropriate, in part because Dames's open favoritism had a negative impact on the team dynamic. Dames also texted certain players "all the time," including late at night. Multiple players recognized the frequency of these invitations and communications as "not normal" and "inappropriate."

When players reported concerns about Dames or resisted his social invitations, they experienced retaliation. The day after one player raised a complaint about Dames, he texted Arnim Whisler that he was planning on waiving the player because of her complaint. The player was traded shortly thereafter.

Dames declined requests to be interviewed in this investigation.

3. *Christy Holly (Sky Blue, Assistant Coach, 2013–2015 and Head Coach, 2016–2017; Racing Louisville, Head Coach, 2020–2021)*

Christy Holly engaged in sexual misconduct and made inappropriate sexual comments to players. Holly also verbally abused players and retaliated against those who raised complaints about him. Between 2019 and 2021, Holly engaged in repeated sexual misconduct and abuse targeting Erin Simon, including touching her genitals without her consent, touching her body on other occasions without her consent, forcing her to touch his genitals without her consent, sending her unsolicited pictures of his penis, and asking her to send him sexually suggestive pictures of herself. Holly also crossed boundaries with other players by making unwanted sexual advances and overt sexual remarks to them. For instance, one player recalled Holly telling her in the weight room that he wanted to “grab her ass” when he saw her squat.

Players and staff at Sky Blue and Racing Louisville credibly reported that Holly was verbally abusive and emotionally volatile. Two people used the phrase “Jekyll and Hyde” to describe Holly. Players and former assistant coaches said that Holly would “ream” out players, “verbally attack[]” them, and “play mind games.” Holly retaliated against players who resisted his unwanted advances or complained about his conduct. When Simon told Holly he had to stop touching her because it was “messing” with her, he began treating her poorly on the field, yelling at her and taking her out of games regardless of her performance. After Holly learned that a different starting player had complained about his behavior to club leadership, he demoted her to training with reserve players.

Holly declined requests to be interviewed in this investigation.

4. *Alyse LaHue (Sky Blue and Gotham, Vice President, 2018–2019, General Manager, 2019–2021)*

Alyse LaHue made unwanted sexual advances toward a player. This misconduct included sending the player inappropriate text messages that continued even after the player told LaHue to accept that they were working together and nothing more. LaHue expressed an emotional reliance on the player, repeatedly questioned the player’s interactions with another individual, and pressed the player for more attention.

After participating in an initial interview with the Joint Investigative Team, LaHue, through her counsel, canceled another scheduled interview and declined the Joint Investigative Team’s repeated requests to reschedule.

5. *Vera Pauw (Houston Dash, Head Coach, 2018)*

Vera Pauw shamed players for their weight and attempted to exert excessive control over their eating habits. Players credibly reported that Pauw criticized players for their appearance—for example, saying that some players were “too big” while praising other players for losing weight, with no apparent correlation to performance or health. Pauw appeared to want to control and micromanage players’ diets and exercise regimens even when her weight loss

directives were inconsistent with sports medicine best practices; for example, players reported that Pauw discouraged them from eating fruit because of its sugar content. Players reported that Pauw's comments affected a teammate struggling with an eating disorder.

Pauw appeared for but refused to cooperate in an interview with the Joint Investigative Team, but she provided a written denial of what she suspected were the allegations against her, including a statement that she has never remarked on any player's appearance.

6. *Craig Harrington (Chicago Red Stars, Assistant Coach, 2018–2019; Utah Royals, Head Coach, 2020)*

Craig Harrington blurred professional boundaries with players. Players credibly reported that Harrington drank with players at bars, and two players reported that on one occasion, after drinking to apparent intoxication, Harrington, accompanied by another player and two staff members, attempted to enter two players' hotel room. One of the players perceived this as an attempt to convince them to go out drinking.

Players recounted instances in which Harrington made sexual comments to and about players. Harrington also made inappropriate comments about players' appearance and bodies, including wondering aloud what a player's hair looks like when she gets out of the shower, and giving disparaging nicknames to players he perceived as unattractive.

Harrington denied each of these reports, but the Joint Investigative Team did not find his denials to be credible when viewed against the accounts of multiple other witnesses.

7. *Richie Burke (Washington Spirit, Head Coach, 2019–2021)*

Multiple players credibly reported that Richie Burke verbally and emotionally abused players, and that he berated players in a way that was not constructive or conducive to improving performance. Burke screamed and cursed at players, even when those players were crying and visibly emotional. Burke called players insulting names, like "moron," "fucking asshole," and "cheat," and explicitly threatened to waive players who challenged his conduct or otherwise disagreed with him. Given this conduct, players feared retaliation from Burke and held back from criticizing him out of fear they would be waived. Burke generally denied being verbally abusive, but acknowledged repeated examples of using demeaning and belittling language.

Burke also used racial slurs, made racially insensitive and offensive jokes, and undermined and discouraged activism on issues of race. Burke used the N-word in recounting a story to a Black player, made jokes and racially insensitive remarks about Black Lives Matter, and used antisemitic language in comments to the team. When interviewed by the Joint Investigative Team, Burke admitted making these comments but did not acknowledge their offensiveness.

8. *Farid Benstiti (OL Reign, Head Coach, 2020–2021)*

When Farid Benstiti was hired by OL Reign, he was explicitly instructed not to discuss weight or nutrition with players. Despite this instruction, multiple people observed Benstiti commenting on players' food consumption at the 2020 Challenge Cup, where Benstiti also hid food from players. In June 2021, Benstiti gave a team speech in which he criticized players' diets, despite being told not to do so, in a manner that multiple players found inappropriate.

Benstiti did not respond to the Joint Investigative Team's request to speak with him.

9. *James Clarkson (Houston Dash, Head Coach and General Manager, 2019–)*

James Clarkson communicated with players in a manner that created anxiety and fear for multiple players. Interviewees expressed that Clarkson failed to recognize when his ineffective communication was detrimental to players' emotional wellbeing, though many players also stated that Clarkson was tough but fair. In one instance, Clarkson suspected that players had been drinking alcohol the night before a game, so he convened the players and reprimanded them in a manner that left multiple players feeling scared and attacked. In his interview by the Joint Investigative Team, Clarkson acknowledged having this meeting with players, but reported that he did not single out or attack any players.

In another instance, a player reported that Clarkson angrily asked her, "How the fuck are you so unprofessional," when she had to come out of a game due to an injury. Clarkson's comment left the player crying and visibly upset. Clarkson denied making this comment, but witnesses corroborated that Clarkson was visibly upset and frustrated at the player, and that the player was upset.

Although Clarkson advocated for the development of a mental health program at the Dash, he also demonstrated insensitivity towards players' mental health in his interactions with them. In multiple instances, Clarkson failed to understand how his conduct impacted players.

10. *Amanda Cromwell (Orlando Pride, Head Coach, 2021–2022), Sam Greene and Aline Reis (Orlando Pride, Assistant Coaches, 2021–2022)*

Amanda Cromwell and Sam Greene engaged in retaliatory conduct toward players they believed to have participated in a March 2022 investigation into reports of Cromwell's inappropriate verbal conduct towards players and Cromwell and Greene's display of inappropriate favoritism toward certain players. Numerous individuals reported that Cromwell and Greene stopped speaking to players who they believed had supported the allegations under investigation and who did not apologize to Cromwell and Greene for their participation in the March 2022 investigation. One player identified by Cromwell and Greene as having been involved in the March 2022 investigation was informed that the club was either waiving her or buying out her contract. Cromwell also sought to waive or trade other such players. The close timing between the investigation and the proposed player transactions, efforts by the coaches to discourage reporting and reward apologies for participation in the investigation, exclusion of the players suspected of supporting allegations against the coaches from a team-building activity, and comments the coaches made about these players being "negative" and not "bought in" together indicate that the coaches' actions against the players at issue were motivated, at least in part, by retaliatory reasons. The coaches both denied any retaliatory intent and instead claimed the reasons for their negative treatment of certain players and the proposed player waivers or trades were based on either performance or the players' negative attitudes.

Aline Reis did not fully cooperate with the retaliation investigation, including by pressuring players to share favorable information with investigators. Cromwell, Greene, and Reis's conduct fostered a pervasive fear of retaliation among players and some staff at the Pride. Reis acknowledged encouraging players to speak with investigators, but she denied telling them what to say.

## **B. Clubs and Owners**

### *1. Chicago Red Stars*

Throughout Dames's tenure as head coach of the Red Stars, owner Arnim Whisler minimized and dismissed players' concerns that Dames was verbally and emotionally abusive. Whisler was confronted with players' concerns repeatedly beginning in at least 2014, in the form of player survey feedback, direct conversations with players, and Whisler's own participation in the USSF Dames Investigation. Rather than removing Dames, reprimanding him, or initiating an investigation into players' allegations of abuse, Whisler continually defended Dames and expressed suspicion about players' motives for raising concerns. When the League initiated an investigation into a complaint against Dames in 2018, Whisler spoke directly to Dames about the complainant and created the risk that Dames would retaliate against the player.

On the eve of the *Washington Post's* November 2021 story on Dames's abusive conduct, in the midst of two ongoing investigations by the Joint Investigative Team and U.S. Soccer into misconduct towards players, and despite Dames having already resigned, Whisler entered into a confidential separation agreement with Dames. The agreement provided Dames with an additional five weeks of pay, and prohibited Dames and the Red Stars from disparaging the other or disclosing to anyone the existence and content of the agreement, with no exception for cooperation with the ongoing investigations. Whisler acknowledged the agreement and claimed that the non-disparagement clause was "standard."

### *2. Kansas City Current*

In August 2021, players at the Current brought concerns to club management about Huw Williams's ineffectiveness as a coach, and his negative and discouraging comments towards players. Players from the team met with club owners Angie and Chris Long, and other club staff, to raise these concerns. Players reported the club did not take sufficient action to address players' concerns after the meeting. Multiple current and former players from the Current raised concerns that Williams retaliated against players for participating in the meeting with ownership, both by mistreating players who complained and by taking actions to remove them from the club. By the end of the 2021 season, multiple players who had participated in the meeting were traded, waived, or not re-signed. Williams was moved to a front office role at the end of that season.

The Joint Investigative Team requested an interview of the Current owners, and Angie Long sat for an interview. She did not recall any concerns about Williams's treatment of players being raised at the August 2021 meeting, instead recalling that players shared concerns about the level of training and the team's poor performance. Long did not indicate that she was concerned about potential retaliation against the players who spoke up at the meeting.

### *3. Portland Thorns*

Leadership at the Thorns had knowledge of misconduct by Paul Riley, including his drinking alcohol with players and reported mistreatment of players, even before Mana Shim made a formal complaint in September 2015 of sexual misconduct by Riley.

When the Thorns received Shim's complaint in 2015, the club conducted an investigation that was too narrowly scoped, that was not conducted in a trauma-informed manner, and that lacked follow-up on indicia of additional sexual misconduct towards Sinead Farrelly or on comments by Riley regarding players' sexual orientation. The Thorns's outside counsel told U.S.

Soccer and the NWSL that the 2015 investigation did not reveal “unlawful harassment” but merely “poor judgment,” and provided no explanation for this characterization, including how it squared with the contents of the report or the decision to fire Riley because his conduct violated multiple provisions of his employment agreement.

Furthermore, Thorns owner and then-CEO Merritt Paulson and then-Thorns General Manager Gavin Wilkinson were familiar with the 2015 allegations and findings against Riley, but they were not transparent with the Flash and the Courage when those clubs were vetting Riley. Having provided the investigative report on Riley to U.S. Soccer and the League, and on the stated basis of legal advice, the club directed inquiries about Riley to the NWSL and U.S. Soccer. At the same time, the Thorns claimed legal privilege over the very information that would be responsive to such inquiries, creating barriers for the NWSL and U.S. Soccer to disclose what the investigation revealed about Riley’s misconduct. Club and U.S. Soccer personnel repeated the Thorns’s characterization of Riley’s conduct as “poor judgment” for years. Together with favorable comments Paulson and Wilkinson made about Riley, this reinforced the impression formed by the Flash and the Courage that Riley had not engaged in misconduct when employed by the Thorns.

#### 4. *North Carolina Courage*

When the Courage employed Riley as their head coach in 2017 in connection with their purchase of the Flash, they received insufficient information about the extent of Riley’s misconduct while at the Thorns. Despite requests to the Thorns and the League, the Courage were not provided a copy of the 2015 investigative report and received only limited details from the Thorns, U.S. Soccer, and the NWSL about Riley’s misconduct at the Thorns. The Courage also received some assurance about Riley from other club leaders and from the NWSL, including the fact that Riley had been hired by the Flash after departing the Thorns. Nonetheless, the Courage were aware when they executed an employment contract with Riley of an allegation that Riley had suggested two players kiss while at his apartment after a night of drinking, and that an investigation into Riley showed he exhibited “poor judgment.”

This information suggested that Riley might pose a danger to players, but the Courage did not take adequate steps to learn the findings of the investigation, reflecting a lack of appreciation for the power dynamics between players and coaches, and the Courage employed Riley despite knowing of this allegation.

Moreover, Riley continued his sexual and non-sexual misconduct towards players while coaching for the Courage, at least some of which was known to the club. Kaleigh Kurtz reported to the club that Riley made her uncomfortable and called her “chubby,” and the club responded by telling Riley that he should speak to players about “fitness,” not “weight.” The club did not take steps to determine if Riley’s conduct extended beyond an isolated comment or to other players. Indeed, after Riley was fired on September 30, 2021, Kurtz disclosed additional misconduct by Riley, and another player told the club that Riley had been verbally abusive and created a “culture of fear” in which players could not express opinions, and that other coaches had allowed Riley to engage in this behavior.

#### 5. *Sky Blue and NJ/NY Gotham*

During Holly’s tenure as head coach, players reported to Sky Blue management that Holly was verbally abusive, but the club took no action in response to those reports and ultimately failed to share accurate information about Holly’s conduct both with the League and other clubs. Players shared with former Sky Blue President and General Manager Tony Novo

that Holly screamed at and verbally abused players. Although Novo said he shared these concerns with others at the club, key decision-makers within the club did not recall Novo telling them about Holly's mistreatment of players. When Holly was let go—not for his mistreatment of players but for a reported relationship with a player—Sky Blue publicly framed Holly's departure as a mutual agreement, did not acknowledge Holly's misconduct, and expressed gratitude towards him. When Racing Louisville sought feedback on Holly from references at Sky Blue, Novo was no longer there and the individuals at Sky Blue that Racing Louisville spoke with did not know about and therefore did not convey the full universe of concerns originally raised by players against Holly, instead citing only Holly's relationship with a player.

## 6. *OL Reign*

OL Reign hired Farid Benstiti despite public evidence that Benstiti had engaged in weight shaming of Lindsey Horan, who had played for him at Paris Saint-Germain. After his hire, OL Reign CEO Bill Predmore told Benstiti he was not allowed to discuss diet or weight with players. However, Benstiti did not comply with that directive. It was not until June 2021, when Benstiti gave a speech in which he criticized players' diets, that the club took action. After a player filed a complaint about the speech with Predmore and with the League, the club asked Benstiti to resign. The club then released a statement that did not disclose the reason for Benstiti's departure.

## 7. *Racing Louisville*

Although Racing Louisville's vetting of Holly was not atypical for clubs at the time, it did not go far enough in assessing his treatment of players. Members of club management spoke with former employers, and the club conducted a narrow criminal background check. The club did not contact Novo as part of its vetting process, even though Novo was the person most knowledgeable about the circumstances of Holly's departure. Despite having knowledge of Holly's relationship with Pearce Rampone, and of its negative impact on players at Sky Blue, no one at the club spoke to former Sky Blue players to ask for their perspective on Holly. As a result, Racing Louisville did not learn about Holly's mistreatment of Sky Blue players prior to his hiring.

Racing Louisville did not appropriately respond to players' reports about Holly's conduct as the club's head coach. Players raised multiple concerns about him to club management. As early as June 2021, players reported that Holly had "shouted at" and "personally attacked" players who had gone to him for one-on-one feedback. After players spoke to club management about these concerns, management scheduled a joint meeting with both players and coaching staff, including Holly. Players reported that by bringing players into a meeting with Holly, club management created a fear of retaliation which discouraged them from reporting further concerns.

When Racing Louisville learned of Holly's sexual misconduct toward Erin Simon, the club acted quickly, firing him within hours of speaking to Simon, and in spite of a request from the NWSL that they pause to let the League investigate. However, the club did not share enough information about the reason for Holly's termination, leaving both players and the public uncertain about why he was fired. The club announced that Holly was terminated "for cause," but the announcement did not specify that the "cause" was sexual misconduct. Players reported that they felt confused by the information shared with them and did not understand exactly why Holly had been fired. Days later, Racing Louisville entered into a severance agreement with Holly, which stated that the club's executive team and Holly could not make "any written or verbal communication in any form . . . to any third-party that denigrates, disparages, criticizes,

defames, or is derogatory of the other.” Citing the non-disparagement provision in the agreement, the club and its executives declined to speak freely with the Joint Investigative Team about Holly until the fourth quarter of 2022, significantly delaying this aspect of the investigation. The agreement also expressly permitted Holly to provide an “honest assessment” of players’ performances—including Simon—withstanding the risk that he would retaliate against Simon or others by sharing negative feedback with scouts or coaches.

#### 8. *Washington Spirit*

While Richie Burke was head coach of the Spirit, club management created an environment where players felt it was futile to raise concerns about Burke to anyone at the club. Due in part to the perceived close relationship between Burke and club ownership and management, players did not feel comfortable expressing concerns about Burke. One player reported that club staff observed Burke’s mistreatment of players but did nothing, reinforcing players’ view that raising concerns about Burke would be futile. Players also reported a pervasive fear of retaliation should they raise concerns about Burke.

Despite reports from players that club staff and ownership were aware of Burke’s mistreatment of players, the Spirit did not launch an investigation into Burke until the club learned that a *Washington Post* article would publicly reveal allegations that Burke verbally and emotionally abused players and made racially insensitive comments. In the wake of that public disclosure, Spirit CEO and managing partner Steve Baldwin resigned, but players called for him to sell his share of the team to minority owner Michele Kang. On October 14, 2021, the club announced that Baldwin, along with owner Bill Lynch, would sell their shares in the club to Kang. The sale was finalized in March 2022.

#### C. **U.S. Soccer**

On multiple occasions, misconduct directed at NWSL players was reported to U.S. Soccer but inadequately investigated or addressed. U.S. Soccer, as governing body and NWSL manager, failed to ban coaches and staff who resigned or were fired because of misconduct, or to apprise the League and club owners of such misconduct, which allowed these individuals to move to other clubs within the NWSL. Leaders from U.S. Soccer avoided taking responsibility for systemic failures to protect players, contending that decision-making authority and the responsibility to address misconduct lay with the NWSL and club owners.

U.S. Soccer failed to address allegations against Riley and Dames as early as 2014, when it received comments in NWSL player surveys stating that Riley and Dames were verbally and emotionally abusive. Later in 2015, U.S. Soccer received both Shim’s initial complaint against Riley and the Thorns’s investigative report. Despite receiving updates on the investigation, U.S. Soccer failed to follow up on evidence that suggested Riley may have had a more extensive relationship with Farrelly. As described below, individuals from U.S. Soccer, including General Counsel Lisa Levine, her successor Chief Legal Officer Lydia Wahlke, President Sunil Gulati, and CEO Dan Flynn, failed on numerous occasions to disclose what they knew about Riley’s misconduct to other NWSL clubs that hired him.

U.S. Soccer’s 2018 investigation into Dames’s conduct surfaced several concerns about his interactions with players, but minimized the breadth and severity of these concerns and failed to protect players during the 16 months it took to complete the investigation. There were also multiple process failures during the USSF Dames Investigation, which left notable gaps in its fact-finding. Upon the conclusion of the investigation, U.S. Soccer did not communicate the investigation’s factual findings to the players, the Red Stars, or the NWSL.

1. *Lisa Levine (U.S. Soccer, General Counsel, 2009–2017; NWSL, General Counsel, 2017–2021)*

As U.S. Soccer General Counsel, Lisa Levine received Shim’s September 2015 email containing allegations against Riley on the same day Shim sent the complaint, and Levine received updates about the Thorns’s 2015 investigation regarding Riley from the outside counsel hired by the Thorns. When the investigation concluded, Levine received and reviewed a copy of the 2015 investigative report and supporting documents, along with the Thorns’s counsel’s determination that the 2015 investigation revealed no “unlawful harassment.”

Levine learned in February 2016 that the Flash would announce their hiring of Riley, and she learned information from Plush to suggest that the Thorns had perhaps not been candid with the Flash regarding the 2015 allegations or findings against Riley. In spite of this, there is no evidence that Levine provided the Flash with additional details about Riley’s past conduct. Levine suggested in a February 2016 email that she would prepare letters to Riley and to the owner of the Flash reminding them that coaches must remain professional, but the Joint Investigative Team did not find evidence that any such letters were written or sent. The Joint Investigative Team also did not find any evidence that Levine provided information about Riley in response to the Courage’s due diligence requests for information, or that she shared information about the 2015 investigation with the Courage.

In spring 2021, when Levine was the NWSL’s general counsel, Shim and Farrelly resurfaced allegations against Riley. Shim and Farrelly expressed concern that Riley was still coaching in the NWSL, and Farrelly provided additional information regarding Riley that should have been of interest to the NWSL, but Levine did not take any steps to investigate further and drafted responsive language for then-Commissioner Lisa Baird to send to Shim and Farrelly conveying that the matter was closed. When Baird asked Levine if they should meet with Farrelly, Levine replied that they should email Farrelly first. Levine’s explanation for her response to these emails was that she was focused on language in the emails regarding how the NWSL would respond to Shim’s initial 2015 complaint—despite indicia in the emails that Shim and Farrelly were dissatisfied with the NWSL’s response to Shim’s 2015 complaint and despite Farrelly having provided additional pertinent information in her email.

In June 2018, Levine met with Arnim Whisler and informed him that a player had raised a complaint against Dames. Though Levine cautioned Whisler against retaliation, Levine confirmed to Whisler the identity of the complaining player. As discussed above, this player was subsequently traded in circumstances suggesting that the trade was retaliatory.

2. *Lydia Wahlke (U.S. Soccer, Chief Legal Officer, 2017–2020)*

U.S. Soccer Chief Legal Officer Lydia Wahlke directed the USSF Dames Investigation, asking the NWSL to stand down even though she believed U.S. Soccer did not have the authority to take action against Dames. She failed to take steps to protect players during the investigation, and ultimately failed to act on evidence of Dames’s misconduct. Wahlke received copies of the investigator’s interview notes and offered input to the investigator on how the investigation should proceed. Despite receiving players’ reports of verbal and emotional abuse by Dames, she took no action to suspend Dames or otherwise prevent further misconduct during the investigation. When the investigation concluded in September 2019, Wahlke failed to share relevant information about the investigative findings with the NWSL or the Red Stars, citing U.S. Soccer’s privilege as the rationale for not sharing this information. She also did not share the findings or conclusion from the investigation with players. Although the 16-month investigation found that Dames yelled excessively, targeted players, and behaved erratically, as a

result of the failure to share information, the NWSL, the Red Stars, and players were left with the impression that Dames's behavior was deemed acceptable by U.S. Soccer.

In 2019, when Riley was under consideration for the USWNT head coach position, Wahlke received a copy of the Thorns's 2015 investigative report regarding Riley, and she participated in discussions regarding his suitability for the position. However, Wahlke did not take steps to engage with the League or the Courage about why Riley was still coaching in the NWSL. Wahlke told the Joint Investigative Team that she did not recall reviewing the 2015 Thorns report in detail, but she recalled reviewing the email from the Thorns's counsel that concluded Riley had not engaged in "unlawful harassment."

3. *Sunil Gulati (U.S. Soccer, President, 2006–2018) and Dan Flynn (U.S. Soccer, CEO and Secretary General, 2000–2019)*

In September 2014, U.S. Soccer President Sunil Gulati was made aware of a complaint by Christen Press that Dames created a toxic environment at the Red Stars, but did not prompt U.S. Soccer to act in response to the complaint.

Both Gulati and U.S. Soccer CEO Dan Flynn received the NWSL player survey results from 2014, which included information about potential misconduct by both Riley and Dames. In a written statement, Flynn stated that he did not recall personally reviewing the results or being made aware of concerns regarding the quality of coaching or abusive coaching tactics. Gulati told the Joint Investigative Team that he believed he read the player survey results, but he did not recall being aware of 2014 player comments that indicated Riley was verbally abusive. Gulati recalled that he was aware in 2014 that Dames offered his resignation to Whisler because of the 2014 player survey responses, but Whisler did not accept.

In September 2015, Gulati and Flynn received Shim's email containing allegations against Riley, and during the Thorns's investigation, they received some updates related to Riley and to the investigation from Levine. Both Gulati and Flynn said they never reviewed the Thorns's 2015 investigative report prior to its October 2022 public disclosure by U.S. Soccer. In February 2016, Gulati and Flynn engaged in communications with individuals at the NWSL and U.S. Soccer regarding the Flash's decision to hire Riley that reflected their understanding that the club's hiring of Riley was cause for concern. However, the Joint Investigative Team found no evidence that they, or others at U.S. Soccer, shared information or ensured information was shared with the Flash regarding the 2015 allegations or investigative findings against Riley. Gulati told the Joint Investigative Team that he surmised he had received legal advice that there was nothing that could formally be done to stop Riley from coaching elsewhere in the NWSL.

When the Courage was deciding whether to retain Riley as coach in 2017, Gulati told Courage owner Steve Malik that he should speak with Riley's previous employers, but Gulati did not inform Malik of the 2015 allegations or investigative findings regarding Riley. Gulati told the Joint Investigative Team that he surmised that he had been given legal advice not to disclose information regarding the allegations and investigation, but could not recall any specifics about that advice. Courage President Curt Johnson explained that during this vetting period, Flynn told Johnson some of the details of Riley's 2015 misconduct towards Shim and Farrelly, but described the incident as "a moment of poor judgment." Flynn did not recall sharing the details noted by Johnson; he only recalled telling Johnson to speak with individuals at the Thorns and to other club owners regarding Riley because others would know the results of the 2015 investigation.

## D. NWSL

The League received information about Riley's misconduct while at the Thorns, but the League allowed him to continue to coach, first at the Flash and then at the Courage. The League later received new information indicating that Riley's misconduct had not been adequately investigated, but the League did not commission its own investigation or take other action. The League received reports of misconduct by Dames, but the League did not follow up on the results of the 2018 U.S. Soccer investigation into those reports.

### 1. *Jeff Plush (NWSL, Commissioner, 2014–2017)*

Jeff Plush received Shim's September 2015 complaint alleging sexual misconduct by Paul Riley, and he then forwarded the complaint to individuals at U.S. Soccer and discussed it with Merritt Paulson and Gavin Wilkinson. Plush was aware that the Thorns launched an investigation, and he received some updates regarding the investigation. When the Thorns's investigation was complete, Lisa Levine forwarded to Plush the email from the Thorns's counsel containing the determination that the 2015 investigation revealed no "unlawful harassment."

Plush was aware in September 2015 that Sky Blue was interested in hiring Riley, and he stated to the Joint Investigative Team that he told Sky Blue not to hire Riley. The evidence suggests he also discussed with Levine and with U.S. Soccer's outside counsel that Levine should give Sky Blue certain information about the allegations of sexual harassment against Riley, the circumstances of Riley's termination from the Thorns, and conclusions from the 2015 investigation.

In February 2016, Plush expressed concern in internal emails about the fact that the Flash were planning to hire Riley. Although Plush asserted that he tried to dissuade the Flash from pursuing Riley, he did not give the Flash any information about why they should not pursue Riley. Plush stated that he was advised by counsel that such information was "confidential" and could not be shared by the League. However, that position is inconsistent with other evidence, including an email from counsel for the Thorns and Plush's own prior communications with Sky Blue. On the basis of that legal advice, and despite his stated concerns, Plush did not facilitate further conversations, seek additional advice when the advice he received was inconsistent with the stated purpose of the Thorns's disclosure, or raise his concerns with the Board of Governors. Plush, the senior-most executive at the League, did not take any steps to ensure that the Flash, the Courage, and the players who would be coached by Riley were aware of the risks he posed. By allowing Riley to continue coaching in the NWSL, the League conveyed its continuing implicit approval of him, despite the information Plush received and the concerns that he expressed to others.

### 2. *Amanda Duffy (NWSL, Managing Director of Operations, 2017–2019 and President, 2019–2020)*

During her tenure as NWSL president, Amanda Duffy was made aware of, but failed to act on, Shim's 2015 complaint against Riley and the subsequent investigation conducted by the Thorns. In 2019, when U.S. Soccer was considering Riley for the role of USWNT head coach, Duffy and Levine worked with NWSL communications staff to prepare a draft public statement related to the complaints against Riley and the investigation into his conduct. At that time, Levine provided Duffy a copy of the Thorns's 2015 investigative report, as well as supporting texts and emails. Despite having this information, Duffy did not express any concerns about Riley to the Courage, Riley's employer at the time.

Also in 2018, a player raised concerns to Duffy and Levine about Dames's behavior towards players. Although U.S. Soccer told Duffy and Levine that U.S. Soccer's outside counsel would investigate the reports, and Duffy said she received one or two updates about the investigation, there is no evidence that Duffy requested additional updates regarding the investigation or its outcome.

3. *Lisa Baird (NWSL, Commissioner, 2020–2021)*

Lisa Baird did not investigate the 2021 complaints against Riley, which contained information that should have led Baird to inquire further. In March 2021, days after Baird received a letter from 240 NWSL players urging the NWSL to adopt an anti-harassment policy, Shim emailed Baird indicating that she believed the League had failed “to take any action to protect players in response” to her 2015 complaint about Riley. Shim attached to this email her 2015 complaint. Baird, working from language drafted by Levine, ultimately replied that Shim's 2015 complaint had been “investigated to conclusion.” Farrelly also emailed Baird and the NWSL HR Office email address in April 2021 setting forth serious allegations against Riley, including that she had experienced inappropriate conduct by Riley in addition to what she reported during the Thorns's 2015 investigation. Baird, again using language drafted by Levine, responded that the initial complaint in 2015 had been “investigated to conclusion.” Despite this documentary evidence, Baird told *ESPN*, in an interview for a documentary that aired in October 2022, that the October 2021 *Athletic* article was the first she ever heard of accusations of sexual abuse by Riley.

## **VI. Recommendations**

Since the announcement of the NWSL and NWSLPA Joint Investigation, the NWSL has undertaken significant efforts to correct the systemic failures that allowed misconduct to proliferate. Under the leadership of Commissioner Jessica Berman, the NWSL released an updated Anti-Harassment Policy, increased dedicated resources for receiving and handling reports of misconduct, and acted on the findings of the Joint Investigative Team by removing individuals who engaged in misconduct from their roles at clubs. The NWSL began requiring background checks of prospective coaches and other club staff, and it has begun efforts to offer an anti-harassment training for players, coaches, and League and club staff. The NWSL also announced plans to launch a new position dedicated to player safety. Nonetheless, substantial work remains to be done to ensure the safety of players in the NWSL, and effective change will need to last beyond one commissioner.

The Joint Investigative Team recommends that the NWSL adopt additional measures to facilitate a safer, more inclusive, and more respectful workplace for players. The Joint Investigative Team's recommendations are forward-looking and systemic in nature; rather than recommending discipline as to specific individuals or entities, the Joint Investigative Team's recommendations seek to improve the NWSL's policies and practices to prevent misconduct to ensure that players and staff within the League and its clubs feel safe and confident in reporting misconduct. These recommendations are organized thematically and not in order of priority.

The League should issue a public statement reiterating its commitment to creating a safe working environment for players, announcing specific actions that the NWSL will take to demonstrate this commitment, and setting a timeline for implementation in consultation with the NWSLPA. The League should be transparent with players about progress and should provide players with a formal platform where they can share ongoing concerns with management and the Board of Governors.

As it moves forward, the NWSL should continue to take affirmative steps to empower players, hear their concerns, and implement reforms in response to player concerns. This may include engaging with the NWSLPA or third-party experts regarding reforms, including the measures the Joint Investigative Team recommends below, to ensure that they are implemented in a way that meets players' needs. Misconduct within the NWSL—and a failure to adequately investigate allegations of misconduct and take measures to prevent further misconduct—has contributed to players' lack of trust and confidence in U.S. Soccer, the NWSL, and its member clubs. Leaders within U.S. Soccer and the NWSL, including the Board of Governors and club management, must lead the effort in building back trust with players and creating a safe working environment for all players. The measures set forth below are only the beginning; it will take the collective efforts of everyone affiliated with the NWSL to build and maintain a culture with player safety, empowerment, and well-being at its core.

#### **A. Strengthen Anti-Harassment Policies**

The NWSL Anti-Harassment Policy can and should continue to evolve to better protect players and incorporate the learnings from player and staff experiences and feedback. The NWSL should continue to update and revise the Anti-Harassment Policy to strengthen its protections against misconduct and retaliation toward NWSL players and club staff.

##### *1. Revise the Anti-Harassment Policy to Define Retaliation More Clearly*

The NWSL should revise the 2022 Anti-Harassment Policy to clarify the actions that could be considered retaliatory. The revised policy should state that waiving players, trading players, or buying out players' contracts could be retaliatory and a violation of the policy if a motivating factor for the player transaction is the player's engagement in a Protected Activity. The current policy states that prohibited retaliation could include adversely affecting working conditions, and the revised policy should expand upon what it means to adversely affect working conditions and provide specific examples, such as ostracizing or ignoring players, denying players training opportunities or playing time, or showing favoritism toward players.

##### *2. Revise the Anti-Harassment Policy to Address Microaggressions and Racist and Derogatory Language*

The NWSL should update the 2022 Anti-Harassment Policy to explicitly address microaggressions and racist, antisemitic, homophobic, and other derogatory language. The policy should provide clear definitions and explanations of microaggressions so staff and players can identify and understand them, and it should explain how microaggressions and racist, antisemitic, and other derogatory language can constitute harassment. The NWSL should consider engaging with the Black Women's Player Collective and players from other historically marginalized groups to understand how microaggressions or racist, antisemitic, homophobic, and other derogatory language may manifest in the NWSL environment and how the policy may be updated to address such issues.

##### *3. Revise the Anti-Harassment Policy to Include the Non-Fraternization Policy*

The NWSL should update the 2022 Anti-Harassment Policy to incorporate the Non-Fraternization Policy currently found in its Operations Manual. The Anti-Harassment Policy should specify that the Non-Fraternization Policy applies not just to head coaches, but also to assistant coaches and any other club staff in supervisory positions over players. The Non-Fraternization Policy should also clarify that any sexual or romantic relationship between

players and those in supervisory roles over players is strictly prohibited, even if the relationship is consensual.

4. *Require Clubs to Revise Their Anti-Harassment Policies to Be Consistent with the NWSL Anti-Harassment Policy*

The NWSL should require clubs to review and update their anti-harassment policies to be at least as protective of individuals who file complaints or participate in NWSL investigations as the NWSL Anti-Harassment Policy. Club policies should state clearly that all club staff are also subject to the NWSL Anti-Harassment Policy, which goes beyond merely prohibiting unlawful harassment. Club policies should also inform individuals of the reporting channels listed in the NWSL Anti-Harassment Policy and should remind club staff of their obligation to report potential policy violations to the NWSL HR Office or NWSL General Counsel. The League should consider requiring that clubs certify that they have revised their anti-harassment policies to meet the baseline requirements of the League's Anti-Harassment Policy and that they have disseminated their policies and the League's policy to all staff and players.

**B. Develop and Enforce Guidelines Addressing Appropriate Interactions Between Club Staff and Players**

The NWSL should develop clear rules and guidelines addressing appropriate interactions between club staff and players to help ensure that individuals throughout the League understand and maintain appropriate boundaries that promote player safety and well-being.

1. *Develop and Enforce a Responsible Drinking Policy Applicable to All NWSL Staff, Club Staff, and Players*

The NWSL should implement a responsible drinking policy stating that excessive consumption of alcohol at NWSL or club events, including during travel for games, is not tolerated and will result in disciplinary action. The responsible drinking policy should also state that the NWSL expects all NWSL staff, club staff, and players to exercise good judgment and professionalism when drinking alcohol with colleagues outside of official NWSL or club events, and that alcohol will never be accepted as an excuse for engaging in misconduct toward staff or players.

2. *Establish Guidelines Addressing Appropriate Meeting Locations for One-on-One Meetings Between Club Staff and Players*

The NWSL should establish guidelines requiring that meetings between club staff and players take place in appropriate professional settings, including while traveling. Meetings between players and club staff, particularly one-on-one meetings, should take place at club facilities or in appropriate public spaces or offices.

3. *Consider Establishing Guidelines Regarding Socializing Between Players and Individuals with Supervisory Authority*

The NWSL should consider whether players and staff would benefit from the League establishing guidelines on appropriate socializing between players and individuals with supervisory authority over players, including head coaches. One-on-one or small group socializing for non-soccer purposes between players and individuals with supervisory authority may blur the boundaries between professional and personal relationships, present concerns of improper favoritism, or leave certain players feeling isolated or excluded. Guidelines may help

staff and players to identify conditions and circumstances for socializing that prioritize player safety and respect for boundaries.

4. *Provide Written Guidance to Coaches and Other Club Staff Stating That It Is Inappropriate to Make Degrading Comments or Jokes About a Player's Weight*

The NWSL should advise clubs and coaches that if a coach has legitimate health or fitness concerns about a player's weight, that coach should speak privately with the club medical staff so that the medical staff can address the concern privately with the player. There may be limited circumstances in which it is appropriate for a coach to discuss a player's weight with her as it pertains to that player's fitness goals, but those discussions generally should occur privately, without other players present. Those discussions should be focused on how to improve the player's performance and should not include any jokes, insults, or other unconstructive comments about players' weight, appearance, or eating habits.

5. *Require Coaches to Adhere to Club Medical Staff's Decisions Regarding Player Health and Ability to Train and Play*

Consistent with the CBA, the NWSL should require coaches to adhere to medical staff's decisions for a player to train, play, or return to play. If coaching staff repeatedly ignore medical advice or pressure players to do so, the NWSL should impose disciplinary action against those coaches. Coaches also should not be in a direct supervisory position over club medical staff and should not be in a position to unilaterally terminate or otherwise impose disciplinary action on medical staff without consulting with the managers of the club.

6. *Provide Leadership Training to Coaches*

The NWSL should consider providing leadership training to coaches. Leadership training and coaching could provide coaches with skills to better communicate with players and other staff, motivate players, collaborate with other staff, and resolve conflicts within the team.

7. *Require Separate Housing Accommodations for Players and Club Staff*

At some clubs, the players and club staff reported that they live in the same club-provided housing during the season. Some players reported that living in such close proximity to club staff, including their coaches, made them feel uncomfortable and contributed to a lack of boundaries between the personal lives of the players and club staff. The NWSL should require clubs to provide separate housing accommodations to establish clearer boundaries between players and club staff.

8. *Require Separate Individuals to Hold Key Club Leadership Roles*

In order to ensure the integrity of reporting channels, and to mitigate concerns regarding potential retaliation, the NWSL should require that separate individuals hold key leadership and management roles within clubs. The NWSL should establish rules prohibiting an individual from occupying more than one of the following positions at a club: principal owner, general manager, and head coach. This reduces the risk that the concentration of power in a single individual will chill reporting of misconduct.

### **C. Develop and Implement Trainings That Reflect and Address Player and Staff Experiences**

While some clubs have provided anti-harassment training to staff and players, the NWSL should develop and implement mandatory, uniform NWSL-wide trainings that address topics related to the Anti-Harassment Policy and that provide concrete examples of appropriate and inappropriate conduct. Trainings should be streamlined and consistent, and should be mandatory for League staff, club staff, volunteers who regularly interact with players, and players across all clubs.

#### *1. Provide Mandatory Annual Anti-Bullying Training*

The NWSL should provide mandatory and comprehensive annual anti-bullying trainings to address non-abusive approaches to coaching and to empower players to recognize and report misconduct. There should be specific trainings tailored to club staff, including coaches, and players.

The annual anti-bullying training should provide examples and explain the meaning of bullying and emotional abuse as defined in the Anti-Harassment Policy. The training for coaches and other club staff should encourage athlete-centered coaching (focusing on the holistic development of players), effective partnerships between coaches and players, and soccer-specific constructive criticism. It should also provide examples of the types of personal attacks or degradation of players that are prohibited by the Anti-Harassment Policy. The training for players should address appropriate communication between coaches and players, including soccer-specific constructive criticism, and should provide examples of conduct or scenarios that professional players could potentially encounter. The annual training should be interactive, with opportunities for participants to ask questions and receive feedback. The NWSL should also periodically assess the effectiveness of its training programs by reviewing participant evaluations and ensuring that the training materials reflect the latest guidance or norms on workplace conduct.

#### *2. Provide Mandatory Annual Anti-Harassment Training*

The NWSL has plans to engage a law firm to provide anti-harassment training to all NWSL and club staff, volunteers, and players. The NWSL should ensure that this anti-harassment training is mandatory for all club staff and players and required annually. This mandatory anti-harassment training should be interactive and provide opportunities for participants to ask questions. The training should encompass sexual harassment and harassment based on other protected characteristics, including but not limited to race, religion, sexual orientation, and ethnicity. This training should encompass conduct and scenarios that players, staff, and volunteers at professional clubs could potentially encounter. The training should advise that the NWSL does not tolerate inappropriate jokes that are sexist, racist, antisemitic, homophobic, bigoted, or that target any protected characteristic. The NWSL should ensure this training is mandated for all volunteers who regularly interact with players, including team chaplains and volunteer coaches.

Anti-harassment training offered by the NWSL should clearly instruct staff that electronic communications, including text messages, WhatsApp messages, and emails, must comply with, and are subject to, the Anti-Harassment Policy.

3. *Provide Mandatory Anti-Racism and Unconscious Bias Training*

The NWSL should develop and implement an annual anti-racism and unconscious bias training that, among other things, is designed to prevent the use of racially insensitive or antisemitic language and provides tools for how to recognize and intervene against microaggressions. The training should be engaging and interactive. To conduct the training, the NWSL should consider engaging a third party with expertise in anti-racism, antisemitism, and DEI in the professional sports context.

4. *Incorporate Anti-Retaliation Training Into Other Mandatory Trainings*

Anti-retaliation training should define retaliation and emphasize that retaliation can take many forms—not just termination of employment or formal discipline.

The anti-retaliation trainings should explain that ostracizing players or staff or ignoring them, denying players certain training opportunities or playing time, or showing favoritism toward certain other players or staff could be retaliatory if a motivating factor for engaging in the conduct relates to those individuals participating in a Protected Activity under the Anti-Harassment Policy. Trainings should also explain that even if there are other reasons for taking an adverse action against a player or staff member, if retaliation is a motivating factor for taking an adverse action, the adverse action is retaliatory and a violation of the Anti-Harassment Policy. This aspect of the training also should be interactive and should provide opportunities for questions.

5. *Remind Players, Staff, and Volunteers of Reporting Channels Available to Report Misconduct*

The anti-bullying, anti-harassment, anti-racism, and anti-retaliation trainings should remind players and staff of the reporting channels available to report misconduct, including law enforcement where appropriate. Trainings should also encourage players and staff to report bullying, harassment, discrimination, racist behavior, or other misconduct they experience or observe. The trainings should remind supervisors of their obligations under the Anti-Harassment Policy to report alleged misconduct to the NWSL HR Office or the NWSL General Counsel.

6. *Consider Engaging a Third Party to Provide Mental Health First-Aid Training for All NWSL and Club Staff and Players*

The NWSL should consider adopting Mental Health First Aid training. Mental Health First Aid training teaches participants how to reach out and provide initial help and support to someone who may be developing a mental health or substance use problem or who may be experiencing a mental health crisis. Mental Health First Aid training tailored toward sport professionals could help players and staff develop the skills to recognize and respond to players navigating mental health challenges.

7. *Require Certification of the Completion of Mandatory Trainings and Closely Track Compliance*

The NWSL should require annual written certifications from all NWSL and club staff and players certifying they have completed all mandatory annual trainings and that they have reviewed, understood, and agree to abide by the Anti-Harassment Policy. The NWSL should enforce appropriate discipline against NWSL and club staff and players who do not timely

complete each mandatory training. The NWSL should store all certifications in a central location.

**D. Coordinate with Clubs and U.S. Soccer to Improve and Centralize Hiring Practices**

The process through which coaches and other club staff are hired has varied, and some coaches hired by clubs have faced previous allegations of misconduct that were not discovered or explored as part of a background or reputational check. Clubs have also at times failed to share critical information about certain applicants with other clubs, which resulted in clubs hiring coaches accused of misconduct without sufficient information about the allegations. While the NWSL has recently improved its hiring practices and background check processes, background and reputational checks should be enhanced, and the NWSL should establish formal procedures to facilitate information-sharing among clubs.

*1. Conduct Background Checks on All Prospective Club Owners, Staff, and Volunteers Who May Interact With Players*

Historically, clubs have not always conducted background checks on coaches and other club staff before hiring them. In November 2021, the NWSL imposed requirements that prospective general managers, coaches, and presidents of clubs undergo background checks before being hired. The NWSL should continue requiring these background checks and should expand the background check requirement to all prospective club employees and volunteers who may interact with players and travel with the team, including medical staff, massage therapists, equipment managers, volunteer coaches, and volunteer trainers. Background checks should also be conducted on prospective owners of NWSL clubs, including prospective owners of expansion clubs or investors who are candidates to acquire majority or significant minority stakes in existing clubs. The background checks should continue to be conducted by professional employment services companies in a manner consistent with any applicable legal restrictions and guidelines. The results of all background checks should be shared with the League office and copies maintained for at least five years, subject to any applicable legal restrictions. The NWSL should also develop standards for evaluating an applicant's fitness for the position, based on the results of background checks, that are consistent with applicable legal restrictions, including applicable state laws.

*2. Conduct Reference Checks for All Prospective Owners, Coaches, and other Club Staff Who May Interact With Players*

In addition to background checks, the NWSL should conduct reference checks for all prospective owners, coaches—including volunteer coaches—and club staff who may interact with players. The NWSL should contact an applicant's former employers and, where feasible, former colleagues. When contacting former employers, the NWSL should not just verify employment, but should inquire into any past incidents of misconduct. The NWSL should also develop standards for evaluating an applicant's fitness for the position based on the results of reputational checks. If the NWSL determines that information revealed as part of a reference check is a barrier to that applicant's hire, the NWSL should maintain that information should the applicant be considered for positions at other clubs in the future.

*3. Embrace Player Insight as Part of the Hiring and Vetting Processes*

The NWSL should encourage clubs to involve players in interview and hiring processes where feasible and to seek feedback from a range of players who are familiar with prospective

coaches and staff to better understand their interactions with players. The NWSL should advise clubs to offer players the opportunity to speak candidly about their views on prospective coaches or staff and should guard vigilantly against any potential retaliation or breach of confidentiality associated with players sharing their views.

4. *Set a “Tone From the Top” That Promotes Player Safety and Well-Being*

The NWSL should take steps to ensure that leaders of every club in the League—including owners, presidents, general managers, and other executives—are committed to creating a culture in which player safety is a priority and players are expected and encouraged to report concerns about misconduct. The NWSL should ensure as part of its vetting process that prospective owners entering the NWSL express their personal commitment to protecting player safety, to combatting misconduct in all its forms, and to facilitating appropriate reporting of concerns. Club leaders should have a plan to model and implement their commitment to player well-being, and the NWSL should vigilantly guard against leadership behavior that may discourage reporting or suggest disregard for player safety.

5. *Facilitate Information Sharing Among Clubs Regarding Findings of Misconduct*

The NWSL should share with all clubs when a club employee is removed from a club due to a finding of misconduct under the Anti-Harassment Policy. The NWSL should not rely on clubs to voluntarily share this information with other clubs. Instead, it should require clubs to notify and provide relevant factual information to the NWSL when a club terminates the employment of any staff member, regardless of job title, or takes other disciplinary action due to misconduct. This disclosure should be made in a manner that protects the confidentiality or anonymity of anyone who has experienced or has reported misconduct.

If a club staff member who has been found to have engaged in misconduct seeks a position at another club in the NWSL, the NWSL should promptly alert that club of the prior misconduct. If there are allegations of misconduct against the staff member that are under investigation, the NWSL should work expeditiously to investigate before the staff member is hired by another club and should promptly notify that club of any finding of misconduct.

6. *Share Findings of Misconduct with U.S. Soccer and Other Stakeholders*

The NWSL should share with U.S. Soccer when a club employee is removed from a club due to a finding of misconduct under the Anti-Harassment Policy to allow U.S. Soccer to take necessary measures to prevent that employee from engaging in further misconduct in youth soccer or in other leagues, including the removal of coaching licenses where necessary. The NWSL should share the nature of the misconduct with U.S. Soccer while protecting the confidentiality of anyone who experienced discrimination, harassment, bullying, or other forms of abuse, to the extent feasible. The League should request mutual cooperation and information-sharing from U.S. Soccer and other organizations to ensure the League is made aware of findings of misconduct concerning candidates seeking employment in the NWSL.

7. *Support Former and Current NWSL Players in Pursuing Coaching Careers in the NWSL*

The majority of NWSL coaches have been men. The NWSL should consider expanding and further supporting formal pipelines for former and current players who are interested in coaching and support those players in their pursuit of coaching positions, beyond the current

financial support for players pursuing coaching licenses, with the long-term goal of hiring a greater number of qualified former NWSL players as coaches. These measures may help increase diversity in the NWSL coaching ranks.

### **E. Enhance Reporting and Investigation Procedures**

Many players across the NWSL said they did not know how to elevate concerns about club staff, including coaches, within their clubs or to the NWSL. Historically, the processes and procedures for players to elevate concerns about club staff have varied across clubs. The investigations into allegations of misconduct—and the NWSL’s awareness of and involvement in such investigations—have been inconsistent and have not always followed best practices. While recent efforts have been made to streamline the reporting and investigation procedures, the NWSL could take additional steps to further streamline and improve these procedures and communicate them more clearly to all players, club staff, and NWSL staff.

#### *1. Continue Efforts to Improve and Increase Access to Reporting Channels Across All Clubs*

In the 2022 Anti-Harassment Policy, the NWSL made several efforts to increase the number of reporting channels across all clubs: First, the 2022 Anti-Harassment Policy lists several channels that facilitate the reporting of misconduct directly to the NWSL, including contacting the NWSL HR Office and texting or calling an anonymous RealResponse hotline. Second, the 2022 Anti-Harassment Policy requires each club to designate two individuals to receive reports of potential violations of the 2022 Anti-Harassment Policy, at least one of whom must be an individual other than the Board of Governors representative and the head coach of the club.

The NWSL should confirm that each club has designated such individuals and that those individuals are aware of their obligation to report any complaints or reports of violations of the Anti-Harassment Policy to the NWSL HR Office or the NWSL General Counsel within 24 hours of receiving the report. The NWSL should strictly enforce the 2022 Anti-Harassment Policy’s requirement that complaints or reports of potential policy violations be elevated to the NWSL within 24 hours of receipt to ensure the NWSL is equipped to investigate promptly and immediately take interim measures to protect players as needed.

#### *2. Communicate Reporting Channels Regularly*

The NWSL should communicate available reporting channels regularly to all players, staff, and volunteers who interact with players. The NWSL should not just list reporting channels in the Anti-Harassment Policy, but should email or otherwise share them with players, staff, and volunteers on a regular basis. Reporting channels also should be posted in physical locations where players and staff convene, including locker rooms and club office space. The League and clubs should post easily-identifiable links to online reporting channels on websites where current and former players are likely to see them.

Club staff designated as the individuals to receive reports of potential misconduct should regularly meet in person with players—without coaches and other club staff present—to explain their roles and reporting procedures. The NWSL should also ensure that its HR staff responsible for receiving player reports are accessible, visible, and familiar to players, and that players are aware that they can report concerns to the League office. The NWSL should also encourage players to reach out to the NWSLPA for additional support and guidance in navigating reporting misconduct.

An explanation of the reporting channels should also be a key component to anti-harassment training, anti-bullying training, anti-retaliation training, and any other trainings the NWSL or clubs provide.

3. *Distribute Annual Player Surveys and Promptly Investigate Allegations of Misconduct Raised in Responses*

To learn more about player experiences in the NWSL, the NWSL should consider administering annual player surveys that include questions addressing misconduct, awareness of and accessibility of reporting channels, and team culture. To encourage participation and transparency with responses, the NWSL should take steps to ensure the surveys are anonymous. This may require removing some questions that were included in prior player surveys that could be used to identify responding players, including questions about previous teams, pay, and nationality.

The NWSL should designate a team of NWSL staff to review and analyze player survey results. Player survey comments alleging that NWSL or club staff have engaged in misconduct should be assessed and, where appropriate, investigated.

4. *Consider Developing a Plan to Conduct Exit Interviews of Departing Players*

The NWSL should consider requiring clubs to conduct exit interviews of players who depart the NWSL and to share these exit interview notes with the NWSL. The clubs should ask questions about players' experiences in the NWSL generally, their experiences with specific coaches and other club staff, and their reasons for departing. Exit interviews should ask players questions to probe whether they have knowledge or awareness of any incidents of misconduct not previously reported. The NWSL should provide training and guidance to the clubs on the types of questions to ask. If a player shares information about misconduct in an exit interview, the club staff conducting the exit interview should alert the NWSL HR Office or the NWSL General Counsel so that interim protective measures can be taken as needed and the NWSL can investigate the allegation promptly and thoroughly. Players should be advised that the information they share during exit interviews may be shared with other clubs, but in a fashion that does not identify the player who provided the feedback.

5. *Adequately Staff the NWSL HR and Legal Departments to Complete Investigations into Allegations of Misconduct Thoroughly and Promptly*

The NWSL should conduct an assessment of its HR and Legal departments to determine whether they are sufficiently staffed to conduct thorough and prompt investigations of allegations of misconduct. Historically, clubs sometimes conducted investigations into allegations of misconduct, and the NWSL was not involved in certain investigations. The 2022 Anti-Harassment Policy tasks the NWSL with investigating all complaints of misconduct. The NWSL has recently hired an experienced general counsel, but it should ensure that it has the necessary resources and additional HR and Legal staff with experience in conducting sensitive investigations and expertise in DEI issues to fulfill its investigatory duties under the 2022 Anti-Harassment Policy.

6. *Train NWSL and Club Staff in Complaint Handling and Trauma-Informed Investigation Best Practices*

The NWSL should train all League and club staff designated to receive complaints and other club leaders, including coaches, on how to respond to complaints of misconduct and on investigative best practices. Trainings should include how to conduct an effective, trauma-informed interview of an individual making a complaint, how to support that individual and not make comments that deter further reporting, how to document that interview, and how to elevate the issue to the NWSL. The NWSL should regularly remind club staff of their obligation to elevate information regarding misconduct to the NWSL HR Office or NWSL General Counsel. Club staff should be advised to elevate to the NWSL not only formal complaints and reports of misconduct they receive, but also any observed misconduct or alleged misconduct of which they otherwise become aware.

Throughout an investigation into allegations of misconduct and once an investigation concludes, NWSL personnel responsible for investigating should be advised to follow up with individuals who made complaints and other individuals who participated in any investigation into alleged misconduct to ensure they are not experiencing retaliation for their participation in the investigation, including through informal conversations or other channels. The NWSL should re-open investigations when appropriate upon obtaining additional relevant information.

To the extent possible, and where appropriate, the NWSL should share with players the outcome of any investigation that finds a violation of the Anti-Harassment Policy against players by club personnel. The NWSL should consider consulting with the NWSLPA regarding how to best inform players about the results of such investigations in a manner that protects the confidentiality of players and other individuals who cooperated in the investigation.

Consistent with the 2022 Anti-Harassment Policy, the NWSL should require League and club staff to preserve documents relating to allegations and investigations of misconduct for at least seven years. The NWSL should store all documents, including a written record of the investigation, in a central location. The documents should be kept confidential and shared only with individuals who need them to investigate and make determinations regarding investigation outcomes and discipline.

7. *Disseminate Annual Reports to Players Regarding the Effectiveness of the NWSL's Reporting Channels and Investigation Processes*

The NWSL should increase transparency regarding the outcomes of investigations and the NWSL's investigation processes generally. The NWSL should consider preparing an annual report regarding the operation of the Anti-Harassment Policy, including aggregated data regarding reports to the League of potential violations of the Anti-Harassment Policy, and the outcomes and resolutions of those reports.

8. *Consider Requiring Clubs to Report Planned Player Transactions or Staff Terminations to the NWSL Following Allegations of Misconduct*

If the NWSL receives a complaint or report of alleged misconduct regarding club staff, it should consider requiring that club to report any planned player transactions or staff terminations to the NWSL for the remainder of the current season and the following off-season. This is especially important in situations where club staff with control over player transactions (coaches, general managers, etc.) face allegations of misconduct.

The NWSL should consider requiring that the club explain the reasons for any planned player transaction or staff termination during this timeframe, and the NWSL should ask follow-up questions and investigate further if it suspects retaliation was a motivating factor behind any of the planned player transactions or staff terminations. While player transactions and staff terminations are certainly not the only conduct that could be retaliatory—and many player transactions may be motivated by non-retaliatory and soccer-specific reasons—taking this step could alert the NWSL to any potentially retaliatory player transactions or staff terminations and allow the NWSL to investigate where needed.

9. *Create and Enforce a Policy Discouraging the Use of NDAs in Connection with Allegations of Misconduct*

The NWSL should establish and enforce a policy that provides clear guidance to clubs on their use of non-disclosure and non-disparagement agreements in circumstances involving alleged or substantiated misconduct under the Anti-Harassment Policy. In crafting this policy, the NWSL should be mindful that non-disclosure and non-disparagement agreements have been used to restrict clubs from criticizing or sharing information about a departing staff member. The League's policy should ensure that player privacy is not used as a pretextual basis to justify agreements that undermine player safety and fail to protect the confidentiality of players who are impacted by misconduct.

The League should discourage clubs from entering into non-disclosure and non-disparagement agreements that restrict their ability to disclose alleged misconduct under the Anti-Harassment Policy to the NWSL, clubs, or members of the public. The League should consider stronger restrictions on the use of such agreements in matters involving sexual misconduct or physical abuse. Clubs should be advised not to request that players and other witnesses in investigations sign non-disclosure agreements for the purpose of preventing the transmission of information about the allegations to the NWSL or other clubs. The League should require that any non-disclosure or non-disparagement provisions allow the League and clubs to share information consistent with disclosure requirements set forth in the Anti-Harassment Policy and any other requirements that may be implemented to promote transparency and player safety. The League should also require that any non-disclosure and non-disparagement provisions allow for the disclosure of information to law enforcement.

10. *Consider Creating an Alternative Complaint Resolution Program*

The NWSL should consider creating an Alternative Complaint Resolution program as an additional resource to address conduct that is not covered by the Anti-Harassment Policy. This may encompass disputes between players, or disputes between players and club staff. The NWSL should consider engaging with the NWSLPA on the role and parameters of such a program to ensure that it is responsive to player needs and concerns and that it is developed and implemented in a player-centered way. The NWSL should provide clear guidance to players, club staff, and League staff addressing how to use the program and clear examples of disputes that are appropriate for the program.

The NWSL should emphasize that this program is not a substitute for reporting channels provided in the Anti-Harassment Policy and should not encourage players or staff to address potential misconduct under the Anti-Harassment Policy through the Alternative Complaint Resolution program. If misconduct under the Anti-Harassment Policy is revealed as part of the Alternative Complaint Resolution program process, the misconduct should be reported promptly to the NWSL HR Office and/or the NWSL General Counsel.

**F. Prioritize DEI Initiatives to Create a More Inclusive Environment for All Players and Staff**

In addition to the anti-racism and unconscious bias training and anti-harassment policy changes described above, the NWSL should take further steps to create a more inclusive environment for all players and staff, including players and staff of color and LGBTQIA+ players and staff. The NWSL should consider providing resources to support players and staff working to advance the interests of diverse and marginalized groups. The League should encourage all players, including those who are not members of marginalized groups, to take an active role in identifying and calling out misconduct.

*1. Develop Partnerships with Diverse Affinity Groups*

The NWSL should consider avenues to create a formal partnership with the Black Women's Player Collective to hear and address the Collective's concerns and improve the NWSL experience for Black players. The NWSL should consider working with the NWSLPA to establish additional affinity groups, and develop similar partnerships with those affinity groups to improve the NWSL experience for all players. These partnerships should provide regular formal opportunities to explore concerns and receive feedback from members of these groups. The League should also consider whether these groups can play a role in developing and implementing League-wide initiatives related to DEI.

*2. Create a Diversity Advisory Committee Dedicated to Implementing DEI Initiatives*

To ensure DEI initiatives are prioritized and effective at creating a more inclusive environment for all players and staff, the NWSL should consider creating a Diversity Advisory Committee dedicated to making DEI improvements within the League. The Committee could be comprised of League staff, club staff, club owners, and players. The Committee should engage regularly with the Board of Governors and the Commissioner regarding DEI efforts and should be sufficiently resourced to implement meaningful DEI initiatives.

*3. Ensure the Channels for Reporting Misconduct Are Responsive to the Needs of Players and Staff of Color and LGBTQIA+ Players and Staff*

The NWSL should engage with players and staff of color and LGBTQIA+ players and staff to understand and develop channels for reporting misconduct that are safe and comfortable for individuals in these groups to use. The NWSL should recognize that individuals in these groups may face additional barriers to reporting, and the League should ensure that its receipt and evaluation of complaints or concerns from members of these groups accounts for and embraces the particular context that may inform their experiences with discrimination and other misconduct.

## VII. Conclusion

Many players bravely recounted painful and personal experiences before and during this investigation in service of truth, accountability, and reform. The individual incidents and recurrent practices detailed in this Report reflect the experiences of players, not only in isolated moments but also more broadly, as women playing soccer in a league historically owned and run by men. The actions of League and U.S. Soccer personnel—from the League’s founding, through its years under U.S. Soccer management, to the present—demonstrate that misconduct does not announce itself, but requires proactive prevention and detection. Inattentiveness, neglect, and concealment allow misconduct to fester. The power of players’ voices to call attention to and combat misconduct is evident; the steps the League has taken, including commissioning this joint investigation with the NWSLPA, have already had a meaningful impact. The Joint Investigative Team hopes that this Report will inform and contribute to the continued change necessary to ensure that players in the League are safe, secure, and empowered.