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TOPIC OF INVESTIGATION

On December 14, 2009, the University received a report of an alleged incident involving Head Football Coach Jim Leavitt and a student athlete on the football team which was reported to have occurred on November 21, 2009 during the halftime of the game that was played that day between the University of South Florida (USF) and the University of Louisville. The incident was first reported in an article released on December 14th on *FanHouse.com* (herein, “*FanHouse*”), a sports blog. On the same day, two local newspapers published articles on the same subject on their respective web editions.

The *FanHouse* article reported that during halftime of the USF/Louisville game, Coach Leavitt “grabbed [Student Athlete A] by the throat then struck him twice.”¹ The sources cited for the piece were five persons identified only as “USF players or staff members,” Student Athlete A’s father and Student Athlete A’s former high school coach.² Student Athlete A’s father and the former coach were identified by name. The article did not provide the bases for the unnamed witnesses’ knowledge of the event, but one witness described his reaction to the alleged event.³ The *FanHouse* article also reported that Student Athlete A told his “father,

¹ *FanHouse.com*, December 14, 2009 (hereinafter, “*FanHouse*”). Student Athlete A was identified by name in the article.

² Id.

³ Id.

teammates and staff members” that he attempted to discuss the event with Coach Leavitt but left “feeling disrespected, threatened and intimidated according to his teammates.”⁴

The two newspaper articles were based almost entirely upon the *FanHouse* piece but also contained comments attributed to Coach Leavitt.⁵ In one article, the coach was quoted as saying: “I’m appalled at it. It’s absolutely not true. It’s so wrong. It’s so far out there. I’m very disappointed something like this would be written.”⁶ Leavitt is also quoted in the same article as saying: “I shook a lot of different guys, but not in a forceful way. In my heart, I know I did nothing wrong. Nothing like that. I care so much for him.”⁷ In the other article Leavitt is reported to have said: “It’s untrue and completely false.”⁸

The newspaper articles also contained statements attributed to Student Athlete A’s father. These articles contradicted the import of the *FanHouse* article, if not the statements attributed to the father in that first report. Specifically, the *FanHouse* piece reported the father as having said: “You do something like that [on the street], you put them in jail. Somewhere [Leavitt] crossed the line.”⁹ In the *tampabay.com* article, the father is quoted as saying that his comments to the *FanHouse* reporter were taken out of context and: “I stand behind the university and Coach Leavitt 100 percent. I truly believe there was no malicious intent to hit anyone. He grabbed his shoulder pad . . . but it was like a motivational thing. After talking with [Student Athlete A], he was satisfied there was not a slap, not at all.”¹⁰ The *tbo.com* article concluded with the following quote attributed to Student Athlete A’s father: “‘He’s just not that kind of guy,’ [Student Athlete A’s father] said of Leavitt, ‘I know at times he gets a little excited, but not to that point. He

⁴ *Id.*

⁵ *FanHouse* reported that Coach Leavitt “would not comment specifically about the incident.”

⁶ *tampabay.com*, December 14, 2009 (hereinafter, “*tampabay.com*”).

⁷ *Id.*

⁸ *tbo.com*, December 14, 2009 (hereinafter, “*tbo.com*”).

⁹ *FanHouse*.

¹⁰ *tampabay.com*.

really cares about [Student Athlete A]. So when he and Student Athlete A straightened it out, that was enough for me. Everything is fine.”

PROCESS

The University immediately conducted an intake interview to gather information about the allegations published by the reporter. The intake process was conducted by Human Resources Associate Vice President, Sandy Lovins. She was assisted by an Athletic Department representative, Bill McGillis, Executive Associate Athletic Director. Lovins and McGillis met the morning of December 15, 2009 with Student Athlete A, the Student Athlete’s father, and Coach Jim Leavitt (each meeting was conducted separately)¹¹, providing each individual with the opportunity to recount what occurred and/or disclose any information that they had regarding the alleged incident. Upon completion of the interviews and based on inconsistencies detected in the intake process, a recommendation was made to University administration that a full review be conducted in order to ensure a thorough investigation of the serious allegations. The University treated the articles as notice of conduct which possibly violated its policies and warranted the investigatory process.

On December 16, 2009, the University assigned Sandy Lovins, USF Associate Vice President for Human Resources and Thomas M. Gonzalez¹², an outside contractor of the University (herein referred to collectively as, “the reviewers”) to conduct the review of the alleged incident.

The reviewers constructed an initial interview list of individuals that they believed to have direct knowledge of the alleged incident. The list included several names provided to the

¹¹ Coach Leavitt arranged for Student Athlete A and his father to be present for his scheduled Intake Meeting which he arranged independent of the Intake Process. Such conduct is not consistent with standard review protocol.

¹² Thomas M. Gonzalez is a Partner at the firm of Thompson, Sizemore, Gonzalez & Hearing

reviewers by Student Athlete A and Coach Jim Leavitt. Additional names were added to the interview list as provided to the reviewers throughout the process as individuals potentially having witnessed the incident or having pertinent information directly related to this incident. Other issues that were raised by witnesses but not directly related to the specific incident under review were not explored by the reviewers. Any outstanding matters will be referred to the appropriate USF System office. A total of 29 individuals were interviewed in the process.

All interviewees were advised of the following:

- 1) Who we were (each interviewee was provided with a business card of the reviewers);
- 2) Why they were there, including an acknowledgement that they were not there on a voluntary basis but had been called on by the University with a duty to participate and to be truthful and forthright.
- 3) Each interviewee was asked not to discuss this matter with any other witness or any other potential witness that we might speak with throughout the course of the investigation.
- 4) Interviewees were told that there would be zero tolerance by the University for any retaliation against anyone who participated in the process and that any actions that were retaliatory in nature should be reported immediately to USF's Associate Vice President Lovins.
- 5) Each interviewee was asked at the end of the interview if they had any questions and was also allowed the opportunity to offer any other pertinent information that our questioning had not captured.

Most of the interviews were conducted by the reviewers together. Because of scheduling and other factors, some of the interviewees were spoken to by one or the other reviewers. Witnesses

listed on Appendix A and those witnesses listed as internal to the University on Appendix B were interviewed in person. Those listed on Appendix B that were external to the University were spoken to by telephone, with the exception of Student Athlete A's father and Trooper Benny Perez which were conducted face-to-face.

INTAKE SUMMARY

In the course of his initial intake interview, Student Athlete A denied being grabbed by the throat or slapped. Student Athlete A said that Coach Leavitt had put his hand on his shoulder pad in an effort to motivate him because he had not played well the first half. He indicated that "he and Coach were cool" and that Coach was only trying to motivate him. He described the incident as the following: Student Athlete A was sitting in his locker under the shelf. Leavitt walked up. He was looking down when the Coach approached him. Standing over him, Coach grabbed him by the shoulders. Student Athlete A looked up at him and said "ok". He was asked by the interviewers if he had eye contact with Leavitt and he said "yes". Student Athlete A said, "Coach Leavitt didn't touch me in any malicious way". He said that the whole thing was "no big deal" and that "there was no way it could have looked like anything else".

In meeting with Coach Leavitt, he was asked to tell us what took place at halftime on November 21st. He indicated that a couple of guys were really down. He then demonstrated his version of the event which consisted of his kneeling in front of Student Athlete A, who was despondent over his play in the first half of the game, to gain his attention and, when he was not successful in doing so, shook Student Athlete A by his knees. At this point, Leavitt said that Student Athlete A was not responsive and the coach then grabbed him by his shoulder pads and offered words of encouragement, telling Student Athlete A that he was ok and that he would do

better in the second half. Leavitt indicated that he did not hit anyone – he’s never hit anyone. When asked if there was any way that he could have touched Student Athlete A’s face or neck, he responded by saying that “he might have touched his neck when he grabbed his shoulders”. Leavitt indicated that Student Athlete A came to talk to him about the encounter in the locker room a week later. Leavitt recalled that he told Student Athlete A that he was a good kid and that he cared about him and loved him. Leavitt said that he also told Student Athlete A that he believed in him and they hugged and then the Student Athlete left. When asked why he believed the Student Athlete came to see him, Leavitt said that it was “because he wanted him [coach] to respect him”.

BACKGROUND INFORMATION

Based on the interviews which were conducted, the reviewers obtained the following background information. The University of South Florida Bulls played the University of Louisville Cardinals on November 21, 2009. The game was important to USF, because Louisville is a conference opponent and a USF win would make the team eligible to play in a post-season bowl. The contest also followed a disappointing loss to Rutgers in the previous week. In the game, USF took an early lead but Louisville responded with sixteen unanswered points and led until a few seconds before halftime when USF kicked a field goal to regain the lead. Student Athlete A, who is a running back, played in the game, assigned to special teams. In the first half, Student Athlete A committed an illegal block which cost USF a fifteen yard penalty. Additionally, six of Louisville’s sixteen points came from a punt which was run back for a touchdown. Student Athlete A was in that play.

When USF plays at home it uses the home locker room at Raymond James Stadium. What is referred to as the “locker room” is in fact an area comprising several rooms and enclosures, including two locker rooms. One of these locker rooms is used by the starters and others who are actually playing in the game. The other locker room is used by red-shirts, substitutes and other Student Athletes who are not playing that day. Within the locker room, the Student Athletes use the structures which are permanently installed in it. They are built of wood and have a bench across their widths and space above the bench. There are no stools in front of the lockers. Student Athletes sit on the built-in bench, facing out into the locker room’s open area.

Individual lockers are assigned by the team’s equipment managers and are grouped by positions. Thus running backs sit in a row, at the end of which another position begins and so on around the room. Student Athletes on special teams are assigned to a locker based on their regular position.

Halftimes are short given what is to be accomplished and last only fifteen minutes. Student Athletes are in the locker room, as is Coach Leavitt. Additionally, the team’s strength coaches are in the locker room to dispense fruit and liquids and to provide stretching and other needed treatments to Student Athletes. The head strength coach, Ron McKeefery, also provides “time management” services, i.e., he keeps track of the passage of time and reminds Coach Leavitt and others of the time remaining in the half.

Coaches on staff work at different locations in the stadium during a game, dependent on their functions. Some coaches work in the booth, others work on the sideline. At the end of the first half, the assistant coaches meet at a place designated before the game. When they meet they discuss observations and adjustments. Some of the coaches then enter the locker room to discuss

these matters with their respective Student Athletes. They are, therefore, not in the locker room at the beginning of halftime nor at its end.

Coach Leavitt does not normally attend the meeting of assistant coaches but instead enters the locker room. There he will circulate around the locker room and talk to individual Student Athletes. Coach Leavitt will address the entire team usually several minutes before going back out on the field. There is general agreement that because of his professional history, Leavitt spends relatively less time with the offense than he does with special teams and the defense.

INVESTIGATION SUMMARY

The reviewers spoke to the Student Athletes that are described on “Appendix A” as well as to the individuals that are described on “Appendix B” (assistant coaches and others external to the University) to this report.

The reviewers began their efforts by talking to Student Athlete A. This interview took place in the evening of December 16, 2009. During this meeting, Student Athlete A was asked to describe what happened on November 21, 2009. He spoke of having performed poorly in the first half of the game, committing an illegal block on one play and being part of the team which gave up a touchdown on a punt return on another play. Student Athlete A said that Leavitt was trying to motivate him to do better and to emphasize the point [the coach was standing over him] grabbed Student Athlete A by the shoulder pads. Student Athlete A indicated that Leavitt had his hands on the top of his shoulder pads and said, “What’s wrong with you, you don’t play like this. Come on, you gotta go”. Student Athlete A described Coach Leavitt as “frustrated” because he knew they hadn’t played as well as they could or should. The Student Athlete said he

talked to the Coach about a week later. He said that he never told the Coach he felt disrespected, “nothing like that”. He said the Coach told him he was like a son, they shook hands, and then Student Athlete A left. Student Athlete A was asked to provide the names of persons who might have seen the interaction between Leavitt and himself. He provided five names to the reviewers.

Following the interview that night, Student Athlete A spoke to ESPN.com and was reported as saying: “I believe that my family’s story was misrepresented. I told the school when they interviewed [me]. Basically, I wasn’t having a good game on special teams and he was trying to motivate me.” Student Athlete A was also quoted as saying: “People can say different things but [Leavitt] only grabbed my shoulder pads to motivate me, because he’s a passionate guy. He never apologized because he had nothing to apologize for.”¹³

Additionally, following his interview by the reviewers, Student Athlete A went to the Athletic Department building which houses both his first-floor locker, from which he said he wanted to retrieve something, and the second-floor offices of the football coaches, including Head Coach Leavitt’s office. When asked in a subsequent interview if he had spoken with Leavitt after the first interview with the reviewers, Student Athlete A said that he had. He reported that after the interview he had gone to his locker and then went upstairs to see the assistant coaches. He did in fact encounter several of the coaches who were preparing to go out to a local area restaurant together. Student Athlete A said that he had “bumped” into Coach Leavitt coming out of his office that night who said to him, “are you doing ok with this whole thing? If you need anything you can talk to me”. Student Athlete A said that he related to Leavitt that he was okay.

When the reviewers spoke with Coach Leavitt he, too, reported that he had seen Student Athlete A after his interview. Leavitt said that Student Athlete A came to the door of his office

¹³ *FanHouse*, December 18, 2009

when the coach was reviewing game film for the upcoming bowl game. At the particular time that Student Athlete A appeared, Leavitt says that he was looking at the bowl opponent's special teams and Student Athlete A asked if he could view them with the coach. Leavitt said that he could so Student Athlete A entered his office. Coach said that they talked, but they did not discuss anything of substance – “they talked about football and life” – and discussed nothing about the review which he knew was under way.

The Student Athletes whose names were provided by Student Athlete A (Student Athletes B, C, D, E, and H) were interviewed. Two of the five Student Athletes, Student Athletes B and C, had seen the entire event and described it as involving Coach Leavitt grabbing Student Athlete A by the throat with one hand and “slapping” or “striking” Student Athlete A's face with his other hand. Another, Student Athlete D, said he recalls Leavitt entering the locker room and asking Student Athlete D if he got his block. Student Athlete D replied, “yes” and then Leavitt moved to Student Athlete A and asked if he got his block. Student Athlete D said that he saw Leavitt put a hand (maybe his right hand) “high” on Student Athlete A's jersey, indicating that it could have been on Student Athlete A's throat. At this point, Student Athlete D turned his head because he “did not want to ‘catch anything himself’ or see anymore.” By the time he returned his sight to Student Athlete A, Leavitt had his hands on the side of Student Athlete A's face, although Student Athlete D did not see Leavitt strike Student Athlete A. Student Athlete D told the reviewers that it was “unusual” to see Coach put a hand on someone's jersey.

Student Athlete D also said that Student Athlete A spoke of the event in the week following November 21, 2009 and told the other running backs that he was thinking of going to see Leavitt about the incident. Student Athlete D recalls that Student Athlete A was clearly upset about the incident. Student Athlete D also related that others on the team discussed the incident

with some expressing the opinion that Student Athlete A had been threatened and otherwise mistreated.

Student Athlete E described Leavitt as having grabbed Student Athlete A only by his shoulder pads while exhorting Student Athlete A to “Fight your Ass! You’ve got to fight your ass!” He said that it is not unusual for Leavitt to attempt to motivate his Student Athletes but he did note that Leavitt was “extra rowdy” at the November 21st halftime, because USF had led early in the game but allowed Louisville to score sixteen unanswered points and take the lead until USF scored a field goal shortly before halftime to regain the edge. One of Louisville’s scores came from the punt that was returned for a touchdown. Student Athlete E told the reviewers, “When Leavitt’s doing his thing, I stay away. I don’t respond to that kind of stuff”.

Student Athlete H, the fifth name provided by Student Athlete A, was seated in the vicinity of Student Athlete A during the halftime. He said that Student Athlete A is the kind of Student Athlete that “hangs his head when he messes up.” He remembers Student Athlete A as being non-responsive to Leavitt’s questions and Leavitt becoming frustrated with Student Athlete A’s attitude yelling, “ya’all have to get your freakin’ asses up!” He saw Leavitt “grab” Student Athlete A but is not sure if it was by the neck or by the collar of his jersey. Student Athlete H did describe the encounter as a “hands on” situation. Student Athlete H does remember that Student Athlete A looked “shocked” and definitely was “shook up” after it. Student Athlete H also saw Leavitt raise his arm but does not know if he struck Student Athlete A. When it happened, Student Athlete H asked Student Athlete E if Student Athlete E had seen what happened and Student Athlete E looked around but Student Athlete H does not remember if Student Athlete E saw the event.

The reviewers focused their efforts on persons who were reported to have information of the alleged event. Most of these persons were Student Athletes. With the exception of Strength Coaches, Assistant coaches are not normally in the locker room for any significant part of the halftime. The reviewers were informed that Benny Perez, a Florida Highway Patrol officer who works on-duty assignments providing security for Coach Leavitt on game days, might have relevant information to offer. In fact, there are two FHP troopers who provide this service and so an effort was made to contact both Trooper Benny Perez and Trooper Jack Hypes, the other officer who provides security. The reviewers met with Trooper Perez who indicated that he and Trooper Hypes are assigned on a regular basis to provide security to the team and, in particular, the coach. When asked what he recalled from the November 21st game against Louisville, he said that he remembers “the same typical stuff” during that halftime – nothing unusual. He indicated that “Coach does his thing and tries to motivate the players”. He indicated that it is normal for Coach Leavitt to go around the locker room during halftime and address individual players. He did recall Leavitt grabbing someone by the collar or jersey during this particular halftime, but he couldn’t recall who the player was (by name). He told the reviewers that he recalled a “typical interaction with all of the players” and he stated that “it is just the passion of the Coach”.

Trooper Hypes was reached, but informed the reviewer that he was on vacation that day and, therefore, did not work the game that occurred on November 21st. He said that he knew nothing of the alleged incident. Trooper Hypes did explain that their role as security at halftime is to stand outside of the entrance to the locker room to guard the doorway and ensure that no unauthorized personnel enter. He indicated that it is highly unusual for the Troopers to be inside of the locker room at halftime.

In his interview, Leavitt said that he “didn’t know Student Athlete A had had a bad first half”. He said that he did not remember Student Athlete A’s penalty or his part in allowing the returned punt. Instead, Leavitt said that he noticed a number of Student Athletes, including but not only Student Athlete A, were “down.” Leavitt said that this was unusual for Student Athlete A. Leavitt called out to Student Athlete A, asking him what was wrong and why he was down, but Student Athlete A did not respond. Leavitt then said he got down on both knees so that he could make eye contact with Student Athlete A, but Student Athlete A still did not respond. Continuing his attempt to reach Student Athlete A, Leavitt says he shook Student Athlete A’s knees, all the time asking “what’s wrong [Student Athlete A], what’s wrong?”

Finally, Student Athlete A said “I’m not playing very well.” Leavitt then grabbed Student Athlete A’s shoulder pads, telling him he would do better and that he was “okay.” Leavitt said that he did not grab his neck and there was “no way” that his hand could have slipped or that he could have touched Student Athlete A’s face. Leavitt said he also spoke to Student Athlete U, who also appeared to be dejected. Leavitt says he asked that Student Athlete what was wrong. Leavitt said that he was also down on his knees in front of Student Athlete U, touching the student’s knees but never grabbed this student’s shoulder pads because he was looking at Leavitt when they were speaking. Student Athlete U told him that he was upset about his position coach having pulled him from the game because of his performance. Leavitt told Student Athlete U that he would play in the second half.

Student Athlete B described the event quite differently. His locker was located on a wall that was perpendicular to the wall on which Student Athlete A’s locker was located. From his vantage point, he was able to see the entire encounter. Student Athlete B related that Student Athlete A was looking up at Leavitt as he came toward him (walking very fast) and that Leavitt

grabbed Student Athlete A by his throat using his right hand and then struck Student Athlete A's head twice with an open hand. Student Athlete B told the reviewers that he knew he had witnessed a crime and knew what he saw was wrong. He indicated he felt betrayed and that the values and standards that had been taught to them had been violated. Student Athlete B also reported to the reviewers that he hasn't been able to eat or sleep due to the stress of what he witnessed (which he categorized as an "assault"). Student Athlete B was very much affected by the encounter, so much so that in the week which followed he absented himself from his position meeting and went to Leavitt's office. Student Athlete B told Leavitt that he saw what happened and needed to hear directly from the Coach. He related that Leavitt responded to his question about the incident by saying that he "wasn't wrong" and that he had grabbed Student Athlete A by the shoulder pads and said only "good, positive things" to Student Athlete A. Student Athlete B also says that Leavitt said that he was "fighting for [his] job." Student Athlete B also said that Leavitt told him, "you of all people [Student Athlete B]. You're the last person I would have thought would have come and questioned me". Student Athlete B related that the event was the topic of much discussion in the locker room and that other players told Student Athlete B that they had also seen it. He also indicated that "they all felt threatened. Felt they could be next".

Student Athlete B also spoke to Student Athlete A about the event, as late as the day on which Student Athlete B was to be interviewed (December 16, 2009). Student Athlete B asked Student Athlete A what he, Student Athlete B, should say and Student Athlete A said that Student Athlete B should tell the truth. Student Athlete A said he was going to speak to Leavitt about it. Student Athlete A reported to Student Athlete B that when he went to see Leavitt, Leavitt said that Student Athlete A should choose his words wisely because he, Leavitt, was the most powerful person in the building.

Student Athlete B also related that Student Athlete A, before going to see Leavitt, had spoken of going to see his position coach, Carl Franks. Coach Franks confirmed to the reviewers that he spoke to Student Athlete A, after he first heard rumors that something had happened in the locker room at the Louisville game halftime. He had not been in the locker room on the 21st. His awareness came on the Monday after the game. He told the reviewers that the other players had been “ribbing” Student Athlete A since the November 21st game. Additionally, Franks thought that Student Athlete A was “different, just different.” Aware that Student Athlete A’s grandfather had died three days before the game, Franks told Student Athlete A that he wanted to see him. In his office, Franks asked Student Athlete A if there was anything he wanted to talk about. Student Athlete A responded: “No, Coach, I’m just trying to figure something out.” Franks asked him if anything had happened in the locker room and Student Athlete A said no. Franks still felt that something was bothering Student Athlete A so he advised Leavitt that he should talk to Student Athlete A. Leavitt told Franks that he had in fact spoken with Student Athlete A. Franks ultimately came to understand, based he believes on conversation with Student Athlete A, that Student Athlete A spoke twice with Leavitt. Coach Franks told the reviewers that he makes monthly calls to the parents of his players (position players). He recalls that in his regular call to Student Athlete A’s parents following the Louisville game, the parents told Coach Franks that they were “concerned” about what had happened in the locker room.

Coach Mike Canales was also interviewed. It was discovered that he was not in the locker room at the time the event at issue occurred. At halftime, he enters the locker area only to use a “white board” to speak to offensive position Student Athletes about second half plans. But Canales said that at a “tailgate” which is attended by assistant coaches after games at Raymond James, “someone” said that Coach Leavitt had “gotten after somebody in the locker room.”

Later he heard from Coach Franks that Student Athlete A had spoken to Leavitt and Canales thought the matter had been resolved. Canales also reported that after the publication of the *FanHouse* piece, both Student Athlete A and Student Athlete B came to him separately and said they were sorry for everything that “this” has caused. Canales said he told the Student Athletes to just tell the truth and everything will be okay.

Student Athlete C was seated very near to Student Athlete B and also had a line-of-sight which allowed him to see the incident. He recounted that he too saw the event and described it as Leavitt grabbing Student Athlete A by the throat with his right hand and striking him twice on the face with an open hand. Student Athlete C described his reaction as disbelief at what had happened. He reported that Student Athlete A was bothered by the incident, asking Student Athlete C, “Did you see that shit? Did you see what he did to me?” He said that he has talked with Student Athlete A “every day after about it”. Student Athlete C also reported that Student Athlete A went to see Coach Leavitt after it happened in hopes that Coach would admit it and apologize. Student Athlete A indicated to Student Athlete C that Coach did not apologize and instead recounted Leavitt’s words as being to the effect of “Choose your words wisely. I’m the most powerful person in this building.” Student Athlete C said that after this meeting occurred, Student Athlete A said to Student Athlete C that he was going to see Coach Franks, Student Athlete A’s position coach, and that thereafter Student Athlete A reported to Student Athlete C that Leavitt had called Student Athlete A into his office. Student Athlete C said that he was “square” on what he saw and that it was verified by Student Athlete A. He told the reviewers that “every word in the *FanHouse* article is accurate”. He also said the fact that Leavitt lied – “flat out” – in the newspaper is the most upsetting part. He said Leavitt didn’t practice what he

preached – honesty and transparency. Student Athlete C said, “Leavitt is one hell of a coach, but he crossed the line. It was wrong and he should have stepped up and admitted he was wrong”.

Student Athlete J was seated near to Student Athlete A. He saw the encounter and reported that Leavitt saw that Student Athlete A was “down,” grabbed him and said “We gotta win! You have to do a lot better!” Student Athlete J said that Leavitt grabbed Student Athlete A with his right hand on Student Athlete’s A’s neck or on shoulder pads in an area close to Student Athlete A’s neck, and was pointing at him with the other hand. Then he “tapped” Student Athlete A’s face twice “to get his attention,” as if to say (Student Athlete J’s words, not Leavitt’s) “Snap out of it!” Student Athlete J thought it was “nothing too major,” but it “got an ‘Oh, wow, I didn’t think he was going to do that!’” reaction from him. Student Athlete J said that the reaction from the rest of the locker room was, “What just happened?!”

Several other Student Athletes did not observe the encounter between Leavitt and Student Athlete A, but became aware of and discussed it with Student Athlete A. Student Athlete F is a senior who did not see the event but was told by another Student Athlete that the other Student Athlete was going to “step in” if Leavitt touched him again. Student Athlete F heard Leavitt at the halftime shouting (he does not know at whom), “You gotta fight! You gotta fight!” Student Athlete F believes that in the week following the incident, Leavitt was solicitous of Student Athlete A. Student Athlete G told Student Athlete F of the conversation with Leavitt and according to Student Athlete F, Student Athlete G related that Leavitt said that Student Athlete A should choose his words carefully because he, Leavitt is the most powerful person in the building. After the publication of the first reports and Student Athlete A’s denials, Student Athlete F asked Student Athlete A why he was denying what he had said. Student Athlete F said that he received no response. Student Athlete F told the reviewers, “granted Student Athlete A

made some mistakes, but [coach] never should have laid hands on anyone”. He also said that most players have a lot to get off their minds and that players are concerned that Leavitt flat out lied.

Student Athlete G is an underclassman and so was not in the main locker room. He became aware that something had happened when he came upon Student Athlete A speaking with Student Athlete C on the Monday after the game. Student Athlete G heard Student Athlete C say ‘That’s bullshit, [Student Athlete A]. That’s not right.’ Student Athlete G was then told by Student Athlete A that Leavitt had grabbed Student Athlete A by the throat and slapped his face. Student Athlete G thought that Student Athlete A was very upset about the event. Student Athlete G is a “pretty good friend” of Student Athlete A and he asked Student Athlete A what happened later. Student Athlete A related to Student Athlete G the same description as the others described above, with the Coach telling Student Athlete A to remember that he, Leavitt, is the most powerful man in the building. Student Athlete G finds Student Athlete A to be acting differently now than before the event. Student Athlete G said that several Student Athletes told Student Athlete A to tell the truth, because the others “had his back.” Student Athlete G confirmed that he told Student Athlete F of what Student Athlete A had told Student Athlete G about the meeting with Leavitt. Student Athlete F said that Student Athlete A was afraid of being “dumped” off the team and not offered a scholarship if a new coach comes on.

Student Athlete I was sitting across the locker room from Student Athlete A. He saw nothing during the halftime, but noted that Coach Leavitt was “angry”. Student Athlete I spoke to Student Athlete A in the week that followed. Student Athlete A asked Student Athlete I if he had seen what Leavitt had done to him. Told no, Student Athlete A then said that Leavitt had grabbed him by the neck. But later, after the *FanHouse* publication, Student Athlete I said,

Student Athlete A “changed up on him” and said that Leavitt had grabbed him by the shoulder pads to motivate him.

Student Athlete K was in the locker room but used the rest room at the beginning of the period. As he traveled through the locker room, Student Athlete K heard Leavitt shouting at Student Athlete A, “Did you get your block? Did you get your block?” When he returned to the locker room, Leavitt was no longer there. A week later, Student Athlete K heard “buzz” of the event and asked Student Athlete A about it. Student Athlete A told Student Athlete K that Leavitt had put his hands on him. Student Athlete K thought Student Athlete A was obviously disturbed by the occurrence. Student Athlete C was present during this discussion. Student Athlete K related that he and Student Athlete C “just listened” and then Student Athlete C told Student Athlete A to “do what he thought was right.” The talk ultimately subsided but then arose again when the *FanHouse* article appeared.

Student Athlete N was not playing in the Louisville game but he soon heard of the incident that occurred during its halftime. He did not think it that significant an occurrence until he talked to Student Athlete A, who told Student Athlete N that Leavitt had been pacing in the locker room, grabbed Student Athlete A by the throat and slapped him. Student Athlete A was “floored” by the contact, especially that with his throat. Student Athlete N could not tell how hard the “slap” had been. When describing the incident, Student Athlete A was more focused on being grabbed by the throat. Student Athlete A spoke to Student Athlete N about going to talk to Leavitt, before the meeting with him. Student Athlete N described Student Athlete A as “upset” and worried about what to do because of what Student Athlete A had described as the possible impact on the Assistant Coaches. The incident was the subject of much discussion and Student Athlete N believes that although some Student Athletes did not see it, everyone was aware of it.

He indicated that the Coach never apologized or talked to the team about it. He said the alleged comment of the Coach being the “most powerful person in the building” upset Student Athlete N the most. He noted this was the most disappointing comment.

Student Athlete O did not play in the Louisville game. Student Athlete A told him about the event the Tuesday after the Louisville game. Student Athlete A was upset and Student Athlete O asked him if he had told his parents. Student Athlete A said that he had. Student Athlete O also spoke to Student Athlete H who told Student Athlete O that he had seen Leavitt slap Student Athlete A. After the *FanHouse* article was published, Student Athlete O said that Student A told Student Athlete O “thanks a lot for ruining my career”. In a separate interview, Student A responded to this alleged statement by denying saying that to Student O, but rather said that he said, “thanks for ruining things because of your deal with Leavitt”.

The reviewers met with Student Athlete P. He indicated that he was in the locker room on November 21st and has since “twittered” on the situation. He said that Student Athlete A had come into the locker room with his head down. He had made two mistakes on special teams, according to Student Athlete P. He also noted that Leavitt was very emotional. He said he was crying and even head-butted a player during halftime. According to Student Athlete P, Coach Leavitt grabbed Student Athlete A by the shoulder pads, shook him, and told him, “fight, fight!”. Coach told Student Athlete A that they needed him. Student Athlete P told the reviewers that he feels what happens in the locker room should stay in the locker room. He said that “it’s like a family” and that issues should be dealt with between the family members and not outside. Said it was a motivational talk that should have been over weeks ago when they talked about it.

The reviewers met with Player Q who said that he hadn’t seen anything in the locker room during that game. He asked Student Athlete A about it “a week ago”, and Student Athlete

A had just shrugged his shoulders and walked off. Student Athlete Q recalls that Student Athlete A didn't want to talk about it.

Student Athlete R told the reviewers that he was in the locker room on November 21st, but didn't see anything. He sketched out on a piece of paper for the reviewers the locker room, and indicated that he did not have a good view to where Student Athlete A was sitting.

Student Athlete S indicated he was in the locker room on November 21st at halftime. He said that he didn't actually see the entire "alleged incident" because his attention was focused on his position coach and their whiteboard. He did say that he heard someone say, "oooooh" [gasp], meaning that it had caught the attention of other players in the locker room. That's when Student Athlete S turned to look and indicated that he saw Coach Leavitt with his hands on Student Athlete A, up around the neck area of the jersey. He indicated that he had asked Student Athlete A what happened after the game (before they left the locker room), and that Student Athlete A responded, "Nothing. I don't want to talk about it". Student Athlete S indicated that he believes that Coach Leavitt had gotten after a number of other players during halftime telling them that they "had to get it going". Student Athlete S also indicated that he heard about the incident from Student Athlete B, who indicated to Student Athlete S that he had witnessed it. Student Athlete S said that Student Athlete B was very disturbed by what he saw. Student Athlete S indicated that Coach Leavitt is very intense and he would even play the game himself if he could. He said that Coach gets very frustrated when players and the team make mistakes.

The reviewers spoke to Student Athlete T who had been quoted in a newspaper article on January 2, 2010¹⁴. The Student Athlete indicated that he had been in the locker room during that particular halftime and was sitting in his locker but had, in fact, not witnessed the full exchange between Student Athlete A and Coach Leavitt. He recalled looking up and seeing "only what

¹⁴ *St. Petersburg Times*, January 2, 2010

appeared to be the end of the exchange when Coach had Student Athlete A by the shoulder pads and was shaking him in order to stress that Student Athlete A needed to “get his head in the game.” He indicated that he had asked Student Athlete A about the incident afterwards, and that Student Athlete A told him that Leavitt grabbed him and shook him, but then later changed his story. He suggested that the reviewers speak to other teammates who may have directly witnessed the encounter.

Student Athlete A’s former high school coach, David Mitchell was interviewed by telephone. Mitchell indicated that he initially learned about the alleged incident from another high school coach at a banquet on December 11, 2009. He said that since he had not been at the game nor had talked to Student Athlete A directly since the November 21st game, he called Student Athlete A up on the telephone to ask him about it. Mitchell confirmed that Student Athlete A described the incident to Mitchell exactly as it was reported in the *FanHouse* article (prior to the release of the *FanHouse* article on December 14, 2009). Mitchell indicated that the Student Athlete was “disappointed” and upset.

Student Athlete L said that Leavitt put his hands on Student Athlete A by his shoulder pads while speaking to him in a raised voice about the block and tapped Student Athlete A’s jaw “to get his attention.” Student Athlete L said that Student Athlete A is not the only one that Coach Leavitt got on and that he remembers him getting after Student Athlete U as well.

Student Athlete M recounted similar facts, saying that Leavitt grabbed Student Athlete A’s jersey and was shaking Student Athlete A’s shoulder pads to motivate him. He indicated that Leavitt slapped Student Athlete A two times on the cheek to get his attention and was holding his chin with his hand. According to Student Athlete M, this is “what coaches do” to motivate Student Athletes.

Head strength coach Ron McKeefery was interviewed. Coach McKeefery indicated that he was in the locker room, watching the clock for Coach Leavitt and the team, informing them of the time remaining in the half. In that capacity, he was standing approximately three feet behind and slightly to the side of Leavitt. He saw that Student Athlete A was not responding to nor making eye contact with Leavitt. Student Athlete A had in fact made two mistakes on special teams. Leavitt grabbed Student Athlete A's chin and spoke to him, saying "You're a good Student Athlete." Leavitt left and then returned to Student Athlete A. He popped Student Athlete A's shoulder pads twice and grabbed his jersey. McKeefery said there was no slap. McKeefery also recalled that Student Athlete A and Student Athlete B came to see him after the *FanHouse* article was released and that Student Athlete A said, "Coach Mac, can you talk to the team and tell them not to talk about this or take it to the media".

Leavitt describes himself as loving both his Student Athletes and his program. He said that he is "all about motivation". Coach Leavitt described to the reviewers what happened in the locker room on November 21st. He said that prior to halftime the team had given up several touch downs and that a number of Student Athletes were "down." This included Student Athlete A, who does not usually react that way. He said that he did not know at the time that Student Athlete A had performed poorly in the first half. He thinks highly of Student Athlete A, calling him a good kid who 'is really hard on himself'. Leavitt said that everything he did with Student Athlete A at the Louisville game halftime was "positive". He told Student Athlete A that he was "okay". "That was the main thing." He indicated that he did not touch Student Athlete A's face and said there was absolutely no way that he could have slapped him.

No one except Leavitt remembers him on his knees when he spoke to Student Athlete A at halftime. Neither did anyone except Leavitt report that the coach was asking Student Athlete A what was wrong.

Leavitt says that Student Athlete A came to his office in the week after the game because he had not played very well and “because [Leavitt] had shaken him.” Leavitt said that he does not usually do that. Leavitt said he told Student Athlete A that he had played better in the second half. Leavitt said that he doesn’t usually grab Student Athletes by their jerseys and Student Athlete A spoke “about respect.” In this regard, Leavitt contradicts Student Athlete A’s most recent description of the meeting with Leavitt, in which he maintains that he did not discuss the event with Leavitt and that he was not upset by anything that had happened in the locker room on November 21st. Leavitt vehemently denies saying to Student Athlete A that he should choose his words wisely or that Leavitt is the most powerful man in the building. Coach Leavitt indicated that it couldn’t have happened because those words and phrases are not even “in his vocabulary”, so there was zero chance of that happening.

Leavitt said that Student Athlete A was “down,” and said he was worried about so many things. In fact, some witnesses have spoken of Student Athlete A’s concern with his status as a walk-on, non-scholarship Student Athlete who already has transferred once and fears not playing for a new coach. Others spoke of his concern for the assistant coaches and what would happen to them should Leavitt no longer be employed at USF.

A “couple of days” after this meeting, Leavitt said that he noticed that Player A was still down, so Coach Leavitt called Student Athlete A out of the weight room. Leavitt says that he had finally begun to understand the impact on Student Athlete A of the death of his grandfather. Leavitt says that he told Student Athlete A that he “understood about his grandfather” and then

gave Student Athlete A a hug and told him that “he loved him”. Leavitt said that Student Athlete A appeared to be “fine.”

Leavitt said he did apologize to Student Athlete A, contrary to what Student Athlete A was quoted as having told ESPN. Leavitt says he apologized “because he does not shake players.” Although this statement contradicts Student Athlete A’s quoted statement in his two interviews with the reviewers, Student Athlete A supported Coach Leavitt’s version of the incident. Student Athlete A said that he had indeed performed poorly in the first half of the game and Leavitt grabbed him by his shoulder pads during halftime, seeking only to motivate the Student Athlete. It is clear that Student Athlete A feels the weight of the consequences that he fears could result from the reported version of the incident. He is concerned for the assistant coaches, who he fears could have their employment affected by any change in the head coach. He very much wants to play football and although he has been hopeful of obtaining a scholarship, it is the playing rather than the financial assistance that is the largest factor in that regard. He mentioned several times in his first interview that he “just wanted to play football” and wanted the “whole thing” to be over.

In his second interview, Student Athlete A was almost combative and very agitated. Told of the testimony of other Student Athletes with whom he spoke about the incident, he denied telling them what they reported to the reviewers, saying that in fact it was these other Student Athletes who were telling Student Athlete A what he should feel. But in both interviews, Student Athlete A was less than convincing in his denials and unable to explain how and why the incident would affect his teammates so much. As noted above, Student Athlete A himself provided the names of Student Athletes who ultimately were the sources of information for what happened between Coach Leavitt and Student Athlete A and for what Student Athlete A had said

about it. He does not in any way appear to be a person who would be untruthful, even when he denies what he was reported to have said. He gives no basis for concluding that he would speak to his teammates about the incident in anything other than an accurate way. He very much seems like the sort of man who would not want the incident to affect the coaching staff or others.

No one who spoke to the reviewers was critical of Student Athlete A and almost all thought well of him both as a Student Athlete and a person. Several Student Athletes related that they were friends or friendly with Student Athlete A. Student Athlete A is described variously as a hard worker, a Student Athlete who wants to play football, and a special team standout.

There have been suggestions made that some of the persons who presumably spoke to the media and did in fact speak to the reviewers were motivated by dissatisfaction with their playing time or other disappointments relating to their participation in the football program.¹⁵ But the persons to whom the reviewers spoke include Student Athletes in all circumstances including seniors who have completed successful careers and underclassmen who are on their way to such careers. Even those persons who might be characterized as having a reason to dislike their coach or the program did not appear to be motivated by an animus sufficient to justify the fabrication of their statements. And these statements are corroborated by the statements of others who related Student Athlete A's words and personally observed the events of November 21st.

¹⁵ No one who was interviewed admitted to knowledge of the identities of the sources of the original report of the incident.

REVIEWERS FINDINGS

1. On November 21, 2009, the USF Bulls played the University of Louisville Cardinals. USF built up an early lead but Louisville responded by a scoring run that gave it the lead until a few seconds before halftime when USF scored a field goal to regain the edge.
2. Leavitt's demeanor at halftime on November 21st was described as animated and unhappy with the team's performance and, in particular, with the play of the special teams unit. He paced the locker room talking directly to several Student Athletes. Leavitt's "passion" and energy that particular day was further exhibited in the helmetless head-butt that was exchanged between Coach Leavitt and another Student Athlete (who was wearing a helmet) which resulted in a bleeding wound across the bridge of Coach's nose.
3. At or near the beginning of the halftime, Coach Leavitt paced the floor of the locker room, attempting to motivate his players.
4. Coach Leavitt reported that he did not know at the time (halftime) that Student Athlete A had performed poorly in the first half. Upon review, it appears more plausible that Coach Leavitt did, indeed, know that Student Athlete A had performed poorly in the first half as evident in the witnesses reports of his words to Student Athlete A ("Fight your ass", and "Did you get your block?"). Student Athlete A had in fact received an illegal block penalty and had been on the field when the opposing team returned a punt for a touchdown in the first half.
5. In the course of Coach Leavitt's travels about the locker room, he approached Student Athlete A, who was seated in his locker. Leavitt yelled at Student Athlete A. Leavitt then placed his hand on the player's throat and slapped him twice in the cheek. These actions were personally observed by several Student Athletes who had the clearest line of sight to the event. Despite Coach Leavitt and Student Athlete A's denial that any inappropriate contact had taken

place, the reviewers find it more likely that contact did, in fact, occur to the face and throat/neck area of Student Athlete A. This report was substantiated by multiple reports from credible direct eye witnesses whose recollection was corroborated.

6. The reviewers found that there was a discrepancy between the description of the physical positioning of Coach Leavitt in relation to Student Athlete A during their interaction at halftime. No one except Leavitt remembers him being on his knees in front of Student Athlete A when he spoke to Student Athlete A at halftime. Neither did anyone, except Leavitt, remember the Coach asking Student Athlete A “in a concerned and encouraging fashion” from a crouched position at “eye level” what was wrong. All accounts described Leavitt as standing on his feet directly in front of the Student Athlete and speaking in a direct, aggressive, and disturbed fashion. Someone in the locker room gasped, causing several other players to turn to see what had happened. The incident was discussed by at least most of the players, either immediately following the Louisville game or the weeks thereafter (prior to the release of the *FanHouse* article).

7. Immediately after the game, Student Athlete A spoke of the incident to several players, including some who witnessed the event, asking them if they had seen what happened. Those to whom he spoke who had seen the event confirmed that fact. Others who had not seen it asked what had happened and were told by Student Athlete A that Coach Leavitt had grabbed him by the throat and slapped him or that he did not want to talk about it. Other players to whom Student Athlete A spoke that day confirmed that Student Athlete was upset by the event. Student Athlete A left the game site with his family. A family member of Student Athlete A described the Student Athlete as being noticeably upset after the game, and uncharacteristically “running to the car” after the game.

8. Student Athlete A spoke to several teammates in the days following the Louisville game. He also said he planned on going to speak to Coach Leavitt about what had happened. Student Athlete A did in fact go to Coach Leavitt's office and said he wanted to speak to him. Leavitt responded that he could speak, but he should "choose his words wisely," because he, Leavitt, was "the most powerful man in the building." Student Athlete A described this meeting and Leavitt's words to several of his fellow teammates.

9. Leavitt denied grabbing or slapping Student Athlete A. He describes his actions as "shaking" Student Athlete A by his shoulder pads and asking him what was wrong because he "appeared to be down." After careful review of all the witness accounts, it appears more plausible that an inappropriate physical encounter did in fact occur, contrary to Leavitt's portrayal of the incident, to the neck and face of the Student Athlete.

10. Leavitt confirms that Student A came to his office to speak of his poor play and to discuss "what happened." Leavitt explains the last statement by saying that he rarely shakes players and so his action with Student A was noteworthy. Leavitt told the reviewers that he had apologized for grabbing his shoulder pads because he normally doesn't grab people. The reviewers find this to be in direct conflict with a statement that Leavitt made to the press in which he was quoted as saying, "I shook a lot of different guys, but not in a forceful way". When asked directly how many players he had "shaken" or had direct conflict with during that particular halftime, Leavitt cited two Student Athletes, one of which was Student Athlete A. Again, the reviewers find this inconsistent with his report to the media cited above as two does not constitute "a lot". Furthermore, the reviewers found an inconsistency in a statement that Student Athlete A gave to ESPN saying: "People can say different things but [Leavitt] only grabbed my shoulder pads to motivate me, because he's a passionate guy. He never apologized

because he had nothing to apologize for.”¹⁶ Again, Leavitt indicated to the reviewers that he had, in fact, apologized to Student Athlete A for “shaking his shoulder pads”. He denies saying that Student Athlete A should choose his words wisely or that he, Leavitt, was the most powerful man in the building.

11. Leavitt was told that he should not discuss the review with any Student Athlete or anyone else who may be interviewed in the course of the investigation. Nevertheless, he admits having spoken to Student Athlete A immediately after Student Athlete A’s first interview by the reviewers. Student A describes the meeting as having occurred by chance when Student Athlete A visited the Athletic Building that night (somewhere in the vicinity of 8:30 p.m.) in order to retrieve something from his locker on the first floor. After he accomplished that, he told the reviewers that he went up to the second floor of the building to see his position coach.

According to Student Athlete A, while he was conversing with the assistant coaches, Leavitt came out of his office and asked how he was doing “with all of this.” Leavitt describes the meeting as having occurred because Student Athlete A appeared at Leavitt’s office door while Leavitt was reviewing game film for the upcoming bowl game. According to Leavitt, Student Athlete A noticed that the film being viewed was of special teams and asked Leavitt if he could watch. Leavitt says there was no discussion of the review or the November 21st incident.

Furthermore, it was reported to the reviewers on January 4, 2010 that one of the witnesses raised a concern that he had been retaliated against by Coach Leavitt for participating in the investigation process. A Student Athlete discovered on the morning of January 4, 2010 that the Equipment Manager had been instructed by Coach Leavitt to clean out the Student Athlete’s locker immediately upon return to Tampa from the Bowl Game (Toronto, Canada). Upon

¹⁶ *FanHouse*, December 18, 2009

notification, the Athletic Department restored Student Athlete O's locker privileges.

Report submitted by the reviewers:

Sandy Lovins
Sandy Lovins

1/6/2010
Date

Thomas Gonzalez
Thomas Gonzalez

1/6/10
Date

NOTICE: The names of students contained in the report and in Appendix A to the report were not produced pursuant to the FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA")(20 U.S.C. §1232g); FLORIDA STATUTES §§1002.22; 1002.221 (2009).

APPENDIX A

Student Athlete Witnesses:

- Student Athlete A: [REDACTED]
- Student Athlete B: [REDACTED]
- Student Athlete C: [REDACTED]
- Student Athlete D: [REDACTED]
- Student Athlete E: [REDACTED]
- Student Athlete F: [REDACTED]
- Student Athlete G: [REDACTED]
- Student Athlete H: [REDACTED]
- Student Athlete I: [REDACTED]
- Student Athlete J: [REDACTED]
- Student Athlete K: [REDACTED]
- Student Athlete L: [REDACTED]
- Student Athlete M: [REDACTED]
- Student Athlete N: [REDACTED]
- Student Athlete O: [REDACTED]
- Student Athlete P: [REDACTED]
- Student Athlete Q: [REDACTED]
- Student Athlete R: [REDACTED]
- Student Athlete S: [REDACTED]
- Student Athlete T: [REDACTED]

Student Athlete cited in report but not interviewed:

- Student Athlete U: [REDACTED]

NO DISCLOSURE UNDER FERPA (20 U.S.C. §1232g) & F.S. §§1002.22 & 1002.221 (2009)

APPENDIX B

Non-Student Athlete Witnesses:

Coach Ron McKeefery (USF Strength Coach)

Coach Steve Bird (USF Graduate Assistant)

Coach Mike Canales (USF Assistant Coach)

Coach Carl Franks (USF Assistant Coach)

Coach Jim Leavitt (USF Head Coach)

Paul Miller (Student Athlete A's father)

David Mitchell (Student Athlete A's high school coach)

Trooper Jack Hypes (Florida Highway Patrol Officer)

Trooper Benny Perez (Florida Highway Patrol Officer)