

TO: Vice Chancellor Carol Hintz
FROM: Mikah Thompson, Former Director of Affirmative Action/Title IX Coordinator
DATE: December 12, 2018
RE: Office of Affirmative Action's Resolution of Report against Greg Bachkora

I am writing to provide information concerning the report the Office of Affirmative Action (OAA) received regarding Assistant Softball Coach Greg Bachkora as well as a description of the way in which the office resolved the report.

On Friday, May 11, 2018, Deputy Director of Athletics Ursula Gurney sent an email to me reporting that three student-athletes had met with former Director of Athletics Carla Wilson and Gurney regarding Bachkora (see Exhibit A). According to Gurney, the students reported that they had witnessed inappropriate behavior by Bachkora, including: (1) that he had entered and remained in the softball locker room on multiple occasions without announcing himself, (2) that he had kissed players on the forehead and cheek while the team was playing and/or on the practice field, and (3) that he had made a crude joke to an opposing coach that referenced a player's vagina. Pursuant to CRR 600.050, I commenced a preliminary investigation of these allegations.

In response to Gurney's email, I requested the names of the students who made the report. She indicated that the students were [REDACTED], [REDACTED], and [REDACTED]. She also stated that [REDACTED] and [REDACTED] parents were present when the students spoke with Gurney and Wilson.

On Monday, May 14, 2018, I contacted each of the students to schedule a meeting. I also offered to speak with the students by phone as the spring semester had just ended and many students had left the Kansas City area. In addition to offering a meeting or phone call, I provided each student with information about the services offered by OAA and the campus resources that are available to them (see Exhibits B, C, and D). I spoke with [REDACTED] by phone on the afternoon of May 14th. She confirmed the information Gurney had provided and stated that she was willing to serve as a witness for an OAA investigation; however, she stated that she did not want to be a named complainant in the matter. She also stated that she had left Kansas City for the summer. After speaking with [REDACTED], I informed Gurney that OAA would likely investigate even if the other students chose to remain unnamed (see Exhibit E). I spoke with [REDACTED] by phone on May 16th. [REDACTED] also confirmed the information provided by Gurney and stated that she would be willing to serve as a named complainant for the investigation. Additionally, she stated that she had left Kansas City for the summer. Later that day, [REDACTED] sent me an email stating that she had changed her mind about being named (see Exhibit C). I responded to [REDACTED] that I would not use her name. As of May 16th, I had not received a response from [REDACTED].

On May 16, 2018, I sent an email to Gurney proposing a plan for responding to the report. I informed her that [REDACTED] and [REDACTED] were not willing to serve as named complainants and that I had not been in touch with [REDACTED]. As a result, I made the decision to consider the report an anonymous complaint from certain members of the softball team (see Exhibit E). Pursuant to CRR 600.050, the University may serve as the complainant when the individual making a report of harassment, discrimination, or sexual misconduct requests anonymity.

I informed Gurney that, prior to commencing a formal investigation, I wanted to meet with Bachkora to find out if he would deny the allegations against him. In accordance with OAA protocol, if Bachkora were to admit each of the allegations against him, then there would be no need for a formal investigation, and OAA, along with the Athletics Department, would move to remedial action immediately. I requested that Gurney schedule a meeting with Bachkora, Gurney, Wilson, Meredith Smith, the head softball coach, and me (see Exhibit E). I also informed Ursula that I would like to put some restrictions in place for Bachkora, move the location of the employee microwave (which was located in the softball locker room), and discuss the implementation of disciplinary action against Bachkora. Gurney responded that Smith was on FMLA leave but that she would schedule the meeting for everyone else.

The meeting took place on May 22, 2018 in Wilson's office. Bachkora, Gurney, Wilson, and I were present. I informed Bachkora of the allegations against him but did not provide the names of the students who made the report.

Regarding the first allegation, Bachkora admitted that he had entered the softball locker room on multiple occasions to use the microwave provided for employees. He stated that he announced himself each time but that students who were sleeping in the locker room may not have heard him. Bachkora stated that he had never seen any students in a state of undress while in the locker room. I informed Bachkora that he had made several players feel uncomfortable and that he must avoid entering the locker room in the future. Gurney and Wilson agreed to purchase a new microwave for employees and place it in a common area outside the locker room. Bachkora stated that much of the team's equipment was stored in the locker room and that he sometimes needed access to that equipment. Gurney and Wilson informed Bachkora that he should send a female graduate assistant into the locker room to obtain the equipment. Bachkora agreed to do this.

Bachkora also admitted that he had kissed players on the forehead or cheek in a "fatherly", non-sexual manner. He recalled a specific incident where he kissed a player on her forehead. Bachkora stated that the player was leaving the university and that he kissed her forehead as he was saying goodbye to her. I informed Bachkora that he needed to maintain better boundaries with his players and avoid touching them unnecessarily. I explained that conduct which may seem innocent to him might offend others and that many players might feel uncomfortable if their coach kissed them, even in a fatherly manner. Bachkora also admitted making a joke about one of his players during a game. Bachkora stated that the player was attempting to field a ground ball when it hit her in the vaginal area. Bachkora was standing next to the other team's coach and stated something to the effect of "That's one way to catch the ball." Bachkora stated that the joke did not include any explicit language. I informed Bachkora that other players overheard the joke and were offended by it.

During the meeting, we spent some time discussing Bachkora's judgment. I told him that he must use better judgment when interacting with the players. I emphasized that he must be very careful when choosing to touch or joke with the players because he can easily offend others. I found Bachkora to be receptive to this feedback, and I found his explanations to be credible. I informed Bachkora that OAA would document the report and encourage the students to come to Wilson, Gurney or me with any additional concerns about him. I did not recommend disciplinary action for Bachkora as I believed the conversation and notation in the OAA records served as a sufficient

warning. Also, because Bachkora admitted that he had engaged in the alleged conduct, there was no need to conduct a formal investigation of the allegations.

Following the meeting, I sent emails to the three students who made the report (see Exhibits B, C, and D). Although I had not received a response from [REDACTED] prior to scheduling the meeting with Bachkora, she left a voicemail message for me on May 21st. Therefore, I sent an update to [REDACTED] as well. I provided the students with an account of the meeting and informed them of the new restrictions the Athletic Department was planning to put in place in response to the report. I thanked each student for reporting their concerns and asked them to contact either the Athletics Department or me if any issues with Bachkora arose again. I also asked them to contact me if they had any questions. I did not receive a response from any of the students.

The OAA did not conduct interviews with the other players on the team for a few reasons. First, Bachkora admitted that he had engaged in the alleged conduct and the university was able to address that conduct through swift, remedial action. Had Bachkora denied the allegations, then OAA would have sought to corroborate the students' allegations by interviewing their teammates. Second, the allegations did not suggest a larger problem on the team. The allegations were isolated in that they concerned Bachkora's access to the locker room, touching that was inappropriate but not an obvious policy violation, and a single inappropriate joke not stated directly to but overheard by the players. Finally, the students who made the report had left for the summer, and if OAA had commenced a formal investigation, then the investigator would have been required to interview and judge the credibility of the students via telephone or Skype. In a case where there was no dispute as to the material facts, a formal investigation would have lengthened the process significantly and delayed the implementation of remedial action.

I am available to answer any questions you have about the process OAA utilized to investigate this matter. Please feel free to contact me at your convenience.

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