



OYSTER RIVER YOUTH ASSOCIATION

ORYA Complaint Inquiry | Summary of Process

May 2, 2018

Brief Overview

ORYA received a grievance letter by email on April 7th, 2018 alleging multiple violations of ORYA's harassment policy and code of conduct. The allegations were made by the father of a youth baseball participant alleging comments made by a coach during the ORYA major's baseball draft night on March 21, 2018. ORYA immediately created an inquiry committee which included members of the ORYA Executive Board and a third-party participant to conduct an inquiry into the allegations.

Process

ORYA's Board President Ben Genes created an inquiry committee the morning after he received the grievance letter from the concerned ORYA parent. The purpose of the inquiry committee was to determine who, if anyone, had engaged in behavior that violated ORYA's harassment policy or code of conduct. The coach accused of making a threat to a player was suspended from coaching until the committee was able to finish their inquiry. The ORYA inquiry committee that was appointed included the following members:

Ben Genes, ORYA Board President, Lee resident
Ted Mulligan, ORYA Board Vice President, Durham resident
Susan Cilia, ORYA Board member at large, Madbury resident
Matthew Glode, ORYA Director, non-community member
Keith O'Brien, ORYA Board member at large, Lee resident, ORYA Baseball Coach
Pitch Coordinator
Kevin Abbott, 3rd Party Participant, ORYA Hockey Advisory Group member,
Madbury resident

From April 11th to 13th, ORYA scheduled in-person interviews with every volunteer in attendance at the March 21st draft. Some volunteers were also contacted by phone for additional questioning by the full committee.

Following all in-person and phone interviews and questioning, the ORYA inquiry committee deliberated and presented its findings to the ORYA Board. The one Board member who assisted with the baseball draft recused himself from involvement with ORYA Board review. No other board member had any connection with the baseball draft that evening. Following review from ORYA's Board, Ben Genes, Susan



Cilia, Matthew Glode and Kevin Abbott met with the coach who was found to be in violation of policies as well as the parent who had submitted the grievance letter to share the inquiry committee's findings

Allegations

Outlined below is a summary of each allegation from the grievance letter. The quotes are taken directly from the father's letter:

1. That multiple coaches openly discussed concerns about or opposition to having the child on their team because they each had a previous history of dealing with the child's father that was uncomfortable or difficult.
2. That a coach made a statement similar to "if she ends up on my team I'll have [a player] bean her right in the earhole and she'll quit instantaneously."
3. That threatening statements were repeatedly made.
4. That "ORYA Baseball volunteer coordinators heard the comments and did nothing."
5. That ORYA Baseball volunteer coordinators "were complicit in the threatening of a child."
6. That adults in positions of authority directed "bias and animosity toward [the player]" and that may have displayed gender bias.
7. That there is a "heightened possibility that children will be exposed to abusive adult behavior at an ORYA event."
8. That the father stated that he believed that his child's "physical and psychological well-being is in immediate jeopardy."

Background & Timeline

March 21st: The draft meeting took place in the evening and this is when the alleged harassment and/or code of conduct policies occurred.

April 5th: An ORYA coach that was present during the draft on March 21 called the child's father and told him about the concerning comments that he heard during the major's draft night.

April 6th: The father called another volunteer that attended the major's draft to confirm what he had been told. The second volunteer corroborated the story.

April 7th: The father provided a sample copy of his grievance letter to the coach that initially informed him of the comments and to the coach that corroborated the story. He then sent his grievance letter to Ben Genes, ORYA board president, and other non-ORYA affiliated members of the community.



April 8th: The inquiry committee was created by Ben Genes. Two volunteers who participated at the draft meeting were contacted and questioned by phone in order to confirm the allegations, to confirm player safety and to determine current team placement.

April 9th: The coach accused of making a threatening comment is contacted and suspended from coaching until the full inquiry was completed. All those who were present and participated in the major's draft meeting were contacted and scheduled for in-person meetings.

April 10th: The coach accused of making a threatening comment texts the father who filed the grievance. At this time the accused coach was unaware of who had filed the grievance or what it alleged.

April 10th: ORYA and volunteers named in the grievance letter are contacted by local media asking for comment. ORYA shares the grievance letter to all named within it ahead of the potential media coverage.

April 10th to 13th: The inquiry committee interviewed all volunteers who participated in the major's draft in person. Additionally, phone calls were made for follow up questions.

April 13th: Following all interviews, the ORYA Executive Board met and discussed findings to that point.

April 18th: The inquiry committee concluded its investigation, prepared a statement and requested meetings with the coach believed to have violated ORYA policies, as well as with the parents that submitted the grievance letter to offer our conclusions.

April 19th: The ORYA Executive Board officially dismissed the coach believed to have violated the code of conduct policy. The ORYA inquiry committee met with the father who filed the grievance to share their findings.

Investigation Findings

Below is an outline of findings based on the interviews as they relate to the allegations. Conclusions were derived after consideration of testimony from all nine volunteers that were at the major's draft night.

1. ORYA's inquiry committee determined that volunteer coaches did engage in a discussion voicing general concerns related to previous negative experiences with a parent of a player. There was not enough evidence suggesting those conversations violated ORYA policies.
2. ORYA's inquiry committee found sufficient evidence that one coach made a



comment related to actions with the intent of encouraging a player to quit to avoid potential confrontations with that player's father. While the comment quoted in the original grievance letter was denied by the coach who was accused of saying it, he admitted to making a comment that he would want this child to quit if placed on his team.

- a. Two other meeting participants admitted to hearing a threatening comment being made by that coach.
 - b. Six coaches denied that they had heard any threatening comments by that, or any, coach.
 - c. A text sent on April 10th by the coach accused to the child's father said: *"If you hadn't heard I wanted you to hear this from me. At the draft, I made a joke along the lines of "I need a year off from [father], so if his kid is on my team I will have to make [the child] quit." Not sure of the exact quote. It was intended as a joke based on the relationship you and I have had over the years, not as a comment about [child], I would never do that. I like your whole family, and it was not intended as anything other than a dig at how long we coached together. Sorry."*
3. ORYA's inquiry committee found no evidence that anyone heard multiple threats to any person or player.
 4. ORYA's inquiry committee found no evidence that coordinators or any other coach heard any threatening comments besides the coach who informed the parent and the coach that corroborated the allegation.
 5. Since no evidence was found that anyone besides the coach who informed the parent and the coach that corroborated the allegation heard any threatening comments, no coaches or coordinators could be complicit in comments they did not hear.
 6. ORYA's inquiry committee found no evidence of "bias and animosity directed toward [the player]" based on the player's gender.
 7. ORYA's inquiry committee found no evidence of, or an increased risk of, harm or abusive adult behavior towards that player at ORYA events.
 8. ORYA's inquiry committee found no evidence that any player was in immediate danger. The player allegedly threatened was never placed on the accused coach's team nor was there sufficient evidence suggesting that the accused coach intended actual harm to the player. Not enough evidence was found that would have led to a player's safety being in jeopardy, either immediate, past, or future.

Conclusion

Based on the results of the investigation by the ORYA inquiry committee, the ORYA



Executive Board dismissed the coach for making an inappropriate comment that violated ORYA's code of conduct. No other volunteers were believed to have violated ORYA policies.

Upon reflection of the potential causes prompting the grievance letter and conduct violation leading to this inquiry, ORYA has committed to making the following improvements:

- Increased staff oversight of ORYA baseball's draft process. ORYA staff will also review team selection processes across all offered sports.
- Partnership with Positive Coaching Alliance. This national organization's mission is to transform the youth sports culture into a development zone where all youth and high school athletes have a positive, character-building experience that results in better athletes, better people. ORYA has committed to two in-person workshops per year with access to online resources at all times aiming towards consistent, positive communications and interactions among coaches, parents, and players.
- US Center for Safe Sport Coach Certificates. ORYA has committed to requiring head and assistant coaches to complete a Safe Sport certification, which covers three areas: 1. Mandatory reporting. 2 Sexual misconduct awareness education. 3. Emotional and physical misconduct education.
- ORYA is also developing a new communication pathway for improving methods of communication specifically for parents who have experienced or witnessed violations of ORYA's policies.

Prepared and Approved By: ORYA Board of Directors



Statement Letter from Kevin Abbott

To whom it may concern;

On April 11th, 2018, I was contacted by Director Matthew Glode in reference to a complaint filed regarding a comment made by a coach about a child. I had just earlier that day, received the email sent out by Matthew to the entire ORYA family addressing the complaint, as it had been made public via several news agencies. Matthew was calling to inquire with me, to see if I would be willing to participate in the inquiry process surrounding the complaint. As an independent observer, with no affiliation or attachment to baseball, Matthew explained my opinion would be vital to the overall decision-making process.

As a Law Enforcement professional for the past 10 years, I have conducted investigations into many incidents ranging from things as severe as Homicide, and as little as a motor vehicle violation. I felt I could provide tremendous assistance to the Committee during any interviews and also to provide any legal insight surrounding the process, if that was needed. Through my training and experience within Law Enforcement, I have been able to remove any outside influence from clouding my decisions during investigations. I have honed these skills over the last 10 years out of necessity, because my job is very much based on fact, and opinions are regarded as having very little evidentiary value. I was not asked to be involved in this process because I am a parent of ORYA children, nor was I asked because of my involvement in the Youth Hockey Parental Advisory Group (PAG), neither of which had any impact on my ability to make a clear decision in this matter.

The first evening we met as a Committee, I was immediately taken aback by the other members of the board. Their devotion to the process and to the children's safety was clear from the word "go." This tone was present throughout the entire inquiry, and I am quite sure it was there before and will be there as long as they all serve the community they are all members of, as volunteers.

During the inquiry, all parties witness to the alleged incident were interviewed, some on more than one occasion. Based on the information gathered from the inquiry, I feel 100% confident of the following facts:

1. A comment of some kind was made involving the minor child and attempting to deter her involvement in baseball. It was quite clear, however, that the comment was actually regarding the relationship between the coach and the parent of said child.
2. The minor child was NEVER in any actual danger. During the inquiry, one of the witnesses made a comment regarding the statement "being the first step." In 10 years of Law Enforcement, I have heard a lot of comments that never, ever went any further than the hot air they were made of. This was very clear in this instance, to have been exactly that, an empty comment.
3. There is ZERO evidence to support that anyone other than the two initial coaches heard the alleged comment from the coach. Therefore, all parties could not be complicit to the "threat", to include the group of coaches, any Board Members or



League Coordinators. I do not feel that anyone can be considered complicit in the threat or the behavior, simply because they did not speak up.

I feel that the Board of Directors has made corrective actions consistent with the facts gathered from the inquiry to eliminate the possibility of something like this happening again, to the best of any human ability.

The Oyster River Youth Association does a wonderful job representing the community of Oyster River and its families. I want to stress the word representing. The members responsible for the children and their activities are made up of community members from ALL of the surrounding Towns, not just Durham. They are all volunteers and serve for the right reasons. That is why I am proud that all three of my children play sports in the ORYA family and will continue to do so for the remainder of their sports careers.

Please feel free to reach out to me with any questions, comments or concerns.

Respectfully,

Kevin Abbott
Madbury resident