

Executive Summary

On July 19, 2023, Northwestern University (the “University” or “Northwestern”) engaged the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”) to conduct an independent review of the reporting processes and accountability mechanisms in place at the University to identify and respond to threats to the welfare of student-athletes, and to examine the culture of Northwestern’s Department of Athletics and Recreation (the “Athletics Department” or “Athletics”) and its relationship to the University’s academic mission.

We were asked to conduct a forward-looking review — that is, to assess the relevant reporting and accountability mechanisms and the culture of Northwestern Athletics as they currently exist, and to recommend steps that could be taken to improve them where needed. Our review was not — nor was it intended to be — an investigation of past events. Accordingly, the Paul, Weiss review team did not reinvestigate the subjects of prior investigations, including the investigation into allegations of hazing in the football program, nor did it evaluate the University’s personnel decisions following any prior investigation.

Consistent with the University’s stated commitment to make the results of our review public, this report details our review and sets forth recommendations for the University’s consideration. This report proceeds in four sections.

First, we describe the nature and scope of our review. Among other things, the Paul, Weiss team reviewed University and Athletics Department policies and reporting procedures, training and education materials, and student-athlete feedback gathered through annual experience surveys and exit interviews; interviewed more than 120 members of the Northwestern community, including students (both athletes and non-athletes), Athletics Department leadership and staff, coaches and team staff, University administrators, faculty members, and trustees; and spent multiple days on campus meeting with members of the Northwestern community and touring relevant facilities. At each step of our review, we acted independently from the University within the mandate provided to us.

Second, we set forth the factual background of our observations and recommendations. In particular, we describe: (1) the events that led to our retention, including allegations of hazing and bullying within certain of Northwestern’s varsity athletics programs and the public response to those allegations; (2) the structure of and resources provided by Northwestern’s Athletics Department; (3) the status of formal and informal interactions between Northwestern’s faculty and the Athletics Department, including the roles of the NCAA Faculty Athletics Representative (the “FAR”) and the faculty-comprised Committee on Athletics and Recreation (“CAR”); (4) Northwestern’s anti-discrimination, anti-harassment, anti-bullying, and anti-hazing policies and procedures and the related trainings for student-athletes, coaches, and Athletics Department staff; and (5) the resources available to student-athletes for reporting allegations of misconduct, including discrimination, harassment, bullying, and hazing. More broadly, we acknowledge the ongoing changes to the college athletics landscape that

will continue to impact the Northwestern student-athlete experience, including name, image, and likeness (“NIL”) legislation, the NCAA Transfer Portal, and conference realignment. While the impact of these broader changes is not unique to Northwestern, they have brought heightened attention to the student-athlete experience from across the Northwestern community.

Third, we describe key observations from our review. In doing so, we have based our observations on information obtained from multiple sources, so as not to report observations or make recommendations based on one-off anecdotes or inherently individualized perspectives and to protect the anonymity of those who shared relevant information with us on a confidential basis. We also note that our observations are not intended to compare the Athletics Department to any other Northwestern department or community, nor to compare Northwestern to any other university, as we were not asked to, and did not, perform a benchmark analysis comparing Northwestern Athletics culture or reporting and accountability systems to those of any other department or university. Accordingly, our observations should not be interpreted as identifying issues that are unique to Northwestern Athletics or otherwise suggesting that Northwestern is differently situated from its peer institutions. Our observations center around six key themes:

1. **Strong Support for Student-Athlete Well-Being.** The well-being of student-athletes is at the core of the Athletics Department’s culture. Coaches, academic services, sports psychology, and sports medicine staff all play a vital role in the overall experience of student-athletes. Although student-athletes’ individual experiences vary, many attributed their ability to balance a rigorous academic schedule with the demands of Big Ten athletics to the support provided by their teams and the broader Athletics Department. In this respect, the Athletics Department’s culture is closely aligned with Northwestern’s academic mission. Of course, every team is unique and there are nuances within team-specific cultures that cannot be captured by, and may not otherwise be consistent with, the broader Athletics Department culture.
2. **Insularity of the Athletics Department.** Northwestern student-athletes overwhelmingly reported that they spend most of their time with their teams and/or at the University’s Athletics facilities, including the Walter Athletics Center, where many of the athletic amenities and resources are housed. Not surprisingly, Athletics Department staff similarly reported spending most of their time interacting with other members of the Athletics Department. While almost certainly not unique to Northwestern, this insularity has both positive and negative consequences for the Athletics Department’s culture and accountability mechanisms. One positive consequence is the close bond that student-athletes develop with their teammates, coaches, and other Athletics Department staff. Indeed, most student-athletes identified their coaches or more senior teammates as the person(s) to whom they would most likely report allegations of misconduct or other concerns. On the other hand, cultural or accountability breakdowns within the Athletics Department are more acutely felt by student-athletes and staff as a result of this insularity, and the close, familial nature of many teams may make it more difficult for a student-athlete

to report misconduct, particularly if members of their team and its staff are perceived to be participating in or condoning the misconduct.

3. **Divide Between Northwestern Faculty and Athletics.** There is a perceived, if not actual, divide between Northwestern's Athletics Department and its faculty. Although the faculty members who participated in our review largely shared positive impressions of student-athletes, we observed a growing tension between the Athletics Department and certain members of the faculty regarding the appropriate prioritization and funding of athletics at Northwestern. Although this tension became most visible after allegations of hazing surfaced last year, we believe it existed prior to that and may have been building in recent years due to, among other things, perceived disparities in the amount of funding allocated to academics and athletics. Another contributing factor appears to be the absence of consistent, direct communication between Athletics and faculty — likely the result of an unwritten but widely acknowledged prohibition on coaches communicating directly with faculty members to avoid the appearance of a conflict of interest. We also observed several misconceptions about the role of CAR, including whether it is charged with overseeing the Athletics Department.
4. **University Reporting Mechanisms Are Generally Known by Student-Athletes.** In addition to providing robust anti-hazing and anti-bullying policies and training, the University provides multiple ways for all students, including student-athletes, to voice concerns or report misconduct, such as through designated University personnel and anonymous online reporting forms. Student-athletes also have additional avenues to share feedback, including student-athlete experience surveys and exit interviews. We found that student-athletes were generally aware of these formal reporting procedures or would be able to quickly locate information about them if needed. However, student-athletes typically said that they would report misconduct in the first instance to their coaches, teammates, or an Athletics Department staff member with whom they are comfortable, rather than utilize the University's formal reporting systems, unless specifically directed to one of them.
5. **Lack of Clear Guidance on Addressing Reports Made by Student-Athletes.** Because student-athletes are likely to raise concerns with people they know and trust within the Athletics Department in the first instance, Athletics Department staff must make decisions about whether, when, and how to respond to those reports, including by escalating them to more formal reporting channels. If the report relates to misconduct that does not require the involvement of the Office of Civil Rights and Title IX Compliance ("OCR"), Athletics Department staff do not currently have clear, standardized guidance for those decisions, which results in a discretionary — and varying — process for addressing reports of such misconduct made within the Athletics Department. This risks inconsistent handling of complaints, including allegations of hazing and similar misconduct, and fosters a perception that concerns raised within the Athletics Department may not be properly escalated or addressed.

6. Lack of Visibility and Follow-Up After Reports Are Made. Student-athletes and Athletics Department staff alike reported that they lack visibility into the process for investigating and/or resolving reports of misconduct made within the Athletics Department. This lack of visibility has left some members of the community with the perception that even if they report misconduct, those reports will go unaddressed, which could ultimately discourage student-athletes and staff from reporting in the first place. There are certain unavoidable limitations to full transparency about investigative or remedial steps being taken to address validated reports of misconduct; however, it is clear that members of the Northwestern Athletics community are searching for opportunities to engage with individuals who report misconduct without compromising confidentiality or privacy obligations.

Finally, our report sets forth certain recommendations that we believe, based on our observations and experience, would improve the ability of Northwestern's existing reporting and accountability mechanisms to detect threats to student-athlete well-being and would further align Athletics culture with the University's broader mission. Our recommendations fall into three categories:

1. Improving Relations Between Faculty and the Athletics Department. Among other things, we recommend that the University develop guidance on appropriate communications between coaches and faculty/academics staff. In formulating this guidance, the University should consider whether the existing broad prohibition on communications between faculty and coaches, real or perceived, is necessary to achieve the purpose of preventing undue influence on student-athletes' academic results.
2. Clarifying the Mandate and Responsibilities of CAR. To address the existing confusion around the mandate and role of CAR, we recommend that Northwestern establish a clear, public mandate for CAR. This mandate could, among other things, include liaising with the Athletics Department on faculty-raised issues, working with the department to ensure student-athletes' concerns are addressed, and engaging with student-athletes beyond the annual exit interviews. We also recommend that CAR formalize its current exit interview program to provide more specific, standardized guidance to interviewers on how to conduct, memorialize, and report feedback learned during exit interviews.
3. Improving Responsiveness and Accountability for Reported Misconduct Within the Athletics Department. To foster greater responsiveness and accountability for misconduct reported within the Athletics Department, we recommend that the department supplement its current resources with a technological solution that allows for anonymous, real-time submission, follow-up, and documentation of student-athlete reports. We understand that the Athletics Department is considering implementing such a system that would complement and coordinate with the University's existing reporting and accountability resources, as well as allow the Athletics Department to provide

follow-up information to those who report misconduct while still protecting confidentiality as needed. Because any such system will rely heavily on the trained administrators who receive and respond to anonymous reports, we also recommend that the Athletics Department create a new position focused on reporting mechanisms that can help oversee reporting-related obligations of staff members and enhance the department's anti-hazing efforts. Finally, we recommend that the Athletics Department develop a resource guide that outlines the reporting process within Athletics to help prevent miscommunications and misunderstandings and foster trust in the reporting system among student-athletes and staff.

While our recommendations are focused on the areas in which we believe improvement can and should be made, the results of our review have been largely positive. We have observed a commitment by the University and Athletics Department to the well-being of their student-athletes. It is unsurprising, in light of that commitment, that so many of the student-athletes who participated in our review expressed great appreciation for the resources made available to them at Northwestern, and generally spoke highly of their college athletic experience there. The University and the Athletics Department are aligned in their commitment to ensure that their student-athletes have excellent academic and athletic experiences, despite forces at play — many of which are not unique to Northwestern — that make equal pursuit of those two goals increasingly difficult. We hope that our recommendations, if implemented, will only enhance the Northwestern student-athlete experience.