

HOWLAND LOCAL SCHOOL DISTRICT

INVESTIGATION REPORT AND RECOMMENDATION TO THE SUPERINTENDENT

As a Howland Local Administrator, I conducted an investigation of a complaint filed by parents [REDACTED] and [REDACTED] (“Complainants”) against Coach John Diehl (“Respondent”). Mr. Diehl is the District’s varsity girls’ basketball coach and the allegations relate to bullying, verbal abuse/harassment, and sexual harassment. The following is a report of my findings.

A. Complainants’ Allegations

- *Coach Diehl has targeted players using bully-like behavior including mindgames, yelling, personal verbal attacks, singling out players and making “examples of” them during practices and games, as well as calling players names during practice and games.*
- *Coach Diehl has created an intimidating environment related to players’ injuries.*
- *Coach Diehl has made numerous references to players’ appearances including maintaining a “top 5 prettiest girls” list, telling a player that her sister got the looks, and telling a player that if he was 50 years younger, he would have dated her. He also has a picture collage of former players in bikinis posted in his office.*

B. Interim Measures

Based on the information in reported by the Complainants, Mr. Diehl was directed not to have any contact with school employees and/or students during the pendency of the investigation unless otherwise directed by the Superintendent. At the time I began my investigation, the season was complete and based on the COVID-19 pandemic, OHSAA issued a no-contact order for coaches that disallowed Mr. Diehl from contacting players.

C. Communication with Coach Diehl, Respondent

During my interview with Coach Diehl on May 4, 2020, I shared specifics of the Complaint and provided him with an opportunity to respond. He was forthcoming with me during the interview and did not appear to have prepared answers to any of my questions. He seemed to say whatever was on his mind. He did refer to the Complainants’ daughters throughout, showing that he was aware of where these allegations were mostly coming from. During the meeting, I asked Coach Diehl if there were any witnesses he would like me to consider speaking with as part of this investigation. He provided a few specific individuals (who I subsequently spoke with) but also, troublingly, told me whom I should not speak to ([REDACTED]).

██████████). I did speak with ██████████ and both ██████████. I also asked him if he had any documents I should review as part of this investigation. He said he had some text messages between him and student athletes, but said they were not negative or relevant to this investigation and so did not send them.

D. Investigation Process

1. Witnesses and Interviews

The following individuals were either: (1) identified as possibly having relevant information and were contacted¹ as part of this investigation; or (2) reached out to the investigator and/or District on his/her own to share information regarding this investigation.

1. ██████████	Complainant, ██████████
2. ██████████	Complainant, ██████████
3. ██████████	██████████
4. ██████████	Complainant, ██████████
5. ██████████	Complainant, ██████████
6. ██████████	██████████
7. Craig Lobmiller	JV Girls' Basketball Coach and Varsity Assistant Coach
8. Kim Clark	Girls' Basketball Varsity Assistant Coach
9. ██████████	██████████
10. ██████████	██████████
11. ██████████	██████████
12. ██████████	██████████
13. ██████████	██████████
14. ██████████	██████████
15. ██████████	██

¹ Based upon the Ohio Director of Health's order "*In Re: Order the Closure of All K-12 Schools in the State of Ohio*" issued on March 14, 2020, all interviews were conducted via phone.

16.	[REDACTED]	[REDACTED]
17.	[REDACTED]	[REDACTED]
18.	[REDACTED]	[REDACTED]
19.	[REDACTED]	[REDACTED]
20.	Andrea Ferenac	Activities Director
21.	[REDACTED]	[REDACTED]
22.	[REDACTED]	[REDACTED]
23.	[REDACTED]	[REDACTED]
24.	John Diehl	Varsity Girls' Basketball Head Coach
25.	[REDACTED]	[REDACTED]
26.	[REDACTED]	[REDACTED]

2. Confidentiality and Prohibition Against Retaliation

Interviewees were informed that I would do my best to maintain confidentiality of those involved to the extent possible given my charge of concluding the matter with a report and recommendation. I also informed interviewees about the importance of maintaining confidentiality. I informed individuals that retaliation was strictly prohibited against any individual for participating in this investigation process.

3. Documentation.

During the course of the investigation, I considered relevant documents in addition to any documentation or other information presented by the Complainants, Respondent, or any other witness, where such documents were reasonably believed to be relevant to the allegations. My review included the following documents:

1. Board Policy AC;
2. Board Policy ACAA;
3. Board Policy ACAA-R;
4. Respondent's Personnel File and Evaluations;
5. Athletic Handbook;
6. Student Athlete Survey Responses (2017-18 and 2018-19);
7. Email correspondence from witnesses; and
8. Student and parent text messages.

E. Evidence Summary

After reviewing the Complaint and during the interview process, I identified a range of allegations; some were specific while others were more general. I outlined each allegation below followed by my conclusion on the allegation.

John Diehl is the Howland Local Schools girls' head varsity basketball coach. He is not otherwise employed by the District. He has served in the role of head coach for the last 26 years and prior to that, coached the boys' varsity team for 9 years. He has no prior discipline or complaints in his personnel file, and his evaluations are positive. Coach Diehl explained that much of his coaching is related to mental toughness. He admitted to getting vocal at halftime and telling players what they did wrong and that that type of play could not be tolerated. He said that, at the beginning of the season, he discusses the intensity of the game and would often "say things that aren't necessarily true" only to follow that up with sending players positive text messages about what they did well. He said that he believes mental toughness comes from being more afraid of the coach than the situation so the players can overcome the situation. He admitted to giving players nicknames, with one in particular related to being "soft." He admitted to telling injured players to look up Lou Gehrig's story about losing a starting position because of being out for an injury. He also admitted to telling a player () that he would have dated someone like her in high school 50 years ago. He said this comment was made in front of the whole team and was related to the fact that the player met his standards as a player and a person, and that he was hoping this would motivate the team to play harder. He also admitted to mentioning players' looks (such as ranking the girls' looks when pressed by players), telling one player that her sister got the looks, and having numerous photos of alumni players in bikinis in his office.

1. Allegation of Coach Diehl targeting players using bully-like behavior including mindgames, yelling, personal verbal attacks, singling out players and making "examples of" them during practices and games, as well as calling players names during practice and games.

At the outset, it is important to note that the players with whom I spoke were very candid with me and articulately explained their views and feelings regarding Coach Diehl.

These were hard conversations for some of the players, and it was clear there were emotions involved on both sides.

[REDACTED] described Coach Diehl's coaching style as trying to scare and intimidate players. She described extreme favoritism and negative treatment to non-favored players ([REDACTED]). When asked for specifics, [REDACTED]

[REDACTED] which really upset her.

[REDACTED] She said he pits players against each other by, for example, telling them that when one player is injured, another player is going to take her spot on the team.

[REDACTED] recalled similar conduct from Coach Diehl. She described his coaching style as very aggressive, getting in players' faces physically, pointing fingers at them, and demeaning their efforts and performance. She also noted significant favoritism, with disfavored players receiving the brunt of the yelling and demeaning comments ([REDACTED]). Specifically, [REDACTED]

Former player [REDACTED] said Coach Diehl pushes the players hard but you leave the program a “changed person.” She noted that he is much harder on some players than others, although she did not see him as bullying or harassing certain players. She said he does focus on the negatives when giving critiques, which can be hard for some players.

[REDACTED] said that there is a lot of favoritism, and that the less favored would crying and Coach Diehl would make them feel not good enough to play. [REDACTED]

[REDACTED] But she said that her fellow players were often nervous because they were worried about getting yelled at to the point of panic attacks. She said it made her feel bad and uncomfortable when Coach Diehl would yell in a negative way at the other players and make them cry. She said if she had gotten yelled at like other players, she would have had a really hard time dealing with it. She recalls players quitting because of the treatment and that even though she did not get yelled at, she thought about not wanting to play.

[REDACTED] described Coach Diehl’s coaching style as “motivating tough” and that if they are not playing up to their potential or his expectations, he can be harsh. Overall she was not bothered by Coach Diehl’s style and did not seem to be one of the players receiving the brunt of the yelling². She noticed favoritism as well. She said she saw the negative behaviors from Coach Diehl but “brushed it off.”

Former player [REDACTED] described Coach Diehl’s coaching style as intimidating and playing on personal qualities of the girls. She said he would make demeaning comments and call some of them hurtful names like “soft” or “airhead.” She said that players were scared of his reaction, and he put pressure on them out of fear. She said she was nervous all the time and he made her feel inferior. She recalls significant favoritism and that for the players he yelled at, the negative comments were daily with no break; she recalled coming home crying daily. [REDACTED]

² [REDACTED]

trying to do. [REDACTED]

[REDACTED] She recalled “many” players complaining to her about Coach Diehl’s coaching style. Not just this past year but every year that she has coached with Coach Diehl. She described her role as “good cop” and needing to explain what he was trying to do. She also seemed to try to apologize for some of his comments, telling the players that he shouldn’t have yelled at them so loudly.

Allegation 1 Conclusion: Based on the information shared by witnesses and a preponderance of the evidence, it is more likely than not that Coach Diehl yelled at, singled out, and engaged in personal verbal attacks on players.

2. Allegation of Coach Diehl creating an intimidating environment related to players’ injuries.

[REDACTED] stated that she was frequently called “weak” or “soft” whenever she had an injury. She said he gave her the nickname “Charmin” or “Charmin Soft”, which was hurtful to her. [REDACTED]

[REDACTED] also reported that he was insensitive to her health issues [REDACTED] She said she stopped telling him when she was injured because she was fearful of how he would attack her about it.

[REDACTED] said she saw Coach Diehl make it hard for players to come back from being out with an injury.

[REDACTED] Coach Diehl admitted that he told [REDACTED] to look up Lou Gehrig after [REDACTED], not to “make fun, just for historical value.” He said he has shared that story for 40 year. He knew that the message of the story was related to a starter losing a position [REDACTED]

[REDACTED]

Coach Clark recalls Coach Diehl using the nickname “Charmin” or “Charmin Soft” to [REDACTED] related to these players’ injuries. She said he used the nickname to motivate, not hurt. Coach Lobmiller recalls hearing the nickname but was not aware of how it was used or what it meant.

Allegation 2 Conclusion: Based on witness testimony and a preponderance of evidence, it is more likely than not that Coach Diehl made comments related to injuries that were not supportive of players’ health and wellbeing.

3. Allegation of Coach Diehl having made numerous references to players’ appearances including maintaining a “top 5 prettiest girls” list, telling a player that her sister got the looks, and telling a player that if he was 50 years younger, he would have dated her. He also has a picture collage of former players in bikinis posted in his office.

[REDACTED] reported that Coach Diehl had a “top 5 prettiest girls” list. [REDACTED] also said he ranked the players in terms of looks. [REDACTED] said this hurt their feelings. Coach Diehl admitted to ranking the girls’ looks but claims it was based on their frequent requests that he do so. [REDACTED] said that Coach Diehl did talk about players’ looks but said it was in a joking way. [REDACTED] also recalled him making comments on their appearance but that they were not sexual. She recalls him comparing some players’ looks to their mothers’ looks. [REDACTED]

[REDACTED]

Numerous players ([REDACTED]) said Coach Diehl would say that [REDACTED] was the prettiest, called her beautiful, and would mention that all the boys liked [REDACTED]. Coach Diehl told [REDACTED] in front of other players, that if he was 50 years younger, he would date [REDACTED]. He admitted to this comment but said it was coming from the perspective of her meeting his standards as a player and a person. [REDACTED]

[REDACTED] Yet other players did admit this made them feel uncomfortable.

Coach Diehl also has a picture of former players in bikinis up in his office. He admitted to this, and said the alumni girls always check to see if he still has it up.

Coach Clark said Coach Diehl makes inappropriate sexual comments to players. She said they are always followed up with him saying “just kidding” or trying to make it a joke. She said she looks at the players’ faces after he makes such a comment and thinks “I can’t believe that he just said that.” She said he talks frequently about the players needing to have boyfriends and also their looks. She said she should have stepped in because he should not be talking about the girls’ boyfriends or their looks. She recalls the frequency of the inappropriate sexual comments as once every few weeks, and that it has happened throughout the years. She also recalls Coach Diehl having a “top 5 prettiest girls” list and “always” talking about pretty girls and ugly girls. She also knew that Coach Diehl thinks [REDACTED] is pretty.

Allegation 3 Conclusion: Based on statements from numerous witnesses and a preponderance of evidence, it is more likely than not that Coach Diehl made inappropriate comments related to players’ looks and made other inappropriate sexual comments, specifically that he would date [REDACTED] 50 years ago.

F. Relevant Guidance Documents and Outline of Applicable Board Policies

Board Policy

Nondiscrimination

The Board’s policy of nondiscrimination extends to students, staff, job applicants, the general public and individuals with whom it does business and applies to race, color, national origin, ancestry, citizenship status, religion, sex, economic status, age, disability or military status.

The Board does not discriminate on the basis of legally acquired genetic information.

The Board does not permit discriminatory practices and views harassment as a form of discrimination. Harassment is defined as intimidation by threats of or actual physical violence; the creation, by whatever means including the use of electronic communications devices, of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.

Employees or students who engage in discrimination of another employee or student shall be subject to disciplinary action.

Permission, consent or assumption of risk by an individual subjected to discrimination does not lessen the prohibition contained in this policy.

No one shall retaliate against an employee or student because he/she files a grievance; assists or participates in an investigation, proceeding or hearing regarding the charge of discrimination of an individual; or because he/she has opposed language or conduct that violates this policy.

Sexual Harassment

All persons associated with the District, including, but not limited to, the Board, the administration, the staff and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Sexual harassment, whether verbal or nonverbal, occurring inside or outside of District buildings, on other District-owned property or at school-sponsored social functions/activities, is illegal and unacceptable and will not be tolerated. Any person who engages in sexual harassment while acting as a member of the school community is in violation of this policy.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of person's employment or educational development;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment.

Examples of sexual harassment-type conduct may include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies; coerced sexual activities; any unwanted physical contact; sexually suggestive or obscene comments or gestures; or displays in the workplace of sexually suggestive or obscene objects or pictures. Whether any act or comment constitutes sexual harassment-type conduct is often dependent on the individual recipient.

The Grievance Officer: The Board directs the Superintendent to appoint one or more sexual harassment grievance officers who are vested with the authority and responsibility for investigating all sexual harassment complaints in accordance with the procedures set forth in the accompanying regulation and staff and student handbooks.

Sexual harassment matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible. Although discipline may be imposed against the accused upon a finding of guilt, retaliation is prohibited.

The Board has developed complaint procedures, which are made available to every member of the school community. The Board has also identified disciplinary penalties, which could be imposed on the offenders.

Sexual Harassment

All sexual harassment complaints are investigated in accordance with the following procedure.

1. Any member of the school community who believes that he/she has been subjected to sexual harassment shall report the incident(s) to the appropriate grievance officer.
2. The grievance officer attempts to resolve the problem through the following process.
 - A. The grievance officer promptly confers with the charging party in order to obtain a clear understanding of that party's statement of the alleged facts. The statement is put in writing by the grievance officer and signed by the charging party as a testament to the statement's accuracy.
 - B. The grievance officer meets with the charged party in order to obtain his/her response to the complaint. The response is put in writing by the grievance officer and signed by the charged party as a testament to the statement's accuracy.
 - C. The grievance officer holds as many meetings with the parties and witnesses (if any) as are necessary to gather facts. The dates of meetings and the facts gathered are all put in writing.
 - D. On the basis of the grievance officer's perception of the problem, he/she will:
 - i. bring both parties together and attempt to resolve the matter informally through conciliation or
 - ii. formally notify the parties by certified mail of his/her official action relative to the complaint.

3. If either party disagrees with the decision of the grievance officer, he/she may appeal to the Superintendent/designee. After reviewing the record made by the grievance officer, the Superintendent/designee may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent/designee is final.

If any of the named officials are the charged or charging party, the Board designates an alternate investigator and retains final decision-making authority.

All matters involving sexual harassment complaints remain confidential to the extent possible.

G. Conclusion

In this investigation, due to the details of the specific allegations addressed in this Report and the amount of information compiled, a conclusion regarding each allegation was provided after each finding was summarized. I will not fully repeat each factual finding here, but instead review the findings and provide an overall determination.

At the outset, it is important to note that this has been a difficult investigation because, while it is clear certain current and former players and parents support Coach Diehl, it is equally clear that certain current and former players and parents feel disdain toward him. I received extensive testimony from individuals with both viewpoints, as well as with individuals having personal knowledge of the program but without a strong opinion on one side or the other. There was also some concern with the confidentiality of this investigation, since the District received a few unsolicited correspondences from individuals who somehow heard about the investigation. Ultimately, during this investigation I focused on the facts and statements of first-hand witnesses to reach these conclusions and recommendations, while keeping in mind the opposing views and opinions held by some with whom I have spoken.

To recap the conclusions explained more fully above, based on all the facts and circumstances, I determined that all three of the allegations against Coach Diehl were substantiated or partially substantiated. I find Allegation #1 and Allegation #3 rise to the level of “harassment” under Board Policy AC as outlined below:

- **Allegation 1** of Coach Diehl targeting players using bully-like behavior including mindgames, yelling, personal verbal attacks, singling out players and making “examples of” them during practices and games, as well as calling players names during practice and games: substantiated.

- **I find that, based on the totality of the circumstances, Coach Diehl’s conduct constituted “harassment” under Board Policy AC. The majority of players (even those who ultimately support him) and an assistant coach recall the favoritism and harsh treatment of certain players. This includes intense yelling and hurtful critiques, as well as making examples of players and singling them out. These actions and comments appear to be frequent and also severe in many instances.**
- **Allegation 2** of Coach Diehl creating an intimidating environment related to players’ injuries: substantiated.
 - **I find that, based on the totality of the circumstances, this allegation does not rise to the level of “harassment” under Board Policy AC. While Coach Diehl did make comments and engage in other conduct that was not always supportive of players’ health and injuries, I found these incidents not to be repeated enough or serious enough to constitute such a violation.**
- **Allegation 3** of Coach Diehl making numerous references to players’ appearances including maintaining a “top 5 prettiest girls” list, telling a player that her sister got the looks, and telling a player that if he was 50 years younger, he would have dated her. He also has a picture collage of former players in bikinis posted in his office: substantiated.
 - **I find that, based on the totality of the circumstances, this allegation rises to the level of “harassment” under Board Policy AC. Nearly every player and Coach Clark recalled inappropriate comments and frequent references to players’ appearances. Coach Diehl himself admits to much of this, including the comment to [REDACTED] about dating her 50 years ago.**

Ultimately, nearly every players I spoke with stated that he showed favoritism, yelled and made negative comments, and commented on players’ appearances. Some of the players took this conduct very hard, while a few admitted it didn’t bother them that much. Yet while players had different reactions to these comments and coaching styles, it was unequivocal that they happened.

When asked about ranking players’ looks, Coach Diehl said that the players would ask him to rank them by looks, and so he eventually did; yet this does not seem to be accurate based on player recollection. Players from different teams and different years all remember him ranking the players’ looks and no one said that they asked him to do that.

Further, there were additional allegations that did not expressly implicate a violation of Board Policy AC or ACAA but were concerning. It was reported that Coach Diehl would send text messages to individual players. He said he would send a text message to a player after he was hard on her at practice in an effort to build her up again. He also reportedly texted certain players individually to invite them to do certain things (such as help clean out his father's home). Importantly, he has been notified numerous times (along with all other Howland coaches) that he was not to text players individually. In addition to the fact that he has ignored this directive, the individual messages also create a concern with favoritism and players feeling left out.

In addition to the specific allegations examined above, multiple witnesses provided information on the coaching style of the girls' varsity basketball coaches. It is clear Coach Diehl loves the basketball, and devotes a significant amount of time and attention to the program and the players. He did state that he attempts to modify his critiques based upon how students will perceive or handle the message, and that he has "mellowed" over his years coaching. While one assistant coach recognized these efforts, another did not; Coach Clark had some significant concerns about Coach Diehl's coaching style and how it affected his female players. While she generally supported him and believes he is a good coach and person, her hesitations and questions about some of his statements and tactics speak volumes. I also do not take lightly the players' emotions and feelings regarding Coach Diehl's impact on them. Ultimately I find that regardless of the intent of Coach Diehl's words (demeaning verses encouraging), multiple players indicated that they felt emotionally abused by his critiques, which is unacceptable and in violation of Board Policy.