F2021-R2 – The Catalani-Henderson Resolution

WHEREAS, The University of North Texas’ mission statement is, “At the University of North Texas, our caring and creative community empowers our students to thrive in a rapidly changing world.”

WHEREAS, UNT policy states, “Discrimination and harassment are violations of this policy and will not be tolerated. The University of North Texas prohibits discrimination and harassment against any student, employee, or applicant because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status, or any other characteristic protected under applicable federal or state law in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and university facilities.”

WHEREAS, The UNT Community does not tolerate behavior which is contrary to it’s mission statement, University policy, and common decency.

WHEREAS, On August 30, 2021 at 12:49 P.M., a graduated student by the name of Tatum Catalani-Henderson (she/her/hers) posted on Twitter that her Track and Field Head Coach, Carl Sheffield, made highly inappropriate and discriminatory remarks towards, and involving, student athletes.

WHEREAS, The UNT Office of Equal Opportunity investigated the claim and ruled the matter as “unsubstantiated”.

WHEREAS, Neither the UNT Office of Equal Opportunity Final Determination, nor in the email containing the Final Determination, mentioned an appeal process for Tatum, who claims she would have utilized this resource had she known about it.

WHEREAS, Tatum’s Title IX concern was processed under policy 16.004, which had no mention of an appeal in its language or title.
WHEREAS, The Resolution Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Failure to Report, or Retaliation filed with Equal Opportunity document, which contained appellate procedures despite no reference to appeals in official University Policy 16.004, only allows for appeals to the respondent and not to the complainant.⁷

WHEREAS, The appeals process for Title IX rulings are not easily found on UNT’s websites, and can only be found in policy 16.005, the title of which does not include reference to appeals.⁸

WHEREAS, multiple people have communicated with certain members of the SGA privately that this behavior by Coach Sheffield is not unexpected and that other disturbing statements have been made.

WHEREAS, These individuals would only speak on the condition of anonymity due to their fear of losing some or all of their athletic scholarships, a behavior which is reportedly also not uncommon with Coach Sheffield.

WHEREAS, There is an environment of fear and mistrust as perceived by certain athletes in the UNT Athletics program.

WHEREAS, Eve Shatteen Bell, the Title IX Coordinator, and Moe McGuiness, the Dean of Students, have agreed to amending policy 16.004 to allow complainants a right to appeal and has agreed to the creation of a committee, consisting primarily of students, to investigate possible amendments to Title IX policy as allowed by law.⁹

WHEREAS, No further action has been taken by others in UNT Administration to address the concern which athletes and students alike now face with this new information.

LET IT BE RESOLVED THAT, An exception be made to University policy to allow for an appellate consideration of Tatum Catalani-Henderson’s Title IX case as an appeals process was not communicated to Tatum at the time of the Title IX ruling.

LET IT BE FURTHER RESOLVED THAT, An independent audit be conducted to determine the integrity of practices by UNT Athletics and university officials when a Title IX concern is brought forward.

LET IT BE FURTHER RESOLVED THAT, The identity of the individual or company performing the aforementioned audit, and the reasoning for the selection of this entity by the appropriate University official, be made available to the public.

LET IT BE FURTHER RESOLVED THAT, The Title IX process, including appeals, be clearly and fully explained on an easy-to-access UNT website, under the Title IX page.
LET IT BE FURTHER RESOLVED THAT, Coach Sheffield’s employment be evaluated in a way which respects student athlete concerns, and which would not create an environment of intimidation for student athletes as the review unfolds.

LET IT BE FURTHER RESOLVED THAT, Adequate actions be taken to proactively ensure that no retaliation will fall on UNT student athletes due to any actions of this resolution being adopted by UNT.

LET IT BE FURTHER RESOLVED THAT, Appropriate University Administrative officials release a statement in support of student athletes who have had these kinds of experiences at UNT and, once again, condemning actions which are discriminatory at the University of North Texas.

LET IT BE FURTHER RESOLVED THAT, This resolution be sent to the following individuals:

- Dr. Neal Smatresk, UNT President
- Dr. Elizabeth With, UNT Vice-President for Student Affairs
- Wren Baker, UNT Athletics Director
- Carl Sheffield, UNT Head Coach for Track and Field
- Eve Shatteen Bell, UNT Title IX Coordinator
- Moe McGuiness, UNT Dean of Students
- Natasha Oaks, UNT Executive Senior Associate Athletics Director for Compliance, Senior Woman Administrator, and Chief Diversity Officer.

Respectfully Submitted,

Senator Maria Velasco
College of Education

Devon Skinner
SGA President

References:

1. https://policy.unt.edu/policy/03-001
2. https://policy.unt.edu/policy/16-004
3. Appendix A
4. Appendix B
5. Appendix C
6. Appendix D
8. https://policy.unt.edu/policy/16-005
9. Appendix E

In Witness thereof, I hereby certify the Student Senate of the University of North Texas Student Government Association has approved this document and is referred to the office of the President.

David Murray, Speaker of the Senate          9/22/21

Presidential Action:

☑ Approved

President of the Student Government Association          9/22/21

Vice President of Student Affairs

Date

Date
Appendices

Appendix A (Catalani-Henderson tweets):

Tatum
@tatum27

My head track coach at UNT told me that he would “have to think negatively” of me if he knew that I was gay. I’m sorry that I didn’t speak out on this earlier bc in doing so, I put other LGBTQ+ athletes in danger. I want ppl to know about this before they commit to UNT for track.

12:49 PM · 30 Aug 21 from Bedford, TX · Twitter for iPhone

837 Retweets 41 Quote Tweets 1,470 Likes
I was a student athlete at the University of North Texas for all three years of my college career. In my 1st year I was on the women's basketball team. The next year I switched over to track & field, & I became a full-time member of the track team as a triple jumper. On one of the first days of my 2nd year, I was in Champs Dining Hall eating lunch before practice. Next to me was one of my teammates, across from me was our head coach Carl Sheffield, & next to him was another track coach. At some point during lunch, Coach Sheffield started asking me about my experience on the women's basketball team at UNT. Then he asked me if it was true that “most women's basketball players are lesbians.” I laughed nervously & said “well, some are some aren't I guess. Next he said “Tatum... Never mind I'm not allowed to ask you this.” I said nothing. He looked at me again & said “I'm legally not allowed to ask you this,” so he turned to my teammate sitting next to me & said “[Name redacted], will you ask Tatum for me if she likes boys or girls?” My teammate asked me the question, & I immediately felt extremely uncomfortable. I laughed nervously again & said “I like boys Coach Sheffield.” I identify as bisexual, but given the context of the conversation, I did not feel comfortable disclosing this to my coach (seeing as he knew the question was illegal yet he still found a way to ask me anyways). Sheffield's response was: “Good Tatum. I really think very highly of you. I hate to say this, but if you would have answered something else, I
ask me anyways). Sheffield’s response was: “Good Tatum. I really think very highly of you. I hate to say this, but if you would have answered something else, I would have to think negatively of you.” I don’t remember the rest of the conversation word for word, but he said something about how he treats LGBTQ+ people “differently” because he couldn’t help it, it was all because of a “difference in generations.” I was too afraid to report the situation to the Office of Equal Opportunity because I couldn’t risk losing my scholarship. When I opted out of my third year of athletics at UNT due to COVID, I was confident enough to report the situation since I would no longer have to see Coach Sheffield on a daily basis. The report came back unsubstantiated despite multiple witnesses corroborating my story & saying that they remember how upset I was after the incident. Coach Sheffield denied having the conversation with me & even claimed that he saw me no more than 2-3x a week, when in reality we had conversations about things that had nothing to do with track almost daily. I did not want have to post this on the internet, but the UNT Athletics Department did nothing more than give Coach Sheffield a slap on the wrist. It makes me sick to think about all of the athletes that have committed to the UNT track & field team without knowing what kind of a man Coach Sheffield is, & without knowing where the priorities of the UNT Athletics department lie. I cannot apologize enough for keeping silent on this & potentially putting LGBTQ+ athletes at risk by staying
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Appendix B (Final Determination):

Investigative Report

November 20, 2020

Parties
Complainant
Tatum Catalani-Henderson
Student and former UNT athlete
UNT Athletics

Respondent
Carl Sheffield
Director, Track & Field
UNT Athletics

Investigator
Alisha Carter Harris
Equal Opportunity (EO)

Initiation of Investigation
On September 30, 2020, Natasha Oakes (Senior Associate Athletic Director for Compliance) contacted Equal Opportunity (EO) to report that Tatum Catalani-Henderson (UNT Student and former Track & Field Athlete) reported to her that Carl Sheffield (Director, Track & Field) subjected her to harassment because of sexual orientation during the fall 2019 semester. More specifically, Oakes told EO, “Head track coach Carl Sheffield asked her [Catalani-Henderson] if she was gay and if members of the UNT women’s basketball team are gay. When she replied that she was not, he said, ‘that’s good, because I really like you and I’d hate not to be able to like you.’” Based on this information, EO contacted Catalani-Henderson on September 30, 2020 to discuss her allegation against Sheffield. EO met with Catalani-Henderson on October 5, 2020. Catalani-Henderson indicated that she wanted to pursue a formal complaint against Sheffield; EO initiated an investigation into Catalani-Henderson’s allegation of harassment because of sex and sexual orientation on October 5, 2020.

Allegation
Sheffield engaged in harassment because of sex and sexual orientation against Catalani-Henderson during the fall 2019 semester, in violation of UNT Policy 16.004 (Prohibition of Discrimination, Harassment, and Retaliation).

Finding
Unsubstantiated (see analysis section on page 3).

Complainant’s Statement
EO interviewed Tatum Catalani-Henderson on October 5, 2020. Catalani-Henderson is in her third year as a student at UNT. Catalani-Henderson stated that she played on the women’s basketball team during her first year at UNT and transferred to the Track & Field team during her sophomore year (the 2019/2020 academic year). Catalani-Henderson stated that she opted out of the Track & Field team for the 2020/2021 academic year because of the global pandemic and because of how she was treated by Sheffield during her year with the Track & Field team.

Catalani-Henderson stated during the fall 2019 semester, in either late September or early October, she went to Champs Dining Hall with the Track & Field team and sat at a table with Student 1, Coach David Burnett and Coach Sheffield. Catalani-Henderson stated during lunch, Sheffield asked her
about the sexual orientations of the women on the UNT Women’s Basketball team. Catalani-Henderson stated that Sheffield asked her if it were true that certain players identified as gay and dated each other. Catalani-Henderson stated that at one point during the conversation, Sheffield looked at her and said, “Tatum, no never mind, I can’t ask you this.” Catalani-Henderson stated that Sheffield then turned to Student 1 and said, “Ask Tatum if she is gay.” Catalani-Henderson stated that Student 1 eventually asked her if she identified as gay and after she responded that she did not, Sheffield said, “I am glad because I really like you and I would think negatively of you if you liked girls.” Catalani-Henderson stated that this is the only conversation she had with Sheffield that she found offensive but that it impacted her ability to be on the Track & Field team from that point forward because she started to question her own sexual orientation and why Sheffield would ask her about it. Catalani-Henderson stated that she was also hesitant to be around Sheffield because he said he would not like her if she had a different sexual orientation. Catalani-Henderson stated that Sheffield’s comments also impacted the way she made personal decisions, explaining that she thought extensively how Sheffield would receive her when she dyed her hair pink and it stressed her out. Catalani-Henderson stated that she became timid around Sheffield and stressed about her appearance at practice and felt that Sheffield scrutinized her more which caused her stress. Catalani-Henderson stated that Sheffield’s comments to her factored into her decision to opt out of Track & Field for the 2020/2021 academic year.

Respondent’s Statement
EO interviewed Coach Carl Sheffield on October 16, 2020. Sheffield is the Director of Track & Field and has been in his current role for the past seven years. Sheffield stated that he does not have any recollection of the conversation alleged to have occurred by Catalani-Henderson. Sheffield stated that Catalani-Henderson came to Track & Field from Women’s Basketball and stayed with the program for a full year. Sheffield stated that he did not coach Catalani-Henderson directly and did not have daily contact with her as she was assigned to a different coach. Sheffield stated that he only saw Catalani-Henderson twice per week and he would not have conversations with Catalani-Henderson about sexual orientation. Sheffield described Catalani-Henderson as “very personable” but indicated that he would never have a conversation with Catalani-Henderson as she alleged.

Witness Interview
Student 1
EO interviewed Student 1 on October 19, 2020. Student 1 has been a student at UNT since 2018 and is entering her third season with the Track & Field team. Student 1 stated that she had some recollection of the incident at issue and remembers Catalani-Henderson being upset. Student 1 stated that she recalls Sheffield asking Catalani-Henderson if the women basketball players dated each other and then asking someone at the table to ask Catalani-Henderson if she is gay because he did not want to directly ask Catalani-Henderson. Student 1 stated that she does not recall if Sheffield asked her to ask Catalani-Henderson if she is gay but does remember him indirectly asking Catalani-Henderson the question. Student 1 stated when she and Catalani-Henderson left the cafeteria, Catalani-Henderson told her that she was upset and “cannot believe he asked [her] those questions because they were so inappropriate.” Student 1 stated that she does not interact with Sheffield often but knows him to be a “gossiper who likes to know everyone’s business and tell everyone’s business.”

David Burnett
EO interviewed David Burnett on October 16, 2020. Burnett worked at UNT as the Assistant Track & Field Coach from October 2016 – July 2020. Burnett stated that he does not recall the incident at issue but that he “wouldn’t put it past Coach Sheffield to say something like that” because Sheffield
makes “sensitive” remarks without realizing it. Burnett stated that Sheffield often has to be told that his comments are not appropriate. Burnett stated that he coached Catalani-Henderson directly and he recalls her being angry at Sheffield during the 2019/2020 season, but it was related to the team and not the incident at issue. When asked for an example of the types of comments that Sheffield makes that he has to be told are inappropriate, Burnett stated that he has witnessed Sheffield telling a woman who had recently changed her hair that she looks ghetto. Burnett stated that athlete took Sheffield’s comment “the wrong way.” Burnett stated that he has also witnessed Sheffield commenting on women athletes’ appearances on multiple occasions.

Policy Analysis
Did Sheffield engage in harassment because of sex and sexual orientation against Catalani-Henderson during the fall 2019 semester, in violation of UNT Policy 16.004?

UNT Policy 16.004 prohibits harassment which it defines as unwelcome verbal or physical conduct because of sex or sexual orientation when such conduct creates an intimidating, hostile, or offensive environment and is sufficiently severe, pervasive, or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities.

EO’s Resolution Procedures define the following relevant terms:

- **Substantiated**: It is more likely than not that the allegation is true, based on the evidence reviewed.
- **Unsubstantiated**: There is insufficient evidence to prove or disprove that the allegation is true.

There is insufficient evidence to substantiate the allegation that Sheffield engaged in harassment because of sex and sexual orientation against Catalani-Henderson during the fall 2019 semester, in violation of UNT Policy 16.004. Catalani-Henderson alleged that Sheffield harassed her because of her sex and sexual orientation while eating lunch at Champs Cafeteria on UNT’s campus during the fall 2019 semester, when he asked her the sexual orientations of her former teammates on the women’s basketball team, asked her what her sexual orientation is, and told her in response to his question, “that’s good, because I really like you and I’d hate not to be able to like you.” Sheffield stated that he could not recall the incident at issue but stated that he would never have a conversation like that with a student. Student 1 supported Henderson’s allegation and indicated that while she cannot recall the exact details of the incident at issue because it occurred one year prior, she remembers Catalani-Henderson becoming upset with Sheffield after he asked her about her sexual orientation and the sexual orientations of her former teammates on the women’s basketball team. Another witness, Burnett, stated that he could not recall the incident at issue but “wouldn’t put it past Coach Sheffield to say something like that” because Sheffield makes “sensitive” remarks without realizing it.

In order for EO to find that harassment because of sex and sexual orientation has occurred, EO has to substantiate that the Complainant was 1) subjected to unwelcome verbal or physical conduct because of sex or sexual orientation that was 2) sufficiently severe, pervasive, or persistent that it interfered with the Complainant’s ability to participate in or benefit from educational programs or activities. Catalani-Henderson indicated that the comments made by Sheffield related to her and her teammates’ sexual orientations occurred on one occasion, during the fall 2019 semester. EO noted that Sheffield’s comments to Catalani-Henderson were unwelcome verbal conduct to Catalani-Henderson. EO then weighed the second part of Policy 16.004’s definition of harassment – that the
conduct be “sufficiently severe, pervasive or persistent” that it interfered with Catalani-Henderson’s ability to participate in or benefit from her educational program or activity. As the comments made by Sheffield only occurred on one occasion, they cannot be viewed as being pervasive or persistent; therefore, EO considered whether the comments made by Sheffield were sufficiently severe that a reasonable person would view them as harassment under Policy 16.004’s definition for harassment. After reviewing the witness statements, EO determined that Sheffield’s comments during the fall 2019 semester were not sufficiently severe to substantiate an allegation of harassment. Additionally, besides Henderson indicating that she felt “timid” around Sheffield after the comment at issue and “stressed about her appearance” around Sheffield, Henderson did not provide any evidence that Sheffield’s conduct interfered with her ability to be a member of the track & field team. Therefore, based on the evidence reviewed, EO cannot substantiate that Sheffield violated UNT Policy 16.004’s prohibition of harassment in this matter.

Reported by:

Alisha Carter Harris, MS
Associate Director of Equal Opportunity
Appendix C (Email containing Final Determination):

From: Carter Harris, Alisha  
Sent: Friday, November 20, 2020 10:53 AM  
To: Catalani-Henderson, Tatum <TatumCatalani-Henderson@my.unt.edu>  
Subject: Closure of EO Investigation

Dear Ms. Catalani-Henderson,

Equal Opportunity has completed its investigation into the complaint you filed against Coach Carl Sheffield. The final investigative report is attached for your review. Thank you for your cooperation throughout the process.

Regards,

Alisha

Alisha Carter Harris, MS  
Pronouns: she/her  
Associate Director of Equal Opportunity/Deputy Title IX Coordinator
Appendix D (Email from the Deputy Title IX Coordinator at the time regarding the case's applicable policy (16.004)):

From: Carter Harris, Alisha  
Sent: Friday, October 16, 2020 12:29 PM  
To: Catalani-Henderson, Tatum  
<TatumCatalani-Henderson@my.unt.edu>  
Subject: UNT Policy 16.004

Dear Tatum,

Please allow this email to serve as a follow-up to our conversation on October 5, 2020. I inadvertently failed to send you UNT Policy 16.004 for your review, it is attached. Additionally, the investigation is proceeding, please let me know if you have any questions. Thank you.

Regards,
Hi Devon,

Thank you for meeting with me and Dr. McGuinness today, and sharing with us the items in the proposed SGA resolution. I wanted to recap some of today’s conversation in writing to ensure that we are all on the same page about the changes we discussed.

1. With respect to the request for a review of Title IX and Nondiscrimination policies and procedures, I agreed that such a review is necessary and would be beneficial to our nondiscrimination structure. You and I will work together to create an ad hoc committee that will review these policies and procedures for—among other things—fairness and equity towards students.

2. With respect to the request for a change to EO & Title IX’s appeal process for discrimination/harassment complaints, I agreed that offering appeals to both complainants and respondents (as opposed to just respondents) is appropriate, and we will be making that change within the month of September 2021.

3. With respect to discussions of proactive protections against retaliation, our office is open to working with SGA and North Texas Athletics to discuss