

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

<p>ERIC BEN-DAVID, individually and as Administrator of the ESTATE OF YAAKOV BEN-DAVID, and SARAH BEN-DAVID, individually,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY, THE STATE OF IOWA, LANDON JOHN WOLFE, JEFFERY ILES, and DUSTIN GENTRY,</p> <p>Defendants.</p>	<p>CASE NO. _____</p> <p>PETITION AT LAW AND JURY DEMAND</p>
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Plaintiffs, Eric Ben-David, individually and as Administrator of the Estate of Yaakov Ben-David, and Sarah Ben-David individually, complain against Defendants Iowa State University of Science and Technology (“ISU”), the State of Iowa, Landon John Wolfe, Jeffery Iles, and Dustin Gentry, as follows:

INTRODUCTION

1. On the morning of March 28, 2021, two extraordinarily bright and promising ISU students, Yaakov Ben-David (“Yaakov”) and Derek Nanni (“Derek”), tragically and needlessly died a horrific drowning death while participating in an ISU Crew Club water practice on Little Wall Lake in Hamilton County, Iowa (the “March 28 Water Practice”).

2. Yaakov and Derek’s deaths, as set forth below in greater detail, were

entirely preventable. They died because ISU and its Leadership (identified below in ¶¶16-22) had recklessly and negligently allowed the Crew Club to conduct the March 28 Water Practice without:

- a. basic safety equipment, including, among other things, life jackets, flotation devices, emergency communication devices, and a safety launch boat;
- b. basic safety training, including, among other things, training on how to determine if air, water, and wind conditions were safe for rowing, what to do when experiencing rough waters while rowing, and how to react to capsize and other emergency events; and
- c. in unsafe air, water, and wind conditions, in which conducting the water practice in the first place was strictly prohibited under ISU and other applicable safety rules and regulations.

3. Shockingly, prior to the March 28 Water Practice, ISU and its Leadership received both specific and general warnings that the Crew Club was operating without basic safety equipment and training, were aware that the Crew Club was not in compliance with numerous ISU and other safety requirements, and were explicitly warned by a student on the Crew Club – more than a full year before the March 28 Water Practice – that if ISU did not properly address the unresolved Crew Club safety issues, “it wouldn’t take much for someone [on the Crew Club] to get seriously hurt.”

4. Nevertheless, ISU and its Leadership approved and even facilitated the March 28 Water Practice, knowingly ignoring the serious risks to the students’ health and safety, and failing to meet their most basic responsibilities to supervise and oversee the Crew Club and its activities.

5. Yaakov’s tragic death has caused his parents, Eric and Sarah Ben-David,

tremendous pain, grief, and sorrow, especially because it was preventable and because it resulted from reckless and negligent conduct, and it has permanently shattered their lives.

6. Although nothing can reverse Yaakov's death, Plaintiffs bring this Petition now seeking: (a) just compensation for their damages; (b) to hold ISU and its Leadership accountable for their reckless and negligent conduct; and (c) to ensure that ISU and its Leadership implement all appropriate corrective measures, so that such a tragedy does not repeat itself.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to Iowa Code Section 669.4 because the relevant acts and omissions that are the subject of this action occurred in Story County.

8. Venue is proper in this Court pursuant to Iowa Code Section 616.18 because Defendant ISU is a resident of Story County.

PARTIES

9. At the time of the March 28 Water Practice, Yaakov Ben-David, deceased, was a 20-year-old sophomore at ISU, residing in a student housing community located at 2320 Lincoln Way, Ames, Iowa.

10. At all relevant times, Plaintiff Eric Ben-David was Yaakov's father. Mr. Ben-David is also the duly appointed Administrator of Yaakov's Estate. *See* Letters of Administration, New Jersey Surrogate's Court, attached as Exhibit 1.

11. At all relevant times, Plaintiff Sarah Ben-David was Yaakov's mother.

12. Eric and Sarah Ben-David are both citizens of the State of New Jersey, residing together at 41 8th St. Lakewood, New Jersey 08701.

13. At all relevant times, Defendant ISU was a public state university, established and maintained pursuant to Iowa Code Section 266 *at seq.*, and located in Ames, Story County, Iowa.

14. Defendant State of Iowa is a sovereign state, with a presence in all 99 Iowa Counties, and with its principal place of business in Des Moines, Polk County, Iowa.

15. Defendant State of Iowa, through its agencies, including the Iowa Board of Regents, provided public funds for and governed Defendant ISU.

16. Defendant Landon John Wolfe, at all relevant times, was ISU's Assistant Director for Sport Clubs in Recreation Services ("Director Wolfe").

17. At all relevant times, Director Wolfe was acting within the scope of his employment and/or agency with ISU, and was responsible for:

- a. serving as a consultant to the ISU Crew Club on its day-to-day operations;
- b. ensuring that the Crew Club and its members followed all rules and regulations and safety protocols;
- c. imposing disciplinary action on the Crew Club for rule violations;
- d. serving as a liaison between the Crew Club and the ISU Administration; and
- e. overseeing the Club's safety and risk management.

18. Defendant Jeffery Iles, at all relevant times, was the Crew Club's Faculty Advisor ("Faculty Advisor Iles").

19. At all relevant times, Faculty Advisor Iles was acting within the scope of his employment and/or agency with ISU, and was responsible for:

- a. being “informed of all safety concerns” relating to the Crew Club;
- b. working with the Crew Club to take “immediate corrective action” with respect to any safety concerns;
- c. overseeing the Crew Club’s activities;
- d. establishing an adequate advisor-club relationship with the Crew Club;
- e. providing the Crew Club with his experience, judgment, and knowledge; and
- f. assisting the Crew Club with making decisions, including those relating to safety procedures.

20. Defendant Dustin Gentry, at all relevant times, was the Crew Club’s Coach (“Coach Gentry”).

21. At all relevant times, Coach Gentry was acting within the scope of his employment and/or agency with ISU, and was responsible for:

- a. attending and/or overseeing the Crew Club’s water practices;
- b. working with the Crew Club’s student leadership, including the Head Coxswain and Vice President, to make decisions relating to the Club’s practices, including weather and other safety-related decisions;
- c. ensuring that the Crew Club was complying with USRowing safety rules and regulations;
- d. ensuring that the Crew Club was complying with ISU safety policies and procedures, including the Constitution;
- e. training the Crew Club to comply with the same safety rules, regulations, policies, and procedures.

22. This Petition refers to Director Wolfe, Faculty Advisor Iles, and Coach

Gentry collectively as “ISU’s Leadership.” As set forth in greater detail in ¶¶168-173 below, ISU’s Leadership failed to perform their assigned duties and responsibilities and acted in a manner that was reckless and negligent, in violation of numerous safety rules and regulations, all of which, collectively, were the proximate cause of Yaakov Ben-David’s death.

EXHAUSTION OF PROCEDURAL & PLEADING REQUIREMENTS

23. On February 10, 2022, Plaintiffs each timely filed a separate notice of claim with the State of Iowa, State Appeal Board, pursuant to Iowa Code Section 669.

24. On October 26, 2022, because the Iowa Attorney General’s Office did not make a final disposition of Plaintiffs’ claims within six months of their filing, Plaintiffs withdrew their claims through written notice, as required under Iowa Code Section 669.5.

25. Plaintiffs have therefore exhausted the procedural requirements set forth in Iowa Code Section 669, permitting them to commence this action.

26. Further, to the extent applicable and required under Iowa Code Section 669.14A(3) (“qualified immunity”), Plaintiffs set forth with particularity, in ¶¶154-173 below, the specific circumstances constituting the violations of law that proximately caused Yaakov’s death, including, among other things, ISU’s Leadership’s reckless and negligent conduct, failures to perform their assigned duties and responsibilities, and their numerous violations of clearly established safety rules and regulations, which were in effect as of the March 28 Water

Practice.

27. Also, to the extent required, Plaintiffs specifically state that Defendants are not entitled to the discretionary function immunity under Iowa Code Section 669.14(1) because the reckless and negligent conduct, set forth with particularity in ¶¶154-173 below, did not involve:

- a. a matter of “choice or judgment,” but rather ISU and its Leadership violating established safety rules and regulations; and
- b. even if it somehow did involve “choice or judgment,” the conduct was not “of the kind the discretionary function exception was designed to shield,” since no “broad public policy factors” could have favored allowing the Crew Club to conduct the March 28 Water Practice in unsafe weather and water conditions without the basic safety equipment and basic safety training required.

FACTUAL BACKGROUND

A. The ISU Crew Club and Its Relationship With ISU.

28. At all relevant times, pursuant to its policies and procedures, ISU recognized and approved the Crew Club as an ISU Student Organization.

29. At all relevant times, pursuant to its policies and procedures, ISU recognized and approved the Crew Club as an ISU Sport Club.

30. At all relevant times, pursuant to its tiered student organization recognition system, ISU designated the Crew Club as an “Affiliated” student organization.

31. As an Affiliated Student Organization, pursuant to page 11 of its Student Organization Recognition Policy, ISU was required to provide the Crew Club with:

- a. “oversight and direct responsibility for the organization and its activities;”

- b. make ISU resources available to the Crew Club; and
- c. support the Crew Club “in regards [sic] to risk assessment/management.”

32. At all relevant times and as ISU was fully aware, the ISU Crew Club was a member of USRowing (Organization No. 1673), a nonprofit membership organization recognized by the United States Olympic Committee as the national governing body for the sport of rowing in the United States.

33. As ISU was fully aware, as a member of USRowing, the ISU Crew Club was required to comply with USRowing’s safety rules and regulations.

34. At all relevant times, among other things, USRowing’s safety rules and regulations:

- a. prohibited rowing “in whitecaps or winds of 12 knots or higher under any conditions” (12 knots = 13.8 mph);
- b. prohibited rowing when the water temperature and the air temperature combined equal less than 90F;
- c. required rowers to be aware of weather conditions, use a weather radio, and use “extreme caution” when rowing in high winds;
- d. directed that if sudden winds come up, rowers were to return to the boathouse if able to do so safely, or take the boat to the nearest shore and wait for the winds to calm;
- e. directed that in the event of a capsized, “Rowers should not leave his/her shell unless being rescued. If a swamped boat is within a swimmable distance from the shore, the rower should swim the boat to the shore. Do not leave your flotation even if you consider yourself a strong swimmer;”
- f. directed that when rowing in cold weather conditions, rowers need to wear proper (non-cotton) clothing, including a hat; and
- g. warned that “Coaches and administrators are ethically and legally

responsible for the safe operation of the rowing program. Coaches and athletes have been unnecessarily killed and injured and programs have been successfully sued due to lax standards and/or enforcement of rules.”

35. On information and belief, prior to the March 28 Water Practice, ISU represented to USRowing that its Crew Club was in compliance with USRowing’s safety rules and regulations, even though ISU and its Leadership knew that that was in fact not true.

36. At all relevant times, the Crew Club represented ISU in collegiate rowing competitions throughout the Midwest.

37. At all relevant times, ISU benefitted from its recognition and approval of the Crew Club and the Crew Club’s activities by using the Crew Club, among other things, to market itself to prospective students and their parents as a university that offered a wide array of student sport clubs and organizations.

38. At all relevant times, the ISU Crew Club was subject to ISU’s supervision, oversight, and control with respect to its activities and operations, including, among other things, the sufficiency of its health, safety, and risk management practices.

39. At all relevant times, through its Offices of Recreation Services and Risk Management, ISU exerted substantial control over the ISU Crew Club, including its funding, its budget, its equipment, and its activities and operations.

40. At all relevant times, ISU provided the Crew Club, through Recreation Services and Risk Management, numerous benefits and services, including but not limited to:

- a. financial support through Student Government allocated funds;
- b. access to ISU trademarks;
- c. use of ISU's tax-exempt status;
- d. procurement, contract, and financial account services, including an account with the Campus Organizations Accounting Office;
- e. information technology services;
- f. publication of activities through ISU's calendar;
- g. use of ISU's student organizations website;
- h. use of ISU's transportation pool and vehicles;
- i. use of ISU's staff and programming resources; and
- j. use of campus facilities.

B. ISU's Policies Governing The Crew Club.

41. At all relevant times, the ISU Crew Club was subject to ISU's policies and procedures and rules and regulations governing ISU student organizations and sport clubs, including among others:

- a. The Recreation Services Sport Clubs Manual (the "ISU Manual");
- b. The Student Organization Recognition Policy (the "ISU Recognition Policy");
- c. The Student Code of Conduct;
- d. The Student Organization Travel Policy;
- e. The Procedures for Student Organization Use of University Vehicles; and
- f. ISU's online Student Organization Travel Authorization system.

42. At all relevant times, the ISU Crew Club was also subject to numerous

additional ISU rules and regulations set forth on ISU's Student Activities Center's website, Recreation Services' website, and Risk Management's website.

43. As a condition to its recognition and approval of the Crew Club, ISU also required the Crew Club to draft and maintain a club Constitution, setting forth certain ISU mandated provisions, including certain safety standards.

44. ISU further required, as a condition to its recognition and approval of the Crew Club, that the Crew Club submit its Constitution to ISU, and more specifically to its "Student Activities Office" and its "Office of Recreation Services" for their review and approval.

45. The Crew Club submitted an updated Constitution to ISU's Student Activities Office on or about March 23, 2021.

46. The Crew Club submitted an updated Constitution to ISU's Office of Recreation Services on or about March 23, 2021.

47. ISU's Student Activities Office approved the Constitution on March 23, 2021.

48. ISU's Office of Recreation Services approved the Constitution on or about March 25, only *three days* before the March 28 Water Practice.

49. By requiring the Crew Club to draft and maintain a Constitution that met ISU's requirements and was subject to ISU's approval, ISU exerted substantial supervision, oversight, and control over the Crew Club's operations and activities.

50. For example, under the ISU-approved Crew Club Constitution, Article IV, among other things, the Club's selected coach had to:

- a. register with ISU;
- b. complete a Coach Volunteer Agreement with ISU;
- c. satisfy certain training and background checks mandated by ISU; and
- d. oversee and supervise, among other things, the safety of the Crew Club's water practices.

51. As another example, under the ISU-approved Crew Club Constitution, Article V, ISU authorized the Crew Club to retain a faculty or staff advisor, separate and apart from the Crew Club coach, to “give advice on club direction, provide oversight for the financial operation of the club and [act as] the liaison with the University.”

52. The Constitution, Article V, also required the faculty or staff advisor to be “informed of all safety concerns” and to work with the Crew Club to undertake “immediate corrective action.”

53. The ISU-approved Crew Club Constitution, Article VIII, further sets forth specific safety standards for the Crew Club, including rules:

- a. prohibiting rowing in wind greater than 14 mph;
- b. prohibiting rowing in temperatures below freezing, 32F;
- c. requiring the crew to use a safety launch whenever wet docking (docking in locations where there is no dock or boat launch) in air temperatures less than 36F;
- d. requiring the boat's coxswain to carry an emergency communication device;
- e. requiring the driver of the safety launch to have a current boater safety certificate; and
- f. requiring that the safety launch “be equipped with emergency

supplies such as a cox kit, emergency communication device, floatation devices, and space blankets.”

54. The ISU-approved Crew Club Constitution, Article VIII, also specifically prohibited the Crew Club from allowing “rowers to row in conditions outside of their ability levels.”

55. In addition to mandating the Constitution and its provisions, ISU exerted substantial supervision, oversight, and control over the Crew Club’s operations and activities through its Recognition Policy.

56. For example, on page 3 of the ISU Recognition Policy, the ISU Crew Club was required to, among other things:

- a. establish a purpose and mission consistent with ISU’s educational mission;
- b. adopt a constitution and bylaws satisfying ISU standards (as discussed above);
- c. agree to adhere to all applicable ISU policies and procedures; and
- d. identify specific student and non-student leadership positions, including, among others, an ISU faculty or staff advisor.

57. As another example, on page 5 of ISU’s Recognition Policy, any ISU Crew Club purchase involving equipment with a cost of \$5,000 or more, and/or involving equipment normally used in higher risk activities (“high-cost or high-risk equipment”), became ISU’s property upon purchase.

58. More specifically, under ISU’s Recognition Policy, ISU assumed ownership and responsibility for the maintenance, storage, insurance costs, and the appropriate use of all high-cost or high-risk equipment, including specifically all

“boats and marine gear.”

59. On information and belief, ISU owned, insured, maintained, and accepted responsibility for the appropriate use of all of the equipment involved in the Crew Club’s March 28 Water Practice, including the boat.

60. Pursuant to page 13 of ISU’s Recognition Policy, ISU could also terminate the Crew Club for, among other reasons, failing to adhere to ISU policy or applicable law and/or failing to adhere to the Crew Club’s own policies or regulations (as required, reviewed, and approved by ISU).

61. In addition, ISU could terminate the Crew Club for failing to abide by USRowing’s rules and regulations. *Id.*

62. ISU also exerted substantial supervision, oversight, and control over the Crew Club’s operations and activities pursuant to its Sport Clubs Manual.

63. The ISU Sport Clubs Manual, at all relevant times, set forth numerous requirements for club eligibility, club membership and conduct, club budgeting and financial management, club facility and equipment usage, club travel policy and procedure, and club publicity and promotions.

64. For example, on page 5 of the Sport Clubs Manual, ISU established a Sport Clubs Council, comprised of officers from each active sport club, and empowered the Council, subject to ISU’s supervision and oversight, to add and remove clubs, consider funding requests from clubs, and designate annual club funding allocations, among other things.

65. As another example, on page 6 of the Sport Clubs Manual, ISU had the

authority and responsibility to designate certain of ISU's employees and offices to oversee, supervise, consult, and manage its sport clubs, including the Crew Club.

66. Specifically, page 6 of the ISU Sport Clubs Manual designated ISU's Assistant Director for Sports Clubs in Recreation Services as a "Sport Club Administrator" responsible for, among other things:

- a. seeing that all rules and regulations are followed;
- b. taking disciplinary action when they are not;
- c. serving as a liaison between the Sport Clubs participants and Iowa State University administration;
- d. overseeing club member discipline, budgeting allocations, purchases, safety, risk management; and
- e. serving as the primary consultant for trips, tournaments, special events, and facility reservations.

67. In addition, consistent with the ISU Recognition Policy, page 10 of the ISU Sport Clubs Manual required ISU sport clubs, including the Crew Club, to select and identify a staff or faculty advisor who:

- a. must be a "full-time member of the ISU faculty or staff;"
- b. "work closely with the [club's] officers and offer input into the club's decision-making process;" and
- c. provide "experience, judgment, and knowledge to assist the club members in the development of the club . . . to help maintain continuity in club programming and [to] provide knowledge of university policies and procedures."

68. Pages 10-11 of the Sport Clubs Manual provided that the Crew Club was also required to seek and obtain ISU's Office of Recreation Services' approval for its designated coach, and the selected coach was required to:

- a. complete a Coach Volunteer Agreement with ISU;
- b. complete background checks required by ISU;
- c. participate in a coach orientation program administered by ISU's Recreation Services; and
- d. "be familiar with [the] specific requirements" of the sport they are coaching, including, of course all safety rules, regulations, and requirements.

69. Importantly, under a provision on page 6 of ISU's Sport Clubs Manual, ISU retained the power to penalize student club members engaged in irresponsible or inappropriate conduct, with penalties including "loss of funding, suspension of travel privileges, and denial of facility use," as well as loss of club privileges for "a year or more."

70. In addition to the numerous methods of ISU control and supervision already discussed, ISU also exerted substantial supervision, oversight, and control over the Crew Club's operations and activities through its (a) Student Travel Policy; (b) Student Organization Travel Authorization Process, and (c) its Procedures for Student Organization Use of University Vehicles (collectively, the "ISU Travel Policies and Procedures"), all available on ISU's Risk Management website:

<https://www.riskmanagement.iastate.edu/travel/student-travel-authorization>.

71. Through its Travel Policies and Procedures, ISU governed and supervised student transportation to and from student organization events and practices, including the Crew Club's water practices.

72. For example, under ISU's Travel Policies and Procedures, prior to traveling to and from a water practice, the Crew Club had to submit an application

seeking authorization from its ISU-approved faculty or staff advisor, the Crew Club's treasurer, as well as ISU's Recreation Services.

73. In fact, under ISU's Travel Policies and Procedures, all official student organization travel, including the Crew Club's travel to and from water practices, had to be applied for and booked through ISU's Student Organization Travel Authorization online system (SOTA), which required organizations like the Crew Club to identify:

- a. the purpose of their travel;
- b. the location they would be traveling to and from;
- c. the passengers traveling,
- d. the drivers; and
- e. to submit all of this information for approval by the organization's treasurer, the faculty or staff adviser, and (in the case of a sport club like the Crew Club) to the Office of Recreation Services.

74. According to ISU's Procedures for Student Organization Use of University Vehicles, by approving a travel request, "the [faculty or staff] adviser"

- a. "affirms he/she will provide university oversight and control of the travel or activity;"
- b. "affirms he/she is knowledgeable concerning the activity or event to which the organization would be traveling," and
- c. "confirm[s] [that he/she provides] appropriate training, oversight, risk management and safety protocols related to the activity and the venue at which the activity occurs."

75. The Crew Club submitted its travel application for the March 28 Water Practice on March 22.

76. Faculty Advisor Iles approved the travel application the same day, and ISU's Office of Recreation Services approved it on March 26.

C. Yaakov Ben-David's Background.

77. During the 2020-2021 academic year, Yaakov Ben-David was a sophomore at ISU majoring in accounting and finance.

78. Yaakov was well-liked by fellow students and friends at ISU, who have described him as an outgoing, "all-around great guy," who loved to make new friends and take on new challenges and experiences.

79. Yaakov was an exceptionally kind person, who volunteered for numerous non-profit/charity organizations, and who was known amongst his peers to never turn down a friend or fellow student in need.

80. Academically, Yaakov was a brilliant and truly extraordinary student full of promise.

81. Yaakov graduated from Ballou STAY Opportunity Academy in Washington D.C. as Valedictorian.

82. On information and belief, Yaakov scored 1540 on the SATs, and he continued to excel in his studies at ISU, accumulating a perfect 4.00 GPA in his Spring and Summer 2020 Semesters, and a 3.95 GPA in Fall 2020.

83. In early 2021, contemplating a legal career, Yaakov studied for and took the Law School Admission Test (LSAT), and, on information and belief, he scored a 177, a percentile ranking of approximately 99.8%.

84. Had Yaakov not tragically died during the March 28 Water Practice, all

known facts support the conclusion that he would have gone on to establish a successful legal or other professional career.

85. Given his demonstrated interest and commitment to civil and human rights, Yaakov would also have made important and valuable contributions to society throughout his natural life.

D. The Crew Club's Warning to ISU: "As our club stands, it wouldn't take much for someone to get seriously hurt."

86. On February 10, 2020, 13-1/2 months before Yaakov's drowning, a student member of the ISU Crew Club sent an email to ISU's Office of Recreation Services with the subject line "Crew Club Safety" (the "February 10 Email," attached as Exhibit 2).

87. In the February 10 Email, the student stated that, "There is a lot of safety protocols that USRowing expects for every team to comply by [sic], but we have not complied for several years."

88. The student also made three specific safety-related requests to ISU's Recreation Services.

89. First, she requested a dock "to prevent hypothermia or slipping on rocks as these can occur and ha[ve] occurred when wet docking."

90. Second, she requested a "launch/coach boat equipped with life jackets to allow us to be properly coached on the water and have a safety net if a boat would capsize or another emergency would happen on the water."

91. Third, she requested that ISU Recreation Services approve the Crew Club's plan to impose a mandatory swim test "to prevent weak swimmers from

putting themselves in danger if [a] boat capsizes.”

92. The student further wrote: “I also want to know if these concerns should be brought up to [ISU’s] Office of Risk Management.”

93. The student concluded her email with an impassioned warning for ISU’s Recreation Services to act on these requests: “As our club stands, it wouldn’t take much for someone to get seriously hurt.” Exhibit 2.

94. As of the March 28 Water Practice, the ISU Crew Club still did not have a dock.

95. As of the March 28 Water Practice, the ISU Crew Club still did not have a working safety launch, let alone one equipped with life jackets or emergency devices.

96. As of the March 28 Water Practice, the only request made in the February 10 Email that had been acted upon was the mandatory swim test.

97. As of the March 28 Water Practice, the ISU Crew Club was not in compliance with USRowing safety rules and regulations.

98. As of the March 28 Water Practice, ISU and its Leadership knew that the Crew Club was not in compliance with USRowing safety rules and regulations, but nevertheless permitted the Crew Club to conduct water practices.

99. As of the March 28 Water Practice, ISU and its Leadership knew that the Crew Club did not have a dock, a working safety launch, useable life jackets, and emergency devices, but nevertheless permitted the Crew Club to continue to conduct water practices.

100. On information and belief, ISU and its Leadership ignored and/or disregarded the Crew Club's February 10 Email and its warnings, and did nothing (with the exception of the swim test) to address the safety concerns the student had carefully outlined in the February 10 Email.

E. The Tragic March 28 Water Practice.

101. In early 2021, Yaakov joined ISU's Crew Club.

102. Prior to the March 28 Water Practice, Yaakov (and Derek) had never held a rowing oar on open water.

103. On March 15, 2021, the Crew Club's student President and Coxswain, Alexis Aurandt ("Aurandt"), sent an email to Club members informing them they would be getting on the water for the first time on March 28, 2021, at Little Wall Lake.

104. In the same email, Aurandt informed new Crew Club members, including Yaakov, that they were to pass a swim test scheduled for March 18, 2021, at the Iowa State Gym pool.

105. Aurandt also stated in the email, "Water practice will only get canceled due to wind or thunder/lightning," and that participants, once they sign-up for the water practice and the boats are placed, "can't back out."

106. On information and belief, because she was never properly trained on how to determine if air, water, and wind conditions were safe for rowing, Aurandt did not state in her email that a water practice would also be cancelled:

- a. due to air temperatures below freezing;

- b. due to the unavailability of a safety launch and other safety equipment; or
- c. the appearance of white caps on the lake, all as set forth in the Crew Club's Constitution and USRowing's safety rules and regulations.

107. Yaakov was a good swimmer and passed the swim test.

108. On the evening of March 27, 2021, Aurandt sent a message to the ISU Crew Club's group chat confirming that two separate groups were to conduct water practices the next day, March 28.

109. The first group included Aurandt and Crew Club members Emily Huntley ("Huntley"), Courtney Sabotta ("Sabotta"), Yaakov, and Derek.

110. The first group was to meet at ISU's Lied Recreation Athletic Center at 7:00 a.m., and arrive at Little Wall Lake for the water practice at around 7:30 a.m. The second group was to arrive at Little Wall Lake around 11:00 a.m.

111. On March 28, 2021, at 6:33 a.m., Aurandt texted Huntley, a veteran rower, "It looks like we have about 15 mph winds this morning. That could be ok, or it might not be. It's hard to say without checking. Any ideas or thoughts?" Huntley replied that they should "check it out to be 100% sure that we could not row."

112. Aurandt and Huntley arrived at the north boat ramp on Little Wall Lake at or shortly after 7:30 a.m., and Yaakov, Sabotta, and Derek arrived a short while later.

113. According to Huntley, she and Aurandt "deemed that the water was rowable," though "not perfect conditions."

114. As of the March 28 Water Practice, ISU and its Leadership had never

provided Aurandt, Huntley, or any of the other members of the Crew Club the training and equipment necessary to properly determine if the air, water, and wind conditions were safe for rowing (including the weather radio required under USRowing's safety rules).

115. As of the March 28 Water Practice, because they had not been properly trained, neither Aurandt nor Huntley knew how to correctly determine if the air, wind, and water conditions were safe for rowing.

116. According to National Weather Service data from multiple stations in the area surrounding Little Wall Lake, on March 28, at 8:00 a.m., the air temperature ranged from 32 to 36F, winds were blowing from 13 to 20 mph, and wind gusts ranged between 19 and 25 mph.

117. The wind conditions were not safe for rowing pursuant to both the Crew Club's Constitution (prohibiting rowing in 14 mph winds) and USRowing's safety rules (prohibiting rowing in 13.8 mph winds).

118. According to Huntley, it was so cold that morning that "our hands had a hard time with the tiny nuts that screwed onto the riggers."

119. After the five members of the first group had rigged the boat, they went back into the truck to warm up and change their clothes.

120. As of the March 28 Water Practice, ISU and its Leadership never provided Yaakov and Derek, the two novices on the team, any training on what clothes to wear or not wear while rowing in cold weather and water, nor did ISU and its Leadership provide any instructions to other members of the team on how to

train new members of the Club in this regard.

121. At the time of the actual row, Yaakov was wearing a jean jacket and shorts and Derek was wearing a red t-shirt and shorts.

122. Because he was not properly trained, Yaakov wore cotton clothes to the row, and also did not wear a hat, both violations of USRowing's safety requirements.

123. Before the row began, Huntley gave Yaakov and Derek a few tips and tricks for successful rowing and answered a few questions as they came up. On information and belief, that was the full extent of training Yaakov and Derek had with respect to rowing on open water (not including prior dry/land practices).

124. Before leaving the truck, Huntley told Yaakov and Derek, "it might be cold now, but you are going to enjoy rowing so much you won't even remember that you're cold."

125. On March 28 at around 8:21 a.m., one of the crew members in the second group asked on the club's group chat, "What do you all suggest wearing for the upper half of our body??" Huntley, already at the Lake with the first group, replied "Warm." Derek replied "Gloves."

126. At around 9:00 a.m., the team got the boat over to the water and began the process of wet docking, getting into the water up to mid-calf and putting the oars into the oarlocks.

127. According to the Iowa Department of Natural Resources, at 9:00 a.m., when the Crew Club began its row, the air temperature was 34F, the water

temperature was 45F, and there were 20 mph winds, with gusts up to 29 mph.

128. At 9:00 a.m., when the Crew Club began its row, the wind conditions were not safe for rowing pursuant to both the Crew Club's Constitution (prohibiting rowing in 14 mph winds) and USRowing's safety rules (prohibiting rowing in 13.8 mph winds).

129. At 9:00 a.m. when the Crew Club began its row, because the combined air and water temperature was 79 degrees Fahrenheit, rowing was prohibited under USRowing's safety requirements (prohibiting rowing when the combined air and water temperature equal less than 90 degrees Fahrenheit).

130. Further, given the cold air temperature and the fact that the crew was wet docking, since there was no dock or boat launch at Little Wall Lake, the Crew Club was required, pursuant to the ISU-mandated and approved Constitution, to use a safety launch equipped with emergency supplies such as a cox kit, emergency communication devices, flotation devices, and space blankets.

131. That, however, did not happen because ISU and its Leadership never trained the Crew Club on these safety requirements, and ISU and its Leadership never provided the Crew Club a functioning safety launch or even life jackets, let alone all of the other required emergency supplies.

132. Once on the water, Huntley and Sabotta rowed the team out to get away from the shore, while Yaakov and Derek observed, but did not row.

133. Once the boat reached the North lookout point on the Lake, Huntley noted that the waves were getting rougher and that the boat was harder to set.

134. According to Huntley, she said to Aurandt that it was getting bad, that they should go in, and suggested that she row the boat in and have the rest of the team hold a set of rowing oars to stabilize/balance the boat.

135. Aurandt, however, said that she wanted Yaakov and Derek to have a chance to row before they went in, and according to Huntley, she deferred to Aurandt as coxswain to make the call.

136. As of the March 28 Water practice, ISU and its Leadership never provided Aurandt, Huntley, or any other member of the Crew Club any training on the appropriate reaction to experiencing rough waters while rowing, nor the dangers of continuing a row in such conditions, particularly with novice rowers like Yaakov and Derek.

137. Under USRowing's safety rules, the crew should have immediately returned to the nearest shore, where they should have waited for the winds to calm down. That did not happen, however, because ISU and its Leadership, as noted, did not train the crew to do so.

138. Under the Crew Club's Constitution, which prohibited Crew Club members from rowing in conditions outside of their ability levels, neither Yaakov nor Derek, the two novices on the team, should have been permitted to participate in the March 28 Water Practice, let alone row the boat.

139. Derek rowed for about 30 seconds when, at approximately 9:23 a.m., the boat wobbled significantly to one side. The team then unsuccessfully attempted to set the boat, and at approximately 9:24 a.m., a gust of wind capsized the boat,

pitching everyone into the water in the middle of the lake, far from any shore.

140. Upon being pitched out, according to Huntley, Aurandt said “we are going to get hypothermia, we have to flip the boat.” Huntley, however, said that they needed to swim for shore, as they had no prior boat flipping training and “wouldn’t know where to start.” Sabotta, also a veteran rower, agreed with Huntley.

141. As of the March 28 Water practice, ISU and its Leadership never provided Aurandt, Huntley, or any other member of the Crew Club any training on the appropriate reaction to a capsized event.

142. Under USRowing’s safety rules, warning rowers to never leave their flotation device “even if you consider yourself a strong swimmer,” the crew should never have abandoned the boat nor attempted to swim to the shore without it. ISU and its Leadership, however, never provided the Crew Club with this critical and life-saving training.

143. Before Huntley began to swim to the shore, she heard Yaakov say, “I am sorry guys.” Sadly, those were Yaakov’s last known words.

144. After making the decision to attempt to swim to the shore, the crew split up, each trying to swim to safety.

145. Yaakov, who was a good swimmer, attempted to swim to the shore but was unable to do so due to the unsafe and extremely cold water temperature.

146. When Yaakov could no longer swim, he began to slip underwater and eventually drowned.

147. During his attempt to swim to the shore and his drowning, Yaakov

experienced excruciating conscious pain and suffering.

148. Derek, like Yaakov, unsuccessfully attempted to swim to the shore and drowned.

149. Aurandt and Sabotta were rescued from the water by local residents, and Huntley successfully swam to shore.

150. Each of the surviving members of the team, Aurandt, Sabotta, and Huntley, suffered from hypothermia, among other injuries.

151. Coach Gentry was not present for the first practice that began at 7:30 a.m. and involved rowing on the lake by 9:00 a.m.

152. At 10:14 a.m., wholly unaware of the capsized boat, hypothermia, and two drownings at Little Wall Lake, Coach Gentry sent a text to the Crew Club group chat stating, “Due to wind & windchill conditions, I’m canceling the upcoming 11am practice, and you can thank my severe insomnia this week for giving you a reprieve from land practice as well. I hope everyone has a solid week.”

153. At or around 4:40 p.m. Yaakov’s lifeless body was located by sonar image and extracted from the water shortly thereafter.

F. ISU’s Reckless and Negligent Conduct Resulting in Yaakov’s Death.

154. Yaakov’s preventable death resulted from multiple instances of reckless and negligent conduct on the part of ISU, who abandoned the Crew Club to its student members without appropriate policies, training, supervision, and equipment.

155. Specifically, ISU failed to:

- a. properly respond to the Crew Club's February 10 Email, which specifically warned ISU that the Crew Club lacked basic safety equipment and was not in compliance with USRowing's safety requirements;
- b. provide the Crew Club with basic safety equipment, including, among other things, life jackets, flotation devices, emergency communication devices, and a safety launch;
- c. confirm that the Crew Club had all the necessary safety equipment before allowing the Crew Club to conduct water practices and specifically authorizing the March 28 water practice; and
- d. learn about the specific financial and functional support that the Crew Club needed to operate safely and provide the same to the Club.

156. In subsequent interviews with investigators, as set forth in the U.S. Council for Athletes' Health ("USCAH") September 10, 2021 Report, attached as Exhibit 3, members of the Crew Club reported that:

- a. much of the equipment in the Crew Club's possession was not operational or water-worthy, including among other things, the motor for the Club's safety launch, which had been left in a locker for 10 years prior to the March 28 Water Practice, lights for the Club's boats, and the Club's supply of life jackets, *id.* at 15, 20-21;
- b. the Crew Club had a strained relationship with ISU's Recreation Services "due to lack of financial support, lack of assistance with club functions and requests," *id.* at 8;
- c. "ISU leadership [was] turning a blind eye to the ISU Crew Club's activities," *id.*; and
- d. "ISU's lack of support is the sole reason that the Crew Club does not have a functioning launch or a dock." *Id.* at 13.

157. In an interview with investigators, Coach Gentry stated that "[ISU's] Recreation Services does not understand the sport of rowing or the costs associated," and "that some ISU Crew Club members feel as though the Recreation

Services staff members appear bothered by Crew Club requests.” *Id.*

158. Moreover, ISU failed to provide the Crew Club and its members with training and education on basic safety requirements, including on:

- a. the specific safety requirements set forth in the Crew Club’s Constitution, even though ISU itself had mandated those requirements;
- b. USRowing’s safety requirements, which the February 10 Email specifically stated the Crew Club had been out of compliance with for “several years;”
- c. how to determine if weather and water conditions were safe for rowing;
- d. what clothes to wear when rowing in cold weather;
- e. what to do when experiencing rough waters while rowing, especially when rowing with novice rowers such as Yaakov and Derek Nanni; and
- f. how to react to capsize and other emergency events, including the universally accepted USRowing teaching to never abandon the boat in the event of a capsize.

159. In other words, as investigators later concluded, *id.* at 10, ISU left the student members of the Crew Club “in charge” without providing them with any “specifics regarding minimum standards for safety, training and equipment repair.”

160. Further, as investigators also concluded, although ISU adopted several written policies and procedures for its sport clubs, see ¶¶41-76 above, it still left considerable gaps in those policies and procedures, including failing to:

- a. establish clear health and safety policies and procedures for the Crew Club and monitor the Crew Club’s compliance with any such policies. *Id.* at 18 (“There is no evidence of ISU-established health and safety policy and procedures nor compliance monitoring for such policies. This includes, but is not limited to, basic safety protocols, weather

policies, emergency action plans, and equipment safety checks and repair.”);

- b. establish appropriate policies and procedures with respect to how the Crew Club was to determine the safety of conducting its water practices; and
- c. apply any oversight with respect to the Crew Club’s decisions concerning such practices.

161. The only established weather protocols for water practices existed in the Crew Club Constitution, under which the coxswain – an untrained and unqualified student member of the team – was inexplicably designated by ISU to make decisions regarding the safety of the Club’s water practices.

162. Additionally, ISU’s written policies and procedures created confusion and chaos with respect to the specific responsibilities assigned to its Leadership, and it also failed to establish any oversight mechanism by which it could ensure that Director Wolfe, Faculty Advisor Iles, and Coach Gentry were actually performing their assigned responsibilities to oversee and supervise the Crew Club and its activities.

163. For example, with respect to Coach Gentry’s responsibilities, ISU’s written policies were contradictory. On the one hand, the Sport Clubs Manual limited Coach Gentry’s involvement to teaching and coaching the Crew Club and specifically excluded him from participating in the Club’s management. On the other hand, under the Crew Club Constitution, Coach Gentry was to work with the Head Coxswain and Vice President with respect to making decisions pertaining to the Club’s practices.

164. Further, although ISU required that Coach Gentry oversee and supervise the Crew Club, it never clearly defined a specific set of expectations or responsibilities for him, nor did it require him to undergo any formal on-boarding process prior to assuming the coaching position.

165. As another example, Director Wolfe was apparently never told and was not aware that under ISU's own written policies he was responsible for overseeing the Crew Club's activities from a safety and risk mitigation standpoint. *Id.* at 7 (“[Wolfe] did not cite to specific instances where he was involved in safety or other risk mitigation measures with regard to the ISU Crew Club.”).

166. Likewise, Faculty Advisor Iles told investigators that he was not aware of the Crew Club's basic safety needs, nor the fact that the Club was conducting water practices without a safety launch, even though that had been the case for more than 10 years, *id.* at 18, and even though it was his specific responsibility, under the Crew Club's Constitution, to stay “informed of all safety concerns” and to work with the Club to undertake “immediate corrective action.” *id.* at 8 *See* Article V, Crew Club Const.

167. Last, although it unquestionably had the power to do so, and in fact explicitly reserved for itself the power to do so under its policies and procedures, ISU never attempted to penalize or sanction the Crew Club for its numerous violations of the ISU and USRowing safety rules and regulations, even though it was specifically aware of those violations, and even though the very purpose of ISU retaining that power was to ensure that tragic violations of safety rules and

regulations did not lead to loss of life or other serious injury.

G. ISU's Leadership's Reckless and Negligent Conduct Resulting in Yaakov's Death.

168. Aside from ISU's many failures, Yaakov's preventable death also resulted from multiple instances of reckless and negligent conduct on the part of ISU's Leadership, who failed across the board to perform their assigned responsibilities to oversee and supervise the Crew Club and its activities.

169. Among other things, Director Wolfe failed to:

- a. serve as a consultant to the ISU Crew Club on its day-to-day operations;
- b. ensure that the Crew Club was following all applicable rules and regulations and safety protocols;
- c. impose disciplinary action on the Crew Club for its rule violations;
- d. serve as a liaison between the Crew Club and ISU Administration; and
- e. perform his duty to oversee the Crew Club's safety and risk management.

170. Among other things, Faculty Advisor Iles failed to:

- a. stay informed of the Crew Club's safety concerns;
- b. work with the Crew Club's Executive Board to take "immediate corrective action" with respect to the Crew Club's safety concerns;
- c. oversee the Crew Club's activities;
- d. establish an adequate advisor-club relationship with the Crew Club;
- e. provide the Crew Club with his experience, judgment, and knowledge; and
- f. assist Crew Club members in making decisions, including those

relating to safety procedures.

171. Notably, although Faculty Advisor Iles claims that he was not aware that the Crew Club was conducting water practices without a safety launch, that did not stop him from approving the March 28 Water Practice, which he told investigators he did “in the matter of an 11 second push of a button.” USCAH Report, at 17.

172. Among other things, Coach Gentry failed to:

- a. attend and otherwise oversee the March 28 Water Practice;
- b. work with the Crew Club’s student leadership with respect to the decision to run that water practice despite the unsafe conditions;
- c. ensure that the Crew Club was in compliance with USRowing safety rules and regulations;
- d. ensure that the Crew Club was in compliance with ISU safety policies and procedures, including the Constitution; and
- e. train the Crew Club to comply with the same safety rules, regulations, policies, and procedures.

173. When interviewed by investigators, Coach Gentry admitted that he was aware – prior to the March 28 Water Practice – that the Crew Club was not in compliance with USRowing’s safety rules and regulations but did nothing about it. *See id.* at 15.

COUNT I
WRONGFUL DEATH – RECKLESS AND WANTON CONDUCT
Estate of Yaakov Ben-David

174. Plaintiffs restate and incorporate paragraphs 1 through 173.

175. At all relevant times, Defendants had a duty to ensure the safety of the ISU Crew Club members, including Yaakov.

176. At all relevant times, there existed a special relationship between the Crew Club, including Yaakov, and the Defendants, under which Yaakov and the other Crew Club members relied on ISU and its Leadership to exercise reasonable care with respect to the Crew Club and its activities and to protect them from foreseeable harms.

177. As set forth in in greater detail above, Defendants knew that the Crew Club was operating without basic safety equipment and training and was in violation of ISU and USRowing's safety requirements, and Defendants also knew that those safety deficiencies placed Yaakov and other members of the Crew Club at an unreasonable risk of physical harm.

178. Nevertheless, Defendants committed numerous conscious acts and omissions of an unreasonable character, including, among others, ignoring and failing to address the safety concerns raised in the Crew Club's February 10 Email, thereby disregarding known and obvious risks that made it highly probable that Yaakov and the other Crew Club members would be harmed.

179. As a direct and proximate cause of Defendants reckless and wanton conduct, Yaakov drowned during the March 28 Water Practice.

180. As a direct and proximate cause of Defendants' reckless and wanton conduct Plaintiffs sustained damages, including:

- a. the severe personal injuries Yaakov suffered resulting in his death;

- b. The severe physical and mental pain Yaakov suffered before his death;
- c. The pecuniary value that Yaakov's Estate would have accumulated had he lived out the term of his natural life;
- d. The pecuniary value that Yaakov would have contributed to his mother and father, had he lived out the term of his natural life;
- e. The value of the consortium and services Yaakov would have provided to his mother and father had he lived out the term of his natural life;
- f. The expenses incurred in connection with Yaakov's death;
- g. Interest on the expenses incurred in connection with Yaakov's death; and
- h. Any other element of loss or damages recognized as recoverable under Iowa law.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in their favor and against Defendants, in an amount that will fully and fairly compensate Plaintiffs for their injuries and damages, together with the costs of this action, and for interest as allowed by law, and for such other relief as the Court finds just and equitable.

COUNT II
WRONGFUL DEATH – NEGLIGENCE
Estate of Yaakov Ben-David

181. Plaintiffs restate and incorporate paragraphs 1 through 180.

182. At all relevant times, Defendants had a duty to ensure the safety of the ISU Crew Club members, including Yaakov.

183. At all relevant times, there existed a special relationship between the Crew Club, including Yaakov, and the Defendants, under which Yaakov and the

other Crew Club members relied on ISU and its Leadership to exercise reasonable care with respect to the Crew Club and its activities and to protect them from foreseeable harms.

184. As set forth in greater detail above, Defendants were negligent by, among other things, allowing the Crew Club to operate and conduct its activities without basic safety equipment and training in violation of ISU and USRowing's safety requirements, thereby placing Yaakov and other members of the Crew Club at an unreasonable risk of physical harm.

185. As a direct and proximate cause of Defendants' negligent conduct, Yaakov drowned during the March 28 Water Practice.

186. As a direct and proximate cause of Defendants' negligent conduct Plaintiffs sustained damages as set forth in ¶180 a-h.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in their favor and against Defendants, in an amount that will fully and fairly compensate Plaintiffs for their injuries and damages, together with the costs of this action, and for interest as allowed by law, and for such other relief as the Court finds just and equitable.

COUNT III
WRONGFUL DEATH – NEGLIGENCE PER SE
Estate of Yaakov Ben-David

187. Plaintiffs restate and incorporate paragraphs 1 through 186.

188. At all relevant times, Defendant State of Iowa, pursuant to Iowa Code Section 262 and through the Iowa Board of Regents, allowed Defendant ISU to

establish and enforce safety rules and regulations governing ISU student organizations and sport clubs, including the Crew Club.

189. As set forth in greater detail in ¶¶41-76 above, Defendant ISU established such safety rules and regulations, which among other things, prohibited rowing in winds greater than 14 mph, required the crew to use a safety launch equipped with emergency equipment when wet docking in air temperatures less than 36F, and prohibited the Crew Club from allowing rowers to row in conditions outside of their ability levels.

190. These safety rules and regulations were enacted to protect members of the ISU Crew Club, including Yaakov.

191. The harm that Yaakov suffered during the March 28 water practice was precisely the kind of harm that the safety rules and regulations were intended to prevent.

192. As set forth in greater detail in ¶¶154-173 above, Defendant ISU and its Leadership violated these safety rules and regulations through reckless and negligent conduct.

193. As a direct and proximate cause of Defendants' violations of these safety rules and regulations, Yaakov drowned during the March 28 Water Practice.

194. As a direct and proximate cause of Defendants' violations of these safety rules and regulations, Plaintiffs sustained damages as set forth in ¶180 a-h.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in their favor and against Defendants, in an amount that will fully and fairly

compensate Plaintiffs for their injuries and damages, together with the costs of this action, and for interest as allowed by law, and for such other relief as the Court finds just and equitable.

COUNT IV
LOSS OF CONSORTIUM
Estate of Yaakov Ben-David and Eric and Sarah Ben-David

195. Plaintiffs incorporate and restate paragraphs 1 through 194.

196. Plaintiffs Eric and Sarah Ben-David are Yaakov's remaining survivors.

197. As a direct and proximate cause of Defendants' reckless and negligent conduct, Plaintiffs Eric and Sarah Ben-David sustained damages including the loss of Yaakov's support, society, companionship, and consortium.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in their favor and against Defendants, in an amount that will fully and fairly compensate Plaintiffs for their injuries and damages, together with the costs of this action, and for interest as allowed by law, and for such other relief as the Court finds just and equitable.

JURY DEMAND

Plaintiffs request trial by jury on all issues so triable under Iowa law.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

Docket # 243910

**State of New Jersey
Ocean County Surrogate's Court
Jeffrey W. Moran, Surrogate**

In the Matter of the Estate of
Yaakov Yitzchok Ben-David ,
Deceased

}

**LETTERS OF ADMINISTRATION
AD PROSEQUENDUM**

I, **Jeffrey W. Moran**, Surrogate of Ocean County, State of New Jersey, do certify that on **January 21, 2022**, Administration Ad Prosequendum of decedent, who died intestate, late of the County of Ocean, State of New Jersey was granted by me to

Eric Ben-David

who is duly authorized to bring an action, institute a proceeding or make a claim in the decedent's name as such **Administrator Ad Pros** as in the statute such case provided.



WITNESS, my hand and seal of office on
January 21, 2022

Jeffrey W. Moran, Surrogate

EXHIBIT 1, p. 1

Surrogate's Court
OCEAN COUNTY, N.J.

JEFFREY W. MORAN
SURROGATE JUDGE

IN THE MATTER OF THE
ESTATE OF

Yaakov Yitzchok Ben-David
Deceased

ADMINISTRATION
AD PROSEQUENDUM

Docket Number: 243910
Date of Death: March 28, 2021

From: [REDACTED]
Sent: Monday, February 10, 2020 3:38 PM
To: [REDACTED]
Subject: Crew Club Safety

[REDACTED]

I wanted to give you an update on the USRowing insurance. It is required by USRowing to compete in USRowing registered regattas and competitions.

[REDACTED] *my goal is to bring about safety protocols to our team. There is a lot of safety protocols that USRowing expects for every team to comply by, but we have not complied for several years. There is three things I would like to see our club have:*

A.) A dock (to prevent hypothermia or slipping on rocks as these can occur and has occurred when wet docking)

B.) A launch/coach boat equipped with life jackets(to allow us to be properly coached on the water and have a safety net if a boat would capsize or other emergency would happen on the water)

C.) A mandatory swim test(to prevent weak swimmers from putting themselves in danger if boat capsizes)

For A and B, these items are included in our budget for this next year. Hopefully, these will be accepted. For C, the swim test would require 10 minutes of treading water while wearing practice/race apparel (spandex shorts and t-shirt) and swim one pool lap. If they don't pass, they would be required to wear a life jacket for water practices until they can pass.

I want to make sure that C does not go against any inclusion rules or policies. I also want to know if these concerns should be brought up to Office of Risk Management. As our club stands, it wouldn't take much for someone to get seriously hurt.

Thanks,

[REDACTED]



**Independent Investigation Report
Presented to the Iowa State University General Counsel
Regarding the Iowa State University Crew Club
March 28, 2021 Catastrophic Incident**

Issued September 10, 2021

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**Iowa State University: Crew Club Catastrophic Incident
Independent Investigation Report**

I. INTRODUCTION

On March 28, 2021, Iowa State University (ISU) and the Crew Club at Iowa State University (ISU Crew Club), which operates within the ISU Department of Recreation Services (Recreation Services), experienced a catastrophic accident involving the deaths of two ISU students, Yaakov Ben-David and Derek Nanni, during an ISU Crew Club water practice (the Incident). Thereafter, and in an effort to secure an independent review of the Incident, ISU General Counsel engaged the U.S. Council for Athletes' Health (USCAH)¹ to investigate the Incident and various aspects of the ISU Crew Club and Recreation Services sport club functions at ISU as those pertain to the Incident and provide ISU with a summary of its investigation steps, information collected, conclusions reached, and its recommendations to ISU for mitigating safety risks within its ISU Crew Club and other Recreation Services Sport Clubs (Sport Clubs) moving forward.

Specifically, and in addition to gathering an understanding of the Incident itself,² the investigation objectives were as follows:

- Evaluate relevant ISU Crew Club and Recreation Services health and safety measures and other applicable policies and procedures in place at the time of the Incident, as well as relevant ISU Crew Club and Recreation Services structures and functions in place and operational at the time of the Incident;
- Evaluate material decisions made (or not made) leading up to the Incident (and to a lesser extent post-Incident), and other policy, procedure, structure, and/or function breakdowns/failures in connection with the Incident;
- Identify policies, procedures, measures, structures and/or functions that were not in place at the time of the Incident but that could have potentially prevented or mitigated the Incident; and
- Identify prevention measures and best practices for the ISU Crew Club and all Sport Clubs moving forward to help ISU prevent future incidents and continue to foster student independence in Sport Clubs while enhancing and maintaining appropriate ISU supervision regarding health and safety.

This Report presents the results of USCAH's independent review in this matter, conducted between April 2021 and August 2021 regarding the Incident as well as various aspects of the ISU Crew Club and other Sport Club functions at ISU.

II. SUMMARY OF USCAH INVESTIGATIVE OBJECTIVES AND KEY STEPS

The USCAH investigation was conducted as an independent investigation, by qualified investigators, with reliance on information provided by eight witnesses, USCAH expertise, a third-party expert in the rowing field, and ISU documents and third-party publications as follows:

¹ USCAH is committed to partnering with organizations such as ISU to ensure optimal healthcare and safety is provided for athletes at every level of athletic participation. In the complex world of athletic healthcare and risk management, USCAH is a trusted, independent partner with the experience and expertise to advise and consult with regarding healthcare and safety delivery systems. With nearly 300 years of experience in athletic healthcare, the USCAH professionals provide an external, independent, unbiased and diverse, multidisciplinary approach to address all aspects of athlete healthcare delivery including prevention, compliance, assessment, personnel, programming and more.

² USCAH was tasked as stated in this section and was not tasked with the official law enforcement or other regulatory body investigation of the Incident. USCAH notes that Incident investigations and reports have also been conducted and created by the ISU Police Department and the Iowa DNR (and possibly others) in accordance with each entity/agency's governing law, rules/policies, and standard procedures. To the extent that an understanding of the Incident itself was necessary to satisfy USCAH's objectives stated herein, that information was collected, considered, and is memorialized herein.

A. Independent Investigators

- U.S. Council for Athletes' Health: James Borchers, MD, MPH; Robert Sweeney, MS, AT; Jennifer Novak, MS, AT; and Angela Beisner, MA, AT.

B. Witness Interviews

1. *ISU Employees Interviewed*

- Dustin Gentry, ISU Crew Club Volunteer Coach (hereinafter Gentry). Interview conducted June 15, 2021.
- Garry Greenlee, Associate Director of Facilities for Recreation Services (hereinafter Greenlee). Interview conducted June 22, 2021.
- Jeffrey Iles, Professor and Chair of ISU Horticulture Department since 2001 (hereinafter Iles). Faculty advisor to the ISU Crew Club since 2018. Interview conducted June 22, 2021.
- Landon Wolfe, Assistant Director for Sport Clubs in Recreation Services (hereinafter Wolfe). Listed as a Sport Club coordinator for every club and serves as a "backup advisor" for every club. Interview conducted June 10, 2021.

2. *Crew Club Members/Officers Interviewed*

- [REDACTED] (at time of interview), as well as ISU Crew Club member, [REDACTED], and surviving Crew Member from date of Incident (hereinafter [REDACTED]). Interview conducted May 7, 2021.
- [REDACTED], ISU Crew Club member, [REDACTED], and surviving Crew Club member from date of Incident (hereinafter [REDACTED]). Interview conducted May 25, 2021.
- [REDACTED], ISU Crew Club member, [REDACTED], and surviving member from date of Incident (hereinafter [REDACTED]). Interview conducted May 10, 2021.
- [REDACTED] ISU Crew Club member and [REDACTED] (hereinafter [REDACTED]). Interview conducted May 26, 2021.

C. Documents Reviewed

Record was kept of all information collected and considered during this investigation. To the extent such information was deemed relevant and material to USCAH conclusions or recommendations in this matter, it is summarized herein (and/or referenced in the Report below).

In summary, the following types of documentary information were collected and reviewed as part of the investigation:

- Policies, Procedures and Protocols
 - Iowa State University Recreation Services Sport Clubs Manual 2020-2021
 - Student Organization Recognition Policy
 - Crew Club at Iowa State University Constitution
 - Crew Club Operations Manual
- Online information provided by Rowing Expert, Mark Wilson
 - https://usrowing.org/sports/2016/5/27/1135_132107060688980085.aspx
 - <https://www.britishrowing.org/knowledge/safety/rowsafe/>
 - <https://www.rowpa.org/safety-rules>
 - <https://www.britishrowing.org/knowledge/online-learning/safety/>
 - <https://www.britishrowing.org/wp-content/uploads/2015/09/Safety-Alert-Cold-Water-Kills-1.pdf>
 - <https://www.youtube.com/watch?v=J1xohI3B4Uc>

EXHIBIT 3, p. 4

<http://www.coldwaterbootcamp.com/pages/home.html>

o <https://rowsafeusa.org/cold-facts/>

- Text message exchanges between the following:
 - o ISU Crew Club Executive Board members; and
 - o [REDACTED] and [REDACTED].

III. SUMMARY OF RELEVANT/MATERIAL EVIDENCE & CONCLUSIONS

A. The Incident

- On March 28, 2021, five ISU Crew Club members, [REDACTED], Ben-David, [REDACTED], Nanni, and [REDACTED] (the Crew Members) headed out on the Little Wall Lake in Hamilton County, Iowa (the Practice Lake³) around 9am, initially taking time on the water (approximately the first thirty minutes) to continue training with the newest Crew Members: Ben-David and Nanni. The morning practice was reported as being the first water practice for the team in more than a year because of Covid-19 restrictions, and the first-ever water practice in the sport for Ben-David and Nanni.
- Wind speeds were reported to be greater than 14mph. Specific wind speeds can be found within the Iowa DNR report however, wind speeds of at least 15 mph were relayed via text between Crew members before the practice started. Crew Members specifically discussed the weather multiple times prior to practice, including that there were 15mph winds early in the morning, but ultimately decided to continue with the water practice (see additional details in “Weather-Related Decisions” section below). Surviving Crew Members reported that it was cold at the start of practice, but the water looked fine.
- Crew Members held a “huddle of sorts” prior to going on the water, but it revolved around how to get in the boat and how to hold the handle since it was Nanni and Ben-David’s first time rowing on the water. Surviving Crew Members reported that they were very cold, so this “huddle” and basics training went quickly. Some Crew Members were wearing extra clothing to keep warm (e.g., jackets, sweatpants), whereas others were wearing minimal clothing or clothing not ideal for cold weather/water related activities (e.g., denim jacket, shorts, t-shirts).
- There was a decision to wet dock (a common practice in which individuals launch from knee depth water if a dock is not available) from a beach area rather than the normal wet dock location, as the other area on the north side of the lake where some of the Crew Members had wet docked in the past was determined to be unsafe because of the sharp rocks.
- When the Crew Members pushed offshore, the more experienced Crew Members were in the outside seats and Ben-David and Nanni were seated in the middle seats. The boat was lined up and heading straight out in the Practice Lake. After about 30 minutes focusing on training for Ben-David and Nanni, and while they were in the middle of the Practice Lake, Crew Members felt a breeze and saw the water and wind, with bigger gusts coming in. Crew Members ultimately decided to turn around and go back in. They stopped rowing and tried to turn around. However, they had trouble doing so. Surviving Crew Members recall the difficulty being a combination of waves and two of the Crew Members just learning how to set the boat. While they were half-way through the turn, perpendicular to the waves, a wave hit the side of the boat and, while Crew Members tried to recover/set the boat, another wave hit the side of the boat and it flipped.
- After the boat flipped, initially all Crew Members were above the water. While the Crew Members initially discussed getting the boat back to the shore, they quickly decided that it was cold and hard to breathe, and they should leave the boat, and individually try to get back to shore as quickly as possible. [REDACTED] and [REDACTED] were helped to shore by bystanders in the area.

³ Little Wall Lake is a secondary practice site for the Crew Club at Iowa State. Hickory Grove Lake is the primary practice site, however, has been closed for several months due to water levels. For purposes of this investigation, Little Wall will be referred to as the Practice Lake and Hickory Grove Lake will be named throughout, as necessary.

██████ made it to shore on her own. The other two Crew Members, Ben-David and Nanni, did not make it to shore and did not survive. The three surviving Crew Members, ██████, ██████ and ██████, were taken to a hospital immediately.

- Recreation Services employee Greenlee was notified of the Incident within an hour or two of the same. He notified Wolfe and Gentry thereafter. Greenlee was told that the operation was a “recovery” effort and that there was nothing he could do. Greenlee helped to relay information needed and went to the scene of the Incident later in the afternoon to help make sure the boat trailer and truck were transported back to campus properly.
- Other ISU Crew Club team members (who were not at the early morning practice) had cancelled a second practice scheduled for later in the morning due to weather. This decision was made prior to learning of the Incident.

B. ISU Crew Club Information, Roles/Responsibilities/Oversight, Policies & Funding

1. *Sport Clubs at ISU & the ISU Crew Club – General Information/Overview*

There are over 900 student organizations at ISU ranging in categories from academics to military, leadership, religion, music, fraternities/sororities and politics. Intramural and Sport Clubs (such as the ISU Crew Club) fall into these categories and fall under Recreation Services.

Each student organization is generally student-led and has a constitution maintained and revised by the student members and reviewed by an ISU department. There is a Recreation Services liaison for all clubs and each club is required to have an advisor. Sport Clubs can elect to have a volunteer coach assist with instruction and skills. Daily club management and function is required by the student executive members within their respective club. There are some university-based guidelines in place for all organizations regarding travel, drugs and alcohol, harassment, to name a few. Health and safety guidelines are at the discretion of each club’s constitution, established by the club’s student executive members.⁴

The ISU Crew Club was established in 2002 and sits under Recreation Services (as one of the Sport Clubs). The typical team size of the ISU Crew Club is 25-30 students. (See ISU [Crew Club website](#)). Like other Sport Clubs, the ISU Crew Club is primarily student-led. ISU Crew Club members elect a President, Vice President, Secretary, and Treasurer to provide club leadership. The ISU Crew Club has a faculty advisor and has also traditionally secured a volunteer coach. The ISU Crew Club is governed by its constitution (discussed below in relevant parts) as well as other ISU and Recreation Services policies also discussed in more detail herein.

No experience is required to join the ISU Crew Club and member abilities vary from novice to expert. Since the date of the Incident, oversight of the ISU Crew Club has been moved to risk management and ISU Crew Club activities have been suspended pending the outcome of various investigations into the Incident.

2. *Roles, Responsibilities and Oversight Related to the ISU Crew Club*

Ultimately, this investigation led to the conclusion that the ISU Crew Club did not have in place proper ISU Crew Club and Recreation Services roles, responsibilities and oversight at the time of the Incident. A summary of the relevant and material facts and elaboration on conclusions reached in this regard are set forth more fully below.

⁴ For Sport Clubs, a “Sport Club Council” was also created. One person from each club is elected to act as a representative to this Council. The Sport Club Council meets regularly to review budget, promotion, policies, and scheduling.

As stated above, Sport Clubs are within Recreation Services at ISU. During investigation, the following was found relevant and material with regard to the Recreation Services' and ISU Crew Club roles, responsibilities, and oversight:

a. ISU Policy

- The ISU Crew Club is considered an "Affiliated" student organization, [Iowa State Student Organization Database website](#). "Student Organization – Affiliated" is defined in the Student Organization Recognition document, page 11. Included in the definition are the following statements: a) "A university department or unit must provide oversight and direct responsibility for the organization and its activities," b) "In addition to the university resources available to all recognized organizations, affiliated organizations shall: [fourth bullet point] Receive support from the university in regards to risk assessment/management, legal advice, and contract review."

b. Recreation Services/Assistant Director of Sport Clubs (Wolfe)

- The Sport Clubs Manual, page 6, indicates as follows with regard to the role of "Assistant Director, Sport Clubs":

"Recreation Services provides a professional staff member to direct and monitor all Sport Clubs and their activities. The Assistant Director of Sport Clubs serves as a consultant to clubs on day-to-day operations and special events. The Assistant Director acts as an advisor to the Sport Clubs Council and is responsible for ensuring that their efforts benefit all Sport Clubs."

"The Assistant Director sees that all rules and regulations are followed and takes disciplinary action when they are not. The Assistant Director serves as a liaison between the Sport Clubs participants and Iowa State University Administration. The Assistant Director also oversees club member discipline, budgeting allocations, purchases, safety, risk management, and serves as the primary consultant for trips, tournaments, special events, and facility reservations. The Assistant Director reports directly to the Recreation Services Associate Director for Student Success who in turn has final authority over all Sport Clubs and their activities."

- Other than stating that he generally worked "with the risk management department to ensure all departmental and university policies are followed," and helped with ISU Crew Club equipment repairs and scheduling (including scheduling space for a swim proficiency test), the Assistant Director did not cite to specific instances where he was involved in safety or other risk mitigation measures with regard to the ISU Crew Club.
- ISU Crew Club members reported that they believed the Assistant Director oversees all Sport Clubs (about 50 clubs) but doesn't have any real authority over the club other than to facilitate budget meetings.
- Members also stated that the Assistant Director had little to do with the ISU Crew Club and did not interact with the ISU Crew Club frequently or regarding safety measures.
- Surviving Crew Members indicated that, other than "travel" approvals, they had no contact with the Assistant Director regarding the practice on the day of the Incident.
- Concerning the Assistant Director role, Gentry reported his perception was that the Assistant Director role includes financial support, but that there are significant financial needs difference between the sport of rowing and most other Sport Clubs (see discussion below).
- Gentry reported that Recreation Services does not understand the sport of rowing or the costs associated; that the Crew Club is managed in the same fashion as other Sport Clubs; and, that some ISU Crew Club Members feel as though the Recreation Services staff members appear bothered by Crew Club requests.
- ██████ reported feeling that the Crew Club's relationship with Recreation Services exists for a means/location to park the trailer and store the boats, and that ISU's lack of support is the sole reason that the Crew Club does not have a functioning launch⁵ or a dock.

⁵ A "launch" is a trailing motorized boat used by instructors, coaches, or umpires to observe rowing activities.

- ██████ indicated that the Crew Club executive team emails Wolfe “constantly,” hoping for a response, and that she believes the Crew Club communicates more with Wolfe than any other club, much of which relates to fundraising and funding.
- Both ██████ and ██████ report unnecessary restrictions from Campus Recreation, which limits the ISU Crew Club’s abilities. ██████ reported ISU leadership turning a blind eye to the ISU Crew Club’s activities.
- ISU Crew Club members consistently reported feeling that the relationship with Recreation Services is strained primarily due to lack of financial support, lack of assistance with club functions and requests, and enforcement of university rules and regulations that restrict club functions.

c. Faculty Advisor (Iles)

- Sport Clubs Manual, page 10, Iles’ role “Sport Club Advisors” includes:
 - “Each club is required to select an advisor who is a full-time member of the ISU faculty or staff. The roles and responsibilities of the advisor are described below:

“The advisor is encouraged to work closely with the officers and offer input into the club’s decision-making process; they should not assume an overwhelming leadership position within the organization.”

“The advisor lends his/her experience, judgment, knowledge, and assists the club members in the development of the club.”

“The advisor helps maintain continuity in club programming and provides knowledge of university policies and procedures.”

“The advisor is encouraged to counsel club leaders and members in regards to individual and club issues.”

And, according to the “Crew Club at Iowa State University Constitution” document (the Crew Club Constitution), Article V: Executive Board, Advisor:

“iii. The advisor shall be informed of all safety concerns and work with the Executive Board for immediate corrective action.”

- Iles is a professor and chair of the Horticulture Department at ISU. He has served as the ISU Crew Club advisor since 2018.
- Iles has significant experience in the sport of rowing, having rowed at Michigan State for four years, participated in Olympic Trials in 1996, and rowed for the Iowa State Crew Club as well.
- Information collected indicated Iles had limited presence at practices and limited interaction with the ISU Crew Club.
- The Crew Club did not share their safety concerns directly with Iles and Iles reported that he was not aware of the concerns. Specifically, Iles stated that he was not aware of safety launch concerns. In his interview he expressed the significant importance of having a safety launch at every water practice and could not understand why that did not occur.
- Members of the ISU Crew Club who participated in this investigation indicated that they did not believe that the advisor had authority with regard to the ISU Crew Club. Members reported that they believed his role was mostly financial oversight and availability for club advice, and that Iles served mainly as a mediator between the university and the club.

d. Volunteer Coach (Gentry)

- According to the ISU Recreation Services Sport Clubs Manual 2020-2021 (the Sport Clubs Manual), page 10, “Sport Club Coaches,” specific areas of review for this position include:

"4. All approved coaches are required to go through a Coaches' Orientation with the Assistant Director and Risk Management Representative, if scheduling allows for that year."

"6. The coach must restrict his/her involvement with the club to teaching and coaching in practices and games, providing guidance in scheduling future opponents, and providing expertise to the club members which will help them improve at their particular activity. The coach should not participate in other areas of club management, such as officer elections, budget development, or editing of the club constitutions. Sport Club organizations are student-run, student-driven organizations and the student leadership and membership of each organization is ultimately responsible for the management and direction of the club."

- On the other hand, according to the Crew Club Constitution, Article IV: Coaching, *"The coach is required to work with the Head Coxswain and Vice President regarding practice workouts."*
- Gentry rowed at ISU as an undergraduate and has coached the ISU Crew Club for over ten years. Surviving Crew Members reported that he tries to attend practices once a week and is a good coach who gives good advice.
- Any Volunteer Coach payment is up to and arranged by a club's Executive Board, and club coaches sign a volunteer contract and complete travel waivers required by the club and Recreation Services.
- Gentry reported that he understands his Volunteer Coach role to include oversight of water practice and travel with the team to weekend regattas as time permits.
- It is unclear what training or orientation Gentry attended in connection with his role during 2020 or 2021.
- Gentry also reported that due to his limited availability, he trains and "relies on coxswains" to conduct some water practices, and then when he is able to attend, he takes a seat in the boat to coach on the water.
- Wolfe clarified that with Sport Clubs, students are "in charge" and coaches are there to offer technical skill instruction.
- Gentry was not present for the practice on the date of the Incident.

e. ISU Crew Club Student Leadership⁶

- According to the "Student Organization Recognition" document, page 4, "Each organization must identify the member responsible for risk management. This could be an existing officer (for example: president or treasurer) or a new officer position identified in the constitution and bylaws."
- According to the Crew Club Constitution, Article V: Executive Board: Vice President:

"iii. The Vice President shall be responsible for the safety of all members of the CCISU at all activities pertaining to the club. Responsible for ensuring all Iowa State waivers are submitted prior to any assumption of risk by the club or the individual. The Vice President shall, along with the other Executive members, develop and enforce safety guidelines including but not limited to the rules dictated in [Article VIII]."

"iv. Keep an updated log of equipment and equipment conditions, present proposals for new equipment to executive board, and work with the treasurer to purchase."

"v. Responsible for the maintenance and upkeep of the club equipment, including the trailer, launch, motor, oars, and shells etc. May organize mandatory work parties to facilitate upkeep and repair of equipment."

⁶ This section (and the accompanying conclusions and recommendations sections below) address facts and conclusions as they relate to the roles and responsibilities of the ISU Crew Club Vice President - as those are laid out in the Constitution and other relevant policy (and only to the extent non-compliance concerns are noted). To the extent that facts, conclusions or recommendations are made and/or relate to the actions of ISU Crew Club leaders within their respective roles and on the date of the Incident, those are contained in sections below.

“vii. The Vice President is responsible for anything related to [r]isk management. This includes, minimizing potential risk for the club, recommend risk management procedures, submit proper documentation to ISU Risk Management Office, and ensure proper waiver and background checks are on file with Risk Management if applicable.”

- The Crew Club Constitution, however, also states that the Club President and coxswain are responsible for all weather-related decisions.

f. Conclusions – Roles, Responsibilities and Oversight Related to the ISU Crew Club

i. General:

- There is a lack of clarity in ISU administrative roles and responsibilities; both published and in practice.
- Specifically, there is not a clear university staff member responsible for health and safety for all Sport Clubs within the university, specifically in this instance concerning the ISU Crew Club.
- The self-reported and perceived duties for those in leadership positions at the university is unclear. For instance, there is an advisor for the Crew Club [Iles], he feels he has limited or no decision-making power, and the Club Members who participated in this investigation similarly reported that they are not aware of the advisor's specific responsibilities and reported that they believed the advisor did not have authority over the Club.
- All interviewed parties agreed that students are “in charge” of the ISU Crew Club, with no specifics regarding minimum standards for safety, training and equipment repair.
- Current Sport Clubs structure establishes student leaders as the final decision makers on Sport Club activities. This includes the following:
 - Final decision-making regarding the ability to practice safely;
 - Practice design and implementation;
 - Equipment repair and replacement;
 - Development of safety protocols; and
 - Participant education.
- ISU representatives do not appear to have decision-making ability as it pertains to the ISU Crew Club and are not asked to establish safety protocols, provide education, or be present at practice.
- Further, it seems there are poorly established relationships between the ISU Crew Club and ISU leadership due in part to the lack of transparency of each stakeholders’ roles and responsibilities, and as is apparent via student interviews, lack of support both financially and functionally.

ii. Recreation Services/Assistant Director of Sport Clubs (Wolfe):

- The Assistant Director position description contains a significant number of responsibilities, all of which could not be adequately performed by one individual based on the number of Sport Clubs. The position should be evaluated to determine the number of individuals necessary to support the role in order to adequately perform the duties as described in the Sport Clubs Manual.
- The Assistant Director, as of the date of the Incident, neglected to fulfill the following roles, responsibilities and oversight duties:
 - Serve as a consultant to the ISU Crew Club on day-to-day operations;
 - See that all rules and regulations are followed and take disciplinary action when they are not; and
 - Serve as a liaison between the Sport Club Members and ISU Administration, and oversee ISU Crew Club Member safety and risk management.

iii. Faculty Advisor (Iles):

- Due to the unclear directives and authority delegations in existing policy, the advisor [Iles] and the Club did not have the advisor-club relationship detailed in the Sport Clubs Manual. For example:
 - Iles and the club did not work closely together during the club decision making processes;
 - The advisor and the Club did not have a relationship where the advisor offered or the club sought Iles' extensive experience, judgment or knowledge to assist the Crew Club members in the development of the ISU Crew Club. Based on his background with the sport of rowing, Iles' was qualified to hold the position of advisor for the Crew Club at Iowa State;
 - Lack of clarity and duties in policy contributed to advisor and club not working together to maintain continuity within the club.
 - Based on the interviews, Iles and the ISU Crew Club members were unclear on the duties associated with Iles' role and all parties agreed there was very little to no involvement in any ISU Crew Club activity with the exception of approval processes via computer-based systems; and
 - Further, Iles was not aware of key safety concerns and involved in safety matters (e.g., he was not aware that the Crew Club did not have a functioning safety launch for all water practices).

iv. Volunteer Coach (Gentry):

- In USCAH's perception based on the interviews, Gentry met the listed criteria for his role as set forth above.
- A "volunteer" coach is permitted to oversee the ISU Crew Club; however, there is currently no formal on-boarding process or defined set of expectations or responsibilities.
- Notably, while it is unclear whether Gentry underwent a Coaches' Orientation for the 2020 year, the language indicates that this orientation is optional ("if scheduling allows for that year").
- Further, the restriction of coach involvement as stated in the Sport Clubs Manual ("the coach must restrict his/her involvement with the club..."), and the Crew Club Constitution (which includes provisions requiring the coach to be involved with the decision-making as it pertains to practices and weather safety) are contradictory and create confusion with respect to this role.
- Regardless, the Crew Club Constitution requirement that the coach work with the Head Coxswain and Vice President concerning practice did not happen all of the time (and specifically, on the date of the Incident). On the date of the Incident, the [REDACTED] was running a water practice and making weather-related decisions without consultation from the coach.

v. ISU Crew Club Student Leadership:

- The Crew Club has assigned this risk management responsibility to the Vice President's role, though it is unclear what the responsibilities of this role include and what is included in the training for this role. Per the Crew Club Constitution, this individual is not responsible for making the final decision pertaining to safe weather rowing or safety on the date of Incident. This responsibility is with the dual role, Head Coxswain/President⁷.
- The Crew Club Constitution creates conflict in responsibilities between the Vice President and the Head Coxswain. Specifically, the Crew Club Constitution states the coxswain for each practice has the final decision regarding weather safety which overrides the Vice President's responsibility pertaining to safety decisions.

⁷ The Head Coxswain is elected by the Crew Club and holds a leadership position for all other coxswains. On the date of incident, the Crew Club [REDACTED] served in the roles of [REDACTED].

- As stated above, the Vice President for the Crew Club is not empowered to perform full safety functions regarding the weather-related decision responsibility when the coxswain can override weather-related safety decisions.

3. *Other Policies, Procedures, Waivers and the Crew Club Constitution*

In addition to the matters raised in sections above with regard to ISU and ISU Crew Club related policies, procedures, waivers, and the Crew Club Constitution, the following is also noted:

a. Other ISU/Recreation Services Policy

- According to the "Student Organization Recognition" document, page 4, "The president, treasurer (or parallel leadership positions) and adviser(s) of each organization shall agree to inform their membership of ISU's policies affecting their organization and provide assurance that their organization will comply with these policies."
- Regarding the education of policies and procedures, Wolfe states "not all members have a review." He explains that every Sport Club is a member of the Sport Club Council and every club has representation.
- The Sport Club Council hosts three weeks of training for the representative(s) of each club and holds regular meetings throughout the academic year. Much of the content is "refreshing information" and some of it is relaying new information. The programming brings in guest speakers from many areas and in the past training they brought in an individual from the Office of Risk Management.
- There is not a follow-up for representatives that miss the training sessions, and the training is not relayed to other club members.
- Iles was unaware of any policies or procedures that are reviewed with Crew Club members at the start of each year.
- [REDACTED], [REDACTED], and [REDACTED] reported that they have not received any policy and procedure education as a member of the Crew Club.
- [REDACTED] reported that when a safety protocol becomes relevant, they review it with the other members.
- Concerning the Incident, all parties interviewed agreed that no policies or procedures were reviewed at any point throughout their involvement in the Crew Club.

b. Crew Club Constitution - General

- Every ISU Sport Club is required to maintain a constitution and all constitutions are reviewed by the Student Activities Center. Revisions are sent to the club officers and when changes are made, the constitutions are uploaded to the club-specific website. Wolfe does not participate in the review or revisions of the constitution. When an issue arises, he reviews the club's constitution for any relevant guidance.
- Iles reported that he is aware that there is a Crew Club Constitution but that it "skirts his authority," and Gentry reported being aware of the Crew Club Constitution and acknowledged that it is reviewed every year, but he is unaware of how it was developed.
- [REDACTED] relayed that the Crew Club has a new Crew Club Constitution this year, which was accepted just one week before the Incident. Of note, the Crew Club Constitution referred to herein was accepted March 25, 2021, three days prior to the date of the Incident. [REDACTED] states that the previous Constitution had no provisions for safety.

c. Conclusions – Other Policies, Procedures, Waivers and the Crew Club Constitution

- There are no policies and procedures within Recreation Services that are communicated to the ISU Crew Club members. Policies, procedures, and protocols that are enforced by the ISU Crew Club appear to be student-driven per their respective Constitution.
- A constitution appears to be the guiding document for all Sport Clubs. Changes were made to the Crew Club Constitution to address some safety concerns three days prior to the Incident.

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While oversight of the Crew Club Constitution document is maintained by the university, the implementation and enforcement of said document has no oversight by a university staff member, most notably in this situation, the requirement of a launch at all water practices (see additional details in Section C.3 below).

4. *Club Funding Issues*

This investigation allowed Crew Club members to express concerns with funding at the time of the Incident and moving forward. USCAH was not provided financial documentation and therefore can neither support nor deny the expressed concerns. A summary of the relevant and material facts and elaboration on conclusions reached in this regard are set forth more fully below.

a. Summary of Issues

- Per Recreation Services (see Sport Clubs Manual, pages 13-16 “Tier System”), Sport Club funding is determined by a “tiered” point system. This allows for priority funding and incentivizing Sport Club involvement. Of note, the ISU Crew Club is Tier 2 along with other sports such as archery, men’s basketball, badminton, equestrian, water polo, canoeing and kayaking. Tier 1 teams include: baseball, lacrosse, women’s hockey, rugby, soccer, softball and ultimate frisbee. The Assistant Director manages this Tier System.
- Members of the Crew Club unanimously agree upon frustration regarding the lack of funding and place significant frustration regarding the Incident on this factor alone.
- Gentry and others reported a perception that the Assistant Director role includes financial support, but that there are significant differences in financial needs between the sport of rowing and most other Sport Clubs.
- Gentry additionally reported that Recreation Services does not understand the sport of rowing or the costs associated; that the Crew Club is managed in the same fashion as other Sport Clubs; and, that some ISU Crew Club members feel as though the Recreation Services staff members appear bothered by Crew Club requests.
- ██████ reported feeling that the Crew Club’s relationship with Recreation Services exists for a means/location to park the trailer and store the boats, and that ISU’s lack of support is the sole reason that the Crew Club does not have a functioning launch or a dock.
- Surviving Crew Members consistently reported feeling that the relationship with Recreation Services is strained primarily due to lack of financial support, lack of assistance with Crew Club functions and requests, and enforcement of university rules and regulations that restrict Crew Club functions.
- Gentry reported concerns that ISU Crew Club maintenance and repair expenses are more expensive than many other clubs, and that there were insufficient funds for periodic repairs.
- ██████, ██████, ██████, and ██████ also reported that, for ISU Crew Club members, training, safety, and equipment are all a challenge, with the most significant challenge being the lack of money. ██████ referenced a concern with money allocations not being sufficient to address safety needs, which by the nature of the sport, are more expensive than many other Sport Clubs, but that there was a lack of prioritization of safety needs.
- The ISU Crew Club had been engaging in efforts to raise funds for a new dock at Hickory Grove Lake at the time of the Incident. Specifically:
 - The ISU Crew Club uses a county-sanctioned facility which requires approval for installation of a dock.
 - Wolfe reports that around a year prior to the Incident, the ISU Crew Club initiated discussions with the County regarding the purchase and installment of a dock at Hickory Grove Lake, the primary practice location however, not the location of the Incident.
 - The ISU Crew Club also began a successful fundraising campaign for this project about a year before the Incident to raise funds for the same. A formal project at Hickory Grove was not completed by the date of Incident.
 - The ISU Crew Club had also further expanded their fundraising efforts to include a small “boathouse”/shed for storage of boats. The Conservation Board was supporting these efforts, however, the ISU Crew Club found that the funding for a boathouse was too high

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and then the potential funding for both projects had fallen through, therefore the Crew Club decided to solely pursue the dock project.

- The ISU Crew Club is reported to have raised \$25,000.00 and proposed the project to Recreation Services and the University. Wolfe also stated that he had tried to help advocate for the project(s) but he is unsure where the dock project stands now.
- Iles stated that he and his wife contributed a “good size of money” to get to the end goal; and, that he had concerns for student safety with putting the boat in the water without a dock.
- [REDACTED] and [REDACTED] reported that the ISU Crew Club had raised all necessary funding for the dock project and they are currently working with the County for necessary permits. Another Surviving Crew Member expressed skepticism that the project would not advance based on ISU concerns with maintenance and insurance costs.
- [REDACTED] also referenced money that had been raised for a repaired safety launch with an electric motor.

b. Conclusions – Club Funding Issues

- ISU Crew Club members consistently reported feeling as if funding for the Crew Club was insufficient to ensure safe operation. Specific financial information was not provided to USCAH. Thus, an analysis of the same was not a part of this investigation. However, the University should investigate and define minimum finances that ensure safety for each club.
- The Tier System established by Recreation Services does not account for or evaluate risk to determine access to funding. Equipment intensive sports are inherently more expensive and, therefore, would require more funding to maintain equipment and equipment safety standards.

C. Safety Training, Practice Decisions and Related Factors

1. *Safety Education Training*

- According to the Crew Club Constitution, page 1, Article III: Membership,

“All members are expected to adhere to this document, the bylaws of the organization, and Iowa State University policies.”

“Active Member Requirements: vii. Will not put themselves, other members of the club, or club equipment in harm’s way. Must maintain safety standards including but not limited to those listed in [Article VIII].” Members that fail to fulfill any of the above items will not be considered an active member, and therefore will not be permitted to compete or hold any other rights of active membership. If actions pose a threat to the safety of club members, equipment, or the reputation of the club, they may be subject to sanctions by the Executive Board, including but not limited to dismissal from the team. Officers cannot be removed through this process, see [Article VI] for officer and advisor removal. In order to remove an officer as a member, he/she must first be removed as an officer. Any misconduct allegations or allegations pertaining to [Article III: iv], shall be handled by the procedure outlined in [Article XI].”

- Specific to USRowing Safety Requirements, Wolfe reported that governing body requirements are to be placed in the club constitution by the students; however, the governing body requirements are not ISU requirements, ISU does not require clubs to be formal members of governing bodies, and should a club choose not to compete under the governing body, such decision would need to be stated in the club constitution. E.g., if the ISU Crew Club chooses to not participate in USRowing regattas, that would also have to be placed in the Constitution.
- Neither Iles nor Gentry recall Recreation Services ever holding a “safety overview,” and Iles reported that any safety education provided by Recreation Services is not specific to the sport, rather it is specific to travel, and other university-based risk management strategies.
- Gentry reported that “the first day on the water is when I go over safety procedures; what to do, where to grab the boat, what to do if something happens; how to pull the oars out, stay with the

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boat.” Gentry reported that he has completed the Level 1 [Certification Program for USRowing](#).⁸ The course is recommended for coaches who are teaching “learn to row” programs or individuals who are beginning their first coaching position. Gentry also states that it is recommended he maintain his CPR/First Aid certification as well.

- Gentry is aware of the USRowing safety requirements and does not believe the ISU Crew Club follows the requirements “to the fullest extent.” He states the lifejackets are dated and the launch is not water worthy. He states they do not have a “walkie talkie” in the event of an emergency, that they just take their phones out. He states that they “do their best with what they have but as far as regulation standards, they are not meeting them.”
- [REDACTED] states she personally completes a safety overview about “the basics.” [REDACTED] has never had any review sessions about what to do in case of a shell capsizing. She states she has never seen this “happen in real life.”
- [REDACTED], [REDACTED], [REDACTED], and [REDACTED] all reported they have never been a part of an ISU safety overview via Recreation Services, University Risk Management, or by the Club Advisor. [REDACTED] reported that at regattas, the main instruction if a shell capsizes is to stay with the boat, because they are not supposed to sink.

2. Emergency Response Decisions

- According to the document titled “Crew Operations Manual,” section “Equipment and Emergency Protocols,” subsection “Emergency Protocols,”

“The coxswain is always the club member in charge of his or her rowers when at the lake for water practice or at a regatta. In case of an emergency, he or she will determine what actions are necessary.”

3. Weather-Related Decisions

- The Crew Club Constitution, Article VIII: Safety, reads:

“ii. Weather safety: Do not row in wind greater than 14mph, heavy rain, snow, or lightning; use a lightning detector. Do not row in temperatures below freezing 32F. A boat’s ability to launch will be at the coxswain’s discretion.”

*“iii. If rowing between sundown and sunup, a 360°/all-around white light is required on the opposite side of the boat of the coxswain. If wet docking while rowing in air temperatures less than 36F, a launch **is required**. The coxswain must carry an emergency device.”*

“v. Coxswains are in charge of the safety of their boats and are responsible for not launching if deemed unsafe. If weather conditions are predicted to be unfavorable, coxswains are responsible for canceling their boats at least 90 minutes before the scheduled meeting time. They are encouraged to discuss this decision with the Head Coxswain if possible.”

- Wolfe and Greenlee reported that the ISU Crew Club members manage weather safety decisions because the water practices are not on campus, and Wolfe further provided that if the activity was on campus, they would have a trainer, student staff, or site supervisors with lightning detectors. Wolfe did approve the trip on the date of the Incident and recalls replying “looks like the weather should be great,” however admits that he does not look at wind speeds when he is looking at weather. He states there is no “weather evaluation for any of these activities.”
- Iles states he was never brought in on weather decisions.
- Gentry reported that the weather decisions are made by him and the coxswain at the water. He tries to check every practice, but it is “me and whoever is in charge of the water at that time.” Gentry reports that on the date of the Incident, he received a text from [REDACTED] that read “the

⁸ Level 1 is “designed for someone who has never coached rowing before, such as a parent, teacher, or recent college grad.” <https://usrowing.org/sports/2020/11/9/level-1-course-description.aspx?id=1119>

water is beautiful and flat”⁹ and remembers thinking it was going to be a beautiful day on the water. He saw that it was sunny, and the wind was calm. Gentry was supposed to attend the second practice of the day and it was not until 9:30am-9:45am that he rechecked the weather. He states at that time, “it was already pushing the threshold slated at about 15mph” and that is when he cancelled his second practice. Gentry states, he did not realize the Crew Members arrived at the water between 7am-8am and he is not sure what “took them so long to get on the water.”

- [REDACTED] states the decision-making process pertaining to weather does not require approval by an advisor or any department representative. [REDACTED] states she makes these decisions as Club [REDACTED] and states that it is usually the president, head coxswain and the coxswain of the boat. On this date, [REDACTED] was functioning as [REDACTED].
- On the date of the incident, [REDACTED] reported that she did talk to her coach, Gentry. She states she also messaged her Advisor¹⁰, who did not respond. [REDACTED] further stated there was never discussion about severe weather and “it’s pretty much if you see anything before going on the water, don’t go out.”
- [REDACTED] recalls checking the weather at 6am, and leaving campus around 7am. She states the weather was showing winds of 11-14mph and picking up to around 15-17 around noon¹¹. [REDACTED] recalls texting [REDACTED] and calling [REDACTED] to discuss the conditions.¹²
- [REDACTED] states there was uncertainty concerning the water conditions, so they decided to drive there to visualize it. On the drive in, one must pass the whole lake to arrive at the launch area. While driving, [REDACTED] states, “it was flat water, the wind was just missing the lake” and that “it looked like glass with tiny ripples.” [REDACTED] states she, [REDACTED], and [REDACTED] agreed it was “a good day on the water.”
- [REDACTED] believes the water temperature was “like 36 degrees.” She states everyone was cold, so they got into the vehicle, but that she was not very cold.
- [REDACTED] reported that she was a participant in the weather decision-making process on the date of the Incident, as were the other members of the crew on the date of incident. She states that morning, [REDACTED] texted her to inquire about her feelings related to going on the water, because it was supposed to be windy, stating the highest wind speeds were supposed to be 14mph. [REDACTED] said it was closer to permissible limit of wind in miles per hour and there was no way to be sure unless they could visualize the water, so they decided to drive to the lake, fully prepared to turn around if it was too windy. She states on the drive, she communicated with Nanni and Ben-David, there was a slight chance that it might be too windy, and they may have to turn around. However, upon arrival the water “looked so smooth, completely smooth.” [REDACTED] states that the winds over 15mph were not the biggest concern, the wind blowing the boat into the rocks was the biggest concern and since they were launching from the beach, it was safer which steered the decision to go on the water.
- [REDACTED] also reported that all Crew Members were involved in the decision to go out, that “no one objected and visually there was no reason that you would object,” and that no advisor or coach was involved in the decision.
- [REDACTED] states that decisions pertaining to the weather are outlined in the Crew Club Constitution. She states they are not permitted to row in winds upwards of 11-14 miles per hour. She states that on the date of the Incident, a conversation occurred in the group chat and that Gentry made a statement that the winds were going to be too high, it was going to be too cold, and insomnia kept him up all night, therefore he was not going to attend practice that day. [REDACTED] states this statement in the group chat was sent prior to anyone being aware that the

⁹ This reported communication was referenced during the investigation interview process, but was not provided to USCAH; therefore, USCAH is relying upon the verbal statements made during the interview(s).

¹⁰ This reported communication was referenced during the investigation interview process, but was not provided to USCAH; therefore, USCAH is relying upon the verbal statements made during the interview(s).

¹¹ Winds over 15mph deem water unsafe and lead to impermissible rowing conditions per USRowing.

¹² Of note, on March 28, 2021 at 6:33am, [REDACTED] sent a text message to [REDACTED] stating: “It looks like we have about 15mph winds this morning. That could be ok or it might not be. It’s hard to say without checking. Any ideas or thoughts?” and further states in the next message “I know that would be a for sure no if we were docking by the rocks.” [REDACTED] responded, “Let’s check it out, I think [it will] be better if we see that it 100% isn’t good.”

Incident occurred. [REDACTED] states that she has always respected [REDACTED] decisions and was never given reason not to trust her, and that decisions are the “final word of the cox on whether they go out or not.”

- [REDACTED] reported that the water looked “a little iffy” and that other members stating that some areas “looked like glass” was exaggeration; however, she notes that in areas where the water was shallow, there was smooth water.
- [REDACTED] states the decision-making pertaining to the weather is “in severe weather, do not row.” He states that the Crew Club members always check the wind the morning of the row. However, the coxswain makes the decisions about the weather. He states they are permitted to row at 12 knots and below and recalls cancelling practices for winds less than that. [REDACTED] states the process for getting on the water is first check the wind, then check the water surface, then if both are okay, they can row.

4. Experience

- Crew Club Constitution, Article VIII: Safety, states:

“i. Do not permit rowers to row in conditions outside of their ability levels.”

- According to surviving ISU Crew Club members ([REDACTED]), as well as [REDACTED] and Iles, the ISU Crew Club members are often either beginner or mid-level rowers, and seldom include expert rowers.
- The Crew Club Constitution states you must attend at least 1-2 land practices before going on the water. [REDACTED] reported that she personally makes this number higher, and that she also takes into account how willing individuals are to listen and learn, in determining boat eligibility. [REDACTED] states that she “makes sure the technique is good on the erg before going in the boat” and she “felt good” about Ben-David and Nanni’s land practices. [REDACTED] and [REDACTED] also reported that attendance at erg practices and ability to properly erg is a factor for being ready for water practices, with [REDACTED] reporting that the executive board members assess erg skills, with a minimum of a 3-practice attendance requirement, and [REDACTED] reporting that water practices are also based on availability and filling boats.
- [REDACTED] reported that all Crew Club members must undergo a swim test prior to participating in a water practice; that she needed approval from the Office of Risk Management in order to conduct the swim tests; a waiver was created for the tests to be administered; and that prior to [REDACTED] serving as [REDACTED], swim tests were not administered. [REDACTED] administers these tests consisting of: 10 minutes of treading water with no break, and two pool laps without use of the sides of the pool, completed with rowing attire (i.e., spandex and a shirt). [REDACTED] also makes the determination of pass/fail for these tests.

5. Water Practice Travel Approval

- Wolfe verified that the water practice on the date of the Incident was a well thought-out trip, stating that the itineraries had everyone listed, when they were leaving, and where they were sitting in the boat. And, Iles reported that he approved this particular trip “in the matter of an 11 second push of a button,” stating that he “had to assume that these young men and women knew what they were doing, which was a dangerous assumption.”¹³

¹³ Iles reported the following assumptions when approving the travel to the water practice: that there would be a coach; that whoever was in charge knew what they were doing; that they knew how far from shore they could stray and know when to return to shore if the weather became untenable; that everyone knew how to swim, that a launch would be there, that they wouldn’t leave shore with two inexperienced oarsmen; that, as inexperienced as they were, the Crew Members could execute a turnaround without catching a crab, or crabs, and without flipping the boat. Iles raised additional concerns with the fact that the cox was also the coach that day for two inexperienced rowers.

7. Conclusions - Safety Training, Practice Decisions and Related Factors

a. Constitution – Safety Provisions

- Regularly before and at the time of the Incident, ISU Crew Club members did not follow any one of five safety guidelines in the Crew Club Constitution, Article VIII: Safety (as set forth in sections C.3-4 above and D.2 below), placing the Crew Members in danger during each practice any requirement was not followed, and specifically on the date of the Incident. In addition, and as more fully set forth below, for 10+ years prior to the Incident, the use of a safety launch was neglected, and the repair of the safety launch was not made a priority by the Crew Club members placing the members at risk during each water practice.

b. Emergency Response Decisions

- There is no established Emergency Action Plan in place for incidents which may occur during rowing practices, such as a water emergency or a shell capsizing. It is unknown if other clubs or events on campus have Emergency Action Plans.
- Once on the water and after the shell flipped, neither the coxswain nor any of the Crew Members had any education or training related to emergency protocols and were therefore not able to determine what actions were necessary for the event. The universal rule for a capsized boat is to stay with the boat until help arrives. However, the Crew Members were not educated with this life-saving piece of information.
- The Crew Club members interviewed do not feel they have the appropriate equipment for responding to an emergency nor have they been provided with any education for prevention and treatment of emergency situations. There appeared to be a significant appreciation for the potential for an emergency to occur; however, the only apparent measure taken to decrease risk of such emergency was implementation of a swim test requirement prior to water practice eligibility, that was designed, implemented, and regulated by a student member.
- Crew Members Ben-David and Nanni were novice rowers. The date of the Incident was both Crew Members' first experience with a water practice in the sport of rowing. Ben-David had attended 19 dryland/erg practices, and Nanni had attended 7 dryland/erg practices prior to the date of the Incident. No other coach or safety monitor was in place on the date of the Incident making the activity even more unsafe for two rowers with no water experience. The wind speeds above 14mph indicated that the conditions were unsafe for all ability levels, but especially Crew Members that had no established rowing ability.
- All interviewed appear to be aware of safety standards set by USRowing, but there is currently a lack of compliance with those protocols and no other safety protocols established. The established protocols within the Crew Club Constitution were not followed.
- There is no evidence of ISU-established health and safety policy and procedures nor compliance monitoring for such policies. This includes, but is not limited to, basic safety protocols, weather policies, emergency action plans, and equipment safety checks and repair.

c. Weather-Related Decisions

- Evidence shows that on the morning of the Incident, the Crew Members were excited to get on the water, and implement the first water practice of the year.
- Via text message on the morning on the date of Incident, [REDACTED] indicated that the winds were 15mph. Her message also indicated that the winds were predicted to rise by noon¹⁴. Any speeds over 14mph are deemed unsafe by USRowing and more specifically the Crew Club Constitution.
- Based on interviews, the air temperature was within 30-40°F.¹⁵

¹⁴ Actual wind speeds and air temperature are unknown to USCAH; however, it can be found in the Iowa DNR report from the date of the Incident.

¹⁵ The temperature on the date of the Incident is unknown to USCAH; however, it can be found in the Iowa DNR report from the date of the Incident.

- Weather conditions were predicted to be unfavorable and despite the weather reports and impending high wind speeds, the coxswain did not cancel the practice. The Crew Members went to the Practice Lake and upon visualization of the water, rather than objective weather report numbers, decided to launch the boat.
- With respect to the Incident, the coxswain determined the water was safe to row, despite wind speeds higher than the Crew Club Constitution allows.
- The coxswain was carrying a cell phone which she was unable to operate due to waves and water temperature.

d. Attire on Date of Incident

- It was reported by the surviving Crew Members that many of the Crew Members were not appropriately dressed for the weather on the date of the Incident. At least one Crew Member brought clothing for any condition, however, several of them were not prepared for the cold/wind, and were not wearing apparel appropriate for a water-based sport. Some Crew Members were wearing extra clothing to keep warm (e.g., jackets, sweatpants).

e. Experience

- Iles has a significant amount of rowing-related experience and is aware of necessary health and safety measures; however, he did not feel he was in a position to assist in establishing standards or ensuring these measures were met. Iles was not intricately involved with any function of the ISU Crew Club, aside from administrative tasks associated with approval of said functions.
- Gentry has the second-most experience associated with the ISU Crew Club; however, per his understanding from ISU, his role is to provide technical instruction and he is serving in this role on a voluntary basis, with no clear obligation to attend every water practice.
- The range in experience of the student club members ranged from zero (0) to four (4) years and the majority of the Crew Club members' experience was self-taught and self-learned. While the self-reported levels of experience may vary for each of the Crew Members, the actual experience of all members varied between beginner and novice, with no "experts" involved.
- No Crew Members had vast instruction or advanced education in the sport of rowing. Further, the two associated members, Iles and Gentry, were not present on the date of the Incident, nor are they present for most water practices. This includes practices which may involve novice rowers practicing on water for the first time.
- It does not appear that any of the individuals with significant rowing experience were asked to provide input on safety protocols or policies regarding rowing practices. In addition, there was no expectation for any affiliate staff member to visibly supervise activities.

D. Rowing Equipment Inspection, Inventory, and Repair of Equipment/Resources

1. *Equipment*

- The Crew Club Operations Manual," section "Equipment and Emergency Protocols," subsection "Equipment," the equipment is listed as follows:

"Fleet:

Actively Rowed

K8 – Red Kaschper 8+ (excellent condition)

Stan Welp – Yellow Vespoli 4+ (good condition, dent on left stern side)

Rowable

Ferrari – Blue 8+ (poor condition)

Subaru – White 8+ (poor condition)

Unrowable

Hot Mess – White Vespoli Model D 4+ (in need of major repair)

EXHIBIT 3, p. 19

Rigor Mortis – Yearbook Boat (signed by members and alumni)
Wooden White 4+ (placeholder on the trailer)

Other major equipment:
Trailer (decent condition)
16 oars, 12 actively used (all in need of new paint)
3 cox boxes (good condition)

- ██████ reported that the Crew Club does not have (nor have they ever had) floatation devices or lights, and that they have asked for funding for lifejackets; however, ISU has not assisted with this. ██████ (who was not actually at the Practice Lake at the time of the Incident) reported that there were no safety devices on the water with the Crew Members, other than the coxswain having a cell phone.

2. Safety Launch

- According to the Crew Club Constitution, Article VIII: Safety:

“iv. The launch driver must have a current boater safety certificate. The launch is to be equipped with emergency supplies such as a cox kit, emergency communication device, floatation devices, and space blankets.”

- Wolfe reported that a safety launch was “never really addressed” and that it was mentioned “maybe five years ago in passing,” and that the launch is “not in obvious disrepair.” Wolfe also reported that just recently the ISU Crew Club requested he assist with the repair of another shell that was damaged, and while he was evaluating the other shell, the ISU Crew Club members brought the launch up as in need of repair as well. Wolfe states it is the ISU Crew Club’s responsibility to bring these issues to his attention and, for all of the times communicating about other tasks, the launch was never brought to his attention.
- Iles reported he was not aware that the ISU Crew Club was not using a safety launch.
- Gentry reported that he has done all coaching in a coxswain seat or on land and that he has never worked from a launch. He states that the need to repair the launch had been requested several times, and that such requests are submitted to Recreation Services. Gentry also reported that even if the launch were water worthy the motor is gas powered, rather than electric, and gas-powered boats are not permitted on the Practice Lake¹⁶; however, an electric motor would be “another capital expense.” Gentry stated that a motorized waiver for safety could perhaps be requested, but it is unknown if any individual has yet to seek a waiver.
 - Of note, Gentry also reported that ██████ had raised safety concerns with ISU, and a “few other members before her, have as well.” Gentry and ██████ both reported that ██████ sent an email¹⁷ to ISU the year prior to the Incident addressing safety concerns, and there was not any response to the email. ██████ also reported she was surprised that ISU admitted to the media post-Incident about the email.
- ██████, ██████ and ██████ reported that the ISU Crew Club has never had a usable launch, and that the existing launch has a hole and that the motor they have is not permitted on the Practice Lake.
- ██████ reported that the Crew Club Constitution requires a launch to go on the water. ██████ indicated that prior to this Incident, she “didn’t even know what a launch was, and didn’t know it was a thing you were supposed to need.” And, ██████ reported that they try to have others on land during practices, but it is “usually just the boat going out.”. A launch was not available

¹⁶ Gas powered boats are permitted at Little Wall Lake, the lake in which the incident occurred therefore if a gas powered boat were water worthy, it would have been permitted at the location of Incident. Gas Powered boats are not permitted at Hickory Grove Lake, the primary practice location.

¹⁷ This reported communication was referenced during the investigation interview process, but was not provided to USCAH; therefore, this information is included here for purposes of documenting information reported, but USCAH did not have sufficient information to arrive at conclusions or recommendations regarding the contents or communications surrounding the email.

on the date of Incident therefore it is unknown if an additional team member and/or coach would have been available to drive the launch, if it were water-worthy.

3. *Equipment Inspections*

- Wolfe reported that there “has never been a process of examining equipment within the 50 clubs to make sure everything is up to speed safety-wise.” Wolfe also states that it is the ISU Crew Club members’ responsibility to ensure all boats and equipment are water worthy. His perceived responsibility associated with equipment maintenance is to assist with navigating the processes should a boat or equipment need repair. He states all equipment is property of ISU, even if it is donated or paid for via fundraising but notes that all equipment must be cared for by the student body.
- Crew Members [REDACTED], [REDACTED], and [REDACTED], as well as [REDACTED] reported that the club members collectively inspect the equipment and repair it as well, with [REDACTED] reporting that they cannot afford third-party inspections.

4. *Equipment Purchases*

- According to the “Student Organization Recognition” document, page 5:

“When certain purchases are made for sponsored organizations or affiliated organizations, ... the acquisitions become university property and/or the university inherits certain risks and obligations. To help protect the university, the recognized organization, its members and its adviser, such acquisitions must be consistent with university policy, follow university procurement procedures and be processed through ISU Procurement Services. A university department must be willing to assume ownership and take responsibility for maintenance, storage, insurance costs (if any) and appropriate use before Student Government funding can be accepted by a recognized organization and an acquisition can be made.”

5. *Conclusions - Rowing Equipment Inspection, Inventory, and Repair of Equipment/Resources*

a. Equipment:

- The ISU Crew Club lacks necessary equipment, and certain equipment in the ISU Crew Club’s possession is not usable. E.g., limited number of life jackets, a motor for the safety launch that has been in a locker for 10 years, a safety launch boat that requires repair, no lights for boats, etc.

b. Safety Launch:

- The Crew Club Operating Manual includes a list of “Fleet” in which all equipment is listed along with the condition of each piece. The safety launch is not listed in the list of “Fleet” which indicates that the Crew Club did not acknowledge its necessity in water practices. Therefore, and with no other documentation to support otherwise, Recreation Services may not have been aware the boat existed, let alone was in disrepair.
- While it is the ISU Crew Club members’ responsibility to request repair of non-functional equipment and the ISU Crew Club neglected to follow their own Constitution regarding the requirement of a safety launch, the fact that a safety launch was not functional for 10+ (reported) years, without ever being inspected, indicates that the ISU Crew Club was functioning with no oversight or guidance to appropriate safety measures.
- At the time of the Incident, the launch was ISU property, therefore ISU inherited the obligation to take responsibility for maintenance of the property, in some fashion.
- On the date of the Incident, none of the equipment used was reported as being faulty, however, [REDACTED] reported that the Crew Members did not have any safety equipment with them, and [REDACTED] and [REDACTED] reported that they replaced/repared the boat as they prepared for practice

on the date of the Incident, but that such maintenance was part of the “normal” preparation process.¹⁸

- A launch was not available or present on the date of the Incident and for several years prior to the Incident. It is unknown if any team members and/or the coach obtained proper driver qualifications due to the length of time the launch was in disrepair. Additionally, due to unavailability of a working launch, no additional team member and/or coach was scheduled to attend the first morning practice on the date of Incident. The emergency supplies that are required in a launch were also not available within the boat that capsized.

c. Equipment Inspections:

- The constitution provides that the vice president is “[r]esponsible for the maintenance and upkeep of the club equipment, including the trailer, launch, motor, oars, and shells etc.” and for ensuring “that all equipment is safe to operate.” The vice president is to keep “an updated log of equipment and equipment conditions, and present proposals for new equipment to the executive board, and work with the treasurer to purchase.”
- Based on the investigation interviews, the ISU Crew Club does not have a boatman or rigger and there is not a specific person that inspects the equipment.

d. Equipment Purchases:

- It was learned during the interview process that a boat was donated to the ISU Crew Club by Gentry without the knowledge of Recreation Services staff and the process of procurement was not followed.

E. Post-Incident

1. *Support*

- Wolfe reported that the ISU Counseling Center provided two staff members the evening of the Incident for two hours, and the surviving Crew Members, and [REDACTED], and other Crew Club members who were not involved with the Incident attended, and the Counseling Center provided information on additional resources. [REDACTED] was appreciative of the counseling but also stated that some of it felt disingenuous. [REDACTED] reported ongoing friction between the surviving Crew Members concerning the decisions made during and leading up to the Incident.
- Wolfe states he, along with the office of Risk Management, worked through the logistics of the surviving Crew Members attending one of the funerals in Illinois, and in the process, Wolfe reported that an issue arose with obtaining travel approval, and that it was unfortunate that [REDACTED] was included on many of the email exchanges.

2. *Club and Officer or Advisor Sanction Processes*

- According to the Crew Club Constitution, Article VI: Officer or Advisor Removal Process, “(a) reasons for impeachment petition may include but are not limited to” “iv. Failure to comply with safety standards.” The investigation revealed that all safety standards within the Crew Club Constitution were neglected regularly, and specifically on the date of the Incident.
- According to the Sport Clubs Manual, pages 6-7, “*Sport Clubs and all participating club members are responsible to their club and to Iowa State University in terms of their conduct. Irresponsible behavior can affect the club’s privileges and negatively impact the club’s status in the Sport Clubs program. Loss of funding, suspension of travel privileges, and denial of facility use requests are possible sanctions to Sport Clubs exhibiting a pattern of inappropriate or irresponsible behavior. Loss of privileges for a year or more can be deemed necessary and*

¹⁸ [REDACTED], who was not present at the time of the Incident, reported that the inside of the shell of the boat that was used was old and patched together; that the repair of this was a low priority item; that the shell is designed to float when flipped however, when this shell flipped, “it sank almost instantly.” It is unclear whether the shell “sunk,” and the Department of Natural Resources report should be referred to in analysis of this aspect of the Incident.

appropriate.” The investigation determines that the club members acted irresponsibly, neglecting the safety standards within the Crew Club Constitution.

3. *Conclusions – Post Incident*

- ISU Counseling Center provided appropriate resources post-Incident to assist teammates and survivors.
- The “Officer or Advisor Removal Process” language in the Crew Club Constitution permits for post-Incident action.

IV. SUMMARY CONCLUSIONS

To summarize the conclusions above at a high level and related to the Incident, USCAH provides the following:

- The Incident occurred during the ISU Crew Club’s first water practice in approximately 18 months due to a halt in activities related to COVID-19 for the year.
- There is no university wide policy in place to determine the safety of conducting a water practice. The only established weather protocols for water practices exist in the Crew Club Constitution. There is no ISU oversight regarding weather-related decisions. Per the Crew Club Constitution, the coxswain makes the final decision regarding safety to participate in an on-water activity.
- On the date of the Incident, the coach canceled the second Crew Club practice of the day due to weather and wind speeds. While this was communicated via the team’s group chat, no attempt to communicate this information directly, via phone call to the [REDACTED]’s cell phone was made, which was established she did have in her possession on the date of the Incident.
- All Crew Members were excited about the potential of a water practice after an approximate 18-month break in on-water activity. Due to high-excitement, rational decision-making pertaining to the water conditions were likely decreased.
- Some Crew Members did not review the weather prior to arriving for the water practice and were not properly dressed. Training on proper attire was presumably not addressed or required.
- No dock exists at Little Wall Lake therefore wet-docking from the beach was required on the date of Incident. “Wet-docking,” is a practice that requires individuals to walk into the water, approximately knee-deep, then one-by-one get into the shell. This is a normal practice for the sport of rowing. Without a dock, this was a requirement for launching the boat on the date of the Incident. It is unknown if walking into 40°F waters led to pre-hypothermic conditions, especially when coupled with an already cold group of individuals. However, due to the lack of a dock, lack of a launch, and no supervision, water temperature must also be taken into consideration when planning on-water activities.
- During the time of the Incident, the [REDACTED] was focused on coaching and drills. This individual’s role also included weather-related decisions. One crew member of the boat mentioned monitoring the wind as it picked up and discussed returning to shore. The [REDACTED] decided to make an additional practice run prior to returning.
- A review of how to respond in an emergency or a change in weather conditions was not conducted prior to the start of the first water practice.
- There were no previously established protocols or training regarding the actions a crew must take in response to a capsized shell.
- Resources required to properly respond to the emergency were not available during the time of the Incident.
- Safety guidelines within the Crew Club Constitution were ignored frequently but specifically, on the date of the Incident, the boat should not have launched for the following reasons:
 - Two of the Crew Members lacked on-water experience.
 - Wind speeds were reported to be greater than 14mph. Specific wind speeds can be found within the Iowa DNR report conducted on the date of the Incident however, wind speeds of at least 15mph were relayed via text between two Crew Members.

- There was not a functional safety launch present on the date of the Incident. It is unknown if any additional team member and/or coach would have had the appropriate boating driver qualifications and/or would have been scheduled to attend the practice on the date of incident should a safety launch been available.
- When the boat did leave shore, the constitution identifies the [REDACTED] as the individual responsible for monitoring conditions and based on interviews a discussion of changes in the weather occurred and the [REDACTED] decided not to return immediately. Additional team members and/or a coach were not located on shore or in a launch that could have further supported the worsening weather and water conditions.
- After the boat capsized, the Crew Members did not have the appropriate knowledge for responding in the event of a water emergency. They did not know the number one safety rule for a capsized boat is to stay with the boat, and they did not have any safety equipment or communication devices to assist in their own rescue.
- The Crew Members were not well-educated on any health and safety topics, or sport-specific education associated with their athletic endeavor.
- Further, no policies or procedures existed that would eliminate the subjectivity of decision-making on the date of the Incident.

V. RECOMMENDATIONS

The purpose of the below Recommendations is to identify action items and steps that can be taken by ISU to mitigate the risk of another catastrophic event within the Crew Club, and subsequently within all Sport Clubs at ISU.

A. Roles and Responsibilities Related to the ISU Crew Club

1. *General & ISU Recreation Services Recommendations*

- Due to the catastrophic nature of the incident, USCAH recommends continued suspension of the Crew Club at Iowa State, pending revision of an appropriate health and safety structure within the Recreation Services department at Iowa State University.
- A balanced Sport Clubs system must be established that continues to promote and encourage student-run organizations but provides the appropriate guidance to the student-members in order to prevent catastrophic outcomes (specifically, a balance that allows student independence but provides education, development, and safety to the students at the university, particularly with high-risk activities).
- ISU should clearly define ISU requirements affiliated with all Sport Clubs and the rationale behind the requirements. It is important to clearly define all rules and regulations as well as provide transparency regarding regulation rationale.
- The reporting line from the club members to the institution should have more clarity, responsibility and oversight, with clear expectations. It is also recommended that coaches and advisors to the institution should define roles specific to each club and their respective risk.
- "Position descriptions" should be developed that clearly define the involvement and roles associated with all parties involved in each club and the extent of their assistance respective to each individual club. Clarifying roles will eliminate confusion, influence accountability and provide more seamless function within the clubs.
- The number of responsibilities placed on each individual should be evaluated to ensure the individual is capable of adequately meeting those responsibilities and the responsibilities should be adjusted if the individual is not capable or there is a conflict of interest.
- The Assistant Director of Sport Clubs position description contains a significant number of responsibilities, all of which could not be adequately performed by one individual. The position could be divided into multiple positions or spread amongst more than one individual in order to adequately perform the duties as described in the Sport Clubs Manual.
- Determination of required "additional staffing" (as referenced in Sport Clubs Manual, page 17) should be assessed and assigned by each organization. As with many sports, rowing should

require additional staff for water practices based on safety and risk. For example, in the sport of swimming, a lifeguard is required “additional staff” due to the risk involved with the sport. A review of the additional staffing needs, as they pertain to safety should be reviewed for each sport. The activity should not take place if the required additional staff is not present.

- Each Sport Club should establish a formal “Safety Officer”, or group of individuals within the club structure, that would be required to provide sport-specific safety education to all new and returning members. The responsibilities should formalize, encompass, and expand upon the current risk manager responsibilities within each sport club. Responsibilities should be delineated in the above noted position descriptions and should include coordination of safety-related decisions with the respective advisor. The advisor and/or Recreation Services should ensure all safety education is occurring, specific to each club’s risk areas.
- A staff member from Recreation Services should assist the Sport Clubs with safety oversight. This individual should assist with the establishment of appropriate policies, procedures, education and training required of and specific to each sport.
- It may be beneficial to require separating the risk management role from existing officer positions to spread responsibilities among members and not overwhelm one individual with responsibilities. For instance, in the ISU Crew Club structure at the time of the Incident, and according to the Crew Club Constitution, the chain of decision-making to go on the water that day could have been President, Head Coxswain, risk manager, all of which could have been the same individual on the date of Incident. Of note, this is an example and does not reflect the current structure. However, the possibility of all decision-making power should not be with one individual.

2. *Crew Club Advisor*

- As stated above, the reporting line from the Sport Club members to ISU should have more clarity, responsibility and oversight, with clear expectations. This individual should be aware of and assist Recreation Services with enforcement all health and safety standards set forth in ISU’s policies and procedures, and within each Sport Club’s constitution. The advisor should be intricately involved with the Sport Club’s constitution revisions and establishment/enforcement of such standards.
- A minimum set of standards should be established and published to guide each advisor in his/her role as it pertains to each club. This role in particular should not lack clarity in terms of guiding the club with risk management and safety prevention.
- In some fashion, the advisor’s role should include periodic “audits” or inspections, in conjunction with the club’s executive members, of the club’s overall function to ensure the club is following their respective constitution, and the Sport Clubs Manual guidelines. This would include inspection of safety equipment and safety measures. Advisors and representatives should be required and empowered to have final decision-making regarding health and safety of club members.
- A faculty advisor should be responsible for all aspects of health and safety. This position should work with university personnel with designs of rules and regulations to sport participation. While we understand the need to continue to foster some independence in student-run organizations, final decision-making regarding health and safety should be the role of a faculty advisor.

3. *Volunteer Coach*

- Current language requiring coaches to attend orientation states that such training is optional. Moving forward, it is recommended that all volunteer coaches undergo a formal on-boarding process as a requirement and have defined sets of expectations and responsibilities.
- Further, it is recommended that the contradictory language in the Sport Clubs Manual and the Crew Club Constitution be modified to improve function and understanding of the Volunteer Coach Role.

4. *Student Leadership*

- Role clarification between the coxswain and the Vice President would assist with decreasing confusion regarding responsibilities associated with weather-safety and other safety-related concerns. A position description for this role within each club, specific to their respective sport, would assist the advisor in educating the members to ensure safety measures are being followed.
- Additionally, an approval process already exists for water practices. Consider additional questions in the approval process that include specific weather-related information to allow the approver to make a sounder and more educated decision.
- The practice approval process should also include a thorough checklist to account for safety equipment and inspection prior to each row.

B. Policies, Procedures, and the Crew Club Constitution

- Formal written policies which address health and safety for all Sport Clubs should be established.
- It is recommended that the president, treasurer (or parallel leadership positions) and adviser(s) should not be responsible for verbally relaying information to members of each club. Completion of that process is inconsistent and unreliable. The organizations should standardize the review and understanding of policies and procedures through an online tracking platform. All individuals must read and acknowledge all policies and procedures, prior to participation, despite their level of involvement in a Sport Club. These revisions and requirements should also be made in the Constitution.
- ISU required policy development and policy education and training tasks should be overseen by ISU staff or faculty member. This includes compliance with all policies and procedures and verification of all signatures on legal waivers, etc.
- A system must be developed that ensures all processes are followed by each club and club member. Each individual involved in a Sport Club (officer or not) should have the same administrative information to assist with following all policies and procedures.
- There should be no room for subjective judgment as it pertains to water and weather safety in such policies, procedures and constitutions. Such decisions should be discussed with Recreation Services staff, an advisor and/or coach.
- USCAH recommends a revision to the Crew Club Constitution that aligns with all feasible items located in the [Safety Expectations Policy](#) provided by USRowing.

C. Crew Club Funding Issues

- The Tier System established by Recreation Services should be revisited. A recommendation in this regard would include budgeting for funding of equipment/safety standards in one of two ways: i) by revising the Tier System to include and account for risk, equipment, and safety demands of each Sport Club and/or ii) providing a minimum yearly budget for equipment/safety needs and requirements of the sport outside of the Tier System budgets and evaluations of these budgets specific to each Sport Club.
- A thorough risk to reward assessment should be completed by the Office of Risk Management for the boathouse project prior to approval of fundraising efforts.
- Lastly, (and perhaps most importantly) is the obvious need for the funding of a functional launch for safety.

D. Safety Training, Practice Decisions and Related Factors

- A “Catastrophic Incident Response” policy should be established that delineates roles associated with a crisis.
- An Emergency Action Plan should be established for every sport/venue and required actions in an emergency should be delivered to all necessary parties.

- Consider a formal education process from advisor/risk manager to each member for each club. This requires significant procedural planning and creation of documents on the front end; however, once established will dramatically reduce risk and improve safety within each club.
- All individuals associated with Sport Club programs — faculty, staff, volunteers, and students — should complete basic health and safety education through electronic learning modules that track compliance of all education. This education should take place annually and be completed prior to participation.
 - With limited ISU oversight and responsibility placed on student members, these minimal education and safety standards should be established and required; with the compliance of these standards overseen by an ISU staff member.
 - The student members of each Sport Club should be educated in the health and safety topics that impact their respective sport and should acknowledge in writing that they understand all of the required safety information.
- Recommend developing a process to ensure every member of each club understands the sport-specific health and safety procedures prior to participation in their respective sport, preferably in accordance with a third-party governing body of such sport. Specific to rowing, these measures may include but are not limited to:
 - i. Water Temperature Rule: an example could be the 90°F rule endorsed by USRowing and the World Rowing Federation in which the water temperature plus the air temperature combined must meet a minimum 90°F for a boat to launch; or the water temperature alone is below 50°F.
 - ii. Requirement of a safety launch for supervision of on-water activity and for appropriate response in an emergency situation.
 - iii. Development, education and rehearsal of an emergency action plan specific to each venue in which practices/events occur.
 - a. “safe-exit” zones on the water – options for exiting the water in the event of an emergency
 - b. stay with the boat/shell under every circumstance and use the boat as a floatation device until help arrives.
- A boat’s ability to launch due to weather should not be at any individual’s discretion. The wind speeds, air temperature, and water temperature are objective measures that would dictate the safety of launching for a water rowing practice. These numbers should be documented and approved by the advisor and/or coach prior to any water practice without exception to minimum standards (i.e., any wind speed over 14mph is not negotiable).
- As stated above, there should be no room for subjective judgment as it pertains to water and weather safety. The decision should be discussed with an advisor and/or coach in collaboration with the Head Coxswain and the coxswain of the boat going out for the respective practice.
- A university-based approval process for monitoring weather must be established for every Sport Club, despite on-site coverage availability.
- A safety launch should be on the water for **all** water practices, despite weather temperatures or the experience of the members involved. The coxswain should have an appropriate emergency device that they are able to use in the event of any emergency (i.e., walkie talkie or similar technology).
- The safety launch driver must have a current boater safety certificate.
- The launch should be equipped with all emergency supplies noted above and with the safety equipment recommendations of this Report.
- Recommend faculty advisor, coach and/or Recreation Services staff member be responsible for all aspects of health and safety including the design of rules and regulations specific to sport participation. While we understand the need to continue to foster some independence in student-run organizations, final decision-making regarding health and safety should be overseen by an individual in a leadership role within the organization.
- Sport Club coaches and/or advisors, in coordination with the student member Risk Manager, should be educated and responsible for enforcing all health and safety protocols prior to any on-water rowing activities.

- There are no subjective criteria to determining a rower's ability level as referenced in the Crew Club Constitution. Dryland/erg skills do not translate to ability to row on water. All members of the ISU Crew Club have very limited experience in the sport of rowing, despite their self-perceptions and should not be evaluating the skills of members with no experience. Due to the risk involved, a coach and/or advisor should assist with development of on-water skills particularly for rowers with no experience. If this is not possible, minimally, lifejackets and other equipment should be available in the event of an emergency.

E. Rowing Equipment Inspection, Inventory, and Repair of Equipment/Resources

- A regular schedule should be established for equipment repair and replacement to ensure safety.
- Establish protocols for regular equipment checks and replacement of safety equipment.
- All equipment for every Sport Club should be listed and regularly audited/inspected for safety. If an item is in disrepair, a formal process should be developed to expediate repair. For all equipment, if the condition of the apparatus compromises safety, the activity should not occur.
- All university property must undergo some form of inventory or audit, even if conducted by student members. In this situation, if all equipment was listed and the respective condition of each piece was assessed, it may have been discovered that the safety launch was not usable.
- Recreation Services should provide inventory of the university-owned equipment, particularly for equipment intensive sports. A "check-in/check-out" process should occur for equipment, primarily as a means of inspecting the equipment. A safety launch should be a requirement of checking out any other water apparatus as it pertains to the ISU Crew Club.
- Ensure a safety launch is functional, maintained, and present for all water activities, and includes safety equipment in working condition including ladder; one lifejacket per every ISU Crew Club member on the water, including those in the launch; emergency blankets; sound-making device; first aid kit; anchor; tow rope/strap; and tools that can assist in making on-water adjustments to the rowing craft in emergency situations.
- Minimum safety standards should be established for ISU Crew Club team practice participation – this includes equipment availability. In the case of equipment and expenditures, a recreation services staff member, coach and/or advisory should have final decision-making regarding dollars spent. In this instance, ISU leaders were either unaware of the inoperative launch or lacked the education to understand the urgency of required repairs needed for a launch repair. Available fundraising dollars were not used to purchase this basic safety need for water practices.

F. Post-Incident

- A "Catastrophic Incident Response" Policy should be established that delineates roles associated with a crisis.
- Though there were not established protocols or procedures for an incident of this nature, ISU Crew Club member involvement during the post-incident management should have been limited or prohibited by ISU staff and ISU PD. Specifically, all crew club members should have been escorted off-site and not permitted to drive ISU vehicles and transport ISU property until further assessed.
- ISU Counseling Center provided resources post-Incident to assist teammates and survivors. Not surprisingly, some interviewed parties found this resource to be more helpful than others. Nonetheless, the resource was appropriately provided, and follow-up resources were relayed to the students and individuals involved in the Incident. However, there is an ongoing concern regarding conflict/blame among the survivors which should be addressed by ISU through either the Counseling Center or third-party resources, in the form of professional conflict resolution. Without attention to this matter, more conflict is likely to arise.
- USCAH defers to ISU on how best to enforce the "Officer or Advisor Removal Process", and the Sport Club Conduct. Specifically, in the Crew Club Constitution, Article VI: Officer or Advisor Removal Process states reasons for impeachment petition may include "disregard of position

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responsibilities” and “failure to comply with safety standards” and withing the Sport Clubs Manual 2020-2021, pages 6-7, *“Sport Clubs and all participating club members are responsible to their club and to Iowa State University in terms of their conduct. Irresponsible behavior can affect the club’s privileges and negatively impact the club’s status in the Sport Clubs program. Loss of funding, suspension of travel privileges, and denial of facility use requests are possible sanctions to Sport Clubs exhibiting a pattern of inappropriate or irresponsible behavior. Loss of privileges for a year or more can be deemed necessary and appropriate.”* The investigation determines that the club members acted irresponsibly, neglecting the safety standards within the Crew Club Constitution.

- The safety standards that were neglected, in Article VIII: Safety, on the date of incident and days leading up to incident include:
 - “Weather safety: Do not row in wind greater than 14mph, heavy rain, snow, or lightning; use a lightning detector. Do not row in temperatures below freezing 32F. A boat’s ability to launch will be at the coxswain’s discretion.”
 - “If rowing between sundown and sunup, a 360°/all-around white light is required on the opposite side of the boat of the coxswain. If wet docking while rowing in air temperatures less than 36[°]F, a launch is required. The coxswain must carry an emergency communication device.”
 - “The launch driver must have a current boater safety certificate. The launch is to be equipped with emergency supplies such as a cox kit, emergency communication device, floatation devices, and space blankets.”
 - “Coxswains are in charge of the safety of their boats and are responsible for not launching if deemed unsafe. If weather conditions are predicted to be unfavorable, coxswains are responsible for canceling their boats at least 90 minutes before the scheduled meeting time. They are encouraged to discuss this decision with the Head Coxswain if possible.”

VI. CONCLUSION

Although the above recommendations are suggested for implementation with the ISU Crew Club, most recommendations are applicable to other club and intramural teams. Therefore, it is further endorsed that the supervision, health, and safety education recommendations be extended to all clubs at ISU to mitigate student safety risks. Furthermore, and in conclusion, the USCAH team would suggest completion of a full risk assessment of all club and intramural sports within the Recreation Services department at ISU.