

Former Deputy Athletics Director Stephen O'Brien Sues San Jose State University, Alleging Cover-Ups and Retaliation Related to Sex Abuse Scandal

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Steve O'Brien, the former second in command of San Jose State University's ("SJSU") Athletic Department filed a civil lawsuit late yesterday in Santa Clara County Superior Court alleging that top SJSU officials, including the athletic director and president, engaged in a pattern of covering up misconduct by staff and students and retaliating against those who reported it.

O'Brien alleged in the 30-page complaint that he was fired for preserving the integrity of an investigation into the alleged sexual assault by Scott Shaw, SJSU's Director of Sports Medicine and Head Athletic Trainer. Over a decade ago, Shaw was accused of sexually fondling more than a dozen female athletes. In 2009 the University investigated and quietly cleared Shaw of all wrongdoing. But approximately eight years later, these athletes and others reported to Sage Hopkins, SJSU's women's swimming and diving coach, that Shaw's abuse was ongoing and that the University's prior investigation was insufficient. Hopkins compiled a 300-page dossier with his findings, explicitly calling out athletic director Marie Tuite's role in covering up Shaw's abuse. SJSU re-initiated a new Title IX investigation in 2020.

O'Brien alleges that while the renewed investigation was underway, Tuite directed him to illegitimately discipline Hopkins. O'Brien believed carrying out her directive was retaliatory against Hopkins and could compromise the active investigation into the truth about what happened at SJSU, including Tuite's role in it. O'Brien brought his concerns to SJSU without effect. He met with Hopkins, delivered the discipline less than a month after writing a detailed report of alleged wrongdoing to SJSU administration, SJSU terminated him, offering no reason for its action. O'Brien separately alleges Tuite repeatedly undermined her staff's legitimate compliance activities when they discovered violations of NCAA prohibitions on gambling and student-athlete drug use.

Tamarah Prevost, a partner at Cotchett, Pitre & McCarthy, said:

"This lawsuit alleges a clear case of retaliation. O'Brien was punished for doing the right thing. He stood up for those trying to protect mistreated female student-athletes and it cost him his job. California law explicitly protects employees engaged in the whistleblowing conduct that Steve O'Brien was courageous enough to undertake. The days of covering up misconduct by universities should be a relic of the past, not the current

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ALLEGING COVER-UPS AND RETALIATION RELATED TO SEX ABUSE SCANDAL

standard.”

Christopher Boscia, founding partner of Boscia Legal, said:

“Steve O’Brien tried to protect a process that would get to the truth of what happened at SJSU. He tried to give voice to those who have gone unheard for too long. Instead of firing him, SJSU should have thanked him for stepping up on behalf of those student-athletes and coaches.”

Cotchett, Pitre & McCarthy engages exclusively in litigation and trials and has earned a national reputation for its dedication to prosecuting or defending socially just actions.