



# Sexual Abuse at St. George's School and the School's Response: 1970 to 2015

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REPORT OF INDEPENDENT INVESTIGATOR  
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## Preface

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In January 2016, I was asked to conduct an investigation concerning sexual abuse at St. George's School, and the school's response to reports of abuse, from 1960 to the present. At the time, St. George's faced a firestorm of public criticism about the way it had handled complaints about sexual abuse at the school, and about the findings of an earlier investigation, commissioned in 2015 by the school's Board of Trustees, addressing those issues.

I was engaged jointly by St. George's School and SGS for Healing, a group of St. George's alumni who had been abused at St. George's when they were students. My charge was to conduct a truly independent investigation, impartially and without favoritism; to learn what happened and why; and to report the results of the investigation publicly.

The lengthy report that follows is the result of that investigation. I did not conduct this investigation alone. A team of lawyers and others at Foley Hoag, including my colleagues Neil Austin, Martha Coakley, Caroline Donovan, Michael Hoven, Kelly Caiazzo, and Annmarie Silvasy, spoke to more than 150 witnesses and analyzed thousands of pages of documents, all with the aim of finding and reporting the truth. While we approached the investigation as a team, the final responsibility for this report, and the final judgments the report makes about the evidence and about the credibility of competing accounts of witnesses, are mine.

In the course of our investigation, we have been privileged to speak to alumni who displayed extraordinary bravery and grace, talking in detail to complete strangers about some of the most painful events of their lives. We have also received the full cooperation of St. George's School, its current counsel at Ropes & Gray, and counsel for SGS for Healing.

My goal is to provide an honest accounting of what happened at St. George's. "Facts are stubborn things," as John Adams said nearly 250 years ago, and they must be reckoned with. The picture that emerges from this investigation is profoundly disturbing. This report will not be easy reading. But like any set of events that unfolds over nearly 50 years against a changing social and legal landscape, what happened at St. George's School raises some complex issues, not readily amenable to description in the shorthand language of charges, countercharges, credit, and blame so often traded by adversaries in the news media on highly charged public issues like sexual abuse.

I am also mindful that our world has changed dramatically since the 1970s. I have sought to resist the temptation to make assessments about yesterday's leaders by today's standards. But it would be wrong, in my judgment, to turn a blind eye to what happened decades ago merely because the world was different then, or because St. George's School today is a very different place than it was in the 1970s and 1980s.

The girls and boys (now women and men in their forties, fifties, and sixties) who suffered at the hands of abusive faculty or abusive students at St. George's deserve answers, not excuses. So does the rest of the St. George's community—the school's faculty and leaders, then and now, its students and its alumni, and the parents who entrusted their children to St. George's care.

*Martin F. Murphy*

*Foley Hoag LLP*

*September 1, 2016*

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## Summary of Findings

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### *Two St. George's*

Many students who came to St. George's School in the 1970s and 1980s found exactly the kind of experience they expected at an elite private boarding school. These students received a first-rate education, learned lessons in the classroom and on the playing fields from teachers and coaches they came to view as among their most influential mentors, and developed life-long friendships with their classmates and teammates.

But for some of their classmates during those years—at least 61 former students we have identified, and certainly more than that—life at St. George's was very different. The St. George's these boys and girls experienced was marked by (and, for some, *dominated* by) faculty or staff who manipulated and sexually abused them, or older students who targeted them for acts of sexualized hazing and sexual assault. Faculty and staff members at St. George's sexually abused at least 51 students during the 1970s and 1980s. Students sexually abused at least another 10 of their fellow students.

Many of these students remember St. George's as a place where their abusers created a kind of private hell for them—a place where they suffered trauma and emotional wounds that, for many, remain unhealed. The abuse they experienced involved not only physical acts of sexual assault (as horrible as those were), but something that, for many, was even worse: betrayal at the hands of an adult entrusted with their care, at a school where they saw few, if any, places to turn for help.

This report tells the stories of those students and the abuse they suffered. It describes how some faculty and staff used their positions at St. George's to commit crimes against students placed in their care: a list that includes Al Gibbs, a trainer; Rev. Howard White, an associate chaplain; Franklin Coleman, a music teacher and choirmaster; William Lydgate, an English teacher; and Timothy Tefft, also an English teacher.

This report also tells the story of a culture of hazing and bullying, absent adults, and disrespect, particularly of girls and young women, that together created an environment that permitted older students to commit assaults, including sexual assaults, against younger students—girls and boys.

### *Faculty and Staff Abusers in the 1970s and 1980s: A Brief Summary*

Nearly all of the reports of sexual abuse and sexual misconduct<sup>1</sup> we received came from former students who attended St. George's in the 1970s and 1980s. During those years, three men served as the school's headmaster:

- 1961 to 1972: Archer Harman, Jr.
- 1972 to 1984: Anthony Zane
- 1984 to 1988: Rev. George Andrews II
- 1988 to 1989: Archer Harman, Jr. (as interim headmaster)

We have received reports, based on multiple first-hand accounts or a single first-hand account, corroborated by reliable independent evidence, about six faculty or staff members who committed sexual abuse on students between 1970 and 1989.<sup>2</sup> Here are their names:

#### *William Lydgate*

William Anthony Lydgate, Jr. taught English at St. George's School between 1968 and 1970, when he left suddenly before the end of the school year. He joined the faculty a year after his graduation from Yale in 1967. At St. George's he sexually assaulted and orally raped at least one student and likely at least one other.

#### *Timothy Tefft*

Timothy H. Tefft joined the St. George's faculty as an English teacher in the fall of 1971, the year he graduated from Middlebury College. Tefft stayed at the school only from September 1971 to December 1971, when he was dismissed mid-year, evidently for supplying alcohol to the hockey team over winter break. Tefft sexually abused a sophomore St. George's boy in the fall of 1971.

#### *Rev. Howard White*

Reverend Howard "Howdy" W. White, Jr. joined the faculty of St. George's School in 1971. He was 30. White served as associate chaplain, teacher, dorm parent, and coach for four years, from 1971 to 1974. Headmaster Anthony Zane terminated him in 1974 after learning that he had sexually abused a sophomore boy and had attempted to sexually abuse at least two and likely three others. According to Zane, White admitted the allegations.

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<sup>1</sup> We outline how we use terms like "sexual abuse" and "sexual misconduct" at pp. 17 to 19.

<sup>2</sup> We describe four other credible reports of sexual abuse by former faculty members later in this report. We explain our methodology and reasoning for naming some faculty members, but not others, at pp. 19 to 21.

*Alphonse “Al” Gibbs*

Alphonse “Al” Gibbs started as a part-time athletic trainer at St. George’s School in 1965, when it was an all-boys’ school. He joined the staff at St. George’s as a full-time, paid employee in February 1973, when he was hired as an athletic trainer and assistant coach on weekday afternoons and Saturdays. At the time, he was 62 years old, and St. George’s had only recently begun to admit girls. Gibbs began sexually abusing female St. George’s students nearly as soon as they arrived on campus. He engaged in sexual misconduct with girls in every class from the Class of 1976 (who were freshmen when he started) to the Class of 1982. Zane, the headmaster, fired him for sexual misconduct.

Thirty-one women have made first-hand reports of abuse by Gibbs.

*Franklin Coleman*

Franklin Coleman joined the faculty of St. George’s School in the 1980–1981 academic year. He was 38. He taught at the school until May 1988. Coleman served as Choirmaster, Music Director, music teacher, and dorm parent from 1980 to 1988, before the school terminated him for inappropriate sexual contact with a male student.

Coleman, like Gibbs, sexually abused at least one student in each year of his tenure at the school. Ten St. George’s alumni made first-hand reports of abuse by Coleman.

*Susan Goddard*

Susan Goddard was a part-time nurse who worked at St. George’s School from June 1976 to September 1998. In 1979 and 1980, Goddard, who was then in her late 30s, engaged in sexual misconduct with a male St. George’s student when the boy was a junior and senior.

*Student-on-Student Sexual Abuse in the 1970s and 1980s*

We received nine credible first-hand accounts of student-on-student sexual assault who attended St. George’s in the 1970s and 1980s. We also heard persuasive evidence of at least one other instance of student-on-student sexual abuse—one that led Zane to expel two students—but the victim (or victims, as witnesses have given us several names) of that sexual assault did not come forward.

The victims of these assaults were divided nearly evenly among male and female students. The student perpetrators in these cases were nearly all male, but we received two reports of sexualized hazing directed by girls against another girl.

## *How Did This Happen?*

One of this report's goals is to answer that question. We examine in detail what the school's leaders during those years did—or failed to do—to protect students from abuse at the hands of faculty and staff who were entrusted with students' care. We also look closely at what former Heads of School Archer Harman, Jr., Anthony Zane, and Rev. George Andrews knew—and when they knew it—about the abuse some of their students suffered, and how they responded to that abuse.

This question—what school leaders knew, and when, about abusive faculty and staff like Lydgate, Tefft, White, Gibbs, or Coleman (or about what sexual bullies were doing to younger students)—is certainly an important question. But, in our view, it is not the only question, and may not even be the most relevant question.

As a boarding school, St. George's stood *in loco parentis* to children—teenagers and young adults, some as young as thirteen. St. George's leaders were responsible for their education and their safety.

As a consequence, the *most* relevant question is whether school leaders took the steps necessary to prevent, to the extent possible, teachers or staff from molesting students, or to prevent older students from sexually assaulting younger students. Our investigation reveals that, in the 1970s and 1980s, St. George's leaders did little, and certainly not enough.

To be clear, we do *not* find that St. George's leaders did *nothing*; in fact, they certainly took *some* concrete steps to protect students. The school's leaders fired White (the associate chaplain), Gibbs (the trainer), and Coleman (the music teacher) after learning they sexually abused students; they likely fired Lydgate for the same reason. After Anthony Zane, the headmaster from 1972 to 1984, fired White, Zane took steps to revoke a prior recommendation he had made for White and spoke candidly about White to faculty, trustees, and prospective employers who called St. George's to check references. Zane also expelled two students when he learned they engaged in an act of sexualized hazing.

But the school made no contemporaneous report to any law enforcement authorities about White, Coleman, or Gibbs despite having information making it clear they committed sexual abuse against students. (The question whether Rhode Island's reporting statute *required* such a report in each of these instances is more difficult than might be expected, and we discuss that issue at length later in this report.)

But we believe there is no credible justification for the actions the school took to *help* Coleman and Gibbs after the school fired them. Even after terminating Gibbs for abusing and taking naked photographs of girls, St. George's honored him with a \$1,200 annual grant for distinguished

service that remained in effect until he died in 1996. And the school's Dean of Faculty, who knew the circumstances of Coleman's termination, recommended Coleman for other teaching positions.

In a final coda to this period, when Anne Scott '80, whom Gibbs had repeatedly assaulted in the school's training room, brought suit against the school in federal court in 1988 to obtain damages for what Gibbs had done, the school consciously chose to employ hardball legal tactics to bully her into dropping the suit. And when she did drop the suit, the school declared victory.

We do *not* conclude that St. George's leaders during the 1970s and 1980s acted differently than the leaders of many other boarding schools in New England or elsewhere in the United States. Nor do we find that the school's leaders intended that students be abused, or consciously wished their students to suffer. The features of school life at St. George's that paved the way for abuse of students by faculty and staff, and for sexualized hazing and sexual assaults of younger students, were common features of boarding school life in those times. Rules permitting faculty to take students on overnight or weekend trips, sometimes at the school's expense; absent dorm parents who let older students run dorms where younger boys and girls lived—these were by no means unique to St. George's.

But the fact remains that it was *St. George's* that employed White, Gibbs, Coleman, and others; failed to recognize or act on information suggesting Gibbs was failing to respect appropriate boundaries with female students; chose to award Gibbs grants for distinguished service until his death; chose to continue to employ Coleman after serious concerns about his conduct were raised; continued to recommend Coleman for other jobs even after his dismissal; and created an environment where few students felt as if they could report abuse they experienced or knew about.

Our conclusion, in the end, is this: in the 1970s and 1980s, St. George's School betrayed the trust of the many St. George's students who became the targets of sexual abuse when they came to the school, and likewise betrayed the trust of parents who sent those students to St. George's with the expectation that it would be a safe place for them to live and learn.

### *Sexual Abuse or Misconduct Since 1990*

Fortunately, St. George's is certainly a very different place now. We find that St. George's current leaders have established a culture of respect for the students who attend there now, including new traditions that set an entirely different tone for students and faculty than prevailed during the 1970s and 1980s. We also find that St. George's has in place programming, policies, practices, and systems intended to eliminate, to the largest extent possible, faculty abuse of students and student-on-student abuse, and to address correctly reports of abuse or assault should they arise. And the school is committed to a process of continuous improvement to ensure that its practices remain those thought best to address difficult issues of faculty and student boundaries, student sexuality, and new opportunities for harm that digital and other new technologies may bring.

Our charge, however, is broader than examining current policies; we also look at how, over the last 25 years, during the tenures of Charles Hamblet and Eric Peterson as Heads of School, the school's leaders dealt with reports of sexual misconduct as they arose, and how they also addressed something their predecessors were not required to face: reports by alumni that they had been sexually abused many years earlier.

### *The School's Response to Alumni Who Reported Abuse*

After Anne Scott (who the school pressured into dropping her lawsuit in 1989), no St. George's alumnus brought the abuse they experienced at St. George's to the school leadership's attention for more than ten years. In the years that followed, however, alumni from the 1970s and 1980s began to tell school leaders what had happened to them as students.

Former headmaster Charles Hamblet, who served from 1989 to 2004, learned in 2000 that Coleman had abused at least one boy. He also learned that Gibbs had abused more than one girl. In 2001, he learned that a dorm prefect had publicly raped a freshman boy with a broomstick.

The reports of past abuse to Peterson began almost immediately after he became Head of School in 2004. He learned in 2005 about Coleman's abuse of students and about the dorm prefect who raped the freshman with a broomstick. He first spoke in 2011 directly to an alumna Gibbs had abused. Peterson made the school's board chair aware of each of these reports.

The school addressed each report on a case-by-case basis. The school agreed to pay counseling expenses for one alumna abused by Gibbs (in an arrangement approved by the board's executive committee) and to provide access to counseling to one alumnus abused by Coleman. But the school generally relied on alumni who had been molested to make specific requests before offering to provide financial or counseling assistance. In addition, beginning in 2011, the school also insisted on a confidentiality order before it would pay counseling expenses—an approach that experts believe makes it harder for adults molested as children to recover from the harm abuse causes.

In late 2011, as school records corroborate, Peterson—having in mind what he had learned about Coleman and Gibbs—began to consider whether the school should conduct a broader inquiry to reach out to alumni to learn more about past abuse by faculty. By this time, several other schools, including the Fessenden School and Buckingham, Browne & Nichols, had sent letters to alumni reporting what they knew about past abuse, apologizing for that abuse, soliciting additional information and, in some instances, offering to pay for counseling to alumni who had suffered abuse.

Peterson raised this issue with the school's counsel and its board chair. There was little enthusiasm for such a project. The school's lawyers advised strongly against it, recommending instead that the school continue to address reports by alumni on a case-by-case basis. Peterson did not

present the matter to the full board because of counsel's advice, the lack of key board member support and because, at the time, the board itself was experiencing significant tension—in part because of concerns a small number of board members had raised about Peterson's management style (unrelated to issues of past sexual assault)—that made it difficult for him to generate support for an idea some of the board's senior leaders and outside counsel advised against.

In 2012, Eric MacLeish, who attended St. George's in the 1960s and represented Anne Scott in the litigation against the school in the 1980s, wrote to Peterson informing him about the Scott case and urging him to conduct a broader inquiry into abuse by Gibbs. MacLeish wrote to Peterson periodically in 2012 and 2013. Peterson expressed a willingness to meet, but scheduling conflicts prevented the two men from meeting.

By early 2015, Peterson again began to consider a broader investigation. Between 2011 and 2015, several other schools, including Brooks and Deerfield, had conducted investigations of past abuse. On February 28, 2015—nearly two years after last contacting Peterson—MacLeish wrote again to Peterson, this time telling him that he had located Anne Scott, and informing him that Scott supported MacLeish's earlier request for a broad investigation and the establishment of a fund to pay counseling expenses for alumni abused at St. George's.

Peterson again consulted legal counsel—the school's then-regular outside counsel, but also a second lawyer, Sara Schwartz, a partner at Schwartz Hannum, an Andover, Massachusetts firm specializing in the representation of private schools.

Schwartz had done training sessions for faculty at St. George's in 2011 and 2013 on maintaining appropriate student/faculty boundaries—presentations well received by the faculty. Schwartz and Peterson had together done a presentation in December 2014 at a national conference on boundary issues at boarding schools. But the school had no broader, preexisting relationship with Schwartz Hannum. In February 2015, Peterson asked Schwartz to advise the school about the request he received on Anne Scott's behalf from MacLeish, asking him to conduct a broader inquiry and asking him to pay for therapy expenses for former students who had been abused.

After speaking with Schwartz, Peterson decided to push hard to conduct a broad, historical investigation of past abuse by Gibbs and others, and recommended that Schwartz's firm be hired to perform the investigation.

Peterson asked the board's executive committee in March 2015 to authorize him to retain Schwartz Hannum to conduct the investigation. He presented the proposal to the full board in early April and the board approved Schwartz Hannum's retention at its April 2015 meeting. Schwartz had identified her partner, William Hannum III, as the lawyer who would conduct the

investigation.<sup>3</sup> At least one trustee asked whether it was appropriate for a lawyer from Schwartz's own firm to conduct the investigation, but the board member was persuaded that this approach was appropriate, as the board believed Schwartz Hannum had done many other investigations for schools in the same way.

Schwartz did not inform the board that she and Hannum were married. Peterson did not learn that Schwartz and Hannum were married until the summer of 2015; the school's board chair did not learn that fact until December 2015.

### *The School's 2015 Investigation*

On April 7, 2015, Peterson and board chair Francis "Skip" Branin sent a letter to alumni, launching an investigation about past abuse. The school's goal was to learn how many of its alumni had suffered abuse so that it could decide how best to address alumni concerns. We concluded that the school did, in fact, intend to get at the truth. The investigation was intended to gather facts so that the school could decide on the best course of action; the school intended that the report would be protected by the attorney-client privilege, and not public.

The school relied on advice from Schwartz Hannum about how best to conduct the investigation. We have seen no evidence suggesting that the school chose to use Schwartz to provide advice, and her partner and husband Hannum to conduct the investigation, because the school wanted to control the direction of the investigation or whitewash its results. To the contrary, the school selected Schwartz Hannum because it believed the firm was well qualified. After consulting with Schwartz, the school concluded that the approach the school was considering (with Schwartz advising the school and Hannum conducting the investigation) was, in effect, "state of the art" and had been routinely used by other schools.

Likewise, we have seen no evidence that the school sought improperly to influence Hannum's investigation and little evidence that the school sought to influence the contents of Hannum's report. (We discuss that issue at length below.) We believe Hannum's investigation was guided by a desire to get to the truth rather than to protect the school.

We conclude, however, that the school and Hannum failed fully to explain Schwartz Hannum's role to the former St. George's students who responded to the school's April 7, 2015 letter and the other letters from the school that followed. To be clear, there is nothing *inherently* wrong with a school employing its own counsel to conduct an investigation, on the school's behalf, to examine past reports of sexual abuse and the school's response to them. But when a school takes that

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<sup>3</sup> Peterson and Hannum had overlapped as students at Deerfield Academy for a single year (Peterson's junior year—his first year at Deerfield, which was Hannum's senior year). We have no reason to believe they knew each other in high school.

course, it should be transparent to alumni about the school's relationship with the lawyer conducting the investigation. That kind of candor is particularly important in circumstances like these: where the investigator is speaking to alumni who have been sexually abused (and are consequently often particularly vulnerable to feelings of betrayal) and who were, with a few exceptions, not represented by counsel.

The school's April 7, 2015 letter told alumni that the school had "engaged an experienced investigator to conduct a full and *independent* inquiry" of "any misconduct that may have occurred" (emphasis added). But Hannum's law partner (and wife) was advising the school about how best to respond to demands relating to past sexual abuse, even as Hannum was conducting the investigation. Under those circumstances, calling Hannum's investigation "independent" without further explanation was seriously misleading.

MacLeish, then acting as Anne Scott's counsel in discussions with the school (and dealing with Sara Schwartz as counsel for the school in those discussions) objected, in writing and at an in-person meeting, to Hannum's selection as investigator, arguing that Hannum was not independent. The school relied on Schwartz's advice.

While it is impossible to know for certain, we have a high degree of confidence that a number of alumni who experienced abuse at St. George's would have chosen *not* to speak to Hannum had they known his law firm was also providing legal advice to the school in connection with the abuse allegations and claims, including ones those alumni might make.

The failure to make complete disclosures left many alumni who were abused at St. George's decades earlier feel as if the school's leaders had betrayed them a second time. It cast a shadow over Hannum's investigation, and created significant suspicions about it among alumni, particularly those who had been abused, and the public.

Some alumni have also criticized the school because its December 2015 public disclosures about abuse do not extend to Peterson's tenure as Head of School. As we discuss in greater detail below, we do not believe the evidence warrants the conclusion that the school sought to cover up allegations of more recent abuse. In any event, however, our report *does* examine reports of abuse and improper conduct during Eric Peterson's tenure as Head of School, including, in particular, the questions Peterson faced in 2004 about the school's Information Technology Director, Charles Thompson. We turn to that issue now.

### *Reports of Possible Sexual or Other Misconduct, 2000 to 2016*

Our report addresses questions about two faculty members, Charles Thompson and Robert Weston, that arose in connection with our investigation. Here is a summary of our findings:

#### **Charles Thompson**

In October 2004, six weeks after Peterson's first school year as Head of School began, dorm

prefects in the Wheeler dorm reported that one of their dorm parents, Charles Thompson, had made many of the students in the dorm feel uncomfortable. Peterson and other school leaders responded promptly. Peterson removed Thompson from the dorm; several administrators conducted interviews of all 18 boys who lived in the dorm.

While the reports varied to some extent, several consistent themes emerged. The students told the administrators that Thompson called them to his apartment, sometimes late at night, and typically closed the door when he did. Thompson had students sit on a couch while he sat on the floor. He touched some students' knees, examining them to see whether they had what he called "sailor's knees"—a term, apparently of Thompson's own invention, relating to the development of muscles in the knees of recreational sailors. Some students reported feeling uncomfortable and some chose to wear long pants rather than shorts when Thompson was around. Several students told administrators Thompson had a webcam in his apartment. One reported Thompson moving his hands up and down his legs, but none reported Thompson touching his private parts. Fortunately, Timothy Richards, then Assistant Head of School, made a detailed record of what the boys said; his typewritten notes are reproduced, in full (without information identifying individual students) as an exhibit to this report.

Peterson consulted with the school's lawyer at Edwards & Angell. That lawyer, Arthur Murphy, told Peterson that Thompson's actions did not rise to the level of sexual abuse and that the school need not report Thompson to any authorities. Relying on Murphy's advice, Peterson concluded that Thompson had engaged in "significant professional misconduct" rather than abuse and chose to place Thompson on leave, barred him from service as a dorm parent, and required him to undergo counseling and a psychiatric evaluation before returning to campus. He notified the parents of the boys in Wheeler dorm by placing a letter in their packets on parents' weekend, which took place a few days later. (While one parent has informed us he received no letter and several others report that they do not remember receiving one, a sufficient number recall receiving the letter to cause us to conclude that this letter was, in fact, distributed.)

Thompson was permitted to return to campus, but not to the dorms, in April 2005 after a six-month absence, counseling, and a positive psychological report.

In May, one of the students Thompson had touched came back to campus, having been expelled earlier in the year. We have heard divergent accounts about precisely what happened when he did, but on that day—May 21, 2005—the former student reported what Thompson had done to the police and a detective began an investigation.

We have carefully reviewed the school's handling of the Thompson incident. In our judgment, the school approached the Wheeler dorm boys' concerns about Thompson carefully and conscientiously. Peterson directed that a thorough investigation be conducted, and administrators reporting to him obtained detailed statements from the boys. Peterson consulted with counsel, as was

appropriate. Given Rhode Island's peculiar abuse reporting statute—one that has recently been amended in part because of what happened at St. George's—the question whether the school was required to report Thompson was unclear, and we see no reason why Peterson, as Head of School, could not reasonably rely on legal advice in deciding not to make a report.<sup>4</sup>

Peterson did not, however, consult Thompson's personnel file, where (had he done so) he would have seen that Thompson had been previously admonished for wrestling with boys at the school. Nor did Peterson ask Thompson, who served as the school's IT Director, for permission to review Thompson's computer to see whether Thompson's computer contained images, taken from a webcam, of the Wheeler dorm boys.

The question whether Peterson's ultimate action—choosing to suspend Thompson rather than terminate him—is, as are many other questions this report addresses, a question of judgment, not a legal question. In our view, however, it would have been more prudent for Peterson to have terminated Thompson. Thompson's conduct was sufficiently far enough outside the bounds of acceptable conduct as to call into question his fitness to serve as a teacher or staff member at a school where he would regularly interact with adolescent boys. Further, in our judgment, if he were permitted to stay at the school, he should not have been permitted to continue to work as a trainer, where he would have regular occasion to touch boys' legs.

We comment further on one aspect of this matter that has generated significant public attention. On January 24, 2016, following newspaper stories about Thompson, St. George's School released a statement, signed by every member of its board, reciting that the police had concluded that the allegations made by the former student against Thompson were “unfounded.” This statement was literally true; indeed, that was exactly what the police report said after one of the students (in circumstances we describe later) spoke to the police about what happened to him in 2004.

But by January 24, 2016, the school's leaders should have known that the school had not given the police the full picture of what Thompson had done, and that the detective's conclusion that the student's allegation was “unfounded” was based on incomplete (indeed, incorrect) information. The effect of the school's public statement was to suggest to the public that the former student, whom the school *knew* had been the subject of inappropriate treatment by a St. George's faculty member and dorm parent, had lied to the police. This was, in our judgment, a regrettable

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<sup>4</sup> As we discuss in greater detail later in this report, however, the question of whether Thompson's conduct constituted “sexual abuse” was, in fact, the wrong question. The Rhode Island reporting statute in effect at the time, *where applicable*, required reporting not just of sexual abuse, but of any conduct creating mental injury, or a substantial risk of mental injury.

return to the kind of “victim-shaming” that marked the school’s behavior in the Anne Scott litigation decades earlier.

### Robert Weston

In January 2016, the school placed Robert Weston, the school’s Director of External Affairs, on leave, based on allegations that Weston had engaged in inappropriate conduct while serving as a dorm parent in a girls’ dormitory approximately 15 years earlier. In essence, Weston was alleged to have “lurked” in the girls’ dormitory around the time the girls showered, so he would encounter them and talk with them when they were less than fully dressed. The allegations, which had also been reported to the Rhode Island State Police, came on a “second-hand” basis—that is, not from any of the girls who lived in those dormitories but, instead, someone to whom several girls had allegedly made that report between 1999 and 2001. The school asked us to investigate and address in our report the allegations that had been made.

We have done so, and describe our findings at length later in this report. In summary:

- We have found no evidence suggesting Weston engaged in any inappropriate physical contact with students.
- We have investigated the claims that Weston was a “shower lurker”—that he had a habit of appearing in the hallway of the girls’ dormitory where he was a dorm parent around the time girls were showering—and would engage in long conversations with them insufficiently credible to warrant the conclusion that Weston acted inappropriately.
- The school’s original letters to alumni describing our appointment as an independent investigator did not prompt any former student to call us to report any inappropriate conduct by Weston.
- After *The Boston Globe* reported about Weston’s suspension, we received dozens of calls about him. All but one came from former students—women and men—who called to say that Weston had been an important and positive influence on their lives, and had never acted in any inappropriate way.<sup>5</sup>
- We also, however, as a result of the *Globe* story, received a call from one former student who told us Weston made her feel uncomfortable when he was her dorm parent. Her concerns, which we describe later in the report, involve no claim of either physical touching or “shower lurking.”

Ultimately, the question of Robert Weston’s future at St. George’s is a decision for the school, not

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<sup>5</sup> We also received a copy of a change.org petition supporting Weston signed by more than 500 Weston supporters.

us. Based on the information we have received, however, we do not believe Weston is a danger or threat to students, and see no reason why Robert Weston should not be returned to St. George's as a faculty member in good standing.

*Student-on-Student Assaults and Other Improper Conduct During Peterson's Tenure*

We also examined a number of occasions when the school became aware, during Peterson's tenure, of allegations of inappropriate student-on-student sexual activity, whether based on concerns about whether one party in fact consented or about the age of one of the parties. As we have said, we believe that the school has strong systems in place to respond to these events when they occur, and strong rules and educational and counseling programs in place to try to prevent them, to the largest extent possible, in the first place. One event on graduation day 2011 and a second that came to light in 2013 require particular attention. But our investigation revealed that the school acted reasonably in both, and chose, in both instances, to ensure the involvement of appropriate law enforcement authorities.

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## The Investigation

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### *Independence*

Before being jointly retained by St. George's School and SGS for Healing, Foley Hoag LLP conducted a conflicts review to determine whether we had ever represented either St. George's School or any member of SGS for Healing. That review confirmed that the firm had not. In its engagement letter with St. George's and SGS for Healing, Foley Hoag agreed that the firm would not seek to represent either the school or SGS for Healing in the future.

Neither the school nor SGS for Healing sought to exercise any control over the direction of our investigation. As agreed at the outset of the investigation, we delivered our report to counsel for the school and SGS for Healing several days before its public release. Neither the school nor SGS for Healing exercised any editorial review of the report.

### *Scope of the Investigation*

Our engagement letter called for us to examine “all matters relating to sexual abuse by faculty, staff, or students at the School and to review the School's response to reports of alleged abuses from 1960 to the present.”<sup>6</sup> We have interpreted that mandate broadly, addressing (and describing in some detail) particular instances of sexual abuse and the school's response to reports of sexual abuse as they came to school leaders' attention. We have also reviewed how the school handled reports of past abuse when they resurfaced many years later, and the school's 2015 investigation of those past reports of abuse.

In the course of our investigation, we interviewed more than 150 witnesses, including 128 former students. We also reviewed thousands of pages of documents; most came from St. George's School, but we also received records from former students. St. George's provided all the documents we requested with a single exception: it asserted the attorney-client privilege relating to the school's communications in 2015 with Schwartz Hannum.

We also sought records that Schwartz Hannum received or generated during the course of its 2015 investigation. Schwartz Hannum required that we obtain a release from individuals who spoke to William Hannum, III, the firm's investigator, before Schwartz Hannum would release those records to us. Many individuals provided such releases and, when they did, Schwartz Hannum provided those records to us.

In some cases, witnesses declined our request for an interview. When significant to our conclu-

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<sup>6</sup> As it turned out, we heard no reports of sexual abuse from 1960 to 1969; hence this report's title.

sions, this report identifies when witnesses, including perpetrators, either did not respond to our written and telephone requests for interviews, or informed us that they did not wish to speak with us.

### *Ground Rules and Confidentiality*

At the outset of our report, we established a website, [www.sgsinvestigation.com](http://www.sgsinvestigation.com), and published the ground rules for our investigation and our approach to confidentiality. We said:

Because we have been engaged as independent investigators, we do not serve as legal counsel to any individual who contacts us—or as counsel to St. George’s School. Therefore, any communications with us will not be protected by the attorney-client privilege. St. George’s School and SGS for Healing have agreed that they will not seek to learn the identity of anyone who contacts us and wishes to speak confidentially. We will take appropriate steps to protect the identities of any individual who wishes to provide information confidentially, but we cannot guarantee that information will remain completely confidential if, for example, law enforcement seeks to obtain our records or there is subsequent litigation and the records are required to be produced in that litigation.

We explained those ground rules to every former student we talked to and confirmed that former students understood the rules before interviewing them. On a few occasions, individuals asked to speak to us anonymously—that is, they declined to identify themselves, even to us, when they spoke to us by telephone. If individuals insisted on not telling us their name, we respected their wishes, but have relied on what they told us only for background and context. This report does not describe allegations we received from individuals whose identities we do not know.

### *Our Terminology*

This report describes in sometimes graphic terms what some faculty members did to St. George’s students and what some St. George’s students did to other students. We have sought to describe what happened in sufficient detail to permit the reader to draw his or her own conclusions about the events at issue. We also, however, do use terms like: “rape,” “sexual assault,” “sexual abuse,” “sexual misconduct,” and “personal misconduct.” For the sake of clarity, here is what we mean by those terms.

- By “rape,” including statutory rape, we mean penetration (including oral penetration), however slight, by force or coercion, or without consent, or where the perpetrator is 18 or older and his or her target is less than 16;<sup>7</sup>

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<sup>7</sup> Our definitions of rape and sexual assault generally, but not completely, coincide with the definitions set forth in Rhode Island’s current sexual assault laws. R.I. Gen. Laws § 11-37, enacted in 1979,

- By “sexual assault” we mean a broader range of sexual activity, including any unconsented to touching of intimate or private parts, either over or under clothing;
- We use the terms “sexual abuse” and “sexual misconduct” interchangeably. They are, in essence, “catch-all” terms, and they include rape, sexual assault, and a variety of other forms of sexual contact, but also include voyeurism (for example, asking girls to take naked whirlpool baths) or displays of pornography.<sup>8</sup>

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provides that:

“*First-degree sexual assault*” includes sexual penetration (however slight) by force or coercion, of a disabled or incapacitated person, *see* R.I. Gen. Laws § 11-37-2;

“*Second-degree sexual assault*” includes “sexual contact” (defined as the “the intentional touching of the victim’s or accused’s intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification or assault”) by force or coercion, or of a disabled or incapacitated person; *see* R.I. Gen. Laws § 11-37-4;

“*Third-degree sexual assault*” is penetration, however slight, by a person 18 or older with a person who is over 14 but not yet 16; *see* R.I. Gen. Laws § 11-37-6;

“*First-degree child molestation sexual assault*” is penetration, however slight, by any person with a person 14 or under; *see* R.I. Gen. Laws § 11-37-8.1; and

“*Second-degree child molestation sexual assault*” is all sexual contact with a person under the age of 14.

Prior to 1979, Rhode Island employed an antiquated and restrictive definition of rape that covered only (a) sexual intercourse (b) between a man and a woman (c) where the woman was not his wife and (d) the woman did not consent. Despite this narrow definition of rape, many or all of the abuses described in this report that occurred before the rape statute was revised would still have been crimes under either a statute prohibiting “crimes against nature” or a statute prohibiting receiving “any person into any place” to commit a “lewd or indecent act.” R.I. Gen. Laws §§ 11-10-1, 11-34-5 (1956, 1981). These statutes potentially criminalized all extra-marital sex, *see State v. Milne*, 187 A.2d 136 (1962), and Rhode Island also used these statutes to successfully prosecute a range of coercive and abusive acts now covered by other statutes, including forcible anal penetration of one man by another man and the sexual abuse of an underage girl that did not involve penetration. *E.g.*, *State v. Correia*, 106 R.I. 655 (1970); *State v. Castore*, 435 A.2d 321 (1981).

<sup>8</sup> This broader definition is consistent with other regulatory and medical approaches to child abuse. Regulations issued by the Rhode Island Department of Children, Youth, and Families (“DCYF”) state that “Sexual abuse . . . [m]ay encompass a range of behaviors including but not limited to; unwanted sexual language, text messages, peeping, exposure, frottage, sexual assault, aggravated sexual assault, attempted or completed rape.” 2014 R.I. Regulation Text 5534. This broader approach to defining

- By “personal misconduct” we mean any form of inappropriate touching (that is, outside medically indicated treatment), even if the perpetrator did not touch a student, either over or under the clothing, in his or her private areas.

### *Naming Names*

Most reports of this kind, whether done by independent counsel or an organization’s own lawyers, are prepared with the expectation that they will be delivered to the organization’s leaders and board under the protection of the attorney-client privilege. Because the goal is often to give the institution the broadest range of information, and there is no expectation of public disclosure, lawyers often tell organizations’ leaders all the allegations they have heard, no matter what the source, and no matter the lawyer’s own views of the witness’s credibility.

Because this report is intended for publication, we do not have that luxury. We do not report here everything anyone has told us. We have made that decision consciously, and believe that it is important to explain why.

First, we made the decision at the outset of this investigation to permit former students to keep their identities confidential. Permitting alumni who had been sexually assaulted or abused to keep their identities confidential was, in our judgment, essential to getting at the truth. We have identified alumni by name only with their agreement.<sup>9</sup>

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“sexual abuse” is supported by medical sources: The American College of Obstetricians and Gynecologists defines “childhood sexual abuse” as “any sexual activity with a child where consent is not or cannot be given,” including “sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child” whether those acts include “sexual penetration, sexual touching, or noncontact sexual acts such as exposure or voyeurism.” Committee Opinion No. 498 (2011).

<sup>9</sup> The reader should draw no conclusions from the number assigned to any former student witness. To protect the confidentiality of the former students who participated in the investigation, each was assigned a number upon their initial contact with us for use in recordkeeping and, ultimately, for identification in this report. In addition, some individuals who contacted us ultimately chose not to participate in the investigation, while others agreed to allow us to use their names; we did not reassign the numbers associated with those individuals. Witnesses who spoke to us in their capacity as current or former teachers, administrators, or trustees were not offered the same terms of confidentiality and are generally referred to by name. The only exceptions are the small number of instances in which a teacher, administrator, or trustee also provided us with information from their time as a student at St. George’s. We have given those individuals the same level of confidentiality we would have offered if they came forward only as former students, and identified them by witness number where they spoke in their capacity as former students.

But our agreement to keep the identities of former students confidential comes with a price—the prospect that unreliable allegations could become part of a public report. “Naming Names” can lead to drastic consequences for a teacher or former student who may be wrongly accused.

This issue is not new. The Right to Confrontation adopted as part of the Constitution’s Sixth Amendment was designed to protect citizens against “flagrant abuses, trials by *anonymous accusers*, and absentee witnesses,” *Cal. v. Green*, 399 U.S. 149, 179 (1970) (Harlan, J., concurring). To be sure, our investigation is not a trial, but the principles that animated the adoption of the Sixth Amendment are deeply engrained in our country’s basic sense of fairness.

This issue stands in even sharper relief here. In some instances, 45 years have passed since the events at issue; the passage of time, and the problem of faded memories and deceased witnesses, can confound even the most diligent fact finders. No credible investigation would merely recite, without independent assessment and evaluation, allegations made by witnesses who have been promised confidentiality.

To strike the appropriate balance between identifying perpetrators, protecting the identity of alumni who wish to keep their identities confidential, and taking every reasonable step to avoid the possibility of making unfair public accusations against faculty and staff, we have adopted the following practice:

*First*, we have identified *by name* the faculty and staff members who engaged in, or allegedly engaged in, sexual or personal misconduct when allegations against them are supported by multiple credible accounts or independently corroborated evidence. These individuals are: William Lydgate, Timothy Tefft, Rev. Howard White, Al Gibbs, Susan Goddard, and Charles Thompson.

*Second*, after much reflection, we have chosen not to identify students who sexually assaulted other students by name. This is not because we have doubts about the credibility of what witnesses have told us. For example, there is as much evidence against the dorm prefect who raped Harry Groome with a broomstick as there is against some faculty members whom we have named as abusers. But alumni we have spoken to have expressed differing views about whether they wished to name the students who sexually assaulted them. Some fear reprisals if their abusers are identified by name. We concluded that to name some students and not others on that basis was not a sound practice; it would, effectively, make the question whether we name an abuser turn solely on whether that abuser was perceived as more likely to retaliate than another.

To the extent that alumni who made credible reports of sexual assaults by other students wish us to report the names of their abusers to counsel for the school, we will do so.

The school can then choose whether to place those alumni in positions of authority or honor at the school. The school could, for example, decide they should not serve as trustees or class agents,

or be placed in similar positions, or be featured on the St. George's website as successful or prominent alumni. Alumni hold such positions of honor as a matter of grace rather than right.

*Third*, we have *not* reported allegations when, in our judgment, a witness's account was not credible. Let us state that clearly, to avoid any doubt: we have heard accounts from witnesses that we have intentionally not included here because we did not find them credible. We recognize that assessing credibility is more art than science, and a decent respect for the facts requires us to acknowledge that our assessments may, ultimately, be proved incorrect. But we did not believe it was appropriate for us to include allegations we did not find credible.

*Fourth*, there is an additional, more challenging category. In a small number of instances, we find the evidence equal in weight on each side of an allegation, and we have therefore been unable to reach a clear credibility assessment. We believe witnesses told the truth as they remember it, and we do not believe their allegations were motivated by ill will or bias, or driven by a desire to injure. We thank them for coming forward. In these cases, however, it is equally true that faculty members or staff accused of failing to respect student boundaries, or of other unprofessional conduct, have credibly denied they acted the way witnesses described.

We have therefore chosen, in the small number of instances that fall in that category, *not* to include allegations we heard. We have taken that course only when the accusing witness does *not* allege that a faculty or staff member *touched him or her* while a student; the accused's denials are credible, or we believe the accusing witness may have misinterpreted the actions or intentions of the individual accused (or both); many years have passed without further incident since the conduct complained of; the accusing witness continues to desire confidentiality; and in our best judgment, the accused person poses no risk to students.

*One final note*: we have in certain instances included in this report allegations based on Hannum's 2015 investigation. We have done so when those findings were consistent with our investigation and added additional detail (for example, permitting us to provide more information about the number of students an abuser may have abused). Based on our review of Hannum's original report, we know that some alumni came forward to him who chose not to speak to us. In that instance—where Hannum's report states that an alumnus was abused, but we did not hear from that person, or receive any other reports about the perpetrator involved—we have not included that allegation.

### *Contacting Victims*

In the course of our investigation, either directly or through Hannum's work, we learned the identity of witnesses whom we believe were abused at St. George's but who did not contact us. We made a deliberate decision *not* to call those witnesses. Cold-calling abuse victims is a risky proposition that can trigger a flood of bottled-up memories. We chose not to take that risk.

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## Sexual Abuse of Children and Adolescents, and its Effects

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Many of the women and men we spoke to who suffered at the hands of White, Gibbs, Coleman, and others, have told us about the long-term consequences of their abuse. It is often evident when they speak, or describe the arc of their life's history, or even in long silences as they seek to compose their thoughts.

But as we watched the public debate among alumni and others about the controversy that led to this investigation, and the similar reports of abuse at other schools since our investigation began, we came to believe that some alumni, particularly older alumni, may not truly appreciate the kind of long-term damage sexual abuse of children and adolescents may cause. For that reason, among others, we address it here.

### *What the Literature Shows*

The serious long-term effects of childhood and adolescent sexual abuse are well-established in the medical literature. They have been widely known for many years.

The consequences of what White, Gibbs, Coleman, and others did to students, and what some students did to their fellow students, can be wide-ranging, disruptive, and persistent. Those consequences do not simply disappear with the passage of time. They linger, often affecting individuals in ways that require many years of counseling and attention. Reference to only a few studies makes the point. These studies reflect a widespread consensus in the medical and psychiatric community:

- “Child survivors of sexual abuse are at increased risk for anxiety, inappropriate sexual behavior and preoccupations, anger, guilt, shame, depression, posttraumatic stress disorder (PTSD), and other emotional and behavioral problems throughout their life span. Research shows that survivors of child sexual abuse are more likely to experience social and/or health problems in adulthood, such as alcohol problems, use of illicit drugs, suicide attempts, and marriage/family problems.”<sup>10</sup>

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<sup>10</sup> Murray, Nguyen, and Cohen, “Child Sexual Abuse,” *Child Adolesc. Psychiatr. Clin. N. Am.* 2014 Apr; 23 (2): 321-337.

- “Other victim reactions to sexual assault can include the feeling that his or her trust has been violated, increased self-blame, less-positive self-concept, anxiety, alcohol abuse, and effects on sexual activity (including younger age at first voluntary sexual activity, poor use of contraception, greater number of abortions and pregnancies, sexually transmitted infections, victimization by older partners, erectile dysfunction in males, and sexual dissatisfaction). Adolescent victims may feel that their actions contributed to the act of rape and have confusion as to whether the incident was forced or consensual. Male victims also report fragility of their gender identity and sense of masculinity and confusion about their sexual orientation. All victims should be screened for suicidal ideation and self-harm behavior.”<sup>11</sup>
- “Childhood abuse has been associated with a plethora of psychological and somatic symptoms, as well as psychiatric and medical diagnoses including depression, anxiety disorders, eating disorders, posttraumatic stress disorder (PTSD), chronic pain syndromes, fibromyalgia, chronic fatigue syndrome, and irritable bowel. Compared with nonabused adults, those who experienced childhood abuse are more likely to engage in high-risk health behaviors including smoking, alcohol and drug use, and unsafe sex; to report an overall lower health status; and to use more health services.”<sup>12</sup>
- “In the past 2 decades, epidemiologic and clinical studies have identified negative sequelae associated with a history of child sexual abuse (CSA), especially psychopathology. CSA has been linked to depression across all age groups, generalized anxiety disorder, panic disorder, phobias, and especially posttraumatic stress disorder (PTSD). CSA has also been linked to substance problems and dependence.”<sup>13</sup>

One study comparing the PTSD symptoms in Vietnam veterans and survivors of childhood sexual abuse found that childhood abuse is traumatizing and can result in symptoms comparable to those seen in combat veterans.<sup>14</sup>

### *What St. George’s Alumni Told Us*

These lists of symptoms are not abstractions to St. George’s alumni who suffered abuse at St.

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<sup>11</sup> Kaufman, “Care of the Adolescent Sexual Assault Victim,” *Pediatrics*, Aug. 2008

<sup>12</sup> Springer, Sheridan, Kuo and Carnes, “The Long-Term Health Outcomes of Child Abuse,” *J. Gen. Intern. Med.* 2003

<sup>13</sup> Molnar, Buka, and Kessler, “Child sexual abuse and subsequent psychopathology: results from the National Comorbidity Survey,” *Am J Public Health*. 2001 May; 91(5): 753–760.

<sup>14</sup> McNew and Abell, “Posttraumatic stress symptomatology: similarities and differences between Vietnam veterans and adult survivors of childhood sexual abuse.” *Soc. Work*. 1995 Jan.; 40(1):115-26.

George's, or to their parents, spouses, children, and families. In the course of this investigation, we spoke to alumni who continued to struggle with PTSD, depression, drug and alcohol abuse, and anger, and who have had great difficulty maintaining adult relationships. Their St. George's experience is not something that happened thirty or forty years ago; they carry psychological scars and burdens they struggle with every day.

To give just a few examples:

- [The alumnus] thought he was dealing with the incident well, but later discovered that the incident had affected him more than he realized. He has had anger issues over the years and understands the connection between those issues and the incident at St. George's. He got into fights often. Even after marriage and kids, he continued to experience flashes of anger. He had a hard time trusting authority figures and never got along with bosses, particularly male bosses. He remembers the incident—and the feelings that he felt—like it was yesterday.
- The effect of Coleman's conduct on [the alumnus's] life has been significant. He has an enormous amount of difficulty trusting anyone. His marriage recently ended, and his ex-wife blames the breakdown on his anger and trust issues. He believes that his anger and trust issues are connected to his experiences at St. George's. He has seen counselors over the years and has struggled with depression.
- [The alumna] has had problems socializing and has experienced eating disorders. She has suffered from depression, has been diagnosed with PTSD, and has had suicidal thoughts.
- [The alumnus'] relationship with Coleman impacted his sexual development and caused him to question his sexuality. The witness also engaged in reckless, self-destructive, and self-harming behavior, including years of serious alcohol abuse.
- As a result of her abuse by Gibbs, [the alumna] is extremely uncomfortable with her breasts, explaining that they are not part of her sexuality. [The alumna] also said she has a tendency to keep things internal and not to discuss her feelings with others.
- [The alumna] noted that to this day, each time she gets out of the shower, she still recalls Gibbs drying her with a towel inside the training room.
- [The alumna] described feeling cheated and angry about what Gibbs did to her. She has a fear of sexual and emotional intimacy that has affected her relationships. She also expressed a strong aversion to authority figures.
- [The alumna] has had significant problems with alcohol and drugs that she attributes, in part, to Gibbs' molestation of her.
- During his senior year at St. George's and throughout college, [the alumnus] developed a close dependency on female companionship. Looking back on that time period, he believes he

was struggling with confusion about his own sexuality and trying to convince himself that he was not gay. He has had a very difficult time making male friends—and he still does. His experience with Coleman “really screwed up [his] relationships and sense of what relationships should be.”

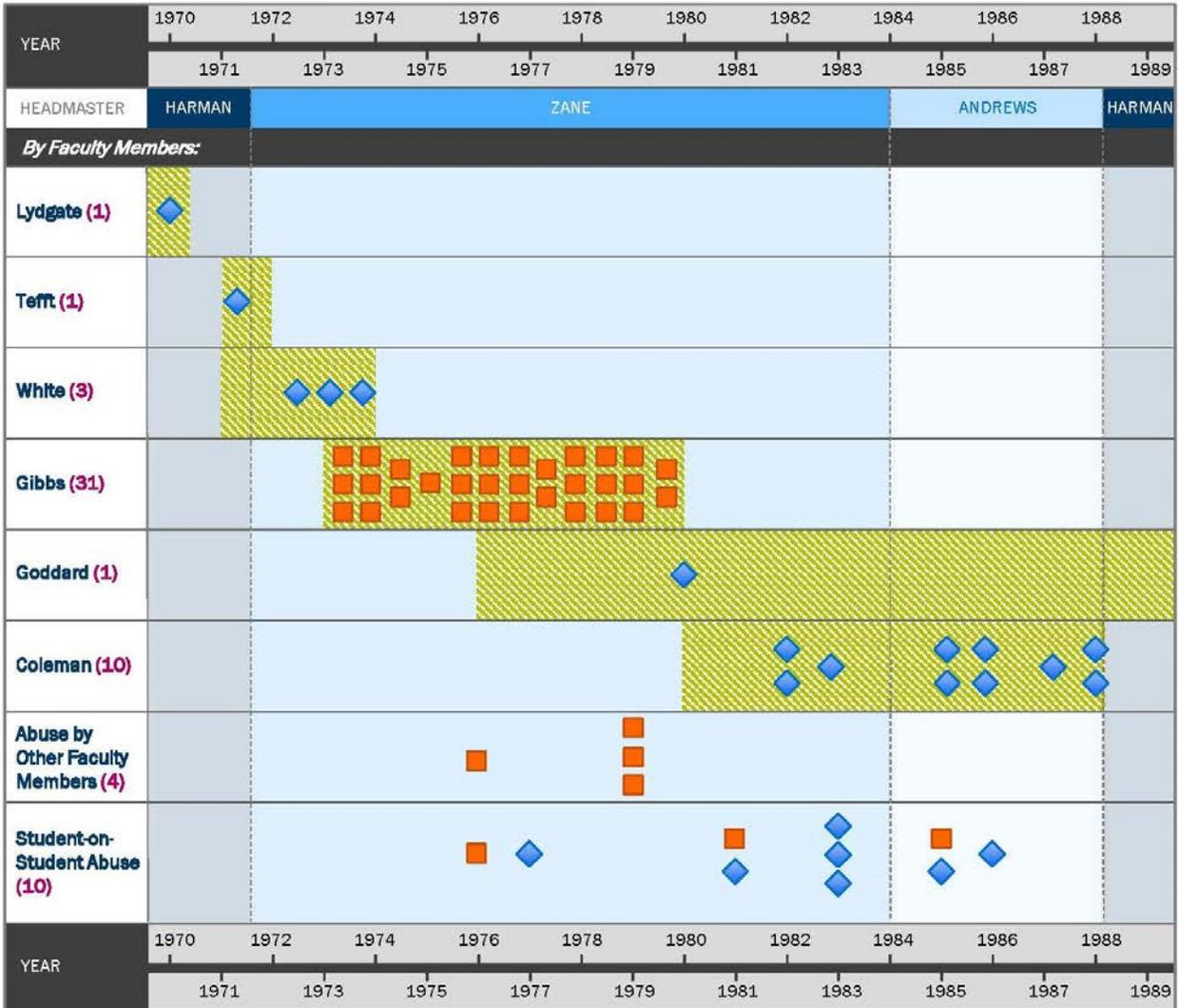
- [The alumna] struggles with anger. She has been in therapy for much of her adult life. Her experience with Gibbs made her hyper-vigilant and anxious. She has had a hard time over the years trusting others. “When you betray my trust once,” she said, “I’m done with you—I don’t look back.” [The alumna] has also experienced disassociation for many years as well—for example, being in a therapy session “on the ceiling,” looking down at her body with the therapist.
- [The alumna] described the various unhealthy coping mechanisms she cycled through trying to deal with her abuse, including disassociation, addiction, and self-injurious behavior. Describing the “long-arm” of the abuse, [the alumna] explained that she still grapples with effects that continue to develop, including in the past five years, a strong recall of her abuse requiring that she and her husband see a sex therapist. Even after decades of therapy, she described a double-consciousness, in which even happy times are tinged by the shadow of her abuse.
- [The alumna] explained that the depression and shame she felt in response to her abuse has long followed her; so has the trauma, and she notes that “it is as if it happened last night.” As a result, [the alumna] explained that she has suffered from low self-esteem, impacting a variety of personal relationships, both intimate relationships and friendships.

These accounts underline the need for St. George’s alumni whose experience at the school was overwhelmingly positive (and we have talked to numbers of alumni who feel that way) to understand *why* their classmates who were sexually abused need to know the truth about what happened, need *others* to know the truth, and need to understand why their classmates who suffered at the hands of White, Coleman, Gibbs, or others, need their continuing support.

## Sexual Abuse at St. George's, 1970 to 1989: A Visual Depiction<sup>15</sup>

### Students Subjected to Sexual Abuse or Sexual Misconduct at St. George's School: 1970-1989

(Based on first-hand accounts)



**KEY:**

- - Female
- ♠ - Male
- ▨ - Employed at St. George's
- (#) - Number of Students

**NOTE:** Students are identified by graduating class year or expected graduating class year.

<sup>15</sup> The details appear in the sections that follow.

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## Faculty and Staff Abusers, Based on Multiple or Independently Corroborated Accounts

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We have identified six faculty and staff abusers who either sexually abused more than a single student, or whose abuse is corroborated by documentary or other evidence in addition to a credible first-person report.

### *William Lydgate*

William Anthony Lydgate, Jr. graduated from Yale University in 1967 and joined the faculty of St. George's in the fall of 1968. He taught English and offered lessons in classical guitar before leaving prior to the end of the spring term in 1970.<sup>16</sup>

### *First-Hand Accounts from Former St. George's Students Whom We Interviewed*

Two former students came forward to us with first-hand accounts of their experiences with Lydgate. Two other students who did not contact us spoke to William Hannum during his 2015 investigation.

One described a years-long effort by Lydgate to groom him through exposure to drugs, pornography, and sexual discussion, which culminated in Lydgate's oral rape of the student. The other three described isolated incidents of inappropriate conduct, including (a) appearing nude in front of students, (b) taking students on off-campus trips and inviting them into his bedroom, and (c) making a sexually suggestive comment to a student. While the most serious acts of Lydgate's abuse of a St. George's student likely occurred shortly after Lydgate had left the school, they were only made possible by the grooming of that student Lydgate had done while a teacher at the school.<sup>17</sup>

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<sup>16</sup> The school does not have a personnel file for Lydgate, but the approximate start and end dates of his employment are substantiated by witnesses and a document, prepared in 2008, consisting of a list of faculty employed at St. George's during its history along with their years of employment.

<sup>17</sup> Our method for counting students subjected to sexual abuse was conservative. For example, we count only Witness 21 as a student abused by Lydgate.

## **Witness 21, Class of 1972**

Witness 21 met Lydgate during Lydgate's first year at St. George's, when Witness 21 was thirteen or fourteen years old. Witness 21 took lessons in classical guitar from Lydgate. Lydgate was a talented guitar player and a theatrical and charismatic figure. The lessons would be held in Lydgate's apartment. Witness 21 would also visit Lydgate in his apartment socially, and Lydgate would discuss sex with Witness 21. Lydgate spoke openly about being bisexual and his experiences with threesomes while in college in New Haven. He occasionally left pornography on the coffee table, and discussed it if Witness 21 exhibited any curiosity.

Lydgate also discussed drug use with Witness 21, and introduced him to marijuana or hashish one night when the two went for a drive in Lydgate's car. That night, Witness 21 recalled riding on Lydgate's shoulders while Lydgate ran through a field, and lying down and Lydgate putting his arm across Witness 21's body. Witness 21, knowing that Lydgate was bisexual, understood this to be a sexual advance, and told Lydgate that it was not what he wanted.

The relationship between Witness 21 and Lydgate continued through the following summer, when Witness 21 worked at a Martha's Vineyard hotel where Lydgate was the manager. The two would attend the same beach parties and smoke marijuana and drink alcohol. Lydgate consolidated the relationship during the next school year (1969–70), becoming Witness 21's mentor and confidant. Witness 21 was seeing a psychiatrist in Boston, and Lydgate drove him to those sessions. Witness 21 felt singled out and special because of Lydgate's attention.

Witness 21 did not recall Lydgate leaving St. George's in the spring term, as appears to have happened (see below), but did recall that Lydgate did not return to St. George's for the following school year.

Lydgate and Witness 21 saw each other occasionally in the summer of 1970, again on Martha's Vineyard where Witness 21 worked at the same hotel (although Lydgate was no longer the manager). At the end of the summer Lydgate invited Witness 21 to Block Island to stay for a few days with Lydgate's family, who had a house there. During his stay there, Witness 21 slept in a twin bed in the same bedroom with Lydgate. One morning Lydgate approached him, gestured to Witness 21's crotch, and said, "Let's see what you've got." Witness 21 took his underwear off, and Lydgate fondled him while commenting on his pubic hair, saying Witness 21 would have more when he grew up. Lydgate tried to perform oral sex on Witness 21. Witness 21 recalled being "freaked out" by this and did not respond sexually. Lydgate requested that Witness 21 perform oral sex on him, which Witness 21 attempted. Lydgate said he was not doing it right, and had Witness 21 masturbate him. The two then left the bedroom to have breakfast with Lydgate's family.

During the school year, Witness 21 resumed seeing the psychiatrist in Boston. When Witness 21 described the event to the psychiatrist, the psychiatrist characterized Lydgate's actions as rape.

Witness 21 disagreed at the time, but now considers it rape. Witness 21 does not know if the psychiatrist reported Lydgate's abuse to any authorities. Witness 21 did not tell anyone else about this at the time.

### **Witness 66, Class of 1970**

Witness 66 reported that Lydgate would frequently join students on outings and at parties where there was alcohol and drug use. At some point, Witness 66 recalled, it became clear that students "could break rules with Lydgate."

Witness 66 recalled one instance of inappropriate conduct of a sexual nature by Lydgate. Witness 66 and one or more other students had been in Lydgate's apartment during the day and noticed a joint on the mantel. They returned that night to see if he might give it to them. They knocked and Lydgate answered the door naked and in a state of arousal. Witness 66 did not know whether anyone else was present in Lydgate's apartments, and he and the other student or students quickly left.

### *Witnesses Hannum Spoke to Who Did Not Call Us*

These accounts are drawn from Hannum's report to the board task force that managed the investigation:

### **Witness LA, Class of 1970<sup>18</sup>**

Witness LA spoke to Hannum and reported that he and other students went on a trip to Block Island with Lydgate. While there, students drank and used drugs with Lydgate. At one point, Lydgate invited the students to join him in his bedroom. When Witness LA opened the door to the bedroom, Lydgate said, "Not you!"

We received a second-hand account of this trip from Witness 121 '70, who reported hearing that Lydgate had invited all of the students to join him in his bedroom. Witness 121 reported that this trip occurred in the spring of 1970, prior to Lydgate's departure from the school.

### **Witness LB, Class of 1971**

Witness LB spoke to Hannum and reported that Lydgate, his faculty advisor, told him "you just need a good fuck," and made other similar comments to him. Witness LB informed the school of the comments, and believed the school responded well by transferring the student to a new faculty advisor and subsequently firing Lydgate.

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<sup>18</sup> To denote students who called Hannum about Lydgate but chose not to speak with us, we used the designations "LA" and "LB," for Lydgate A and Lydgate B.

### *Lydgate's Departure from St. George's*

As discussed, the school has not located a personnel file for Lydgate. We have received no first-hand information about why he left. We have, however, received two reliable second-hand reports that shed some light on the circumstances and are corroborated by a recollection that Witness 21 recorded about Lydgate's departure while Witness 21 was in college.

Witness 121 reported that Lydgate's departure was announced at a school assembly in the spring of 1970. Witness 121 had heard that Lydgate had a sexual relationship with a male student who has not come forward as part of our investigation, whom we call Student LY. Witness 121 reported that "every student knew" about the relationship between Lydgate and Student LY, and he understood that this relationship was the real reason behind Lydgate's sudden departure.

Witness 125, who is a current St. George's trustee, recalled hearing Headmaster Archer Harman announce at assembly that Lydgate left because he was having trouble with his draft board. Witness 125 reported hearing that Student LY's father had learned of the relationship and called Harman to disclose the information. According to what Witness 125 heard, Harman then fired Lydgate but did not disclose the true reason to students, instead proffering a pre-textual story about difficulties with the draft board.

Witness 21 (the student who was raped by Lydgate) did not have an independent recollection of the assembly or the reasons given for Lydgate's departure. He did report that a semi-fictionalized account he wrote while in college about his experience with Lydgate contained a reference to a teacher who left abruptly, ostensibly because of problems with his draft board, but more likely for other reasons. Witness 21 and Witness 66 also identified Student LY as someone who had a close relationship with Lydgate, but neither Witness 21 nor Witness 66 knew if that relationship ever crossed any boundaries that would make it inappropriate.

Because of the absence of documentation from the school concerning the circumstances of Lydgate's departure, and the absence of witnesses from the school at that time, we have not been able to confirm or contradict this account of why Lydgate left St. George's.

### *St. George's Knowledge*

Neither Witness 21 (the boy who was raped) nor Witness 66 (the student who reported that Lydgate answered the door naked, in an aroused state) ever reported Lydgate's behavior to the school. We cannot know for certain, but it appears more likely that Lydgate was discharged as a result of his inappropriate contact with Student LY than because he ran into sudden and unexpected trouble with the draft board that would require him to leave school.

One other fact weighs in the balance. Witness 21 was expelled from the school in the middle of his junior year for drug use. He finished the remainder of his junior year at a public high school

where he lived. Before his senior year began, however, Witness 21 was unexpectedly permitted to return to school. Witness 21 drew the inference that Harman, who knew Witness 21's family, may have learned what Lydgate had done to another student and either learned or inferred that Lydgate's actions might have accounted for Witness 21's drug use.

### *Sexual Abuse Lawsuit in Hawaii*

Lydgate's whereabouts in the following years are not entirely clear until the early 2000s. We know he spent some time in New York City immediately after leaving St. George's, and appears to have lived in California for most of the 1980s and 1990s. At some point in the 1990s, he relocated to Hawaii. In the fall of 2001, Lydgate began full-time work as a teacher and head of the English Department at the Island School on the island of Kauai in Hawaii. Lydgate worked at the Island School until the end of the 2002–2003 school year.

In 2007, Lydgate was named as a defendant in a civil suit, *Clyde v. Lydgate*, No. 1:07-cv-00599-DAE-BMK (D. Haw.). The plaintiff alleged that Lydgate engaged in a variety of grooming tactics with the plaintiff and a second boy while he was their English teacher in the 2002–2003 school year, and that this grooming culminated in Lydgate's sexual abuse of the then-fifteen-year-old boy in 2004.

As was the case with Witness 21, the most serious physical acts of sexual abuse occurred after Lydgate left the school, but were only made possible by the relationship Lydgate cultivated while he was a teacher. In his answer to the plaintiff's allegations, Lydgate admitted that he had a sexual relationship with the plaintiff in 2004, engaged in oral sex with the plaintiff, and encouraged the plaintiff to engage in anal penetration. Lydgate denied that he coerced the plaintiff into having sex and asserted that the plaintiff had participated willingly. The lawsuit ultimately settled.

### *Lydgate's Response to the Investigation*

Lydgate did not respond to our request to speak to him about his tenure at St. George's.

### *Timothy Tefft*

Timothy H. Tefft graduated from Middlebury College in 1971 and joined the St. George's faculty as an English teacher in the fall of 1971. Tefft stayed at the school only from September 1971 to December 1971.

### *First-Hand Accounts from Former St. George's Students*

#### **Witness 41, Class of 1973**

When Witness 41 was a sophomore, Witness 41 took an English class that Tefft held on Satur-

days in his apartment. Tefft asked the students to call him “Tim.” Witness 41 recalled that Tefft wanted to be a friend more than a teacher. Tefft’s apartment, in Arden Dormitory, became a hangout for some students, including Witness 41, because it was a place where they could watch television and smoke cigarettes during the evening period when only the third-formers were required to be in study hall.

Witness 41 and Tefft were sometimes alone when they watched television in Tefft’s apartment. On one of these occasions, Tefft began to masturbate Witness 41 through his clothes. Witness 41 estimated that this occurred on approximately five additional occasions. Tefft and Witness 41 were fully clothed each time, and no drugs or alcohol were involved.

On one occasion Tefft suggested that he perform oral sex on Witness 41. The two went into Tefft’s bedroom and Tefft prepared to perform oral sex when there was a knock on the door. Tefft answered the door, and then Witness 41 came out of the bedroom. The person who knocked on the door saw Tefft and Witness 41, and left quickly. Witness 41 identified the person as G. Danforth Hollins, then an English teacher at St. George’s.<sup>19</sup> Hollins did not recall the incident; indeed the only thing he remembered about Tefft was his name and that he had been in the English department.<sup>20</sup> Witness 41 left shortly after, and never returned to Tefft’s apartment or had any sexual contact with Tefft afterward.

Witness 41 did not report this to the school or to anyone else at the time.

### **Student TY, Class of 1972**

Witness 41 saw one instance of Tefft directing inappropriate conduct toward another student (Student TY). The student was, like Witness 41, a regular visitor in Tefft’s apartment. Once, while the three of them were together, Witness 41 saw Tefft reach for Student TY’s groin and the student pushed Tefft’s hand away. Witness 41 does not know if Tefft ever touched the student on any other occasion.

### *Termination of Tefft*

The school has not been able to locate a personnel file for Tefft, but it appears clear from the recollection of witnesses that Tefft was at St. George’s only for one term, and did not return after

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<sup>19</sup> Hollins would become Dean of Students in 1972 and later assistant headmaster and Dean of Faculty.

<sup>20</sup> To be clear, there is no allegation that the person who knocked on the door would have seen Tefft or Witness 41 engaged in a sexual act, in a state of undress, or engaging in any contact at all. The person would only have seen that a student was alone in a faculty member’s apartment, which we have found was not uncommon at that time.

winter break to teach in the spring term of 1972. Witness 41 told us that Harman terminated Tefft for providing alcohol to students, but some concern over known or suspected sexual conduct may have played a role. Witness 41 reported that members of the hockey team were staying in Tefft's apartment during winter break, and Tefft was fired for buying them alcohol.

Wes Hennion, then a math teacher (Hennion would stay at the school until he retired in 2006 after nearly 30 years as the school's business manager) also described a faculty member being fired for supplying alcohol to the hockey team over winter break. Hennion reported that dismissing a faculty member in the middle of the school year was highly unusual because faculty entered into annual contracts; this was the only such instance that Hennion could recall.

### *After St. George's*

Tefft continued to teach English until 1994, finding work at boarding and preparatory schools in Massachusetts, Connecticut, and New York. One of the schools where Tefft taught was the Brunswick School in Greenwich, Connecticut. In 2012, a former Brunswick student alleged that he had been abused by Tefft in the early 1980s. Brunswick hired Kroll, Inc. to conduct an investigation into those allegations and any other allegations of sexual abuse in the school's history. Kroll concluded that there were credible allegations from three former students that they had been abused by Tefft during the 1980s.

In 1994, Tefft became the editor of the newspaper owned by his family, the *Greenwich Journal and Salem Press*. He maintained this position for nineteen years until indicted by a grand jury for receipt of child pornography in 2013. Tefft ultimately pled guilty to one count of receiving child pornography and was sentenced to the mandatory minimum of five years of imprisonment.

Tefft is currently an inmate at FCI Fort Dix, a low security federal correctional institution in New Jersey.<sup>21</sup> He is scheduled to be released on January 23, 2018.

### *Tefft's Response to Investigation*

Tefft did not respond to our request to speak to him about his time at St George's.

### *Reverend Howard White*

Reverend Howard "Howdy" W. White, Jr. joined the faculty of St. George's School in 1971, when he was 30 years old. Although he was hired during the administration of Archer Harman, Harman left the school in 1972 and was replaced by Tony Zane, who remained headmaster

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<sup>21</sup> "Low security" is a Bureau of Prisons designation signifying a degree of security greater than "minimum security" in terms of its perimeter fencing and staff-to-inmate ratio.

during the remainder of White's tenure. White served as associate chaplain for four years, from 1971 to 1974, before the school terminated him for inappropriate sexual contact with male students. White taught, coached, and served as dorm parent during his four years at St. George's. He also had administrative responsibilities at Camp Ramleh, a camp affiliated with St. George's.

### *Before St. George's*

White graduated from Virginia Theological Seminary in 1966 and was ordained to the priesthood in December of that year. He worked at St. Paul's School in Concord, New Hampshire, for four years (1967–1971) before joining St. George's.

We have seen no evidence that St. George's was aware of potential red flags concerning White when it hired him. To the extent that school documents reflect what St. Paul's School told St. George's about White, those comments were generally positive. A handwritten note about White by Headmaster Harman, for example, concluded that White "looks strong and was highly recommended by [the Rector at St. Paul's]." The letter of recommendation from the rector stated that White "is a fine, sincere person, and I am sure he will make a helpful and interesting contribution to St. George's."<sup>22</sup>

There is reason to believe, however, that White likely did engage in sexual abuse of children prior to joining St. George's. Published reports indicate that a former student at St. Paul's School recently reported to that school's independent investigator that White sexually abused him between 1966 and 1971.<sup>23</sup> In addition, Richard Albright, a former parishioner of a church that employed White in West Virginia, filed a complaint in 1996 alleging that, in approximately 1969, when Albright was eleven years old, White sexually abused him. That complaint was ultimately dismissed on statute of limitations grounds, but the conduct alleged in the complaint is consistent with the first-hand reports of the St. George's witnesses.<sup>24</sup>

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<sup>22</sup> Exhibit 1; Exhibit 2.

<sup>23</sup> See "The Rev. Howard White, Ex-St. George's Assistant Chaplain, Accused of Sex Abuse at N.H. Prep School," *Providence Journal* (Aug. 9, 2016).

<sup>24</sup> Allegations in a complaint, standing alone, do not rise to the level of evidentiary proof. Where they are accompanied by credible evidence consistent with the alleged conduct, however (as they are here), it is appropriate to consider such allegations as part of the evidentiary record. Albright has recently spoken publicly about White's alleged conduct, which he said took place in a camper at Oral Lake, West Virginia. According to Albright, White demanded that he get in bed with him. When Albright later tried to fight off White's advances, White reportedly threw Albright to the floor and said, "What's wrong with you? The other boys like it." "St. George's Sex Abuse Scandal: Rev. 'Howdy' White's Trail of Trauma," *Providence Journal* (Apr. 30, 2016).

### *First-Hand Accounts from Former St. George's Students*

Three former students came forward with credible first-hand accounts of sexual abuse by White.

#### **Witness 20 (student, 1972–1974)**

Witness 20 came to St. George's as a freshman in 1972. White was his academic advisor. Witness 20 recalls that White was a popular figure on campus who lived by himself in a two-story apartment with a large dog and had an open-door policy with students. White drove a Porsche 914.

Witness 20 does not recall how the sexual abuse started, or when it occurred, but he remembers that it usually occurred off campus, on overnight or camping trips (including to Boston and Nova Scotia). Alcohol was always involved. White would often pass out from drinking on these trips. The abuse included fondling of genitals, masturbation, and at least one instance of rape. Although Witness 20 does not have a clear sense of the timing, he thinks the abuse probably started in the summer after his freshman year. He knows he was molested numerous times by the end of his fourth-form year. Witness 20 was between the ages of 14 and 16 when this abuse occurred.

Witness 20 reported that he was going through difficulties in his family life and was desperate for someone who would be there for him. He kept going back to White, knowing that the abuse would occur but hoping that it wouldn't. Finally, he confronted White, telling him the abuse had to stop. White said, in substance, "if it stops, I will make your life here miserable." Witness 20 recalls White saying, "I'm giving a lot to you, so I'm taking some back."

#### **Witness WA, Class of 1974<sup>25</sup>**

Witnesses WA spoke to Hannum and reported that he and four other students stayed overnight with White in White's cabin in Pennsylvania. There were too few beds for all five students, so Witness WA (who was 16 or 17 years old at the time) had to share a king-sized bed with White. Witness WA awoke in the night to the sound of White's heavy breathing behind him. He edged away from White, who then moved in closer. Witness WA continued to move away from White, and White continued to inch towards him. When he was at the edge of the bed, Witness WA got up and locked himself in the bathroom. He then went into the room where the other students were sleeping and sat by the fire. White came out and asked Witness WA to return to the bed, saying nothing would happen, but Witness WA refused.

Witness WA never spoke to White about the encounter, and he was never again singled out for inappropriate sexual contact. Witness WA did not report the incident to the school. Zane told us that, after speaking with Witness 20's mother on September 6, 1974, he spoke to a senior prefect,

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<sup>25</sup> "WA" and "WB" in the paragraphs that follow refer to two students whom White abused who contacted Hannum, but not us.

and asked the prefect whether there were any other boys he should ask about White. The prefect gave him Witness WA's name. Zane told us that he called WA, then in college, asked WA about White, and WA told him that White had attempted to engage in sexual activity with him. Zane's account of what WA told him during that call is consistent with what WA told Hannum in 2015.

### **Witness WB, Class of 1976**

Witness WB spoke to Hannum and reported that White took him on an overnight trip to Boston during his sophomore year, when WB was 15 years old. White got a hotel room with a single, king-sized bed, which the two shared. Witness WB awoke in the middle of the night to White "spooning" him, pulling Witness WB's body into his. Witness WB spoke to White, whom he thought at first might be doing this in his sleep, and then went to the couch and recovered. He felt at the time that the encounter was inappropriate. Witness WB eventually returned to the bed—White had since moved back to his side—and slept the remainder of the night without incident. Witness WB felt strange the following day and knew that something was wrong. He began to pull away from White, who never tried to single him out again for sexual contact.

Hannum's report to the St. George's board states that Witness WB reported to Hannum that Zane called Witness WB's father at some point in the summer of 1974 and asked whether anything inappropriate had happened to his son. Witness WB does not remember if Zane asked him about what happened on the overnight trip with White. Zane recalled only that Witness WB's mother came forward sometime after White was fired and told Zane about her son's experience with White.

### *Second-Hand Accounts from Former St. George's Students*

#### **Student WX, Mid-1970s**

Witness 78 told us she has talked to another former student who was targeted by White. That student (Student WX) did not come forward as part of our investigation, but the second-hand allegations are similar to those reported by Witnesses 20, WA, and WB. Specifically, Student WX told Witness 78 that when he was approximately fourteen years old, White took him on an overnight trip to Boston. When they got to the hotel, White asked for one room with one bed, and the student protested. According to the student, White said, in substance, "that's all we have a budget for." The student reportedly refused to share a bed and threatened to sleep in the lobby if he had to do so, which caused White to relent. The student told Witness 78 he had the feeling he was not the first student with whom White had tried to share a bed.

### *The School's Response*

Witness 20's disclosure of White's abuse ultimately led to White's termination from the school. Witness 20 and Zane have differing memories of how Zane learned of White's abuse; on either

account, the records make clear that White was dismissed in early September 1974, before the start of the 1974–1975 school year.

Witness 20 told us he worked up the courage near the end of his fourth-form (sophomore) year to tell Zane about the abuse. Witness 20 recalls that he spoke to Zane in his study before Witness 20 left school for the year. Witness 20 does not recall precisely what he told Zane, but is certain that he told Zane that White was sexually abusing him. Witness 20 recalls that Zane reacted somewhat skeptically. Witness 20 recalls that Zane pressed Witness 20 for information that might corroborate Witness 20's account.

Although he was reluctant to get others involved, Witness 20 told us he felt as if he had no choice but to provide Zane with the name of a fellow student whom he believed had also been abused by White, and did, in fact, give Zane the boy's name. Witness recalls that the boy he identified to Zane was a friend and another target of White's attention, and the two had confided in each other about their experiences with White.<sup>26</sup> Witness 20 believes that Zane did speak to the student he named. On the first occasion Witness 20 spoke to this student after speaking to Zane, the student became angry with Witness 20 and stopped communicating with him. (Witness 20 did not explicitly say why, but Witness 20 has drawn the inference that the other boy was angry because Witness 20 had revealed something to Zane the other boy expected Witness 20 to keep private.)

Witness 20 home returned after his sophomore year ended and told his parents he did not want to return to St. George's. Only near the end of the summer, when his father insisted that he return, did Witness 20 explain that White had abused him. Witness 20 recalls—and here his memory and Zane's do coincide—that Witness 20's mother then went to see Zane.

Zane recalls first learning about White's abuse of Witness 20 in a telephone call from Witness 20's father, which was followed by an in-person visit to Zane by Witness 20's mother. Correspondence between Zane, White's mother, and an educational counselor who spoke to Witness 20 during the summer of 1974 confirm that Zane spoke to Witness 20's mother in person on September 6, 1974 and that Zane acted promptly after the mother visited him. The records do not clearly show whether Witness 20 spoke to Zane in the spring, as Witness 20 recalls.

We credit Witness 20's memory that he spoke to Zane before leaving school at the end of his sophomore year for two reasons: *first*, that event—a sophomore in high school telling his headmaster *in person* that a faculty member was sexually abusing him—is a singular, memorable experience; *second* Witness 20's memory on the point is quite vivid. To be clear, we do not doubt that Zane's account is his honest memory of how he recalls the matter, and the documentary record can be read in a way consistent with both accounts, but we think the balance of evidence

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<sup>26</sup> We have not pressed Witness 20 for the second boy's name.

makes it more likely that Witness 20's account is correct.

After speaking to Witness 20's mother on September 6, Zane investigated the allegation and notified key members of the Board of Trustees, including board chair Peter Ward.

Zane also spoke to Robert Smith, an educational counselor, who saw Witness 20 that summer. In a letter to Witness 20's parents dated September 10, Smith described a conversation he had with Zane on September 9, the previous day. Smith wrote that he gave Zane as many particulars as he could and that "although one could hardly expect him to be pleased to hear these, he certainly was most appreciative and grateful for the frankness that all of us have shown and are showing." According to the letter, Zane had not yet spoken to White but "planned to do so as soon as he talked with the one other boy involved and directly with [Witness 20]."<sup>27</sup> Smith wrote that Zane "had thought that the relationship between [Witness 20] and White was just a 'paternal' one."

Zane appears to have confronted White about the allegations on September 12, 1974. At first, White denied any wrongdoing. Zane then told White that White should get more formally dressed, as Zane was going to drive White to the office of the school's law firm in Providence, Edwards & Angell, to discuss the matter. White returned, and admitted to the allegations Zane described, which were based on the accounts of Witness 20 and Witness WA.

Zane terminated White immediately after White admitted misconduct with Witness 20, although the termination was formally structured as a "resignation." In a letter dated September 16, 1974, Zane informed the Board of Trustees that White "resigned from St. George's as of Thursday, September 12, for unbecoming conduct involving a male student last spring."<sup>28</sup> Zane wrote in the letter that the faculty had been made aware of the reasons for White's departure but that he intended to inform the student body that White's departure was for "personal reasons."

White spoke to Zane after his termination and apparently mentioned that he needed money. Zane wrote to White on September 19 responding to his request. Zane enclosed a check for the amount White would have been paid for October and waived a modest debt to the school. Zane made clear that the enclosed check was the last payment White would receive from St. George's and wrote, "if you find yourself hard pressed in the future I suggest that you consider selling your Porsche."<sup>29</sup>

In that same letter, Zane told White he "should not be in a boarding school and . . . should seek psychiatric help." Zane also told him he should not even visit the school for five years, telling

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<sup>27</sup> We have been unable to determine the identity of the "other boy involved."

<sup>28</sup> Exhibit 3.

<sup>29</sup> Exhibit 4.

him, “[p]lease do not return to St. George’s until one generation has gone through, that is, not for another five years.”<sup>30</sup>

In an undated letter that appears to have followed Zane’s September 19 letter, White noted that he had received some interest from potential employers and said that he would like Zane to provide a positive recommendation. (“I do know, however, that nothing will happen unless I can count on your recommendation for whatever job comes up.”)<sup>31</sup> White sent another letter, dated September 30, reiterating his request for a recommendation.<sup>32</sup> (“If by chance anyone should write or call about a recommendation, I would appreciate your total support. If this isn’t possible, I would hope that you would simply decline to say or write anything.”).

We have seen no evidence that Zane provided a recommendation for White after he became aware of White’s abuse of Witness 20; to the contrary, the evidence shows him resisting doing so.

Zane had previously written a letter of recommendation for White. That letter, dated April 8, 1974, nearly five months before the date on which Zane recalls learning of White’s abuse, came after Zane decided not to appoint him to fill a vacancy that occurred when the school’s head chaplain left the school to become a headmaster of another school. Zane wrote a recommendation letter for White at that time and submitted it to Independent Educational Services (“IES”), a company that specialized in placing faculty members at independent schools. Zane concluded the letter as follows: “I think that someday [White] would like to be either a chaplain or a headmaster, and I recommend him certainly for the first position and in a few years for the second.”<sup>33</sup>

On May 12, 1978, Zane wrote to IES requesting that it remove the recommendation letter from the file.<sup>34</sup> Zane noted in the letter that a headmaster had just called him about White, whom Zane described as someone “who is now I gather in your stable.” Zane continued:

In the information that you send to prospective employers of Mr. White you include a letter that I wrote on April 18, 1974 . . . . That is not the same recommendation I would give him now, a recommendation based on his having left us in September of 1974. Therefore, will you please remove my recommendation from the information you send out about Howard White.

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<sup>30</sup> Zane made clear he was not referring to the prospect of White’s return to the faculty; he wanted to make sure White did not appear anywhere on campus where a student could recognize him.

<sup>31</sup> Exhibit 5.

<sup>32</sup> Exhibit 6.

<sup>33</sup> Exhibit 7.

<sup>34</sup> Exhibit 8.

Although Zane's recommendation letter was on file with IES for more than three-and-a-half years after White's termination, there is no evidence that Zane intentionally failed to revoke it sooner. To the contrary, Zane's conduct after he learned of White's conduct is consistent with him *not* intending to provide a recommendation for White.

For example, within days of receiving White's September 30, 1974 letter requesting a positive recommendation, Zane received a letter dated October 2, 1974 from White's psychiatrist that echoed White's request for a recommendation.<sup>35</sup> The psychiatrist offered his opinion that "the specific incident which was responsible for [White's] leaving [St. George's] was based on a circumstantial event and was not to be construed as a way of life." The psychiatrist went on to state that White's "preference is for female companionship which probably will eventually lead to marriage" and that White "should be very competent and useful in his profession."

Zane responded to the letter on October 9. He wrote that, while he wanted to help White, he found it "very difficult to recommend him as a teacher, especially in a boys' boarding school."<sup>36</sup> Zane went on to challenge the psychiatrist's conclusions about White. Zane wrote, "Did Mr. White tell you that although there was, as far as I can tell, only one specific incident last year, he nevertheless pursued at least three other young men, taking them all to motel rooms where there was a single bed?"<sup>37</sup>

Zane reiterated these concerns on October 24 in a letter to Smith, the education counselor who met with Witness 20: "Howdy is in West Virginia; he has seen a psychiatrist, who claims that he is well (although I have my doubts), he is looking for a job in the church, and so far no one has asked me for a recommendation."<sup>38</sup>

In addition, Zane discussed the matter openly and candidly at a St. George's faculty meeting, which would be inconsistent with a plan to facilitate White's effort to obtain employment at another school, for reasons White explained to Zane in a later, undated letter to Zane complaining about Zane's treatment of him:<sup>39</sup>

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<sup>35</sup> Exhibit 9.

<sup>36</sup> Exhibit 10.

<sup>37</sup> Zane could not recall, and we have not been able to determine, the identity of the third "other" young man; Zane recalls referring specifically only to Witness WA. We assume the second "other" young man was Witness WB; he told Hannum that Zane had spoken to his parents in 1974, and Zane recalled speaking to his mother.

<sup>38</sup> Exhibit 11.

<sup>39</sup> Exhibit 12. Given White's reference to having seen his doctor "for many months," it is likely that the letter was written in late 1974 or early 1975.

My doctor has been wanting me to write to you for some time. I need to get something off my chest, and I hope you will understand. If ever such an incident ever happens again while you are headmaster, do yourself and the person involved a great favor: Don't announce the details to the entire faculty. I know where you stand on being open and candid with your faculty. Most of the time I would agree with you.

I do think incidents of a personal nature ought to be handled with more prudence and sound judgment. You need to know that I am still seeing my doctor – and have continued to see him for many months – not because of the specific incident. I have to see him to deal with the fact that you took it upon yourself to open it to an entire faculty.... People talk too much. Your faculty talks too much. I am sorry that it happened, but I am even sorrier about the way you decided to handle it in that faculty meeting.... I know of at least four job opportunities I have lost simply because the word got around. The word got around because of your airing it in faculty meeting. I'm sorry that happened.

(emphasis added). Finally, there is evidence that Zane informed at least one potential employer who asked about White about the circumstances of his termination. In January 1978, Zane received a letter from the rector at Christ Episcopal Church in Corning, New York, who wrote “to inquire about reasons for the Rev. Howard W. White’s dismissal from St. George’s,” noting that he was considering inviting White to join his staff in Corning.<sup>40</sup> Zane’s handwritten note dated January 9, 1978 appears at the top of the letter: “Called [Harvin] 1/9/78 [and] told him the whole story.” Zane told us he told the Corning rector that White had been dismissed for engaging in sexual activity with a boy and making advances to others, and we credit Zane’s account.

### *Notification of Authorities*

St. George’s did not notify the Rhode Island Department of Children and Families or law enforcement of White’s misconduct. We conclude that the law at the time *did* require Zane to make a report.<sup>41</sup> We have seen no evidence that Zane knew of that requirement, or considered and chose deliberately not to report it, and credit Zane’s statement that he did not know such a requirement existed. Zane did inform Bishop Frederick Belden (then the Episcopal Bishop of Rhode Island as well as a member of the school’s Board of Trustees) of White’s conduct. We also credit Zane’s memory, which is consistent with the documentary record, that Witness 20’s family wished to keep the matter confidential.

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<sup>40</sup> Exhibit 13. The rector’s letter went on to state that White “has never talked much about his sudden departure from St. George’s.”

<sup>41</sup> We address this question, in detail at pp. 132 to 141.

### *After St. George's*

After his termination from St. George's, White completed his graduate studies at the University of West Virginia.<sup>42</sup> White wrote to Zane in December 1975 stating that he was about halfway through with his doctoral program and noting that all that remained was examination of his dissertation regarding the "moral development of adolescents."<sup>43</sup> White taught courses and supervised student teachers at West Virginia University.

White's first job after St. George's appears to have been at Chatham Hall School for Girls in Chatham, Virginia, where he worked until 1982. White was recruited in 1978 to be chaplain there by Rev. Russell Ingersoll, a former colleague at St. Paul's School. Ingersoll does not recall whether he spoke to Zane about White before offering him a position at Chatham.<sup>44</sup> Zane does not recall that Ingersoll or anyone else from Chatham inquired about White, and stated that he never recommended White to anybody after his termination. We have seen no evidence to contradict this account, which we credit.

From 1982 to 1984, White was assistant headmaster at Asheville Country Day School (now Carolina Day School) in Asheville, North Carolina. Carolina Day School officials have told the news media they are not aware of any allegations against White during his time at the school, and we learned of no information in our investigation to contradict this account.<sup>45</sup>

White left Asheville Country Day School in 1984 and took a position as rector of Grace Church in the Mountains in Waynesville, North Carolina, where he remained for more than two decades. One man, Forrest Parker, reported to us that he was placed with White by Social Services and lived with White in the rectory, first for short respite stays and then for about four months in the spring and summer of 1985. During that time, White raped and sexually assaulted Parker. He left

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<sup>42</sup> Exhibit 14. White was accepted to West Virginia University in 1972, while a faculty member at St. George's, and initially was taking courses during the summer.

<sup>43</sup> Exhibit 15. The thesis White turned in was in fact called "The Construction and Validation of a Scale to Measure Attitudes Toward Religious Education Curriculum Organization, Content, and Goals."

<sup>44</sup> As reported in the *Providence Journal*, Ingersoll said in an April 15, 2016 interview that he was "certain" he called Zane to ask about the circumstances of White's departure, but in a follow-up interview on April 21, Ingersoll clarified that he had no memory of speaking to Zane. See "St. George's Sex Abuse Scandal: Rev. 'Howdy' White's Trail of Trauma," *Providence Journal* (April 30, 2016).

<sup>45</sup> See "Former WNC Rector Under Investigation for Sex Crimes," *Asheville Citizen-Times* (Feb. 13, 2016).

White's home at the age of 16, choosing to live on the streets rather than with White.

White retired to Bedford, Pennsylvania, in 2006, where he served as a supply priest until January 2016, when he was suspended from service in light of revelations that he was being investigated for alleged sexual abuse at St. George's.

### *White's Response to the Investigation*

Through counsel, White declined to be interviewed.

### *Alphonse "Al" Gibbs*

Alphonse "Al" Gibbs started as a part-time athletic trainer at St. George's School in 1965, when it was an all-boys' school. Initially, Gibbs worked at the school part-time while still employed at the Naval Education and Training Center in Newport, where he had worked for over twenty years. When he left the naval center, he served as its Assistant Athletic Director and the head trainer for the center's sports teams. We are not aware of any allegations of misconduct during Gibbs' prior employment.

He joined the staff at St. George's as a full-time, paid employee in February 1973, when he was hired to assist as an athletic trainer and coach on weekday afternoons and Saturdays. At the time, he was 62 years old.

Gibbs' personnel file does not contain any letters of reference from the period predating his employment at the school—either full-time or part-time. We note that in 1976, three years after starting full-time, Gibbs asked his former employer, J.T. Georges at the Naval Education and Training Center, to verify his qualifications to Zane. Georges did so and provided a glowing reference, summarizing, "You have an excellent trainer with a well-rounded athletic background." Zane replied in turn, reflecting a similarly positive estimation of Gibbs, responding, "You don't have to extol Al's virtues for me; I am fully aware of his fine qualities."

Zane did not recall, and we could not otherwise determine, why Gibbs requested that his prior employer verify his qualifications three years after the start of his full-time employment at St. George's. Nor are we aware of a particular event in 1976 that may have precipitated this request; it is, however, curious.

### *Before St. George's*

Many former students told us what they believed Gibbs had done before he came to St. George's. He was said to have been an Olympic boxer, and that while at St. George's, he declined an offer to join the Kansas City Royals as a trainer. Indeed, both these facts are included in the 1974

yearbook, *The Lance*, which the students dedicated to Gibbs.<sup>46</sup> Gibbs' name does not appear on any list of United States Olympic boxers we have seen;<sup>47</sup> whether or not he was a boxer, or a legitimate candidate to be a professional baseball trainer, matters less than that many students believed he was. They reflect an element of mythology constructed around Gibbs at the school. He was, in many respects, both an icon and an oddity as he stood out among other staff and the faculty, most of whom came from different socioeconomic and educational backgrounds.

### *Co-Education*

Gibbs' tenure as the school's athletic trainer coincided with the advent of co-education at St. George's. The environment that existed as the school began admitting women is important to situate and understand Gibbs' misconduct and the school's response to it, and thus we set out here some of the relevant information concerning the early experiences of female students at the school.

In 1970, St. George's admitted one female day student, a senior, who graduated with the Class of 1971. In 1971, the school admitted 20 female day students, and in 1972, another 20 female boarding students. Thus in the 1971–1972 academic year, there were 20 female students, and in the 1972–1973 academic year, only 40 female students in total.

Zane began his term as headmaster in 1972, when St. George's first opened the school to female boarders. (Zane had not worked at St. George's before becoming its headmaster; whatever planning—or lack of planning—for co-education occurred before he got there.) Zane frankly acknowledged that the school had done little to prepare for the arrival of female students, apart from assigning them a dorm, Twenty Dorm, where they would live. When it came to integrating girls into St. George's, Zane told us the school “pretty much winged it.”

In 1973, St. George's increased its enrollment of female students to 70; in contrast, approximately 220 male students attended the school. Through the remainder of the decade, St. George's maintained approximately these enrollment numbers, and thus women comprised roughly one-quarter of the student body. Gibbs started as the school's trainer in February of 1973. The school did not

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<sup>46</sup> Exhibit 16. We understand that the Class of 1974 has revoked its yearbook dedication. Students typically dedicated the yearbook to longtime faculty or staff, or sometimes to a newer faculty member who started at St. George's when the graduating class entered as freshmen and with whom the class felt a strong connection. Gibbs had only been there three years when the yearbook was dedicated to him, so he fit neither category. Witness 60 worked on the 1974 *Lance* and told us the choice of Gibbs, a relatively new arrival who was unlike the rest of the St. George's faculty and staff, was intended as a “slap in the face” to the school.

<sup>47</sup> See, e.g., <http://www.ringsideboxingshow.com/USOlympicTeams.htm>.

consider hiring a female athletic trainer when St. George's went co-ed; this topic does not appear to have come up until after Gibbs was terminated.

Many female students from the earlier classes told us they believe the school was not prepared for the entrance of women and was ill-equipped to support female students. We heard frequently that the school was a "boys' school, with women." There were very few female faculty members, and as a result, the wives of the male faculty were often enlisted to support female students. Dolly Howard (a coach and the wife of Skip Howard, the Athletic Director) was appointed Dean of Female Students, but there does not appear to have been much programming for either the female students who were entering St. George's or the faculty who would be teaching and living with them.

Some female students recounted open hostility from faculty, including direct statements that St. George's was a boys' school and other statements suggesting that female students were not qualified to be there. In the college admissions process in particular, many recounted that they were denigrated by administrators like William Schenck, Dean of the Faculty, and felt their college choices were subordinated to male students' (for instance, being encouraged to apply to less competitive schools if a female student presented a threat to a male student's chance of admission).

Students also described a culture that objectified women. "Casino Night," a social event for students and faculty, is a striking example of that. Beginning shortly after girls were admitted, new female students (in either the ninth or tenth grade) served as "bunnies," an ostensible honor that required that they don Playboy costumes—leotards, bunny tails, and ears—and act as servers for the predominantly male student body and faculty who enjoyed casino games as the girls dispensed fake cigarettes and cigars. Faculty were, obviously, aware of the event, as they were in attendance; in addition, at least some students recalled that Dolly Howard, then Dean of Female Students, may have held onto the bunny costumes and accessories year-to-year and distributed them to the female students. This was a tradition that continued at the school into the mid-1980s, and while some specifics appear to have changed (for example, some recall that all new students wore the costumes, while others recall that girls were selected based on perceived attractiveness), the basic premise remained that female students served as scantily clad "bunnies."

The physical space at St. George's also contributed to women feeling second-class. Female students in early classes described basement-level dorm rooms that were damp and musty. Further, there were no women's locker rooms, and thus each day before practice, while boys could change in the gym's locker rooms, girls returned to their dorms to change before returning for practice.

The school's awkward navigation of the transition to co-education is important to an understanding of Gibbs' abuse and misconduct. In obvious ways, it was a contributing factor—for example,

there were no women's locker rooms and there was no female athletic trainer. As a result, female students were treated by Gibbs in his training room in the boys' locker room.

There were still other more implicit ways in which the school's often confused or inattentive response to its new female students may have enabled Gibbs' abuse and misconduct. St. George's was a school that had been, since its inception in 1896, led by, taught by, and comprised of men. At least at the outset of co-education, through the 1970s and into the 1980s, St. George's seems to have given preference to male students at the expense of female students. Many of the women with whom we spoke reported that they did not perceive any support from the school. Many women viewed themselves (and appear to have been viewed) as "token" female students, as something ancillary to the male student body (and the numbers may support this—given that they were outnumbered three-to-one). As a result, many women stated that there were no faculty or staff they felt comfortable approaching to discuss abuse (by Gibbs or others) or, even more basically, their feelings of unease or discomfort. In fact, some women noted that they believed there would be adverse consequences for them had they reported certain abuse.

In their conversations with us, women in these early classes wondered, almost invariably, how it was that no adult appeared to recognize that Gibbs' public behavior toward girls was inappropriate and why no one intervened. Quite simply, it appears that, at a minimum, the school was not then attuned to the situation of female students and could not react appropriately to their needs.

### *Gibbs' Sexual Abuse and Sexual Misconduct*

Gibbs' abuse of female students was pervasive. Twenty four women contacted us to report rape, sexual assault, sexual abuse, or some other form of sexual misconduct by Gibbs. Seven more students who did not contact us spoke to Hannum, the previous investigator, about Gibbs, and provided the same kinds of experiences. These are just the first-hand accounts. Many students with whom we spoke indicated that friends had similar experiences, but would not be contacting us.

Gibbs began sexually abusing female St. George's students nearly as soon as they arrived on campus. He sexually assaulted or abused girls in every class from the Class of 1976 (who started in 1973) to the Class of 1982 until he was fired in 1980.

In the context of a student body that, at any given point, consisted of only 70 women, these figures indicate just how prevalent Gibbs' abuse was. Put even more starkly, between the 1972 and 1979 academic years, roughly 190 female students, in total, attended St. George's: Some nineteen percent of those women—close to 1 in 5—have come forward and *reported* abuse or sexual misconduct by Gibbs. As is common with sexual abuse and assault, many women likely did not come forward, for a host of complex reasons; thus, we expect the number of women actually abused by Gibbs substantially exceeds the reported figure.

In order to portray the full extent of Gibbs' abuse and its impact, we are presenting it in two forms: first, describing the offending conduct in more general terms, and second, summarizing the specific experiences of those women who contacted us as well as those who contacted Hannum during his 2015 investigation.

### *Gibbs' Modus Operandi*

Between 1973 and 1980, Gibbs pursued a course of conduct with female students that largely transpired within the four walls of his training room. That space was itself set within the boys' locker room. Before female students could even enter the locker room to get to the training room, Gibbs would clear the locker room of all male students. Then, he would provide treatment to individual female students behind a locked door, with the shades of an internal window drawn. Ironically, under the guise of providing privacy for the female students, Gibbs created a space where he was free to abuse female students without ramifications.

Gibbs capitalized on his position and title as a trainer. He wore a white lab coat not unlike a physician. He went by "Doc Gibbs." He, at times, did provide necessary and legitimate treatment to students with injuries, whether those injuries were sustained on or off the athletic fields. He was viewed as a clinician, a person trained to deal with and heal problems of the body. Gibbs took advantage of that perception and, indeed, he used many legitimate therapeutic tools (e.g., whirlpool and massage) to perpetrate his abuse against female students.

### **The Whirlpool**

Gibbs frequently prescribed whirlpool therapy (also known as hydrotherapy) to students with a variety of injuries, including oft-occurring muscle soreness and sprains. The whirlpool was a large circular metal tub, which stood roughly in the center of the training room.

When a female student referred or came to Gibbs with an injury, he almost invariably suggested that she remove all her clothes and soak in the whirlpool. Whether the injury was to the arm, leg, or back, his prescription was nearly unfaltering. Students even joked, "Go to Gibbs with a hangnail and he'll have you in the whirlpool." But because students trusted Gibbs' clinical expertise and because there were no other options, they often deferred to his recommendation and took whirlpools in various states of undress: sometimes completely naked, other times in underwear or shorts, sometimes fully clothed, and other times, perched on the edge and treating only the affected body part. His preference that female students undress completely is, by itself, voyeurism, a form of sexual misconduct experts classify as sexual abuse. But Gibbs did not stop there.

### **Photographs of Students**

Gibbs had a Polaroid camera in the training room, which he used, at least at times, to take photographs of student athletes either on the field or heading out to play. But he also used the

camera to take inappropriate photographs of female students who never agreed to be photographed. Indeed, many did not know, even after the fact, that they had been photographed. While female students soaked in the whirlpool, Gibbs would sometimes employ another therapy, infrared light, to treat things like blemishes. He would cover the student's eyes, ostensibly because of light sensitivity. But in reality, he often used this opportunity to take illicit photographs of naked female students. On occasion, the student could sense the flash or hear the click of the camera's shutter. If asked, Gibbs denied that he had done anything wrong. He took other photographs of students even as they were out of the whirlpool, as they moved, for example, to retrieve a towel. There was obviously no diagnostic or therapeutic reason for these photographs.

This all came to a head at the end of Gibbs' tenure at St. George's. He began to show the photographs to male students, who recall that Gibbs would obscure their female classmates' faces with his thumb. But at least one female student was identified by virtue of those photographs. Teased by classmates, she recalls that she went to Zane and informed him that Gibbs had taken and was now showing naked photographs of her. This subject is discussed more fully below.

### **Inappropriate Touching**

Beyond the voyeurism of the naked whirlpools and illicit photographs, Gibbs also engaged in sexual assaults against female students.

#### **“Toweling”**

Gibbs used the whirlpool treatment as an opportunity to towel-dry female students as they exited the whirlpool. He often placed towels far out of reach, so that the student had to traverse the training room in order to obtain her towel. Sometimes, he would insist that he teach the female student the “proper” way to dry herself. He often focused on the breasts, drying a student's breasts which he touched and manipulated with a towel or, occasionally, with his bare hands. Similarly, he would sometimes dry a female student's legs, up to and then touching her genitals or her anus. All of this was presented as clinically appropriate, and although many students were uncomfortable, they often did not know how or to whom to vocalize that discomfort.

#### **Sexual Assaults During “Massages”**

Gibbs also provided massage to students. Here too he abused clinical and therapeutic boundaries. He would begin with arguably appropriate massage to an affected area like the shoulder. But he would progress, groping a female student's breasts knowing there was no therapeutic value to doing so. Likewise, while massaging the hamstring, Gibbs might work his way up to the student's genitals and anus, touching those areas of her body.

#### **Rape**

Gibbs' conduct extended to rape. He engaged in penile rape of at least one student, isolating and threatening the student until she had withdrawn from her peers or any support systems. In other

cases, while towel drying or massaging students, Gibbs digitally raped female students.

### **Inappropriate Comments**

Gibbs made objectifying and sexualized comments to some students: at times, describing the female student's body; at other times, describing sexual acts. These comments were often coupled with his physical abuses, but alone or coupled with physical conduct, they had the effect of making female students extremely uncomfortable.

### *Students' Experiences*

We attempt here to describe some of the experiences of individual students. We recognize that many, if not all, of these experiences defy short summaries. Our descriptions cannot, and are not intended to, fully explicate what these students underwent and the impact upon them. We described some of the effects of this abuse earlier in this report. Taken together, however, they provide a heightened understanding of the female experience at St. George's in the 1970s. We have generally organized these accounts chronologically, by the class years of the students Gibbs abused. Where the alumna's identity appears as a letter rather than a number, the former student spoke to Hannum, but not to us.

A small number of witnesses report having disassociated from their abuse and only recently recovered specific memories about Gibbs; this is not uncommon in cases of sexual abuse and misconduct. The predominant number of reports that follow are based on memories that individuals have retained since their time at St. George's, though many individuals did not, until now, feel comfortable describing their experiences or calling them sexual abuse.

### **Witness 45, Class of 1976**

Gibbs engaged in sexual misconduct with Witness 45 when she was either a sophomore or junior; she believes it more likely occurred in her junior year. Up until that point, she had a social relationship with Gibbs, in which, for instance, she and her boyfriend had dinner one evening with Gibbs and his wife.

Witness 45 at one point pulled a muscle in her ribcage and was sent to see Gibbs. Gibbs instructed Witness 45 to remove all her clothes and to get into the whirlpool. Witness 45 recalled that her "antenna went up" and she insisted on leaving on her underwear; she believes she probably removed her bra.

While Witness 45 was in the whirlpool, Gibbs, standing very close to her, initiated a graphic conversation about sexual activity. She recalled that he described the feeling of achieving orgasm, and recalled specifically his use of the words "orgasm" and "pleasure." What he described seemed to her to be a consensual sexual relationship. Witness 45 observed that Gibbs was clearly enjoying talking about this; in retrospect, she recognizes that Gibbs was in his "own world imagining

having sex with a younger woman.”

Witness 45 was shocked and uncomfortable while Gibbs spoke to her in the whirlpool. Gibbs did not touch her while he was talking. When Witness 45 got out of the whirlpool, Gibbs insisted on drying her off with a towel. He did so. She noted that he dried her breasts, but did not caress them.

Gibbs then proceeded to wrap her ribcage, the injury for which she had come to see him. She recalled that he taped right up to and under her breast, which made her especially uncomfortable given his previous graphic conversation.

Witness 45 never again went to see Gibbs after this interaction.

She recalled, generally, that Gibbs would kiss her and other girls on the lips in public and would hug her in ways that were both too tight and too long. She wonders how the faculty and adults on campus could miss the fact that Gibbs had inappropriate interactions with so many female students.

### **Witness 110, Class of 1976**

Witness 110 was abused by Gibbs over four years in frequent visits to the training room with sports injuries.

She recalled that she was often told to remove her clothes and get into the whirlpool. She believed that she kept her underwear or shorts on, while removing her top and bra. This happened on a number of occasions.

In addition, Gibbs explained to Witness 110 the “proper” way to dry her breasts. He would dry Witness 110 with a towel, in the process lifting and moving her breasts, and touching her inappropriately.

Witness 110 also recalled other instances of abuse. Once, she went to Gibbs with a quad injury. He had her lie on the training bench and then massaged up into her groin area, around her genitals (there was no penetration). On another occasion, she recalled that she saw Gibbs because of a hamstring injury, and as part of that treatment, Gibbs massaged her buttocks in a way that made her uncomfortable. Witness 110 did not recall that Gibbs made inappropriate comments to her.

She noted that the only way she could have made Gibbs’ abuse stop was to cease playing sports, something she was unable to do.

### **Witness 79, Class of 1976**

Witness 79 first went to see Gibbs in the fall of her freshman year in connection with a groin injury. Gibbs told her to return with a classmate, and Witness 79 did, though she could not recall the name of that classmate. Gibbs told her that she had pulled a groin muscle and needed to be

taped up. Witness 79 was standing, and Gibbs had her pull down first her pants and then her underwear. Then he began taping her leg, near the groin, and while doing so, inserted his fingers in her vagina. Witness 79 was scared and did not know what to do; she recalled that the other student was in the training room throughout that session (which lasted 20 to 30 minutes) but she could not recall what the other student was doing throughout this process. Witness 79 recalled leaving the training room in terrible pain, in part because of the injury and in part because of the assault.

In addition, Witness 79 estimated that she went to Gibbs roughly two times per year in connection with muscle soreness. In these instances, she would undress while Gibbs was in the room, and then he would leave as she soaked in the whirlpool. Witness 79 recalled that the towels were not near the whirlpool, so she would either have to walk naked across the training room or wait for Gibbs to bring her a towel.

Witness 79 recalled that on one occasion, when she was fully dressed, Gibbs instructed her on how to dry her breasts.

She also recounted that Gibbs generally engaged in inappropriate conduct in public. At sporting events, he would give a line of girls kisses, and likewise, he would go down the line placing vitamin C tablets on their tongues.

#### **Witness 78, Class of 1976**

Witness 78 went to Gibbs for treatment on a regular basis, but she was always there with teammates. She recalled that he had a weird and uncomfortable practice of lining the girls up, telling them, “Stand up straight” (which she understood as code for, “Stick your chests out”), and then going down the line, placing vitamin C wafers in the girls’ mouths, letting his fingers linger in their mouths and making contact with their tongues.

#### **Witness GA, Class of 1976**

Witness GA reported that Gibbs instructed her to remove all her clothes before entering the whirlpool. He also touched her inappropriately, including touching her breasts while instructing her how to “properly” dry herself.

#### **Witness GB, Class of 1976**

Witness GB disclosed that Gibbs had touched her inappropriately after she exited the whirlpool, fondling her breasts and touching her genitals while drying her. She noted that on another occasion, she went to Gibbs with a foot injury. He had her lie on the training table and claimed that to treat the foot injury, he would need to work on her hip. During that process, he traced his hand up her leg, under her underwear, and touched her genitals (there was no penetration).

## **Witness 22, Class of 1977**

Witness 22 disclosed that she was abused by Gibbs over a three-year period, beginning in her freshman year. She recalled that she was always alone in the training room, and that Gibbs would always lock the door; she can remember the lock vividly.

In the fall of her freshman year, Witness 22 was sent to the trainer after receiving a sports injury to her upper chest. In the training room, Gibbs looked at the affected area on her chest, and instructed her to take off her shirt and bra. While she did not feel comfortable, she did so. She believed that, under the guise of treatment, Gibbs then fondled her breast. Witness 22 shut down during this experience.

Witness 22 would have preferred not to have gone back to Gibbs, but given a number of sports injuries, she was required to do so.

Later that fall, Witness 22 received an injury that required that she go to Gibbs. She recalled being in the whirlpool, with her underwear on; Gibbs faced her, sitting on the bench next to the whirlpool. During this treatment, Gibbs proceeded to assault Witness 22: with his left hand, he inserted a finger into her vagina, and used his right hand to masturbate himself, which was visible to Witness 22. She felt trapped and scared while Gibbs did this. On a subsequent visit to Gibbs for an injury to her groin, Gibbs again tried to insert his finger in Witness 22's vagina. She prevented him from doing so by clenching her muscles.

Witness 22 described threatening conduct by Gibbs that was designed to keep her from disclosing his abuse. Witness 22 had been asked to play a male student in a tennis match meant to replicate Billie Jean King and Bobby Riggs' Battle of the Sexes. Witness 22 was a very strong player and there was thought that she would win the match. Gibbs induced Witness 22 to throw the match with the offer that if she did so, he would cease his abuse. Though Witness 22 cared deeply about sports, she did so, to make the abuse stop. Nonetheless, Gibbs continued to abuse her. On another occasion, Gibbs found Witness 22 diving at the school pool during a class period. He leveraged the threat of reporting Witness 22 for having skipped class to continue his abuse, including, in that instance, fondling her breasts over her swimsuit.

Witness 22 attempted to avoid Gibbs. Still, in her junior year, she again sustained an injury to her ribs and was required to go to the training room. Gibbs told her that he would need to wrap her ribs because they might be broken; Witness 22 now recognizes that this was an absurd statement. In any event, he wrapped her ribs, and did so roughly, grabbing at her breasts. She noted that Gibbs was rough and mean in his interactions with her.

In her senior year, Witness 22 injured her ankle in a game. When Gibbs approached, she was terrified and refused to go with him to the training room; she was thus treated in the open, on the spot. Gibbs then told her to come to his home that Sunday morning for treatment. Witness 22

refused and did not go to his home. That Monday morning, Gibbs screamed at Witness 22, claiming that he and his wife had waited for her to arrive and missed church; he claimed he was going to tell everyone that Witness 22 did not keep her appointments.

In connection with Gibbs' suggestion that she visit him at his home, Witness 22 told two junior faculty members with whom she was close that Gibbs had made this suggestion. These faculty members agreed that she should not go to his home, commenting that he was a "creepy old man."<sup>48</sup>

Witness 22 also provided a general description of Gibbs' behavior on campus. She noted that he wore a white lab coat and called himself "Doc Gibbs"—in part because of this, a lot of students viewed him much like a doctor. She recalled that Gibbs was ever-present on campus and would always seem to be hanging around the girls' sports during games and practices. She also recalled that he would provide the athletes with "dexxies" (sugar pills); Witness 22 would take a dexxie just so he would leave. Gibbs was very public in his displays of affection, kissing female athletes on the lips, while others, including faculty and coaches, were present. Given this openness, Witness 22 finds it hard to believe that others were not aware that Gibbs was behaving inappropriately with young women.

### **Witness 12, Class of 1977**

Witness 12 recalled that she saw Gibbs once every few weeks beginning in her sophomore and continuing into her senior year to treat injuries sustained playing sports. Witness 12 stated that she could recall every detail of the training room, and in addition could remember Gibbs' hands and his smell.

Witness 12 described how Gibbs would massage her leg up to her groin while Witness 12 was on his training table. This escalated until the fall of her senior year, when Gibbs climbed on top of her, pinning down one wrist; had she not pushed him off her, Witness 12 believed Gibbs would have raped her.

She also recalled that he twice tried to kiss her, first in the training room, where she pushed him away, and then in a public space that she could not recall.

Witness 12 recalled, more vaguely, that Gibbs intimated that he would have her kicked off her sports teams if she disclosed what happened. She believed he may have made such threats to other students as well.

Witness 12 stated that Gibbs was openly flirtatious and overt in his behavior towards female

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<sup>48</sup> Witness 22 has asked us not to identify the faculty members; we have, independently, spoken to one of them. He has no memory of speaking to Witness 22 about Gibbs.

students, including referring to certain students as “my girls.” She has some recollection that the female students may have discussed that Gibbs was “creepy.”

By the spring of her senior year, Witness 12 ceased to see Gibbs for injuries.

### **Witness 67, Class of 1978**

Witness 67 recalled seeing Gibbs up to six times in her sophomore year to treat a knee injury. In their first meeting, Gibbs encouraged Witness 67 to remove her clothes and get into the whirlpool. She recalled that she was uncomfortable removing her clothes, so climbed in with her clothes on. Gibbs encouraged her to take her clothes off and tried to make her feel uncomfortable for refusing to remove her clothes. She kept her clothes on, despite his haranguing. When Witness 67 got out of the whirlpool, Gibbs proceeded to instruct her on how best to dry her breasts, stating that she should begin under the breast and work up. He did not dry Witness 67 himself. He gave her the towel and Witness 67 proceeded to blot herself with it, over her clothes. She believes but cannot remember specifically that Gibbs may have massaged her knee during this visit. She recalled seeing Gibbs as many as six times in connection with her knee injury; she did not undress to enter the whirlpool at any point and Gibbs did not dry her on any visit.

Recently, a friend reminded Witness 67 of “weird” comments Gibbs had made about Witness 67’s body. When her friend reminded her, Witness 67 recalled that Gibbs told her something like, “You have the legs of a racehorse.” She also recalled that Gibbs commented that another student had the “legs of a piano.” She could not remember all the details, but does recall Gibbs making statements about her body.

Witness 67 commented that there was a climate of acceptance around Gibbs, noting that Skip and Dolly Howard and other faculty adopted an almost jovial attitude towards Gibbs, referring to him endearingly as “Gibbsy” or the like.

### **Alice Forster, Class of 1978**

Upon arriving at the school as a freshman, Forster and other female students in her class were taken on a tour of campus as part of orientation. In the gym, they met Gibbs, and Gibbs told the students that they could use the whirlpool in the training room after-hours when the football team (and other men’s teams) were not using it. Forster later asked if she could so, and he encouraged her to come use the whirlpool. As she had been told she could, Forster went to the training room one evening, and Gibbs instructed, matter-of-factly, that she need not put on a swimsuit because the whirlpool was therapeutic. Forster explained that she trusted Gibbs, in part because he presented himself as a clinician in his white doctor’s coat. Not wanting to show her discomfort, Forster undressed in the open, as there was no place to change, and got into the whirlpool. While she was in the whirlpool, Gibbs acted as if he was preoccupied, but Forster could tell that he was looking at her. When she exited the whirlpool, Gibbs provided her a towel, and she began to dry

herself. At that point, Gibbs commented that she was drying her breasts improperly and would “ruin her figure” if she continued to do so. He then took the towel from Forster and proceeded to demonstrate how to “properly” dry herself, pushing her breasts up from underneath repeatedly. She was incredibly uncomfortable and wanted to extricate herself, so she left the training room as soon as she could and never again returned.

### **Witness 37, Class of 1979**

Witness 37 went to see Gibbs once in her junior year for a hand or elbow injury. She recalled that when entering the locker room, someone (possibly Gibbs) made sure that all the male students had exited the locker room, so that she could pass through. She did so and went into his training room, where she was alone.

Gibbs instructed Witness 37 to remove all her clothes in order to get into the whirlpool. Witness 37 removed her clothes, but left on her underwear, and possibly her shorts, before getting in the whirlpool. She noted that Gibbs did not touch her inappropriately while she was in the whirlpool.

When Witness 37 got out of the whirlpool, however, Gibbs said that he would teach her how to dry her breasts. He made a comment that breast tissue was sensitive and that Witness 37 should take proper care of her breasts so that they stayed “perky.” He then proceeded to instruct her on how to dry her breasts, using a towel and moving from in front of her to behind her as he dried her breasts.

Witness 37 remembered that she left the training room thinking, in part, “What the hell was that about?” She also noted, though, that she credited Gibbs’ explanation that he was a trainer and viewed the touching as almost clinical, like an examination by a physician. Witness 37 thought the experience was weird, but did not think much of it at the time. She did not go back to see Gibbs again, which she noted was easier because she was a day student and could get treatment off-campus.

Witness 37 recalled that the female students knew and joked about the fact that Gibbs would try to get them to take their clothes off in the training room. She noted that they would joke that you went to Gibbs with a hangnail, and he would tell you to take off your clothes and get in the whirlpool. She recalled only one instance in which the female students came close to discussing the fact that Gibbs was inappropriate. On a bus ride to a sports game, one of her teammates joked about Gibbs’ instruction about how to dry their breasts. In response, another teammate commented to the effect of, “What’s up with that?”

### **Witness 61, Class of 1979**

In the spring of her sophomore year, at the instruction of her coach, Witness 61 went to see Gibbs for what she believes was a pulled muscle. Witness 61 was alone in the training room with Gibbs, and she believes he locked the door behind him. He then instructed her to remove her clothes and

get in the whirlpool, which she did. Witness 61 stated that she did not feel uncomfortable being nude in the whirlpool because she thought of Gibbs almost as a doctor.

After the whirlpool treatment, Witness 61 recalled standing in the training room, nude and dripping water. She recalled that Gibbs stated that he would show her the proper way to dry herself. With a towel, he then began toweling her off, working up from the bottom of her legs towards her waist. When he was drying her legs, Gibbs was level with her crotch, about two- to three- inches away. Witness 61 recalled that he then proceeded, with the towel, to dry her genitals, buttocks, stomach, and breasts. He told that this method of drying was “good for circulation.” He never used his hands directly, and used the towel throughout.

Witness 61 left the training room and returned to her dorm room, where she told her roommate that she had just had a very weird experience with Gibbs; she cannot recall if she provided her roommate with details or simply described it as weird.

### **Witness 108, Class of 1979**

Witness 108 went to see Gibbs in the training room on one or two occasions, on which he instructed her to remove her clothes and soak in the whirlpool. However, Witness 108 believed she kept her bra and underwear on while in the whirlpool. Gibbs then instructed her to close her eyes, because he was going to use an infrared light that he said he was therapeutic. When Witness 108 got out of the whirlpool, Gibbs applied a balm around her groin area. Witness 108 thought, but could not recall specifically, that another female student was present when she was in the training room. She described Gibbs as “creepy” in general and in their interaction in the training room.

### **Witness 24, Class of 1979**

Witness 24 had a single interaction with Gibbs in the fall of her freshman year. During a sports event, Witness 24 developed a migraine headache, was pulled from playing, and was told by her coach to see Gibbs, who was on the sidelines. She went with Gibbs to the training room, where Gibbs locked the door. She recalled at one point vomiting due to the migraine.

Inside the training room, Witness 24 does not recall undressing, but she recalls that she was naked on the training table. Gibbs then proceeded to touch her inappropriately, groping her breasts and genitals. Witness 24 noted that this was obviously far afield from a head and shoulder massage, which may have been appropriate for her migraine. In fact, Witness 24 does not recall that Gibbs in any way addressed her migraine.

In retrospect, Witness 24 believes she may have rationalized Gibbs’ conduct as that of a trainer, someone she would have analogized to a medical professional.

Witness 24 repeated that it was generally known that Gibbs was a “dirty old man” and thus cannot understand how the faculty did not know what was going on. As evidence, she pointed to

the yearbook photo of Gibbs with a female student, and the quote, “Mr. Gibbs, get your hand off my...elbow.”

### **Joan “Bege” Reynolds, Class of 1979**

Reynolds explained that Gibbs engaged in what she now understands to be grooming behavior: He showed an interest in Reynolds’ sports teams and her performance on those teams, and invited her (and other students) to use the whirlpool in the training room as needed, with or without injuries. He also encouraged the belief that his role was just clinical, in particular by wearing the white lab coat reading “Doc Gibbs.” Reynolds noted she had only been treated by male doctors and thus viewed some of Gibbs’ conduct from this vantage point.

The abuse occurred nearly immediately in her freshman year. Reynolds described her first inappropriate experience with Gibbs. She had gone to the training room with an injury, and recalled the sound of Gibbs locking the door behind her. She was to take a whirlpool and she can still smell the Epsom salts he added. He instructed her to undress completely. When Reynolds resisted, opting to keep on her underwear, Gibbs was angry that she would not do so. She got in the whirlpool with her underwear on. After Reynolds soaked, she got out and Gibbs proceeded to dry her, first using a towel to dry her breasts, and then touching her breasts directly with his hands. Reynolds explained that she did as she was told by Gibbs because she was a rule-follower and respected authority. Reynolds had numerous whirlpools in her freshman year. She believes that for some of these whirlpools, she was completely undressed and naked in the whirlpool.

Reynolds also received numerous “rubdowns” on the training table. During these rubdowns, Gibbs would have her lie on both her front and back side, and he would rub up and down her legs, reaching right up to her genitals. Gibbs would massage using his forearm, leaning over and applying pressure through his body weight to Reynolds’ various body parts, which she described as suffocating. These rubdowns occurred frequently, tracking her injuries in sports; she estimated this was less than weekly, but not much more so.

She recalled that once, on getting out of the whirlpool, Gibbs had her stand with her legs apart. He commented, “We’ve got to make sure your muscles are loosened up,” and proceeded to dry up and down her legs with a small towel. During this process, Gibbs would instruct Reynolds in a clinical manner to open her legs further and further apart, leaving her feeling extremely exposed.

She also recounted that Gibbs would reach around to hug her, grabbing her breasts and leaving her feeling suffocated.

Further, while still a freshman, Reynolds recalled that Gibbs would sometimes take photographs of her with a Polaroid-type (instant) camera. These photographs occasionally showed Reynolds in her sports uniform, while in others she was out of the whirlpool but not yet in her towel or was in

the whirlpool, with her eyes covered. She is aware of the existence of at least one of these photographs.

In her sophomore year, the abuse continued, including the whirlpool treatments and rubdowns. She recalled once, while she was in the whirlpool, someone entered the training room as Gibbs had apparently forgotten to lock the door. She did not know who the person was (or whether it was a student or faculty member), but she recalls the surprised and nervous look on Gibbs' face. She recalled him saying something like, "We're in here."

That same year, Gibbs threatened Reynolds in one her training sessions, telling her, "We're friends, so don't tell anyone." She recalled leaving the training room and walking through campus crying.

After Reynolds began dating another student, she began to spurn Gibbs and avoided seeing him. As a result, by her junior year, she was in much less contact with Gibbs and he did not seem as actively interested in her. She cannot be sure, but Reynolds believes it is possible that she had some encounter with Gibbs while in the infirmary, given that she recalled having a panicked reaction and running away for a period of hours after she was released.

Reynolds believes others, including Skip and Dolly Howard, had to have known what Gibbs was doing. She noted that her personality and her academic performance changed markedly around her freshman year, which went unnoticed while she was at St. George's.

As a point of contrast to her own experience, Reynolds explained that a classmate went to see Gibbs at some point, and Gibbs provided her a shirt and shorts to change into for the whirlpool and indicated she could change in a closet in private. Reynolds wondered if someone had become aware of Gibbs' misconduct and put him on notice.

Reynolds also noted that Gibbs was given such free reign that he was able to perpetrate his abuse against a number of individuals, including individuals like her who lived with her parents at the school; few, if any, were safe. She explained that her father, Philip Reynolds (St. George's '42) was then a member of the faculty, from 1974–1979, and her mother, Lea Reynolds, served as the day student advisor; they were friends of the Zanes. Nonetheless, Gibbs was able to target Reynolds, as he did other students.

### **Witness 50, Class of 1979**

Witness 50 visited Gibbs in the spring of her sophomore year due to an ankle injury. She recalled sitting on the edge of the whirlpool, in a bathing suit, soaking her leg. After she was done with the whirlpool, Gibbs insisted on showing Witness 50 how to dry herself, including her crotch, and did so vigorously, "nearly lift[ing her] off the floor" in his demonstration. Though she thought this conduct was strange, she likened it to a potentially uncomfortable or unpleasant interaction with a medical professional, and thus at the time, did not think as much of it.

Witness 50 indicated that another friend and her former roommate recently disclosed to her that Gibbs had once grabbed her breast.

### **Witness GC, Class of 1979**

Witness GC was told by Gibbs to remove all her clothes before entering the whirlpool. She refused to do so, after which Gibbs appeared annoyed and refused to talk to her for the rest of their session. Witness GC also observed Gibbs kiss female students on the lips and grab their buttocks in public.

### **Witness GD, Class of 1980**

Witness GD described how Gibbs instructed her to remove her clothes before entering the whirlpool. In addition, Gibbs inappropriately touched her breasts, while purportedly showing Witness GD how to “properly” dry herself.

### **Kim Hardy, Class of 1980**

Kim Hardy saw Gibbs beginning in the winter sports season of her sophomore year because she was having difficulty breathing. Because Gibbs was often present at her practices and games, she cannot recall whether he suggested she visit him or she decided to go see him.

When Hardy first went to Gibbs’ training room, Gibbs stated that she had asthma (Hardy did not have an asthma diagnosis from a physician). Gibbs then stated that he would apply a Vicks VapoRub-type ointment to her breasts, chest, and back in order to treat the asthma. Gibbs had Hardy remove both her shirt and bra and applied the ointment directly to her breasts. Though she was uncomfortable throughout the application of the ointment, Hardy rationalized, at the time, that in his role as the trainer, Gibbs was somewhat akin to a physician.

Hardy saw Gibbs roughly once a week during the winter sports seasons of her sophomore and junior year. Hardy was alone each time she was in Gibbs’ training room, undressed from the top down, as he applied the ointment to her breasts, chest, and back.

Hardy also recalled that she went to see Gibbs in the fall of her junior and senior years in connection with sports-related soreness in her legs. Gibbs would treat her soreness by massaging her thighs while standing and crouching between her legs, a position that made Hardy uncomfortable.

Hardy stopped playing sports by the winter season of her senior year in part to avoid further contact with Gibbs.

While she was at St. George’s, Hardy recalled that a friend shared that Gibbs had instructed her on the proper way to dry her breasts after bathing, doing so himself with a towel (Gibbs did not do this to Hardy). Hardy recalled that at the time, she and her friend did not appreciate the seriousness of what Gibbs was doing, and they discussed his conduct in a casual, almost joking manner.

Hardy recalled that Gibbs would kiss many of the female athletes on the lips, in front of other

players and coaches; in hindsight, Hardy believes some of these coaches had to have been aware of Gibbs' inappropriateness. More generally, Hardy noted the absence of adult supervision, as they were children who were effectively left to themselves.

Hardy recounted how Gibbs called his favored female athletes "Gibbs' girls" and that those athletes also referred to themselves as "Gibbs' girls." He developed and encouraged close relationships with these students. Indeed, for Christmas one year, Gibbs gave Hardy a gold necklace as a present.

### **Katie Wales, Class of 1980**

Katie Wales saw Gibbs for recurring problems with her back and knees in her sophomore and junior years, likely into her senior year as well. Soon after she began seeing Gibbs for treatment, he began his abuse.

Gibbs told Wales that the whirlpool would not work if she had on her shorts and bra, so Wales removed her clothes before entering the whirlpool. Gibbs would begin by working on Wales' back before claiming that he needed to work on her front, as an excuse to massage her breasts.

When Wales would get out of the whirlpool, Gibbs would hold the towel at a distance, so that Wales was required to walk naked across the training room. Gibbs would then towel dry Wales' body. He stated that he would instruct her on the "proper" way to dry herself, drying her genitals and drying her breasts, lifting them in the process. Gibbs continued to dry Wales' body even after instructing her on how to do so.

This continued throughout Wales' sophomore and junior years. Then, in the spring of her junior year, Wales recalled that she was in the whirlpool under a heat lamp to treat a blemish. Gibbs had provided her with protective eyewear to shield her eyes from the light, so Wales could not see what was going on in the training room. Still, Wales saw the flash through the eyewear, and heard the sound of the Polaroid. She took off the eyewear and asked Gibbs what the sound was. He responded that it was nothing.

A few days after this interaction in the training room, some male students approached Wales and commented, "Nice boobs." Wales came to learn that Gibbs had a naked photograph of her. At about this same time, two other boys, in the class above her, tackled Wales and tried to pull up her shirt, which Wales believed related to the photograph. She noted that the taking of the photograph led some at the school to view her as a "slut" though she had consented neither to its taking nor to its publication to others.

Wales believed she continued to see Gibbs in her senior year, though at that point, she refused to take off her clothes. She recalled that Gibbs did not try to convince her.

Generally, Wales noted that Gibbs had an outwardly affectionate relationship with a number of female students, including her, who were referred to as “Gibbsy’s Girls.” Gibbs would kiss her on the lips, in public.

### **Anne Scott, Class of 1980**

In the fall of her sophomore year, Anne Scott began seeing Gibbs to treat a sport-induced back injury. She recalled entering the training room through the boys’ locker room and Gibbs locking the training room door; she noted that the shades to an internal window (looking into the locker room) were always drawn when she was there.

When Scott first started treatment with Gibbs, he would massage her back and shoulders. He progressed from there to massage her breasts. Over the course of weekly treatments, Gibbs engaged in increasing amounts of sexual abuse, eventually raping Scott in the spring of her sophomore year.

Throughout these treatments with Gibbs, which continued through her junior year, Gibbs threatened Scott. He told her that what happened in their sessions was secret and he threatened to report Scott to Zane if she stopped coming to their sessions. Feeling increasingly trapped and isolated, Scott withdrew socially, isolating herself from her peers and barely speaking in her junior and senior year. She also developed anorexia nervosa and bulimia. In her senior year, Scott stopped seeing Gibbs for treatment sessions, though her symptoms, including eating disorders and nearly complete withdrawal from her surroundings, continued.

The circumstances surrounding and the effects of Scott’s litigation against the school are separately discussed later in the report.

### **Witness 34, Class of 1980**

Witness 34 recounted abuse by Gibbs beginning and predominating in her sophomore year when she first saw Gibbs for shin splints. When she went to Gibbs for treatment, she would take whirlpools, first with clothes on, and then, at Gibbs’ encouragement, naked. Though she felt uncomfortable, she did not know how to extricate herself from the situation.

Gibbs also gave Witness 34 massages, ostensibly because she had a bad lower back. She noted that he was “freakishly strong.” During one massage, Gibbs commented that she had gristle on her back and then bit her on the buttocks.

Witness 34 also was aware that Gibbs had taken one or more photographs of her, though she could not recall how she came to know this information. She also believed Gibbs knew that she knew about these photographs, which made him awkward. Gibbs once showed her a photograph of one of her female classmates, potentially to try to normalize his having taken a photograph of Witness 34. She also stated that she knew Gibbs had shown photographs of female students to the male students, but could not recall the source of that information.

She noted it was possible Gibbs' abuse continued into her junior or senior year, but she believed it occurred primarily and possibly wholly within her sophomore year.

Witness 34 indicated that Gibbs was known among students as "lechy" and "gross."

#### **Witness 49, Class of 1980**

Witness 49 saw Gibbs in the spring of her senior year for a recurring ankle injury. He would tape her ankle before practice and then she would take whirlpools after. Witness 49 described how Gibbs would close the door to the training room and shut the blinds, then have her undress completely for the whirlpool. She recalled thinking at the time that his behavior was inappropriate, especially when it was only her ankle that was injured. She described it as extremely voyeuristic.

Witness 49 cannot recall whether she had other inappropriate interactions with Gibbs, but believes she may have.

#### **Witness 80, Class of 1980**

Witness 80 recalled that she had "weird" experiences with Gibbs that mostly centered on things he said to her, for example, once commenting on the size of her thighs. She believes, but cannot recall specifically that he may once have kissed her on the lips.

#### **Witness 42, Class of 1980**

Witness 42 went to see Gibbs once and recalled sitting on his training table. Gibbs then asked her if she knew how to box. Witness 42 cannot recall how she answered, but she remembered that Gibbs then punched her in the gut, hard and quickly. He then commented, "Now you know to put your hands up." Witness 42 now wonders, in attempting to make sense of the experience, if Gibbs was assessing whether he could groom her for abuse, in trying to involve her in his boxing interest.

#### **Witness GE, Class of 1980**

Witness GE was told by Gibbs to remove all her clothes before entering the whirlpool. She noted that the students joked openly about the fact that Gibbs would try to get everyone naked. She also heard that Gibbs had kissed female students on the lips and grabbed their buttocks in public.

In addition, when they were students, Witness GE's friend told Witness GE that Gibbs had shown her photographs of naked boys.

#### **Witness 16, Class of 1981**

Witness 16 went to see Gibbs once in the winter of her sophomore year at the instruction of her coach. She noted that she had not expected to be alone in the locker room with him, but was. She had gone to Gibbs because she had an all-over soreness, but finding herself alone with him, she

told him she had only soreness in her legs.

Inside the training room, Gibbs instructed her to remove all her clothes and soak in the whirlpool. Witness 16 responded that only her legs were sore, and thus there was no need for her to disrobe or submerge completely. Gibbs then gave her a pair of oversized, dirty gray athletic shorts and stated that he would look away while she changed into the shorts. Witness 16 changed into the shorts (leaving on her top) and sat on the edge of the whirlpool with her legs submerged. Gibbs encouraged her to submerge further, so she submerged to roughly waist-level in the whirlpool. She recalled that the whirlpool was neither hot, nor whirling, and she questioned its therapeutic value.

Witness 16 believed that Gibbs then took a photograph of her and was trying to photograph up the legs of her shorts. Given that the shorts were large and billowing due to the circulating water, Witness 16 questioned whether Gibbs was able to see and photograph her vagina. Witness 16 recalls sensing the camera's flash and hearing the sound of a camera button being depressed.

Witness 16 never again went to see Gibbs, which she noted was easier, in part, because she was not highly involved in sports. She also stated that it was common knowledge that Gibbs was a "pervert" and that female students would tell one another to be careful in the training room; Witness 16 believes that this may have caused her to have her guard up with Gibbs.

### **Witness 18, Class of 1981**

Witness 18 saw Gibbs for sports-related injuries over her sophomore year and into her junior year. She would often see him before games and practices, and nothing inappropriate happened—in fact, there were often other female students present.

However, in her junior year, in connection with a shoulder injury, she went to see Gibbs. They were alone in the training room, and she recalled that he locked the door to the training room. Gibbs then asked Witness 18 to strip down to her waist and lie on the training table, which she did. Gibbs then began to work on her shoulder, explaining why it may not be working properly. He then moved onto to begin massaging her breast. Witness 18 did not feel comfortable and commented, "I didn't know the shoulder muscles stretched down to the breasts, Mr. Gibbs." Witness 18 recalled Gibbs' response as, "You're not worried, baby? I'm like a doctor. I look at bodies all day long. You know I wouldn't do anything. I work on the body the way a mechanic works on a car. Nothing like a body is sexy to me." He then continued to massage her other shoulder and breast.

After she left the training room, Witness 18 continued to feel that what had happened was not right and thought then that Gibbs was "slimy." While she did not feel endangered or threatened, she felt uncomfortable. Witness 18 never went back to see Gibbs in a training capacity and he never asked that she come see him. However, he would continue to approach her on campus, kiss her on the lips, and photograph her at athletic events.

Witness 18 noted that up until this point in her junior year, she had a purely social relationship with Gibbs, in part through her boyfriend. She had, for example, gone to a dinner party with Gibbs, his wife, and other student couples.

### **Witness 59, Class of 1981**

Witness 59 disclosed an interaction with Gibbs in either her freshman or sophomore year. She could not recall why or at whose direction she went to see Gibbs, but when she was in the training room, he instructed her to take off her shirt. She did so. Gibbs then stated that he was going to teach her some exercises to strengthen her breasts. He did so. At the time, Witness 59 viewed Gibbs much like a physician, so she did not view the interaction as strange or inappropriate, though she does now.

### **Witness 19, Class of 1981**

Witness 19 reported incidents of abuse and misconduct by Gibbs that all occurred in her junior year.

On the first occasion, she went to see Gibbs for a sports-related injury in a free period during the school day. She was alone in the training room with Gibbs, and he instructed her to remove her clothes and soak in the whirlpool. Trusting Gibbs as the trainer, she did so. When Witness 19 got out of the whirlpool, Gibbs did not provide her with a towel. He just began drying her off. He towel-dried her between her legs, including her genitals and anus, and towel-dried her breasts; he did so vigorously. While doing so, he stated that he would teach Witness 19 the “proper” way to dry herself in order to encourage blood flow, explaining that it was important to “focus on the periphery, dry from the outside of your body toward the center,” ostensibly the reasons he had to work his way up her legs. Witness 19 recalled being outside her own body during this experience and tried to focus on his words, not his touch. He also commented to Witness 19 about her own body, as well as other female students’ bodies. Witness 19 was incredibly uncomfortable, and while she does not believe it was a conscious choice, she never went back for further treatment for that injury and she never went back alone.

On another occasion, Witness 19 was in the training room with two female classmates. Gibbs was talking about himself and referencing himself as a “doctor,” and under the guise of having a medical or educational discussion, he was talking about the presence and occurrence of breast cancer. During this “discussion,” he then reached out and grabbed Witness 19’s breasts with both hands. Witness 19 recalled that the other students looked visually shocked, with looks of discomfort on their faces.

On still another occasion, Witness 19 was seated at a lunch table with Gibbs and other female students in the dining hall. Students were discussing the swimsuits for the swim team, commenting that they were a bit sheer. Gibbs then stated that he could tell how much pubic hair a woman

had by the hair on her face and head; he looked at a female with thicker eyebrows, speculated that she had a lot of pubic hair, and then asked if he had ever seen her naked. The other student laughed nervously; Gibbs then asked her again.

### **Witness 65, Class of 1981**

Witness 65 went to see Gibbs during the spring of her sophomore year for a sports-related injury. Gibbs instructed her to remove her clothes and get into the whirlpool, which she did. When Witness 65 got out of the whirlpool, Gibbs gave her a towel, and commented about teaching her to dry her breasts (he did not dry them).

A day student, Witness 65 returned home that evening and told her parents that Gibbs had her remove all her clothes to soak in the whirlpool. Her parents instructed her not to go back to Gibbs for any reason. Witness 65 never went back to see Gibbs.

### **Witness 47, Class of 1981**

Witness 47 recalled that in her sophomore year, she went to see Gibbs with a knee injury. He instructed her to remove her clothes and get into the whirlpool. She refused. Gibbs then said that full-body treatment was appropriate for a knee injury, and Witness 47 again refused to take her clothes off. She ultimately kept her clothes on, and put only her leg in the whirlpool. Witness 47 recalled that Gibbs took a Polaroid of her, fully clothed, with one leg submerged.

Witness 47 indicated that Gibbs was known among female students as “lecherous” and a “creep.”

### **Witness GF, Class of 1981**

Witness GF was told by Gibbs to remove her clothes before entering the whirlpool. In addition, he touched Witness GF inappropriately, including touching her breasts while instructing her on the “proper” way to dry herself, and placing his hands close to her groin while drying her (there was no penetration).

Gibbs showed Witness GF photographs of naked male students. The boys did not appear to be posing and she believed they were caught off-guard with these photographs.

### **Witness 38, Class of 1982**

Witness 38 reported an inappropriate comment that Gibbs made to her in the fall of her freshman year. Witness 38 was seated next to Gibbs in the dining hall for a meal and Gibbs leaned over and said, “I can tell you’re having your period. I can smell it on you.” The comment made Witness 38 extremely uncomfortable and self-conscious.

As a result of this inappropriate comment, Witness 38 avoided Gibbs at all costs over the next four years. When injured in sports, she would treat the injuries on her own. She had no additional contact with him.

Witness 38 also recalled that Gibbs would attend girls' sports games, kissing "his girls" on the lips. She noted as well that he was always around campus.

### **Witness GG, Class of 1982**

Witness GG described how Gibbs would grope and touch her breasts inappropriately while he applied liniment to her chest, ostensibly to treat her allergies. She estimated that she saw Gibbs for treatment between 20–30 times. At one point, Gibbs gave Witness GG a gold necklace, telling her it was because she was his "special girl."

### **Witness 107, Class of 1982**

On two occasions, Witness 107 went to Gibbs for treatment of shin splints. On each occasion, he prescribed a whirlpool. He asked that she remove all her clothes. One time, Witness 107 did so, and recalled sitting in the whirlpool naked, with her knees pulled up to her chest and her arms around her legs to cover herself. Gibbs did not touch her inappropriately in the whirlpool, though he did reach into the whirlpool and manipulate her body for treatment.

The other time that Witness 107 took a whirlpool, she insisted on wearing her shorts and bra. When she got out of the whirlpool, however, she had to take her clothes off because they were soaking wet.

Each time, she was given a small towel and she would sit on the training table in the towel. Gibbs would then pull the towel down and show Witness 107 how to properly dry herself, lifting and rubbing her breasts with the towel. Gibbs told her that it was his job to instruct women how to dry themselves. She noted that given his role as the trainer, she accepted this statement.

Witness 107 reported that while in school, Gibbs took a photograph of her best friend while the best friend's eyes were covered and she was on the training table. Her friend heard the click of the camera and repeated this to Witness 107 at the time. In general, Witness 107 noted that students knew photographs were being circulated; she did not know if any female students saw these photographs, but knew that male students had.

Witness 107 explained that the consensus was that Gibbs was a "perv" and because of this, female students began to see Gibbs in pairs.

Describing Gibbs' inappropriate and public conduct, Witness 107 relayed that he would give kiss female students, including her, on the lips and would give "gropey" hugs. Because this behavior was not hidden, Witness 107 does not know how faculty, in particular Skip and Dolly Howard, could miss what was happening.

### *Awareness by the Administration, Faculty, and Staff*

Nearly across the board, students abused by Gibbs asked how the adults on campus could fail to

recognize Gibbs' inappropriate conduct. Indeed, they describe conduct that was often highly public, pointing to his kissing girls on the lips and giving lingering hugs on the sidelines at athletic events at which coaches and faculty were present. But most of those we spoke to denied any knowledge of Gibbs' misconduct, including Skip Howard, the Athletic Director and Gibbs' boss, and Dolly Howard, who coached a number of girls' sports teams. Likewise, Zane denied any awareness of Gibbs' misconduct, until he was alerted to it, the circumstances of which are explored more fully below.

One faculty member recalled that she observed Gibbs act inappropriately on one occasion. She described watching Gibbs kiss a female student in the dining hall, "sticking his tongue down her throat." This faculty member was appalled and went to Skip Howard, as Gibbs' boss, to relay what she had seen. His reaction did not engender confidence: She recalled that he dismissed her concern with the comment, "Oh, he's just a dirty old man." However, Howard does not recall being alerted to any misconduct, including this incident in the dining hall, and denies any awareness of Gibbs' misconduct.

Students also point to the photograph of Gibbs with a female student in the 1979 yearbook, *The Lance*. Beneath that photograph is the quote, "Mr. Gibbs, get your hand off my...elbow." Again, the faculty with whom we spoke either did not recall seeing this photograph and quote in the yearbook or did not credit it as anything more than a student joke.

All of this speaks to a chasm between the students and the adults (faculty, staff, and administration) on campus. Indeed, on this subject, as others, there appeared to be either a fundamental disregard for the interests of female students or a fundamental lack of communication and openness that prevented the adults from understanding what so many female students were experiencing, some only once, others over a longer period of time. Either way, the impact was harmful and real.

### *Discovery of the Misconduct and Gibbs' Termination*

Gibbs was terminated from his employment at St. George's in the second semester of 1980. There is disagreement among witnesses about whether Zane received the first report about Gibbs in the spring of 1979, as one student, Katie Wales, maintains, or in the winter of 1980, as Zane has told us. The individuals involved in Gibbs' termination gave varying accounts of the timeline of events leading to and culminating in his dismissal, which are described below.

Ultimately, we find either of two scenarios plausible:

*First*, we believe it possible that Wales went to Zane about Gibbs in the spring of 1979, but that Zane did not credit what Wales was reporting, and it was not until other female students offered corroborating accounts in the winter of 1980 that Zane acted on the information.

*Second*, we believe it is also possible that in fact Wales went to Zane in the winter of 1980,<sup>49</sup> and then Zane met with other students who offered corroborating accounts about Gibbs. Under either view, we believe that Wales was almost certainly the first reporter of the abuse by Gibbs.

Zane recalls that the first person to report Gibbs' abuse was Witness 18. We think this recollection is likely incorrect; either he may simply have forgotten that Wales, not Witness 18, came to him first in February 1980, precipitating his meetings with other students, or that Zane discounted Katie Wales' report in the spring of 1979 and did not begin to look into the matter until Witness 18 confirmed Wales' account in February 1980.

### **Wales' Account**

Katie Wales stated that in the spring of 1979, her junior year, male students began teasing and harassing her about naked photographs that Gibbs had shown them. Wales recalled that she went to Zane's office immediately after she was tackled.

She recalled, specifically, that one of the students who tackled her and attempted to lift her shirt up was then a senior, who graduated in 1979. (She has disclosed his identity; that student did, in fact, graduate in 1979. That student is the same student who publicly raped Harry Groome with a broomstick in fall 1978.)

Wales recalled that she went to Zane's office immediately after she was tackled. She told Zane that Gibbs had photographed her naked and that those photographs were being circulated; she also told him that Gibbs had touched her inappropriately. Wales, who acknowledged that she was often in trouble at the school, recounted that Zane did not take what she said seriously, accused her of fabricating the story for attention, and told her she should see the school psychiatrist, Dr. Peter Kosseff. Wales went to see Kosseff and also told him about Gibbs; Wales does not believe Kosseff did anything in response to this information.

### **Zane's Account**

As noted, Zane denies learning about Gibbs' actions in 1979. He remembers learning of Gibbs' misconduct in February 1980 from Witness 18, a junior female student who came to him and reported that Gibbs had touched her inappropriately during a training session, and acting promptly in response to Witness 18's concern.

Witness 18 confirmed she met with Zane about Gibbs; however, Witness 18 states clearly that she

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<sup>49</sup> We also leave open the possibility that Wales may have gone to see Zane for a *second* time in the February 1980; she cannot recall, one way or the other, whether she did so, but we note the possibility given that it reconciles some of the varying timelines.

did so at Wales' encouragement and that Wales had already met with Zane.<sup>50</sup>

Witness 18 recalled that Wales informed her that she (Wales) either was meeting with or had met with Zane, and asked if Witness 18 would also come forward. Witness 18 was at first reticent, as she did not want to get Gibbs in trouble. Ultimately though, she agreed to speak with Zane. She recalled that Wales went to see Zane first. About one week later, Witness 18 recalled, Zane called Witness 18 to his office. In their meeting, Zane said something to the effect of, "I understand you had an encounter with Gibbs that we need to talk about." She also recalled Zane saying that Wales had already told him about Witness 18, in effect, previewing what had happened to Witness 18.

Witness 18 recalled that they met for between 15 to 30 minutes, and that Zane took notes throughout. During their meeting, Zane appeared embarrassed to be talking with her about the subject, avoided eye contact, and made comments like, "I wish we had known." At the end of their meeting, Zane stated that they would look into the situation, determine what to do with Gibbs, and would let Witness 18 know.

Witness 34 also recalled that she was called to Zane's office to discuss Gibbs and the photograph she believed to have been taken of her. Like Witness 18, she also recalled that this meeting occurred during the second semester of the 1979–1980 academic year. She did not know how Zane came to know about Gibbs or the photograph.

As Witness 18 recalled, Zane took notes throughout these meetings. Beyond confirming that Zane met with Wales, Witness 18, and Witness 34, Zane's notes refer to meetings he had with a number of other students. Those students gave him these facts regarding what Gibbs had done to them in the training room, facts which gave Zane an essentially accurate, if shorthand version of what Gibbs had done there:

- "sunlamp with cotton on her eyes so that she didn't know what was going on"
- "backrub, hand in crotch"
- "grabbed boob"
- "used always to be 2 girls in there with clothes on but now → one girl in there with the door locked"
- "showed [student] a photo of a nude girl front"
- "grabbing girls + kissing them"

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<sup>50</sup> Witness 18 clearly places this meeting later in the semester, possibly as late as March or April of 1980; the documents we have reviewed, however, suggest she spoke to Zane in February 1980.

Some male students from this time period contacted us to confirm that they were shown naked photographs of female students, either by Gibbs directly or by other male students. As best these students could recall, they placed the circulation of photographs in either the 1978–1979 or the 1979–1980 academic years. None evidently brought the existence of these photographs to the attention of Zane or any other administrator.

Though we cannot determine definitively *when* Zane first learned about Gibbs, we reject one previously reported theory about how Gibbs' abuse came to light. Hannum's report from the 2015 investigation concluded that, in February 1980, a senior male student noticed a flash of light from the training room, and entered, concerned there was a fire, found Gibbs photographing a naked female student in the whirlpool, and went to Zane.

This account is not supported by the evidence. Zane's notes from this period provide the identity of the male student who was thought to have made the report. However, that student contacted us and stated that he made no such discovery in the training room, and was not the person who brought Gibbs' misconduct to Zane's attention.<sup>51</sup>

In the beginning of February 1980, soon after his meetings with the various students described in his notes, Zane called Gibbs to his office. (Zane had also learned, separately, that Gibbs had stolen bricks from a construction site at the school.)

Zane asked about the conduct the students had described, and at this meeting, Gibbs denied any misconduct. Nonetheless, given the students' accounts, Zane told Gibbs he would have to let him go, and he terminated Gibbs' employment. Records from the school indicate that Gibbs' termination was effective February 12, 1980.

Zane announced Gibbs' departure at a school assembly. Most remembered that Zane provided a medical reason for Gibbs' departure, including that he had dementia or a hardening of his arteries. When we spoke to Zane, he acknowledged that he did not disclose that Gibbs was being terminated for misconduct.

Many students were surprised to learn of Gibbs' departure. He was a fixture of campus life, and some students, particularly male students, were sad to see him go. At the time, some students had seen or heard about the naked photographs, but they did not appear to have been widely circulated. Students who had been mistreated by Gibbs did not typically share their experiences with

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<sup>51</sup> We also investigated the possibility that the school had notice of Gibbs' abuse in the fall of 1979, given construction to the gym to provide a dedicated entrance for female students. *See* Exhibit 17. We queried whether this construction was undertaken because Gibbs' abuse had then come to light. However, it appears that the construction was undertaken in the normal course, and was designed to make St. George's more accessible given that women had then been present since 1971.

other students, even after his departure, and many students remained unaware of what Gibbs had done in the training room.

It appears that Gibbs left campus in February, though some students believed he may have been present on campus through the end of the year. Given the recorded evidence reflecting a February 12, 1980 termination date, including outreach to the state agency to collect unemployment, we believe Gibbs was, in fact, terminated in February. We note that the payroll record reflecting Gibbs' termination indicates that the "Term Date" was June 30, 1980, likely the end of his contractual term of employment. This is also consistent with the fact that Gibbs was paid through the end of the St. George's fiscal year.

### *Medical Testing*

As noted, Zane told the student body that Gibbs was leaving for medical reasons, and indeed, Zane believed that there may have been a medical reason for Gibbs' behavior. When he spoke with us, Zane referred to the fact that Gibbs had been a boxer and suggested that the blows to the head had caught up to him, causing Gibbs to become "punch drunk." This, coupled with the fact that Gibbs was then 69 years old (and was about to turn 70), led Zane to think that Gibbs may have been suffering from a brain injury or was possibly senile.

As a result of this belief, the school suggested and then paid for Gibbs to receive medical testing at the naval hospital. Over a period of three months, two external physicians met with Gibbs and administered testing, including brain scans. Zane personally consulted with these physicians. The upshot of these tests was that there was not a medical cause of Gibbs' behavior.

### *Notification of Law Enforcement*

St. George's did not notify the Department of Children, Youth, and Families ("DCYF") or law enforcement of Gibbs' misconduct at time of his termination. We discuss whether such notification was legally required in detail at pp. 132 to 141. (We conclude that the answer is unclear.)

### *After St. George's*

Gibbs lived in Portsmouth, Rhode Island, and he maintained this residence after his termination from St. George's. There was, in the period after Gibbs' termination from the school, a continuing relationship between Gibbs and St. George's.

On May 9, 1980, approximately three months after Gibbs' termination, Zane met with Gibbs, who indicated he was in need of income. In response to this meeting, Zane did two things: he provided Gibbs with a letter of reference and he began to arrange that Gibbs could collect an annual stipend from the school.

In a follow-up to his meeting with Gibbs, Zane provided Gibbs a generic letter of reference, on Zane's St. George's letterhead, dated May 9, 1980. In whole, that letter read:

To Whom It May Concern:

This is to recommend Al Gibbs as an effective and competent trainer. He worked at St. George's from 1965 until February of 1980, when he took a medical leave of absence in order to take a series of tests at the Naval Hospital in Newport. Mr. Gibbs has a great deal of experience as a trainer, and he is most certainly competent.

Sincerely,

Anthony M. Zane<sup>52</sup>

Zane did not believe that Gibbs ever used this letter of reference. We do not know whether Gibbs solicited additional employment or used this letter in doing so; we are not aware that Gibbs was employed after leaving St. George's.

That same day, Zane wrote to the school's business manager, Wes Hennion, the text of which is reproduced here:

Wes,

I talked with Al Gibbs this morning and told him that even though the doctor does not tell me that Al is senile, because of Al's behavior in the training room last fall we cannot have him return to St. George's. Al apologizes for that behavior and said that he understood my position.

Dr. Washburn is not diagnosing Al as disabled, yet Dr. Washburn apparently has advised Al to apply for disability insurance starting February 12. Please explain to me when you have some spare time.

I told Al that we would continue to pay him through the end of fiscal '80.

Al raised the question of whether he can receive an annual grant from the trustees, indeed something that he and I had talked about in happier days. I said that I would pose the question to the trustees this weekend.

AMZ<sup>53</sup>

Gibbs had, in that day's meeting, admitted responsibility for at least some of the conduct that had precipitated his firing, and Zane recalled that Gibbs apologized for it (which is reflected in Zane's letter to Hennion).

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<sup>52</sup> Exhibit 18.

<sup>53</sup> Exhibit 19.

As for the stipend, Zane and Gibbs had discussed that possibility on at least one occasion in 1978, when Gibbs was (at least outwardly) an employee in good standing.<sup>54</sup> On May 5, 1978, Zane wrote to Gibbs, instructing Gibbs, upon retirement, to “write a letter to the trustees requesting an annual grant from the school for your services. This is done with a number of people now, and I will most certainly keep it in mind, though I do not look forward to your retirement!”

It appears Zane, with Hennion, raised the issue of a stipend with the Board of Trustees soon thereafter. (Zane told us he has no recollection of doing so.) That summer, around the time the stipend was awarded, Zane wrote to Gibbs, stating:

I enjoyed our last talk, and I am sorry that all ended as it did. As I said to you when we last met, please do not hesitate to visit.

It is my understanding that Wes Hennion will be in touch with you about the annual grant that you and I discussed when we last met.<sup>55</sup>

Zane recalls informing Gibbs that he should not come back to campus, but at least one alumna, whom Gibbs abused and who served as a waitress at the alumni dinner in 1980, recalls clearly seeing him there. We credit her recollection on that point.

On November 3, 1980, Hennion wrote to the Rhode Island Department of Employment Security to confirm the Board’s July 11, 1980 vote to provide Gibbs a \$1,200 annual grant. Hennion explained, “Annual grants are awarded, when School finances permit, to former employees with distinguished service records that the Board wishes to recognize. Each grant runs only for a one year period, and can only be renewed by a vote of the full Board once each fiscal year.”<sup>56</sup>

In 1982, Gibbs wrote Zane to thank him for the grant, writing, “I thought that it’s about time to thank the St. George’s Trustees and above all, you Tony for the yearly grant that has been endowed in my behalf.”<sup>57</sup> In the same letter, Gibbs asked, “Rose and I plan to be in Portsmouth during Prize Day and naturally we would appreciate an invitation if one could be sent.” We could not determine whether Gibbs and his wife were invited to or did return in 1982.

Gibbs received this stipend each year from 1980–1988. It was then suspended during the pendency of the Anne Scott suit. After the suit was dismissed, Gibbs was restored to the annual grants list for the 1989–1990 year.

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<sup>54</sup> See Exhibit 20.

<sup>55</sup> Exhibit 21.

<sup>56</sup> Exhibit 22.

<sup>57</sup> Exhibit 23.

### *Conclusion Concerning Gibbs*

Gibbs committed sexual assaults, sexual abuse, and sexual misconduct from the time female students arrived on campus to the time he was terminated. He assaulted or abused female students in every class from 1976 to 1982. We believe it is likely that Gibbs abused other students besides those whose accounts have been provided above. Sexual abuse is widely *underreported*, and a number of students described above have told us they have friends and classmates who have confided, in private, that Gibbs abused them, but do not want to come forward.

Some adults on campus, particularly Skip Howard, the Athletic Director, clearly saw enough red flags in Gibbs' conduct—his kissing of girls on the lips, the warning of another faculty member, which Howard greeted with the comment “He’s just a dirty old man”—to put Howard (who was, after all, Gibbs' boss) on notice that Gibbs' conduct deserved to be closely examined. That is not to say Howard knew what Gibbs was doing to girls in the training room. We have seen no evidence suggesting that he, or any other administrator, did. But certainly Howard and others (anyone who paid attention as they walked around the campus, particularly at practices or games) saw enough about Gibbs' conduct to ask about him, but did not.

Similarly, the school's administration as a whole failed to take steps to create an environment where female students would feel comfortable coming forward to administrators to tell them what *was* happening. It required Katie Wales' bravery—and not the heroic effort of a male student seeking to put out a fire in the training room—to lead to the disclosure of Gibbs' sexual abuse and misconduct. If, as Wales recalls, she did speak with Zane in the spring of 1979, but Zane delayed action until February 1980 because he not credit her account, that was a serious and costly mistake, as it subjected female students to abuse and misconduct that might have been stopped earlier.

Fundamentally, however, the school's failure was not that it failed to act quickly enough, but that it failed to act at all, at the advent of co-education, to create an environment and systems to protect female students from a predator like Gibbs.

Zane surely acted correctly in terminating Gibbs and removing him from campus. But Zane's conduct after Gibbs' termination reflects, in our view, serious misjudgment. Zane evidently concluded that Gibbs' conduct in the 1979–1980 school year reflected a dramatic departure from his conduct in the past. (We know, of course, now, that it was not.) But Zane's assumption that *Gibbs* was in need of medical treatment made him overlook the possibility that Gibbs had, in fact, left a trail of abused girls in the years before Wales came forward to tell Zane about him.

The school's continued relationship with Gibbs after his termination defies rational explanation. Even in those less enlightened times, Zane knew enough about what Gibbs had done to know that he should not give him a letter of recommendation; to know that he had not provided “distinguished service” to the school (the standard necessary for the board's annual grant); and to know

that he was “certainly” *not* an “effective” or “competent” trainer.

As we said at the outset, we recognize that the world today is a different place, and judging people as if the world were not creates the risk of undeserved unfairness. But what Gibbs did—sexually assault and sexually abuse girls who were fourteen, fifteen, sixteen, and seventeen years old—has never been acceptable, at least in mainstream American society. To ask questions about whether that same kind of abuse might have happened to others, in previous classes, and to wonder whether they might have been affected by that conduct, did not require extraordinary prescience.

In sum, in our view, the school’s treatment of Gibbs in the years after his termination, continuing to his death in 1996, reflected, at best, serious misjudgment, and at worst, callous indifference to the girls and young women the school knew he had abused.

Fairness requires us to point out that Zane cooperated fully with our investigation, agreed to be interviewed as long as was necessary, and answered every question we asked. In the interview, we showed him some documents from the school’s files he had not seen since he left the school. After the interview, he sent us an email, saying:

Thank you for the opportunity, and for providing me with documents that have helped me piece together a better recollection of what happened in the 1970’s and 1980’s. I don’t remember everything, but please know I did not tolerate any misconduct that I knew about. I acted quickly and threw Howdy White and Al Gibbs out of the school as soon as I found out what they did. For twelve years I devoted all of my efforts to St. George’s and the welfare of our students. I believed that I was acting in the best interest of the school at every turn. I am deeply sorry to hear the reports of abuse our former students have made - so many more of them than I knew about back then - and that they were put in harm’s way on my watch. I personally apologize for the harms inflicted during my tenure as Headmaster at St. George’s, and I sincerely hope that the healing process will continue for the entire St. George’s community.

### *Franklin Coleman*

Franklin Coleman joined the faculty of St. George’s School in the 1980-1981 academic year, when he was 38 years old, and remained at the school until May 1988. He was hired during Zane’s administration, but Zane left the school in 1984 and was replaced by Rev. George Andrews, who was headmaster throughout the remainder of Coleman’s tenure.<sup>58</sup> Coleman served as

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<sup>58</sup> Andrews was informed in the fall of 1987 that he would not be asked back to serve as headmaster the following school year. Accordingly, Andrews left the school just weeks after Coleman.

Choirmaster, Music Director, and music teacher from 1980 to 1988, before the school terminated him for inappropriate sexual contact with a male student. In addition to teaching and leading the music department, Coleman served as dorm parent throughout his eight years at St. George's.

### *Before St. George's*

Coleman taught music at two independent schools prior to joining St. George's. He was organist, choirmaster, and music instructor at the Kent School in Kent, Connecticut from 1971 to 1976, and worked, at least part time, at Cranbrook Schools in Bloomfield Hills, Michigan from 1976 to 1980.

St. George's received at least three recommendation letters for Coleman, all positive. The first, from the chaplain at Cranbrook, referred to Coleman as "a dedicated Christian" who "sees his work as a ministry" and is "one of those rare teachers who shows a genuine interest in students and their personal lives." The second, from a former colleague at St. Michael's parish in Litchfield, Connecticut, was similarly positive. The author described Coleman as having "a way with people that can only be described as pastoral," adding that the "sympathetic bond he forms with his students continues into their college years and well beyond." The third, from a former student at Kent, praised Coleman as an educator "able to relate to students on a personal basis out of the classroom, yet command the respect and interest of the students while in the classroom."

Zane appears to have spoken to at least two references prior to making Coleman an offer: the headmaster of Cranbrook and a former colleague at Kent. Zane spoke to the headmaster of Cranbrook about Coleman on April 14, 1980. According to Zane's notes of the discussion, the headmaster reported that Coleman was a "superb choirmaster," and a "first rate, marvelous musician." But Zane noted that "[the headmaster] knows 'absolutely nothing about [Coleman's] personal life.'"<sup>59</sup>

### *First-Hand Accounts of Former St. George's Students*

Thirteen former students came forward to us, and an additional student came forward to Hannum, with first-hand accounts of inappropriate conduct by Coleman, including: (1) intimate physical touching (e.g., hugs, backrubs, touching students' thighs, and rubbing students' chests), (2) emotional manipulation, (3) providing students with alcohol and marijuana, (4) sleeping in the same bed with students on overnight trips, (5) nude or semi-nude encounters, (6) watching pornography with students, and (7) fondling/molestation.

We conclude that, during his time at St. George's, Coleman was engaged in systematic and wide-

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<sup>59</sup> Zane said that, in those years, he routinely inquired about the personal lives of potential faculty members because, if they were married, their spouses would live in the dorms with them.

scale grooming<sup>60</sup> of male students, some of whom Coleman singled out for sexual abuse. Some students experienced only one or two episodes of inappropriate conduct, while others experienced numerous episodes, often building up to conduct that was overtly sexual.

We present below a full account of first-hand reports regarding Coleman. In doing so, we do not intend to suggest that Coleman sexually abused each of these witnesses. To the contrary, many witnesses expressed that they do *not* consider themselves victims and were *not* abused. We present the facts in this manner because we feel it is essential to understanding the full scope of Coleman's conduct, as well as the school's knowledge of Coleman's conduct.

Students reported abuse by Coleman that spans the entire eight years he worked at the school.<sup>61</sup> In other words, Coleman's misconduct began immediately upon his arrival at St. George's and continued until his termination in May 1988.

### **Witness 2, Class of 1982**

Coleman joined St. George's during Witness 2's sophomore year, when he was going through a difficult time at home. Although Witness 2 did not have Coleman as a teacher or advisor, Coleman took an interest in him almost immediately. That interest was flattering for a boy dealing

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<sup>60</sup>A 2004 publication of the Department of Education defines "grooming" as a circumstance where:

an abuser selects a student, gives the student attention and rewards, provides the student with support and understanding, all the while slowly increasing the amount of touch or other sexual behavior. The purpose of grooming is to test the child's ability to maintain secrecy, to desensitize the child through progressive sexual behaviors, to provide the child with experiences that are valuable and that the child won't want to lose, to learn information that will discredit the child, and to gain approval from parents.

Grooming allows the abuser to test the student's silence at each step. It also serves to implicate the student, resulting in children believing that they are responsible for their own abuse because, "I never said stop."

Grooming often takes place in the context of providing a child with extras like additional help learning a musical instrument, advisement on a science project, or opportunities for camping and outdoor activity. These opportunities not only create a special relationship with students, they are also ones for which parents are usually appreciative.

U.S. Department of Education, "Educator Sexual Misconduct: A Synthesis of Existing Literature," Doc. No. 2004-09 (2004).

<sup>61</sup> Specifically, we received first-hand accounts from students who graduated as early as 1982 and as late as 1990.

with a broken family.

In time Coleman's attention started to include private invitations to his apartment for parties. The parties would include a small number of students—sometimes five, sometimes just one or two. Coleman would play music on his stereo system and put out food for the students. Coleman wrote formal invitations and personal notes to students by hand. Sometimes he would deliver these to students' mailboxes, but often he passed them out openly, so that others knew who was receiving the special invitation to his next party. Through these parties, Coleman developed a following of children, which formed into a club that became known as the "Kulture Vultures." The Kulture Vultures would always meet at Coleman's apartment.

Sometimes Coleman would take a small number of students (often just one or two) off campus. Witness 2 has a specific memory of Coleman taking him to the Newport Creamery for ice cream.

Coleman's handing out of personal notes and invitations was often accompanied by awkward and uncomfortable physical contact, including Coleman placing his hands on Witness 2's back and leaving them there, and giving him backrubs. This type of contact increased over time, as did other examples of Coleman overstepping personal boundaries. For example, Coleman would show up at Witness 2's dorm room after lights-out with little gifts (tea, chocolate, etc.). This happened about once a week. In addition, Coleman would come into Witness 2's room on Sunday mornings and sit down on his bed. The increasing attention felt uncomfortable.

In the days leading up to Thanksgiving break in 1980, Coleman had dropped hints that he had nowhere to go for the break. Witness 2 invited Coleman to come back to his family's house for Thanksgiving, and Coleman accepted. Coleman offered to drive but said he could not leave until the day after all the other students left. Witness 2 assumed he would be sleeping in his dorm the extra night. After all the students left, however, it became clear that the dorms would be closing down, and Coleman invited Witness 2 to stay in his guest room.

That night, Coleman and Witness 2 watched movies and had dinner. After dinner, Coleman served alcohol and lit up a joint. Witness 2 did not have much experience with alcohol or marijuana, but he drank and smoked that night with Coleman. That is the last thing he remembers. He woke up the next morning, naked, in Coleman's guest room. He remembers Coleman walking into the room with a cup of coffee, saying, "this will make your head feel better." To this day, Witness 2 does not know what happened after he passed out. He wonders whether Coleman might have slipped something into his drink, but he does not know for sure.

### **Witness 8, Class of 1982**

Witness 8 took a music theory class with Coleman during the 1981-1982 school year. On one occasion during a piano lesson, Coleman approached him from behind and started giving him a backrub. Witness 8 "stiffened up" and indicated through words or body language that the contact

was unwelcome, at which point Coleman stopped. This was the only time Coleman ever touched Witness 8 in a way that made him uncomfortable, and in general he had a good relationship with Coleman.

Witness 8 told his academic advisor about the interaction and asked him to address it with Zane. A couple weeks later, the advisor told Witness 8 that he had informed Zane of what happened. As we discuss below, this may have led Zane to warn Coleman not to give backrubs to students.

### **Witness 72, Class of 1982**

Coleman arrived at St. George's during Witness 72's junior year and became his academic advisor. Witness 72 considered Coleman a friend and was active in Coleman's Kulture Vulture group, which he remembers as a fun way to get together, listen to classical music, and enjoy free snacks. He would stop by Coleman's apartment to talk, and on one or two occasions, Coleman offered him a beer.

Witness 72 believes Coleman "tested the waters" with him once when the two were alone in his apartment. They were sitting together, and Coleman moved in close—within a foot—of where Witness 72 was sitting. When Witness 72 moved away, Coleman said, "You don't need to move," and Witness 72 replied, "I'm more comfortable over here." Coleman smiled, as though it was not a big deal, and Witness 72 also acted like it was not a big deal. In retrospect, Witness 72 believes Coleman was seeing how he would react.

Witness 72 never felt he was in danger or that he needed to tell any adults at the school what happened. He felt he could handle the situation himself.

### **Witness 11, Class of 1983**

Coleman included Witness 11 in the Friday evening Kulture Vulture outings at his home, and he provided a sense of community that was somewhat unexpected. Coleman took an interest in Witness 11 personally and intellectually. Witness 11 felt at the time that it was a positive relationship. Coleman was a "pretty dynamic teacher," and Witness 11 felt honored that Coleman befriended him. However, when he later learned about the concept of grooming, Witness 11 realized that Coleman had been grooming him.

Coleman stayed over at Witness 11's family's house for a night or two over Thanksgiving break. During that trip, Coleman gave him backrubs and presents. He recalls waking up one morning to Coleman giving him a backrub.

During Witness 11's senior year, Coleman offered to drive him and a fellow student to Witness 11's parents' house for spring break. Coleman suggested not leaving the same night as others but spending the night at his place and leaving the following morning. Coleman made dinner for the boys, and served wine. He also gave the boys pot brownies.

Later, before graduation, Coleman mentioned that he was taking a trip over the summer and asked Witness 11 if he would like to go with him. Witness 11's parents agreed. The trip lasted about ten days. Coleman was in charge of lodging, and he booked rooms with only one queen-sized bed. Witness 11 described the trip as agonizing. Witness 11 was trying to be respectful to Coleman but at the same time making sure he felt protected. He thinks he was probably giving off signals that he was not interested in Coleman's advances.

Witness 11 does not think the school knew about the trip.

### **Witness 56, Class of 1985**

Witness 56 was relatively close to Coleman and among the students who were part of the Kulture Vultures group. While he never felt targeted or groomed, Witness 56 said it was apparent that Coleman liked being around young boys. The only personal interaction that Witness 56 had with Coleman that seemed inappropriate occurred when he knocked on Coleman's apartment door to get a form signed. Coleman answered the door in a t-shirt and his underwear briefs. Witness 56 remembers being confused as to why an adult was standing in front of him in his underwear.

### **Witness 4, Class of 1985**

Witness 4 met Coleman even before Witness 4 arrived at St. George's, when Coleman visited one of Witness 4's family members who attended the school. When Witness 4 arrived at St. George's, he learned that Coleman was his academic advisor. During his freshman year, Witness 4 began receiving invitations to parties in Coleman's apartment. Coleman would write out formal invitations by hand and deliver them personally. At first, Witness 4 did not always respond to the invitations, but Coleman approached him and told him, "you *have* to respond." Over time, Coleman expected more and more in the responses. After a party ended, there would usually be a smaller group of boys who continued to hang out with Coleman. Witness 4 described this group as Coleman's "inner circle," and said he became part of it fairly early in his time at the school.

Following a death in the family, Witness 4 had a difficult transition back to St. George's during his junior year. Coleman took Witness 4 under his wing in the midst of the turmoil. Witness 4 recalls Coleman giving him long hugs and consoling him. Coleman invited Witness 4 into his apartment frequently and said, "This place is your place; you can come here any time you want." Witness 4 took advantage of Coleman's invitation and began going to Coleman's apartment for coffee on a regular basis.

When Witness 4 turned down an invitation to one of Coleman's parties because of plans he had made with his girlfriend, Coleman became very upset. He sent a long letter explaining how insulted he was that Witness 4 did not attend. Witness 4 went to Coleman's apartment and apologized. He felt terrible.

Coleman would often cry when he became upset, including on the occasion described above, and

would use these emotional outbursts as an opportunity to embrace Witness 4. In time, Coleman began to work up to more intimate physical contact, like pulling out Witness 4's shirttail, reaching under his shirt, and massaging his back. This felt uncomfortable, but Witness 4 did not want to hurt Coleman's feelings any more than they were already apparently hurt.

Witness 4 described what he called the "build-up-and-tear-down cycle," which he said happened again and again with Coleman. Coleman would build him up through attention and musical opportunities, but if Witness 4 did one thing not to Coleman's expectations (like turning down an invitation), it would hurt Coleman's feelings, which would make Witness 4 feel guilty. This would lead invariably to a physical embrace, followed by uncomfortable physical contact. At one point, the cycle ended with Coleman laying his head in Witness 4's lap. Coleman told Witness 4 that he just wanted to "lay here for a bit."

One time a friend of Witness 4's left campus in a rush, late at night, after visiting with Coleman. Another friend told Witness 4 what had happened, and asked if he knew what was going on. Witness 4 went to Coleman's apartment and found him in his bed in his underwear, lying on his stomach in the middle of a tantrum—banging his hands and kicking his feet. Witness 4 asked what was wrong, and Coleman got up and gave him a hug, wearing nothing but his underwear. Witness 4 was very uncomfortable.

Between Witness 4's junior and senior years, Coleman took him on a college tour. Coleman drove Witness 4 to Boston University, Oberlin College, the University of Illinois, and Indiana University, among other schools. The trip involved multiple overnight stays in hotels, where Coleman would arrange to have a room with a single bed. If there was a couch in the room, Witness 4 would sleep on the couch, but otherwise he had to share the bed with Coleman. On at least once occasion, Witness 4 woke up to Coleman's arm around him.

Coleman's advances took on a more overtly sexual tone during this road trip. At some point during the trip, Witness 4 fell asleep in the front passenger seat while Coleman was driving. He awoke to Coleman manipulating his genitals, trying to get him aroused. After he realized what was happening, Witness 4 froze, trying to think of what to do next. He was terrified. He shifted in his seat, as though he was just waking up, and Coleman stopped. After gaining his composure, Witness 4 confronted Coleman, saying words to the effect, "I don't know what I did that made you think this would be okay, but I'm not like that." Coleman started crying and apologized. He said, in substance, "I care for you; it's not like that—I know what it's like to be a kid with all that pent up energy."

Although Witness 4 does not recall doing it, he learned recently from a classmate and friend at St. George's that he called the friend from the road and told him what happened. According to the friend, Witness 4 said he could not tell anyone because if he did he might not get into college. Witness 4 was interested in pursuing music in college and needed a recommendation from

Coleman. Witness 4 made his friend swear not to tell anyone else.

During his senior year, Witness 4 continued to be the subject of Coleman's attention. Coleman was helping Witness 4 prepare an audition tape for college and was giving him regular singing lessons. Coleman would use these opportunities to initiate physical contact, frequently rubbing Witness 4's shoulders and back. Witness 4 just "took it" because he felt he had no choice.

At some point during Witness 4's senior year, Headmaster Andrews summoned him to his office. Andrews was there with Bill Schenk, Dan Hollins, and the school psychologist. Andrews asked if everything was okay with Coleman. Witness 4 did not know how to handle the meeting; he thought that the administration must have known something or have suspicions about Coleman, but he could not bring himself to tell the truth. Witness 4 said, "What do you mean?" Andrews repeated, "Are things going okay with Coleman?" Witness 4 said, in essence, "Yes, he's a great music teacher and choir director." The faculty members appeared to accept that explanation.

Looking back on that conversation today is very upsetting for Witness 4. He believes that it signals that the school knew or suspected that Coleman was abusing students but failed to act, beyond asking him.<sup>62</sup>

### **Witness 105, Class of 1985**

Witness 105 came to St. George's from another boarding school, where he was involved in music and theater. He had been at the school only about a week when Coleman approached him and asked him to come to his office and talk about music. Witness 105 went to see Coleman and soon joined the choir. Within a month or two, Coleman invited him to his apartment for dinner with a small group of other students. This began several years of interactions with Coleman.

The interactions started benignly but eventually became disruptive. Witness 105's relationship with Coleman was based largely on choir activities. He recalls being asked to come over to Coleman's apartment to make tapes. At some point, Coleman started becoming very critical. He accused Witness 105 of not being grateful, and for not acknowledging the things that Coleman did for him—even trivial things like holding the door open for him. These criticisms made Witness 105 feel badly; he didn't *mean* to be ungrateful. He would get a "butterflies-in-the-stomach" feeling and start backpedaling to appease Coleman.

At the beginning of his sophomore year, Witness 105 returned to campus a week early for soccer practice. Coleman approached him that week and told him he'd been thinking about how Witness

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<sup>62</sup> Schenk is dead; Kosseff declined to speak with us. Hollins did not recall such a meeting, and doubted it happened. Andrews likewise did not recall such a meeting when we spoke with him, but believed he likely knew something about Coleman before the events leading to Coleman's dismissal in 1988.

105 needed to grow as a person and that he could help bring him out of his shell. Coleman wanted to have what he called “[Witness 105] sessions” to help him grow. Witness 105 recalls one session in which he and Coleman were sitting back-to-back and Coleman told him to use his back and shoulders to express emotions like anger, joy, love, fear, and jealousy. It was bizarre and uncomfortable, but not sexual.

Witness 105 moved into Coleman’s dorm his junior year. One night Coleman invited him to his apartment after lights out. Coleman handed him a drink with a straw and invited him to take a sip. Witness 105 did so, and realized that it was alcohol. He did not finish the drink.

During his junior year, Witness 105 increasingly became part of Coleman’s inner circle. Coleman cultivated a close relationship with the boys in his inner circle. He invited them to his apartment for parties, drove them into town, and wrote them personal letters. He gave out patches from the Royal Society of Music and stitched them on to the boys’ blazers. He started a club called the Red Tie Club. He sent invitations written in French.

Coleman never groped Witness 105 or touched him in a way that was overtly sexual, but there was one uncomfortable physical encounter. After one of their “sessions,” Coleman gave Witness 105 a hug in the hallway of his apartment, holding him in a tight embrace for approximately 60 to 90 seconds. Witness 105 dropped his hands off Coleman’s back to send a signal that he wanted it to stop, but Coleman continued with the long embrace. The hug had an intimacy to it that made Witness 105 very uncomfortable.

Still during his junior year, Coleman started leaving notes for Witness 105 on yellow or blue paper. The color of the paper corresponded to the tone of the letter. Coleman used the yellow paper to write compliments and the blue paper to tell Witness 105 “what a terrible person [he] was.” Even today, Witness 105 can still recall the feeling of terror that would come over him when he saw a blue envelope on his desk. The blue letters were scathing, containing a litany of things Witness 105 had done that, according to Coleman, showed no appreciation for how Coleman was helping him.

At some point during Witness 105’s junior year, Coleman offered to type a paper for him. He said he was a very fast typist and had a typewriter in his bedroom. Witness 105 went with Coleman to his bedroom and sat on the bed dictating his paper while Coleman typed. Once the paper was finished, Coleman told Witness 105 that he seemed tense about what was going on at school and said something like, “When I have time, I’ll get my oils out and give you a backrub.”

Coleman sent one of the yellow letters to Witness 105’s home between his junior and senior year, and his father found it in his bedroom. He confronted his son about the letter, saying he didn’t understand why it read like a love letter. The yellow letters were highly complimentary of Witness 105’s physical features. Witness 105 recalls Coleman writing that he could be a model and that he was more attractive than others at St. George’s.

During that same summer, Coleman came to Witness 105's house and stayed with his family. Witness 105 remembers taking a nap and waking up to Coleman staring at him, and possibly taking a picture.

During Witness 105's junior or senior year, several students accompanied Coleman on a trip to New York City for a long weekend. Coleman took the boys to a restaurant in Greenwich Village and bought them alcohol. Witness 105 remembers getting "horrendously drunk" at the restaurant.

Coleman separately invited Witness 105, his roommate, and another student to Boston to see a Spyro Gyra concert. The students had an away soccer game, and Coleman came to pick them up and drive them to Boston. Witness 105 remembers stopping at McDonald's and Coleman giving them brownies with pot or hash in them. Once they got to the hotel room, Witness 105 laid his bags on a bed, and his roommate deliberately laid his bags on the same bed; they knew someone would have to sleep in the bed with Coleman, and neither wanted to be that person.

Putting aside the emotional manipulation, Coleman was a gifted musician and teacher who had an extremely positive impact on Witness 105's musical development. Witness 105 learned a great deal from Coleman about writing and composing music. But looking back, there was an incredible amount of strategic, organized manipulation.

Between his junior and senior year, Witness 105 thought a lot about his relationship with Coleman and decided it was unhealthy. He was constantly in Coleman's presence, and whatever he did was not good enough. He decided to go see the school psychologist, Dr. Kosseff, which he did early in his senior year. He told Kosseff details of his relationship with Coleman, including the blue and yellow letters and the feeling that he was a constant disappointment. He talked about his feeling that it was an unhealthy relationship.

Witness 105 decided after meeting with Kosseff to limit his relationship with Coleman exclusively to that of student and teacher. He went to Coleman's apartment and told him he wanted just a regular student/teacher relationship. Coleman did not take it well. He became cold and distant, limiting conversations to a minimum and no longer inviting Witness 105 to his get-togethers.

Despite Witness 105's request, Coleman still had moments that were not typical of a strict student/teacher relationship. During a vocal lesson in Coleman's apartment, Coleman stopped playing in the middle of a song and commented on Witness 105's physical appearance, saying something like: "There's something about you today, a glow; you look magnificent."

After their initial meeting, Kosseff saw Witness 105 and asked him whether things with Coleman were improving. Witness 105 is not aware whether other St. George's teachers or administrators knew about Coleman's behavior. The only adult he ever confided in was Kosseff.

### **Witness 48, Class of 1986**

Witness 48 was in the choir and was good friends with Coleman. He was often in Coleman's

apartment enjoying the benefits of being on his good side. These included watching TV and drinking alcohol in his apartment. Sometimes Coleman would act inappropriately, and Witness 48 would tell him so.

Witness 48 said that Coleman put him into some “pretty uncomfortable situations.” For example, Coleman would: (1) invite him to his apartment and answer the door in pajamas or a loosely-tied bathrobe; (2) give him long hugs; (3) ask to be hugged or consoled; (4) put his hands where they didn’t belong (e.g., on his inner thigh); (5) make advances that made it clear he was gay and wanted to participate in inappropriate behavior; and (6) show him pornographic videos. Often this conduct would occur in Coleman’s apartment after alcohol had been provided; Coleman offered Witness 48 alcohol on a regular basis.

Coleman showed Witness 48 pornography on a regular basis. Sometimes other students would be there, but usually it would be just the two of them. Witness 48 heard from other students that Coleman had played pornographic videos for them as well. Coleman “thought it was cool” that he allowed students to watch pornography in his apartment.

Whenever Coleman engaged in inappropriate conduct, Witness 48 sent signals that he was not interested, including sometimes telling him to stop.

Coleman took about six to eight students, including Witness 48, on a weekend trip to Boston. They stayed at the Lenox Hotel. The trip was billed as an “arts and humanities” excursion. Coleman provided alcohol to the students. Witness 48 recalls that the group stayed in at least two adjoining rooms on that trip. He was not in the room with Coleman, and he does not recall who had to room with Coleman. Witness 48’s memory is that Coleman and a student shared a room, and the other students paired up.

Witness 48 did not report any of Coleman’s conduct.

### **Witness 102, Class of 1986**

Witness 102 tried out for choir and took private voice lessons from Coleman in the early- to mid-1980s. During one of those lessons, Coleman had Witness 102 do an exercise in which he lay on the floor with a heavy book on his stomach to practice his breathing. It was a benign exercise, but Witness 102 started to get an erection. When this happened, Witness 102 sensed that Coleman began moving towards him. He was embarrassed, but he also knew that something about Coleman was not right. He said it was hard to explain, but the moment was sexually charged, and he had enough experience to sense that Coleman was turned on by it. Witness 102 got up and left. Coleman did not touch him, and he never told anyone about the incident.

### **Witness 57, Class of 1986**

Witness 57 accompanied a small number of students on two overnight excursions with Coleman—one to Manhattan, and one to Boston. The excursions were billed as “cultural tours.”

Two other male students attended the trip to Manhattan. Coleman took the boys to the Metropolitan Museum of Art, to St. Thomas Church for a performance of Evensong, and for a walk around Greenwich Village. The boys drank openly on the trip, in Coleman's presence. Coleman's logic was that it was okay since they were not on school grounds. Witness 57 remembers being out for dinner in Greenwich Village and Coleman joking after the boys declined coffee at the end of the meal, "You just don't want to lose your buzz."

Coleman had everyone stay in a single room with two beds at the Roosevelt Hotel. Witness 57 recalls that deciding who was going to sleep where was a big deal. The boys drew straws to decide who would sleep with Coleman. At the time, he thought it was weird that the student who drew the short straw had to share a bed with Coleman, but he also thought it was weird that he had to share a bed with another student.

Witness 57 is less clear on the details of the Boston trip. He recalls that two or three other students attended and thinks the group stayed at the Lenox Hotel. He does not recall drinking on that trip, and he does not recall what they did or where Coleman took them.

### **Witness 36, Class of 1988**

Witness 36 recalled taking at least two weekend trips to Boston with Coleman and other students. Because St. George's held classes on Saturday mornings, the trips were Saturday overnight trips. Coleman would purchase alcohol for the students and drive them to Boston in his car. Witness 36 never shared a bed with Coleman, but he did recall the significant anxiety around sleeping arrangements.

During his senior year, Witness 36 was in Coleman's apartment and had to make a phone call. Coleman said he could use the phone in his bedroom. After the call ended, Coleman came into the room holding a jar of Vicks VapoRub and suggested that Witness 36 use it to help treat his cold. Witness 36 reached for the Vicks, but Coleman instead began to apply it himself, rubbing it onto Witness 36's chest. Witness 36 was shocked and terrified. He was worried about what would happen if Coleman tried to take off his belt. Coleman stopped after applying the Vicks to Witness 36's chest, and Witness 36 left Coleman's apartment.

A few weeks later, Coleman left St. George's. Witness 36 recalled that this was disclosed at a school meeting. After the meeting, some people asked him about Coleman's departure since they were friends, but Witness 36 did not disclose anything. No one in the administration or faculty followed up with Witness 36 after Coleman left. In the wake of Coleman's leaving, Witness 36 never heard anything about Coleman touching other boys.

### **Witness 94, Class of 1990**

When Witness 94 arrived at St. George's in the late 1980s, Coleman was his assigned academic advisor. He attended Coleman's parties and developed a reputation as a "Colemanite." Witness

94 described two unsettling encounters with Coleman.

First, at some point during his sophomore or junior year, Witness 94 was with Coleman in his apartment and, while the two were alone in a dimly lit hallway, Coleman put his hand on Witness 94's shoulder and said, "You know you can tell me whatever you'd like." Witness 94 described the interaction as "creepy."

Second, during the same time period, Witness 94 went on an overnight trip to Boston with Coleman and two other male students. The group stayed in a hotel in a two-bedroom suite, with a single queen bed in each bedroom. Coleman assigned rooms. He put Witness 94 in a room with one of the other students, and Coleman shared his bedroom with the remaining student. Coleman then provided alcohol to the boys. Coleman kept a "liquor cabinet" in the trunk of his car, and Witness 94 recalled taking multiple shots of gin and vodka and having mixed drinks like screwdrivers in the hotel room. The boys became very intoxicated.

Coleman took the boys to a steakhouse in Cambridge for dinner, but one of the boys was so drunk that he got sick and had to leave the table. They left the restaurant, went to Burger King instead, and returned to the hotel.

At some point in the night, Witness 94 woke up feeling parched and hung over. He went to the bathroom and sat on the floor drinking water. Coleman came into the bathroom while he was there, dressed only in his underwear. Coleman stood over Witness 94, such that his crotch was near Witness 94's face, and reached out and touched him in what Witness 94 described as a creepy manner.

During the night, Witness 94 checked on the student sharing the bedroom with Coleman and saw that he and Coleman were in the bed together. The next morning, that student told Witness 94 that he had slept on the floor to avoid sleeping with Coleman.

Several weeks after the trip, Coleman was terminated. Witness 94 understood that Coleman was terminated because of his inappropriate conduct with Witness 10, whose abuse by Coleman is described below. After Coleman's termination, Witness 94 was called in to meet with Headmaster Andrews and another person concerning his interactions with Coleman. Witness 94 had the sense the school was trying to "check the box"—asking questions like, "Nothing happened, right?"—instead of creating an open dialogue to determine the nature of Coleman's conduct. As a result, and given his concern for his own reputation, Witness 94 answered that nothing had happened. Witness 94 recalled that a number of students were called to meet with Andrews.

### **Witness CA, Class of 1990**

Witness CA spoke to Hannum, but did not contact us.<sup>63</sup> According to Hannum's report, Coleman took Witness CA and a few other students on an overnight trip to Boston in the spring of 1988. Coleman had a cooler of alcohol in the trunk, and the group stayed in a two-bedroom suite at the Doubletree Hotel. The plan was to go to dinner and then go see the *Rocky Horror Picture Show*. Witness CA had too much to drink, however, and became sick during dinner. Coleman took him back to the hotel to clean up, leaving the other students behind. Coleman asked Witness CA if he wanted help showering, and he said no. After showering, Witness CA noticed that all the towels had disappeared from the towel rack. He looked over and saw Coleman standing in the doorway, holding a towel and smiling. Coleman lingered, watching Witness CA get dressed. Then they left the hotel and met up with the other students at the movie theater.

Witness CA did not remember coming back to the hotel or anything else that happened that night. He woke up the next morning in the bed with Coleman, who was lying on his side, awake, facing him.

Coleman invited Witness CA on another overnight trip later the same semester, but Witness CA did not want to go. He was struggling with how to tell Coleman no, but he ultimately did not have to because the school terminated Coleman in the meantime.

Witness CA was invited to the headmaster's apartment soon after Coleman was fired. The school psychologist was there and asked if anything had happened with Coleman. Witness CA said no.

### **Witness 10, Class of 1988**

Witness 10 arrived at St. George's in the mid-1980s and was approached by Coleman on his first day on campus. Coleman introduced himself, made clear he knew who Witness 10 was (as though he had studied Witness 10's admissions office file), and invited him to his apartment for cookies. Witness 10 attended a party at Coleman's house during the first weekend of the new school year and went on to be a regular at his parties. Soon, Coleman began taking Witness 10 on short car trips, including trips to the Newport Creamery and one trip to buy a tuxedo for Coleman's Kulture Vulture parties.

Coleman wrote letters to Witness 10 beginning in his first month at St. George's, sometimes as many as three to four per week. The letters were left on his door, in his dorm room, and on the bench at choir. Some were trivial (e.g., "come by for cookies after dinner"), while others were pleading or guilt-inducing (e.g., "why haven't I seen you?"). None were overtly sexual.

Sometime in the winter or spring of Witness 10's sophomore year, Coleman began renting porno-

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<sup>63</sup> CA refers to Coleman/Witness A. See p. 29 n. 18.

graphic videos, which they would watch together. Initially, Coleman rented mainstream movies rated PG or R, but eventually he started renting pornography. On more than one occasion, Coleman put his head in Witness 10's lap when they were watching pornography together. Witness 10 was always alone with Coleman during these viewings, which he estimated took place approximately five times, usually on Saturday nights.

Witness 10 took several overnight weekend trips with Coleman and other male students. During the first of these trips, to Boston, Coleman rented a room at the Park Plaza and requested the "family rate" at the front desk. The room contained two beds and a cot. Instead of taking the cot, Coleman told Witness 10 that he was going to sleep with him in one of the beds. Coleman bought the boys alcohol on the trip, and after they drank, Coleman took them to the Boston University Theater, where they watched *The Manchurian Candidate*. Back in the hotel room, Coleman got into the bed with Witness 10 and began to touch him, rubbing his chest. Witness 10 was frightened and did not know what to do. He moved away from Coleman, but Coleman moved in closer. He remembers being wedged between Coleman and the window on the other side of the bed. In the midst of all the touching, Coleman touched Witness 10's penis, and Witness 10 continued to try to back away from Coleman until he finally stopped.

Coleman took Witness 10 on at least two more trips—one to New York and another to Boston—each time accompanied by other students. Coleman would invite the boys on trips without telling them their destinations until they were en route. On the trip to New York, the group stayed at a motel in New Jersey. Witness 10 was not the target of sexual misconduct on this trip, but he recalls that one of the other students became extremely intoxicated in a hot tub and had to be carried back to the room.

During his junior year, Witness 10 was assigned to Coleman's dorm. Witness 10 felt increasingly trapped once he was living in Coleman's dorm. The physical layout of Coleman's apartment was such that he could see students as they approached the dorm, and he would often intercept Witness 10 as he approached. In addition, Coleman would often enter Witness 10's dorm room in the morning, sit on his bed, and give Witness 10 backrubs under his shirt. Witness 10 found it safest to stay on his stomach, pretending to sleep. He estimated that these morning visits occurred as many as two dozen times during his junior year. Witness 10's feeling of isolation was made worse by the fact that Coleman arranged with an academic administrator to tutor him in math (or so Coleman said). Witness 10 reported being alone in Coleman's apartment in the evenings for tutoring while other students were socializing.

Coleman's behavior continued to escalate with Witness 10 over the course of the year. Coleman gave Witness 10 a book about massage that included pictures of nude men and women, and he

suggested that they massage each other. Coleman brought Witness 10 to his bedroom,<sup>64</sup> where the lights were dimmed, candles lit, and soft music played. Coleman had Witness 10 undress completely, and he gave him a massage, using baby oil. Witness 10 lay on his stomach, and Coleman did not ask him to turn over, or try to touch his genitals, although he did massage Witness 10's buttocks. When it was over, Coleman asked Witness 10 to give him a massage. Although he was repulsed by it, Witness 10 did as he was asked.

Later that year, Witness 10 began seeing the school psychologist, Dr. Kosseff, and in one meeting, he disclosed that Coleman had taken him on weekend trips (and was planning another) on which they would share a bed. In response to this information, Dr. Kosseff alerted others at the school, including Andrews, and Witness 10 was taken out of the dorm to stay at the home of a faculty member while the school responded to the situation. Witness 10 did not go on the planned trip with Coleman that weekend. Witness 10 met twice more with Dr. Kosseff in the following week, providing more detail about Coleman's conduct. Dr. Kosseff asked if Witness 10 would be prepared to testify to this information, and Witness 10 said that he was. He also provided Dr. Kosseff with the names of other students he believed Coleman may have abused. Coleman was terminated soon thereafter.

### *Second-Hand Accounts of Former Students*

We spoke to a number of former St. George's students who reported second-hand information regarding Coleman's conduct. Many witnesses confirmed that Coleman hosted parties in his apartment for students at which he was the only adult. Some noted that Coleman surrounded himself with a group of boys and seemed to have an unusually close relationship with certain boys. Some identified witnesses targeted by Coleman who came forward to speak with us. And some identified students targeted by Coleman who did *not* come forward to speak with us, or Hannum.

### *The School's Knowledge of Coleman's Conduct*

The evidence demonstrates that the school knew of other incidents involving Coleman prior to Dr. Kosseff's May 1988 report of inappropriate physical contact with Witness 10 and was generally aware of Coleman's close relationship with students, the parties he hosted in his apartment, and the overnight trips. Former faculty members uniformly deny knowing the extent of his misconduct, however, with most reporting that, if they knew of any specific instances of inappropriate conduct at all, it related to Coleman giving students backrubs.

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<sup>64</sup> Witness 10 reported that Coleman had framed photographs of approximately eight boys in his bedroom.

Detailed below are the specific pieces of evidence that bear on the school's knowledge of Coleman's conduct.

- Former headmaster Zane told us that, at some point before he left his position in 1984, he heard that Coleman was giving invitation only dinner parties in his quarters, and giving backrubs to students. Zane told Coleman he should no longer do this.
- Dr. Kosseff, who declined to speak with us, told Hannum that he heard of an incident involving Coleman giving backrubs to a student in the early 1980s and informed Zane. Kosseff told Hannum he reportedly warned Coleman that he would be fired if Kosseff heard of any other inappropriate activity.
- Witness 8 recalls telling his advisor in 1982 that Coleman gave him a massage during a piano lesson; the advisor told Witness 8 soon thereafter that he (the advisor) had reported the incident to Zane.
- A former faculty member recalls being told by a student in the class of 1984 that he stopped taking piano lessons because he did not like the way Coleman would put his hands on his thigh. This faculty member recalls reporting the information to Zane, who allegedly commented, "Well, we could never replace him."
- Former Headmaster Rev. George Andrews reported to Hannum that he knew of a report that Coleman rubbed a student's back inappropriately in 1984 or 1985. Although he could not recall the student's name, he recalled that he was a senior and involved in the choir.<sup>65</sup>
- At some point during Witness 4's senior year (1985), Headmaster Andrews summoned him to his office—where Bill Schenk, Dan Hollins, and the school psychologist were assembled—and asked if everything was okay with Coleman. In retrospect, Witness 4 believes the school knew or suspected that Coleman was engaged in inappropriate conduct.
- After Witness 57 spent a week in Coleman's guest room recovering from a leg injury in 1985,<sup>66</sup> a faculty member reportedly pulled him aside and asked questions that, in hindsight, suggest she and others at St. George's may have had concerns about Coleman (*e.g.*, "What was it like living with Coleman? Did he help you navigate the bathroom?"). Witness 57 recalls that the faculty member may have asked about backrubs as well.
- Hollins recalled that Witness 10 reported to him that Coleman had given him "nude backrubs." Hollins said he reported it immediately to Andrews. Andrews does not recall this

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<sup>65</sup> Andrews did not recall this incident during his interview with Foley Hoag.

<sup>66</sup> Witness 57 reported that he was in a full leg cast at the time and could not navigate the stairs in the dorm. The school put him in Coleman's guest room as a temporary accommodation.

meeting, but neither does he deny that it took place. Based on the precipitous nature of the school's termination of Coleman so promptly after Witness 10 came forward with information, Andrews told us it is "plausible" that the school had pre-existing concerns about Coleman.

During our interview with Zane, Zane strongly disputed accounts suggesting that he had been warned about Coleman more than once. He recalled being alerted to Coleman's dinner parties and backrubs (he could not recall the source) and told us he told Coleman to stop. He also told us that he informed Andrews, who succeeded him as headmaster, about the warning he had given Coleman.

During our interview with Andrews, Andrews did not recall learning any negative information about Coleman before being advised by Kosseff that Coleman had engaged in misconduct with Witness 10. He recalled that this was the only time, during his relatively short tenure at St. George's—or his career, to that point—that he had to fire someone. Andrews also told us that, while he did not recall any complaint about Coleman before Witness 10's complaint in 1988, he believed, given the severity of the school's response, that it seemed likely that he was aware of prior questionable conduct before 1988.

### *Terminating Coleman*

St. George's School terminated Coleman on May 6, 1988. Recollections of the facts and circumstances of the termination have grown dim with the passage of time, but certain elements appear undisputed, specifically that: (1) one or more members of the St. George's administration were told by a student that Coleman engaged in sexually inappropriate conduct with students; (2) the school confronted Coleman with the allegations, and he did not deny them; and (3) the school terminated Coleman and removed him from campus immediately.

The weight of the evidence supports the view that Witness 10 told Kosseff, the school psychologist, about a planned weekend trip to Boston with Coleman where Coleman would expect Witness 10 to sleep in the same bed as Witness 10. Witness 10 told Kosseff details of Coleman's abuse; it is not clear whether those disclosures occurred before or after Coleman's termination.

Three administrators have provided accounts about Coleman's termination.

### **Kosseff's Account**

In his interview with Hannum, Kosseff reported that a student disclosed in the spring of 1988 an incident in which he was completely nude in front of Coleman and that this information led to Coleman's termination.<sup>67</sup> According to Kosseff, the student provided names of additional students

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<sup>67</sup> As noted, Dr. Kosseff did not respond to our request for an interview.

who may have been targeted by Coleman and those students, when contacted, provided similar stories. Based on the students' accounts, Kosseff fired Coleman in the presence of Andrews and Hollins. Kosseff confronted Coleman with the allegations against him, and Coleman did not deny them.

Kosseff reported to Hannum that Coleman agreed to sign a letter saying he would not seek employment with another boarding school, but this condition was ultimately left out of the agreement between St. George's and Coleman. Instead, the agreement specified only that Coleman could not seek future employment with St. George's.

### **Hollins' Account**

Hollins recollection of the termination is different, but consistent on key points. Hollins reported that Witness 10, his academic advisee, came to him and said that Coleman had given him a naked backrub. Hollins said Witness 10 did not tell him of any other kind of sexual abuse. Hollins told us he, in turn, reported the information to Andrews, and Andrews instructed Hollins to fire Coleman. Hollins described the situation as awkward (he told us he thought it should have been Andrew's job to fire Coleman). But Hollins said he did as Andrews directed; he called Coleman to the headmaster's study; described the nature of allegations against him (a naked backrub); and Coleman did not deny any of it. He simply apologized and said he would go. Hollins told Coleman he had to leave the school immediately and said that Hollins' wife, Betsy Hollins, would help him pack up his things. Hollins also told Coleman that he would write him a letter of support, but not to a boarding school.

### **Andrews' Account**

Andrews recalled the least about the termination. He remembers that it was the first time he had ever fired someone, but recalls having heard only that Coleman had given Witness 10 a massage, not a nude massage. Like Hollins, Andrews does not recall being aware of any sexual misconduct other than a massage.

### *Agreement and Release*

Coleman and the school entered into an Employment Termination Agreement and Release ("Agreement") in which the school paid Coleman a lump sum "settlement payment" of \$10,000 in exchange for his "voluntary resignation from employment effective May 6, 1988."<sup>68</sup> The Agreement provided that its execution "shall not be construed as an admission of a violation of any statute or law or breach of any duty or obligation by either the School or Coleman" and released the school from any potential liability for employment-related claims.

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<sup>68</sup> Exhibit 24.

### *Remarks to Students About Coleman's Departure*

On May 7, 1988, the day after Coleman's termination, Headmaster Andrews notified St. George's students of Coleman's departure at an assembly attended by the entire student body. Based on a written copy of the remarks contained in the school's files, Andrews told the students the following about Coleman's termination:

Yesterday afternoon at 5:00 p.m., Mr. Coleman came to me and asked to resign as our Organist and Choirmaster – effective immediately. I accepted Mr. Coleman's resignation because of the specific reasons he gave me regarding his decision.

Due to the increasing emotional stress he has been experiencing and because of the pressures and demands on his life, Mr. Coleman felt the strong personal need to immediately separate himself from our school community.

I have always had the highest regard and respect for Mr. Coleman – as a professional and as a person... my primary commitment is to him and his health and well-being. Therefore, I accepted Mr. Coleman's resignation.

It is essential for each one of us to accept Mr. Coleman's decision.

Yes, his resignation will have a definite impact on our community, and we will feel his separation deeply.

However, we must respect his desire to leave and support him in his decision.<sup>69</sup>

Two former students who were close to Coleman expressed the view that Andrews was dishonest with the student body regarding the circumstances of Coleman's departure. Witness 10, whose disclosure prompted Coleman's termination, said he did not want the entire school to know what happened, so he did not care that Andrews' remarks were not truthful. But he still characterized the statements as a "lie." In retrospect, Andrews himself expressed discomfort with the wording of the remarks, saying looking at the remarks today makes him "ill to [his] stomach." Coleman did *not* resign, Andrews said; he was terminated.

Andrews told us the remarks were written with the assistance of Dan Hollins, the Dean of Faculty. Hollins did not recall participating in the preparation of those remarks.

### *Did St. George's Provide Recommendations for Coleman?*

Zane provided a letter of recommendation for Coleman on November 5, 1982, years *before* Coleman's termination from St. George's. Although the circumstances are unclear, Coleman appears

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<sup>69</sup> Exhibit 25.

to have reached out to IES early in his third year at St. George's to apply for other teaching jobs. Zane described Coleman as an "extremely able musician" and "fine teacher," adding, "I don't want to lose him, but I certainly can sympathize with his motives for wanting to move on."<sup>70</sup> We have been unable to determine whether Zane wrote this letter of recommendation before or after he warned Coleman against giving backrubs to students.

We have seen no evidence that Andrews *wrote* any recommendation letters for Coleman either before or after his termination, and Andrews does not recall having done so. (Andrews left St. George's after the end of the 1988 school year, weeks after Coleman's termination, so there would have been a limited window of time for him to have provided a recommendation letter in the capacity of Headmaster.) It does appear, however, that he was aware that Dean of the Faculty Dan Hollins provided at least one recommendation for Coleman.

Hollins did, in fact, provide at least one and likely more recommendations for Coleman after Coleman's termination. Hollins described that recommendation, made by telephone to a day school in New Jersey, in a May 29, 1988 memorandum to Andrews and Richard Verney, then chair of the Board of Trustees.<sup>71</sup> (Hollins also told Andrews and Verney in the memo that he had discussed the recommendation with the school's counsel at Edwards & Angell before making it.) He summarized his recommendation as follows:

Franklin had been an enormously successful Choirmaster, music teacher and organist during the eight years he had been at St. George's. He resigned due to emotional stress due to being overly involved with his job. Boarding school was consuming his life. For example, he used up his Christmas vacation going to England to plan for a spring vacation Choir trip. Then, obviously, he spent his spring vacation with the Choir in England. While at St. George's, every weekend was devoted to the Sunday Choir performance . . . . I also told [the school] that if I were Franklin's headmaster, I would watch to be sure that Franklin did not become overly involved with his job or his students. I would make sure that Franklin got into Philadelphia often and that he had adult friends and a cultural life that had nothing to do with the school. I stressed that this is what Franklin wants to have happen and the headmaster should be sure it does.

The memorandum also states: "This recommendation, and any others, I may be asked to make, was and will be, by telephone only."

When we spoke to Hollins, he confirmed that he had made recommendations for Coleman, but expressly did not recommend him for a position at a boarding school. He also said that when he

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<sup>70</sup> Exhibit 26.

<sup>71</sup> Exhibit 27.

made the recommendation, he had been told that Coleman gave a student a nude massage, but had not been told that Coleman touched students' genitals or watched pornographic movies with students. Had he known these additional facts, he said, he would not have provided a recommendation for Coleman.

By letter dated August 7, 1988, Coleman thanked Dan and Betsy Hollins for "all the offers of help and recommendations" they had made.<sup>72</sup>

### *Notification to Law Enforcement?*

St. George's did not notify the Department of Children and Their Families or law enforcement of Coleman's conduct. Andrews could not recall any discussion, including with legal counsel, regarding whether Coleman's conduct should be reported to the police or child protective services. Documents suggest, however, that Edwards & Angell advised the school, following consultation with the Department of Children and Their Families, that he need not do so. We address the question of whether Coleman's conduct was legally required to have been reported at pp. 132 to 141; we conclude that the answer is not clear.

### *After St. George's*

Coleman took a job at Mt. Airy Presbyterian Church in Philadelphia, Pennsylvania three months after leaving St. George's. In the letter to Dan and Betsy Hollins dated August 7, 1988, he described having accepted the job at Mt. Airy and being "busy trying to plan for the four school choirs I will have without having heard more than two of the members of any of them."<sup>73</sup> It is not clear which school choirs Coleman was referring to in his letter.

From 1992 to 1997, Coleman taught at the Wilmington Friends School in Delaware. The Wilmington Friends School was not aware of any allegations of abuse by Coleman during his time there.

In 1997 Coleman began working for Tampa Preparatory School in Tampa, Florida. On August 12, 2002, St. George's received a letter from a law firm in Tampa, Florida seeking "background information" about Coleman on behalf of Tampa Prep, which hired Coleman five years earlier. The firm requested "a complete copy of any and all documentation you have in your possession with respect to Mr. Coleman, while he was a faculty member with your institution" and provided a release form signed by Coleman authorizing St. George's to furnish Tampa Prep with "any and

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<sup>72</sup> Exhibit 27.

<sup>73</sup> Exhibit 27.

all information in their possession regarding me.”<sup>74</sup>

St. George’s passed the letter along to its outside counsel at Edwards & Angell. On September 6, 2002, counsel sent a short response letter, enclosing a copy of the Employment Termination Agreement and Release signed by Coleman on May 6, 1988.<sup>75</sup> Counsel did not furnish Tampa Prep with any additional documents or information. As discussed above, the Employment Termination Agreement and Release describes Coleman’s termination as a voluntary resignation and releases St. George’s from any claims that Coleman may have against it. We reached out to St. George’s former counsel at Edwards & Angell, and they declined our request for an interview.

Tampa Prep responded to our inquiry by saying it would cooperate fully with law enforcement, but declined to participate in our investigation. We have not been able to independently determine why Tampa Prep sought information from St. George’s about Coleman in 2002, apparently some five years after Coleman started working there.

As discussed below, Witness 4 called Tampa Prep in 2005 and reported that Coleman had groomed and molested him twenty years earlier at St. George’s.<sup>76</sup> He then called St. George’s and spoke to its new headmaster, Eric Peterson, regarding his experience as a student with Coleman and his call to Tampa Prep.

In 2008, Coleman retired from teaching and relocated to New Jersey, where he continued to offer his services to religious and other institutions in the New York metropolitan area as a substitute organist or choral director.

### *Coleman’s Response to the Allegations*

Coleman did not respond to our request to speak to him about his time at St. George’s.

### *Conclusions Concerning Coleman*

Our conclusions about Coleman in many respects mirror those concerning our conclusions concerning Gibbs. In fact, the school had *more* information about Coleman’s specific misconduct than it had either about Gibbs’ or White’s, but the only action the school appears to have taken—Zane’s warning—was ineffective. Even after White’s dismissal, the school continued to permit faculty members to take students on overnight trips (sometimes at the school’s expense). And

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<sup>74</sup> Exhibit 28.

<sup>75</sup> Exhibit 29.

<sup>76</sup> Witness 4 recalls that he reached out to St. George’s about Coleman in 2004, but documents provided by the school suggest that it was 2005.

even if approved by lawyers, the decision to recommend Coleman to other schools, where he would have the opportunity to serve as choirmaster to other boys, again reflects a failure to consider the impacts Coleman had on the boys he abused at St. George's—and others he might come in contact with at other schools.

### *Susan Goddard*

Susan P. Goddard was a part-time nurse who worked at St. George's School from June 1976 to September 1998. In 1979 and 1980, Goddard, who was then in her late 30s, engaged in sexual misconduct with a male St. George's student when the boy was a junior and senior. When Goddard distanced herself from the student shortly after his graduation, the student attempted suicide by driving a moped into a wall.

### *Goddard's Sexual Misconduct Against Witness 87, Class of 1980*

Witness 87 came to St. George's in 1976, when he was 15. He recalled Goddard, who was then 33 or 34, as an attractive and approachable person on campus. She welcomed interactions with students and allowed them to watch television in the infirmary while she was the nurse on duty. Witness 87 was one of many students who spent free time in the infirmary, but instead of watching television and socializing with other students, he talked with Goddard.

He and Goddard became friends. He was depressed at the time and would frequently share his views on life with Goddard. During one such conversation, Goddard embraced him. This was the first physical between them, and began a period in which they would embrace, but nothing more.

The following year, his junior year, Goddard engaged in sexual misconduct with Witness 87 that would continue throughout his senior year. Goddard had an overnight shift approximately once a month, and their sexual interactions were largely restricted to those nights at the infirmary. Once they began having sex, the two did not miss the opportunity during an overnight shift. Witness 87 did not have a roommate his junior or senior year, allowing him to sneak out. Goddard would warn him not to talk about being tired the next day. Witness 87 would also see Goddard when she was at school for her day shifts, even though there would be no opportunity to have sex.

Occasionally, they would meet and drive off-campus. They would do this on the weekend on Goddard's free time, and during the day when there was no need for Witness 87 to sign out in order to leave campus. Witness 87 provided us with a Xeroxed image taken on a trip he and Goddard took to Newport together. Witness 87 and Goddard were walking through Newport holding hands when they found a shop with a self-serve Xerox machine and made an image of their hands together (and Goddard's wedding ring visible). On the Xeroxed paper is a sentimental note from Goddard to Witness 87 that Goddard added later.

More commonly, they would drive and have sex in her car or a motel. Witness 87 recalled drives to Tiverton, Brenton Point, and a motel in Middletown.

Twice, Goddard showed up unexpectedly at Witness 87's dorm room and the two had sex.

At one point, Goddard told Witness 87 that, although she had a tubal ligation, she was pregnant and it was his child. Goddard said she wanted to keep the child, and Witness 87, although he felt conflicted, agreed. Witness 87 went on vacation shortly afterward. When he returned, Goddard told him she had miscarried while jogging.

Around graduation, Witness 87's depression worsened as his situation with Goddard became uncertain, in part because she began to make remarks such as, "I screwed you up," which he did not fully understand at the time. Shortly after graduation, Witness 87 called Goddard to see her. He went to meet her, but she did not show up. Goddard's failure to show up further depressed Witness 87, and he went to a party determined to get very drunk. After the party, he got on his moped and, in a suicide attempt, drove into a wall. The crash led to five skull fractures. When Witness 87 left the hospital, Goddard told him that she had made a deal with God that if Witness 87 lived she would not sleep with him anymore.

Witness 87 returned to St. George's in two later summers to be a dorm master and a teacher. He saw Goddard those summers, but they did not resume sexual activity. During one of these summers, Goddard provided Witness 87 with a photograph of her in a nightgown.

### *St. George's Knowledge*

We have no evidence that faculty or the administration at St. George's knew of Goddard's sexual misconduct with a student. Witness 87 reported that there was a cleaning lady in the infirmary who would see Witness 87 there overnight. Witness 87 asked Goddard about it, and Goddard told him not to worry.

### *Goddard's Response to the Investigation*

Through counsel, Goddard declined our request to speak with her.

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## Student-on-Student Assaults, 1970 to 1989

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### *Hazing, Bullying and Public Sexual Assault*

In the course of our investigation, many witnesses provided accounts of dorm life in the 1970s and 1980s. For many students, the absence of adult supervision was the single defining feature of residential life at St. George's. Each dorm had assigned dorm parents who lived in houses or apartments with doors that generally opened onto dormitory floors. But in many dorms (for boys, in particular, Auchincloss) dorm parents were present only in theory, and rarely appeared in the dorm hallways. The daily management of the dorms—dorm check-ins, enforcement of study hall time, enforcing other dorm rules: these became the day-to-day responsibility of dorm prefects, seniors or, on occasion, juniors, who lived in the dorms and as a practical matter made the rules for the younger boys.

Some prefects doubtless discharged these responsibilities conscientiously and honorably. Others, however, used their positions to make the lives of the younger boys in the dorms miserable, and to create an atmosphere where physical abuse became a regular part of the younger students' lives. "Swirlies"—placing a boy's head in the toilet and flushing it; giving younger boys what students called "purple nurples" or "titty twisters," punching boys in the testicles, and taking slap shots at boys with hockey pucks were part of daily life in some dorms.

This was no secret. More than one of the school's yearbooks referred to prefects in terms that created little doubt that, in some dorms, cruelty prevailed. One senior prefect's yearbook page proclaimed him "Lord of Auchincloss." Another included the phrase, "Oh my god, [student]'s on duty." (This student raped Groome with a broomstick.)

Public rituals gave additional life to this culture. The "Quad Run" was one. Once each fall, freshman boys were rounded up by senior prefects, ordered to strip to their undershorts, and directed to run around the quad. Many students, including the girls, stood and watched as the younger boys—generally thirteen or fourteen years old, some barely into puberty—took the required run around the campus's central locations. Many students we spoke to found the experience humiliating. Prefects organized and directed the Quad Run, but no event that public could have gone on without the knowledge and tacit approval of the school's leaders.

This context of hazing and bullying clearly set the tone for at least some of the student-on-student assaults we heard about.

### **Harry Groome, Class of 1982**

Groome came to St. George's as a freshman in 1978. He was fourteen. In approximately November 1978, on a weekend night when the other two seniors who served as dorm prefects were off campus, the dorm prefect who had remained at school came into the hallway of Auchincloss, where Groome lived, and screamed, "Out of your rooms!"

Five to eight freshmen came into the hallway, where the dorm prefect waited with two other seniors. The prefect picked Groome out of the group and told him to stand on a garbage can. The prefect told him to pull down his pants and his underwear. Groome could smell alcohol on the prefect's breath. Groome pulled down his pants and underwear, and the prefect took a broom and moved the tip of the broomstick around his anus. After about twenty seconds of this, the prefect inserted the broomstick and raped Groome in the presence of the other boys whom he had ordered to assemble in the hallway, all the while saying "diabolical" things to Groome. The incident was extremely painful and humiliating. After it was over, the perpetrator told Groome to get down, and he ordered everyone back to their rooms. Numerous witnesses who came forward in this investigation reported the incident.

The other prefects in the dorm returned a day or two after the rape. One of the prefects told Groome that he had heard about the incident and asked Groome if he was going to tell. Groome said no. The prefect approved, but said that if it happened again, Groome should come see him. Given what Groome called the "code" at the time, Groome interpreted the prefect's comment as support. It was as much support as he got at the time.

Groome felt that everyone at St. George's knew about the incident. A photograph in the 1979 yearbook depicted Groome sitting in a trash can with a hockey stick, and the caption, "it's better than a broomstick."

### **Felicia Johnson, Class of 1985**

Felicia Johnson attended St. George's in the early 1980s. She was subjected to two instances of humiliating and degrading sexual hazing during her time at the school.

During her freshman year, Johnson, one of a small number of female students of color at the school, was attacked by a group of about eight girls in her dorm while entering the bathroom to shower. The girls pulled off her towel and wrote words like "whore" and "cunt" on her body with a permanent marker. There were three main perpetrators; the other girls held her down during the attack. Johnson was incredibly upset and devastated. Two days later, Johnson went to a female faculty member living in the dorm (now a former faculty member) and reported the incident. The faculty member told Johnson to be careful and suggested she might not want to fight this battle, since she was on scholarship. Johnson spent the next week covering up the words on her body (which took over a week to fade off completely). She thought about leaving St. George's, but

ultimately decided to stay, keeping her distance from the girls in her dorm for the remainder of the year.

The following year, Johnson was subjected to a similar attack in a different dorm. While going to the shower one afternoon, she was attacked by a group of approximately six girls, who pulled off her towel and attempted to insert the hose of a vacuum cleaner between her legs. Johnson was on the ground, trying to fend off her attackers. One of the perpetrators took a photograph of the incident and provided one to Johnson, who in turn shared it with us as part of this investigation. It contains a graphic depiction of Johnson's humiliation.

Johnson reported the second incident to a female faculty member who was a dorm parent in the dorm where the attack occurred. The dorm parent advised Johnson to see Dr. Kosseff, the school psychologist. Johnson believed the referral to have been prompted by the dorm parent's concern that Johnson was unable to get along with her peers, *not* because of the trauma associated with the attack. Johnson felt that she was being blamed. She spoke with Kosseff, and informed him of the attack with the vacuum hose. She is not aware of what, if anything, Kosseff did in response, though she noted that he did try to make her feel better.

When this investigation became public, Johnson posted a description online of what had happened to her at St. George's. One of the girls who had attacked Johnson in her freshman year acknowledged what she had done and by apologized. As noted, Johnson is an alumna of color and one of the few minority girls who attended St. George's during the early 1970s. None of her attackers stated, during the attack, that it was racially motivated, but Johnson believed that it was.

Johnson changed her entire routine after the attack to avoid having to shower at the same time as her peers. She began waking up extremely early in the morning, as early as 4:30 a.m., to shower in an empty bathroom.

### *Other Sexual Assaults*

#### **Alice Forster, Class of 1978**

Alice Forster reported that she was raped by a senior in the 1970s, during her freshman year. She was thirteen years old at the time. Forster recalled that there was a co-ed indoor swimming pool in one of the boys' dorms and that she went one evening for a swim. She described the pool as old-fashioned, with narrow benches along the perimeter and tiled walls. She recalled being alone and swimming slow laps when a senior showed up and started swimming laps. At some point, the senior slowed his pace and started swimming alongside Forster, then under her, then away, then back again. Intimidated, Forster swam to the shallow end of the pool, where the senior cornered her. He started kissing and fondling her in the water, then raped her, pinning her against the pool wall. When it was over, he told Forster not to tell anyone, and he left the pool. Forster was in shock after the assault: She was both physically hurt, and emotionally terrified. She was fearful of

her attacker, and recalled being frozen and shutdown. Shortly thereafter, she became preoccupied with the possibility of a pregnancy at age thirteen, and then developed a deep sense of shame and depression. This was her first sexual encounter, and it left Forster traumatized. The senior never spoke to her again, and she avoided him at all costs.

Later in her freshman year, after returning from winter break, Forster was sexually assaulted again; she was then barely fourteen years old and still depressed and in shock from her rape that fall. A female friend of Forster's in the class above was friendly with some older male students. One night, soon after winter break, she asked Forster if she wanted to go over to one of the boys' rooms. Forster agreed. She recalled staying in the doorway of the room, while about four male students sat inside. One boy, a senior, spoke with her while she was standing in the doorway, ultimately beckoning her in the room. The boys had some sort of liquor, and were smoking pot or hash from a bong. Forster had never smoked pot before, but she smoked that night and became very disoriented; she recalled that she was extremely high and also drunk. Eventually, the senior boy asked her to sit on his bunk with him; Forster did so, following his lead throughout, noting that she was significantly impaired by this point. He began kissing Forster and eventually pulled down her pants. He then proceeded to have sex with her; Forster laid there, scared and not knowing how to respond and not wanting to draw attention to the situation. The male student was being deliberately discreet, pulling a comforter over them, so that the other students in the room were not aware.

In the early morning, Forster's female friend roused her from the senior's bed, where she had spent part of the night either passed out, asleep, or some combination of the two. She and her friend put on boys' coats, in the hopes that they would not be detected returning to their dorm. They had not gotten very far when a female faculty member called from her house, "YOOOOO HOOOOO! Mr. Hollins is waiting for you in the Headmaster's office." Forster and her friend went to see Mr. Hollins, separately. At their meeting, Hollins commented, "Look, I don't know you from Adam, but we all know you like the boys." Forster does not know why he made this comment; he did not know Forster, and her only other interaction with St. George's male students had been her rape that fall, which was not known (Forster does not believe her rapist told anyone). Forster and her friend were brought before a disciplinary committee for being in a boys' dorm and suspended for one week; the boys were not disciplined. Forster recalled being scared, ashamed, embarrassed, and humiliated. She was reeling from what had happened the night before and yet was being disciplined for a rules violation. Explaining the situation now, she writes:

Obviously I had broken a rule, there was a disciplinary meeting held, and I was sent right home again, suspended for a week after having just been home on break. A totally shaming experience but one I suppose I deserved. However, I was 14 years old. There was no investigation into what had gone on in the boys' dorm, no one wanted to know, it was just considered trashy behavior, and

the boys were left out of it. In hindsight I see a huge gap in the handling of this matter. I was a child, there had been alcohol, drugs, sex, the faculty KNEW we were in there and waited until we came out to catch us. Had they simply come upstairs into the room they would have seen the whole picture. A picture I think they deliberately avoided seeing because they didn't want to deal with it.

Hollins had no recollection of this incident.

### **Witness 78, Class of 1976**

Witness 78 reported that she was raped by a male classmate in the winter of her senior year. Shortly after arriving back from winter break, she went to the Tuck Shop (the school's snack shop), as students often did in the one-hour break after study hall and before lights out. As the end of the hour approached, Witness 78 made her way back to her dorm. To get there, she had to walk through a boy's dorm. While walking through the dorm, a boy she knew appeared on the stairs and called out to her. Witness 78 was wearing a ski jacket embroidered with a red and black design. The boy, who appeared to be high at the time, said "Hey there Little Red Riding Hood," and "I'm the Big Bad Wolf, and I'm gonna eat you up." Witness 78 ignored the boy and went on to her room.

While she was sleeping, the boy opened the window next to Witness 78's bed and climbed through. Witness 78 (who was a virgin) remembers waking up to the boy stepping onto her bed, smelling of alcohol, trying to sit her up to unbutton and pull down her one-piece "union suit" pajamas, and then raping her. When it was over, the boy got dressed and left her room. The next day, he bragged about having had sex with Witness 78. By the following evening, Witness 78 was being taunted by girls in her dorm, and her best friend and boyfriend was devastated because he had heard about the incident as well.

### **Witness 16, Class of 1981**

Witness 16 was raped by a male student during the summer of 1979, the summer before her junior (fifth-form) year. The student rapist was in the Class of 1980, one year ahead. Her first interaction with the perpetrator came at Casino Night the prior fall. Witness 16 recalls a female faculty member giving her and other new girls playboy bunny costumes, which the girls had to wear throughout the event (which was attended by faculty as well as students). Witness 16 recalls being cold and uncomfortable in the costume. That night, the perpetrator approached Witness 16 and tried to get her to leave the event with him. She declined.

After classes ended that year, Witness 16 attended an off-campus party in New York, the "Senior Party" at which almost all seniors were in attendance, along with many underclassmen. There were some sophomores and juniors present, but it was mainly seniors. People were drinking and smoking pot, and at some point during the night, Witness 16 lost track of her friend who came

with her to the party and at whose house she was staying. The perpetrator then approached and offered to help Witness 16 find her friend.

The perpetrator walked Witness 16 into a nearby field. He asked her if she was a virgin, and she said yes. Because she was worried about what might happen next, she told him she was on her period. The perpetrator then held Witness 16 down and put his penis in her mouth. Witness 16 is not sure how long this lasted. She recalls that at one point, car lights panned onto them and she heard boys laughing; she believes they had been watching the rape happen. She could not tell who they were. At some point during the rape, Witness 16 gagged and vomited, at which point the perpetrator left her in the field. She returned to the house, where two recent female graduates helped clean her up. Another boy at the party then walked Witness 16 back to her friend's house. He accompanied her into the house and tried to kiss her, but when she said no, he left.

Later that summer, Witness 16 was on Martha's Vineyard with friends when the perpetrator walked by and made a crude comment directed at her.

Witness 16 disclosed her rape to a therapist in freshman year in college and received counseling. She credits this early intervention for having helped her deal with what happened in as healthy a manner as possible.

Witness 16 disclosed another sexual assault that occurred in her senior year at St. George's, when she was seventeen years old, involving a graduated St. George's alumnus who was five years older. Witness 16 met the alumnus at a fundraising event in New York. Witness 16 had been asked to attend by Bill Schenck, the college counselor, given her success in college admission, and went at the school's encouragement. The alumnus encouraged Witness 16 to leave the event with him, but she declined.

About one month later, the alumnus showed up on campus and found Witness 16. He drove onto campus in his car. Bill Schenck was present when the alumnus picked up Witness 16 and Schenck commented, "Take good care of her." Witness 16 is not sure what he intended by this comment, but at a minimum, she noted that a faculty member was aware that an older male was going off with a younger female student. Witness 16 then went with the alumnus down to the beach, in his car, where he gave Witness 16 drugs and alcohol he had brought with him. Witness 16 does not know if he took the same substances he gave her; he was, however, able to drive. The alumnus then had sex with Witness 16 in his car. Witness 16 later recognized that she was incapable of giving consent, and that this constituted a drug-induced sexual assault. She is unclear what drugs were given to her; she only knew that intercourse had occurred, but could not remember details, and she may have blacked-out. She has since had recurrent visceral flashbacks, remembering what her body felt like not wanting to have sex.

### **Witness 11, Early 1980s**

Witness 11 attended St. George's in the early 1980s. In his junior year, while sleeping in his dorm

room, he was suddenly awoken by five or six male students who entered the room, flipped him from his stomach to his back, and applied Vaseline to his buttocks. There was no penetration or attempt to do so. Witness 11 described the incident as happening very quickly. He felt defenseless and interpreted the incident as hazing and an attempt to assert dominance over him.

### **Witness 102, Class of 1986**

Witness 102 attended St. George's in the early- to mid-1980s. One night in the fall of his freshman year (1982), Witness 102 was awoken by a male intruder, who had pulled down his pants and was fondling his penis. Witness 102 was not sure who the intruder was, but he thought it may have been a particular student he identified to us. The following morning, Witness 102 saw that his lightbulb had been unscrewed. He took a butter knife that morning at breakfast and kept it under his pillow for the next few months.

Sometime before Christmas or Thanksgiving break, Witness 102 was told to meet with the Dean of Students (Jon Harris) and one of the dorm parents in his dorm (Porky Clark), who asked if someone had been in his room. Witness 102 said yes, and told the faculty members about the butter knife he kept under his pillow. Although he does not recall the details of the meeting, he generally remembers that it lasted about five minutes and resulted in no specific action on the school's part.

Around the same time, a prefect in the dorm woke up Witness 102 in the middle of the night and told him to leave the room. The prefect brought Witness 102 to the prefect's room and said he needed to sleep there that night for his safety. There were three other freshmen boys in the room, and in talking with one another they realized that each had been touched by an intruder in the middle of the night. They spent that night in the prefect's room, and then left for the holiday break.

Witness 102 does not recall any faculty member speaking to him about the incident after he returned from break, and he never learned identity of the intruder. When St. George's announced in April 2015 that it was launching an investigation, Witness 102 talked to his parents about what happened, and they said no one from the school ever contacted them.

Witness 102, however, believes that a male student involved in these nighttime assaults may have been expelled over winter break in that year. Witness 102 gave us the name of one boy he believe may have been involved; that student, and another, were expelled on December 16, 1982 for what the school formally called "particularly offensive bullying of new boys." It appears that these students were expelled based on reports that they had inserted a pencil in at least one student's rectum. Headmaster Zane confirmed that he had expelled two students for inserting a pencil in another student's rectum. Zane did not recall name of the student victim and no victims of pencil attacks came forward in our investigation.

### **Witness 62, Early 1980s**

Witness 62 attended St. George's in the early 1980s. In 1983, the spring semester of his sophomore year, he returned to the dorms from a semester on Geronimo and had a single room. One night within the first week of staying in that room, shortly after he had fallen asleep, a male student came into his room, pinned Witness 62 down by his wrists, and started to kiss him. Witness 62 thought that the intruder, who was bigger and stronger, was trying to rape him. He yelled and fought back, and after about a minute, the intruder left. As he opened the door, the intruder covered his face with his shirt, but Witness 62 observed that he had curly hair and had a big build. Witness 62 thinks he knows who the intruder was but is not entirely sure. Apart from this incident, he had no other run-ins with the individual.

For the remainder of that year, Witness 62 slept with a baseball bat and knife and barricaded his door before going to sleep. He slept lightly and was in fear of another assault. He left the school at the end of the year, primarily because of the incident and the effect it had on him.

### **Witness 116, Class of 1983**

Witness 116 attended St. George's in the early 1980s. He reported that he was anally raped with a lacrosse stick on three occasions during the fall of 1980, his sophomore year and first year at the school. The rapes were the culmination of escalating bullying and hazing. The bullying included being subjected to "waffle bellies," in which the prefects in his dorm would pull his shirt up, place a tennis racket head on his stomach, and smack it with a hair brush, leaving a waffle pattern. There was some punching involved as well. The boys responsible would ridicule Witness 116 as they were bullying him.

The bullying became recurrent and would usually take place after lights out. Witness 116 became fearful of a knock at the door late at night, or of the door being opened and the prefects entering his room. He decided to fight back, but that only made things worse. By approximately November 1980, things had escalated to the point where Witness 116 was getting roughed up every night. He would fight back, but it was two or three boys against one.

At some point, the prefects started "waffling" Witness 116's buttocks. Then, one night, the prefects took matters further: they pulled his pants down and penetrated him with a lacrosse stick. Witness 116 was raped with a lacrosse stick three times. The perpetrators told him to stop struggling and to stop fighting. They told him not to tell anyone, and that if he did tell, no one would believe him.

It was a painful, humiliating experience. Witness 116 did not know what to do, but he stopped fighting. He felt lost. He did not tell anyone about what happened. After the third time he was raped, the prefects left him alone. "I guess they felt they taught me a lesson," he said.

### Unidentified Student, early 1980s<sup>77</sup>

In December of 1982, two senior male students were expelled from St. George's after they sexually assaulted a younger male student, inserting a pencil into his anus.<sup>78</sup> After their expulsion, Zane made a statement at the school assembly, at which, by many students' accounts, Zane was furious, explaining that this type of behavior was wholly inappropriate.

Zane recalled expelling the two students, and he believed he may have proceeded outside the normal Disciplinary Committee process. Though he did not specifically remember making an announcement at an assembly, it was his practice to explain to the student body why certain discipline was taken. He also noted that he would have spoken to the two students prior to their expulsion.

Zane could not recall how he learned about the assault. One student, Witness 112, recalled hearing about the assault and going to a faculty member and then Jon Harris, the Dean of Students, to report the abuse. Another student, Witness 130, recalled going to another faculty member and then to Harris after one of the senior male perpetrators entered his dorm bathroom and placed Witness 130's toothbrush against his (the perpetrator's) genitals. In discussing this incident with Harris, Witness 130 recalled that Harris made an exasperated comment referencing an assault with a pencil; Witness 130 had not before heard about any assault with a pencil. When asked about two seniors' assault of a younger boy with a pencil, however, Harris had no recollection.

A number of students present at St. George's during the 1982-1983 academic year recalled the incident, offering it to us either independently or when asked about hazing.

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<sup>77</sup> Because the individual who was assaulted did not contact us, we have referenced this assault in general terms in the interest of his privacy.

<sup>78</sup> Documents from the school support that the two senior students were "[e]xpelled for particularly offensive bullying of new boys."

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## Other First-Hand Allegations Against Faculty, 1970 to 1989

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In the course of our investigation, we received reports of several other faculty or staff engaging in inappropriate conduct, including sexual misconduct, that we judged sufficiently credible, and not contradicted by other evidence, to warrant inclusion in the report. Unlike the reports of abuse by Tefft, Lydgate, White, Gibbs, Coleman and the sexual misconduct of Goddard—all corroborated by independent evidence—reports of conduct described here came solely from the witnesses who reported them. We have been unable to corroborate these additional allegations with independent evidence. At the request of the individual students reporting this conduct, we will inform St. George's School of the identities of the individuals whose conduct is described below.

### **Witness 64, Student, Mid-1970s**

Witness 64 reported that during her sophomore year, in the mid-1970s, she was raped by her faculty advisor, with whom she was quite close. The faculty member dropped Witness 64 off at the airport at the beginning of a school break, and she went to give him a peck on the cheek as she left him to catch her flight. Someone turned, and it inadvertently became a kiss on the lips. After returning from break, Witness 64 went to see the faculty member in his office, and he raped her there. After Witness 64 avoided the faculty member for a long time, he sought her out and told her that the kiss at the airport made him think she wanted to have sex with him.

### **Witness 115, Class of 1977**

Witness 115 reported that in the mid- to late-1970s, a teacher invited her to his house to have tea and take photographs of her. Witness 115 does not recall how the teacher introduced the idea of taking pictures. To her knowledge, the teacher was not a photography enthusiast. It was not uncommon for students to meet with faculty in their homes, but Witness 115 had not previously been to the teacher's house. She remembers going to the house, sitting in a chair across from the teacher, and drinking the tea he gave her. There was no one else home at the time. Then she suddenly blacked out. Witness 115 believes the teacher drugged her. She does not know what happened while she was out, including whether the teacher sexually assaulted her or took photographs; she suspects, however that something happened to her after she blacked out. Witness 115 could not recall the moment she came to, other than that she was back at school. She does not recall leaving the teacher's house. The faculty member is now deceased.

### **Witness 50, Class of 1979**

At the end of her junior year, in the late 1970s, Witness 50 stayed on campus after the school year ended to help with alumni weekend. Her job was to make the beds in the Arden-Diman dorm. During that time, Witness 50 ran into a faculty member who had always been friendly and chatty with her. They were near the entrance to the dorm on the quad, and the teacher kissed her.

The next fall, when Witness 50 was a senior, the faculty member (who by then was a *former* faculty member, having gone to graduate school) invited her to a Halloween party in Massachusetts. Witness 50 left the school's campus and attended the party with a friend. The former teacher gave her drinks throughout the evening, and at the end of the night, she went with the former teacher to his apartment, where she passed out. She remains unsure if she passed out from drinking or because she was given some kind of drug. Witness 50 woke up with smeared makeup and blood in the bed. She did not feel like she simply had a hangover, a feeling she was familiar with. She spoke with the former teacher in the morning, and he did not say what had happened. At the time, she was not sure whether there had been intercourse, but she later remembered that there had been. Years later, Witness 50 came to the conclusion that the former teacher had raped her.

### **Witness 79, Class of 1976**

Witness 79 reported that during her junior or senior year, in the mid-1970s, a faculty member who had recently left his St. George's teaching position returned to campus for an event. Witness 79, the faculty member, and others went to dinner. The faculty member drove Witness 79 and other students back to campus. The other students were dropped off first, leaving Witness 79 and the faculty member alone in the car. The faculty member leaned over and kissed Witness 79, and tried to talk her into going home with him. She said no and left. Witness 79 did not tell anyone about the faculty member making a pass at her, and she never had any contact with him again.

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## Allegations Concerning Sexual Abuse, Sexual Misconduct and “Boundary Crossing” After 1989

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In contrast to the large number of first-hand accounts of sexual abuse that took place at the school in the 1970s and 1980s (whether involving faculty or student perpetrators), the accounts of faculty sexual misconduct, or even *possible* faculty sexual misconduct during the administration (2004 to present) of Eric Peterson are limited to a single former faculty member, Charles Thompson. Questions about whether the school should have dismissed Thompson rather than placing him on leave, whether the school should have reported Thompson’s conduct to authorities, and whether the conduct could appropriately be classified as *sexual* abuse, have generated significant public controversy.<sup>79</sup>

The school has also asked us to address whether there is evidence that Robert Weston, the school’s Director of External Affairs and long-time Dean of the Faculty, engaged in certain “boundary-crossing” conduct.

### *Charles Thompson*

Charles Thompson joined the faculty of St. George’s School in 1990 immediately after college. Thompson remained at St. George’s until 2011, when he took a position at The Taft School. During his 21 years at St. George’s, Thompson taught, coached, supervised dormitories, helped with theater, served as St. George’s Information Technology Director, and assisted the school’s trainer on a part-time basis. He was also active in St. George’s Summer School program.

The public controversy that erupted in early 2016 focused on what the school learned in October 2004, when senior prefects in the Wheeler dorm brought students’ concerns about Thompson to the attention of Eric Peterson and his senior administrative team. We begin our discussion by examining what the school knew about any potential troubling conduct by Thompson before 2004; then turn to the school’s actions in 2004, when Peterson first learned of questions about Thompson’s conduct, and what the school did in 2005, when allegations about Thompson were brought to the attention of police.

One prefatory note: because the question of whether what Thompson did to students may properly be described as “sexual abuse” has attracted so much attention, we avoid *classifying* what

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<sup>79</sup> See “Abuse Alleged in 2004 at St. George’s: Former School Official Says Current Headmaster Decided Reporting Was Unwarranted,” *The Boston Globe* (Jan. 23, 2016).

Thompson did until the end of this analysis. Instead, we describe his actions.

### *Before St. George's*

St. George's was Thompson's first teaching job out of college, apart from a summer job in 1990 at Wellesley College for an organization called Exploration Summer Program. We have seen no evidence of any sexual or professional misconduct by Thompson prior to joining St. George's.

### *Thompson's Personnel File*

Thompson's personnel file contains only one point of interest before 2004. At the end of the 1990-1991 school year (Thompson's first year at St. George's), Headmaster Charles Hamblet received a report that Thompson was seen wrestling with a student in the gymnasium. Although details of the incident are sparse, Hamblet appears to have been sufficiently concerned about the report that he spoke to Thompson about it and memorialized the discussion in a handwritten memorandum, which he placed in Thompson's personnel file. The memorandum reads as follows:

On Wednesday, May 29, I met with Charles to discuss an incident in the gymnasium in which he was seen wrestling with a student. From our discussion, it appeared to be a good natured event with no apparent inappropriate behavior. I have strongly advised Charles to avoid any further wrestling with students.<sup>80</sup>

Apart from Hamblet's memorandum, we have seen no evidence that the school was aware of Thompson engaging in any inappropriate physical contact with students between 1991 and October 2003,<sup>81</sup> or, indeed at any point prior to October 2004. During the course of our investigation, one witness told us he had heard that Thompson had been asked to leave the dorms for a year early in his career at St. George's. That is not the case; Thompson did leave the school for one year, in 2000 - 2001 but it was at his own initiative, to pursue a graduate degree.

### *The October 2004 Wheeler Dorm Incident*

In late October 2004, three prefects from the Wheeler dormitory approached Tim Richards, St. George's Dean of Students, and reported concerns about Thompson's behavior in the dorm. Richards informed the new headmaster, Eric Peterson, who had started only weeks earlier, and over the next four days Peterson and his administrative team conducted an investigation into the alleged conduct that involved interviewing 18 boys in the dorm, discussing the situation with

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<sup>80</sup> Exhibit 30.

<sup>81</sup> We received a call from a woman who refused to identify herself, who told us that Thompson had engaged in troubling conduct with her son in 2003.

Thompson, conferring with outside legal counsel and the chair of the Board of Trustees, and ultimately placing Thompson on administrative leave.

When Richards first approached Peterson with what he had been told by the prefects—on October 24, according to Peterson’s notes—Peterson suggested that he and Richards meet with the prefects together the following day.

Peterson and Richards met with the prefects on the afternoon of October 25. Based on notes taken at that meeting, the prefects relayed concerns that had been brought to them by students in Wheeler. In general, the prefects said that Thompson was overstepping personal boundaries and making the students feel uncomfortable. Among other things, the prefects reported that Thompson frequently talked to students about something he called “sailor’s knee,” a condition he said was common among sailors, and would touch the students’ knees, sometimes asking them to change into shorts. The prefects also reported that Thompson would call students into his apartment for long talks, often late at night, which the students referred to as “T-chats.”

After the meeting with the prefects, Peterson consulted with Julie Butler (Assistant Director of Studies), Richard Dempsey (Assistant Dean of Students), and Bob Weston (Dean of Faculty) and decided to have Butler and Dempsey accompany Richards in speaking directly to the boys in the dorm.<sup>82</sup> Peterson chose not to participate in those meetings because he was concerned that his presence as the new headmaster might discourage students from speaking freely.<sup>83</sup>

In all, Richards interviewed 18 boys. The interviews were conducted one-on-one rather than in a group setting. Richards took detailed notes of the meetings, memorializing what each student said about his interactions with Thompson.<sup>84</sup> The notes show that while a few boys felt the allegations were being blown out of proportion, many more felt some level of discomfort with Thompson’s conduct. At least nine boys either reported feeling uncomfortable or recounted incidents that demonstrated feelings of discomfort or unease around Thompson, as reflected by the following excerpts (each associated with a different student):

- “Felt really uncomfortable when CT closed the door”
- “Creepiest thing was the web cam”

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<sup>82</sup> Although Peterson and Weston recalled having both Butler and Dempsey participate in the meetings, Dempsey stated that he was not present.

<sup>83</sup> Not only had Peterson been on the job for only three months, but he had already developed a reputation as a strict disciplinarian based on his expulsion of several boys for misconduct discovered in the summer of 2004, just before he arrived.

<sup>84</sup> Exhibit 31.

- “Uncomfortable conversations – personal”
- “Put a pillow over his lap & knees so CT wouldn’t touch him”
- Student “was ‘freaked out’ by [webcam]” / “mentions pedophilia.”
- “Wears long pants whenever CT is on duty”
- “Nervous about the invitations” / “uncomfortable living in Wheeler”
- CT “touched [the student’s] leg, moving two fingers up and down his leg”
- CT “stared at him” in boxers / felt “very awkward”
- “Uncomfortable” interaction with CT

The specific conduct about which the boys complained was fairly consistent, with boys often recounting the same experiences in their one-on-one discussions with Richards. In addition to Thompson’s repeated discussions about whether the boy’s had “sailor’s knees,” at least seven students referenced being invited into Thompson’s apartment, often late at night, and the same number mentioned peculiar seating arrangements in which the students would be seated on the couch while Thompson would sit across from them on the floor. In addition, at least three boys discussed being given mechanical puzzles to solve while they sat on the couch and he sat on the floor—something that to them suggested that Thompson was seeking to distract their attention away from what Thompson was doing, or where he was looking.

Moreover, at least five students said Thompson had touched their knees, two said they were concerned about the webcam in his apartment, and two said they felt Thompson was trying to look up their shorts. One, as noted, said Thompson was “moving two fingers up and down his leg.” Finally, two students mentioned that Thompson had pulled back the shower curtain when they were showering or preparing to shower.

After the interviews, Richards met with Peterson and reported what the students had told him. Peterson then asked Pat Moss, Thompson’s supervisor, to accompany him in a meeting with Thompson to discuss the allegations. Peterson told us he told Thompson what the students said about him and told Thompson that the allegations were troubling. Peterson recalls that Thompson admitted much of the alleged conduct but professed being “horrified” that he had made students uncomfortable. Thompson admitted touching students’ knees but explained that he had no sexual motive. He said that in the course of his EMT training he had developed an interest in the anatomy of the knee and a condition known as “sailor’s knee.”<sup>85</sup> He said that the long talks were just an attempt to connect with the students in the dorm.

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<sup>85</sup> The origin of the term “sailor’s knees,” if indeed the term was not Thompson’s own invention, is obscure. It appears nowhere in response to a Google search. Thompson apparently told the boys that

Thompson denied that the web cams were used to record boys in his apartment; he said he used them to take pictures of textbooks. Peterson does not recall the details now, but he believes that explanation was plausible. The school was considering using tablet technology at that time, and Thompson could have been taking pictures of text to share electronically with students or other faculty. The notes do not reveal what, if anything, Thompson said about talking to boys in showers.

In connection with his investigation, Peterson did not consult Thompson's personnel file; consequently he did not know of Hamblet's warning to Thompson, 13 years earlier, not to wrestle with students. Peterson also did not ask Thompson for permission to search his computers to see whether Thompson had used the webcam to record students sitting on the couch in his apartment.

On October 26, after speaking with Thompson, Peterson spoke to Arthur Murphy, the school's then long-term outside counsel at Edwards & Angell. We have reviewed notes taken by Peterson during that conversation, as well as other notes, apparently taken by Murphy.<sup>86</sup> The notes are remarkably consistent and support that Peterson provided an accurate and detailed account of the allegations, including discussion of: (1) students feeling "uncomfortable," (2) Thompson inviting students into his apartment, including late at night upon being "awakened after bed," (3) "sailor's knee," and (4) two "invasions to showers." The notes also reflect that Peterson sought advice regarding whether the incident should be reported to state authorities. Murphy told Peterson that the conduct he described did not constitute sexual abuse and the conduct did not "rise to reporting level."

On October 27, Peterson spoke to Thompson again, this time accompanied by Weston and Moss. As reflected in Peterson's notes of the conversation, Thompson indicated that he was overworked and needed some time away from the school.<sup>87</sup> The school placed Thompson on administrative leave and required him to undergo counseling and an independent psychological evaluation (to be reviewed by the school) before he could return to campus. Peterson told Thompson that, if he returned to St. George's, he would not be allowed back in the dorms.

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sailing developed a particular set of musculature around the knee. (Some, but not all, of the boys sailed.) In contrast, a Google search of the term "knee fetish" produces more than 500,000 results.

<sup>86</sup> Exhibit 32. Murphy, who no longer represents St. George's, initially responded to our request for an interview but did not respond to a number of follow-up emails and telephone calls; consequently, we did not speak to him about his recollection of these conversations.

<sup>87</sup> Exhibit 33.

In a letter dated October 28, Peterson addressed what he described as Thompson's "significant professional misjudgment."<sup>88</sup>

As we have discussed, some students from Wheeler properly raised a concern to the school that some of your actions in the dorm had made them uncomfortable. Principally, these actions included late night conversations that included odd seating arrangements and seemed to them focused on personal family matters, room visits at unusual or awkward times, and at least one instance where you entered a bathroom while a student was showering. Most significantly, a number of students expressed discomfort with you examining and touching their knees while describing a condition called "sailor's knee." In addition, the instance where you asked a student to change into shorts so that you could examine his knee caused considerable discomfort. In isolation these incidents are worrisome, but collectively they represent a significant professional misjudgment. You have explained to Pat Moss and me that your intentions in each of these circumstances were not to cause discomfort, but you also suggested that perhaps you were unable to recognize students' unease because of some combination of inadequate personal perception and a general feeling of overwork or burnout.

The letter went on to explain that Thompson's paid leave would begin the following day, on October 29, and that Thompson should plan on the leave continuing through at least the end of the year.

Because the Thompson incident happened the week before parents' weekend, Peterson decided that the best way to inform parents was to include a letter in their parents' weekend packets. The letter, dated October 29, 2004, reads as follows:<sup>89</sup>

Dear Wheeler Families,

I would like to make you aware of a change that has recently taken place in the residential life of Wheeler. Charles Thompson, who has served St. George's ably for many years, has requested and been granted a leave of absence for personal and professional reasons.

Charles has requested this leave in part to have some time to reflect upon how some of his interactions with students in the dorm came to cause them discomfort. While it is clear he did not intend to cause this discomfort, Charles has asked for the time to better understand how his actions could have done so.

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<sup>88</sup> Exhibit 34. Peterson recalls that, on Murphy's advice, the school defined Thompson's conduct as "serious professional misjudgment" rather than "sexual abuse."

<sup>89</sup> Exhibit 35.

The students' concern was expressed appropriately, and the matter was handled carefully with an eye towards the best interest of all involved.

Upon his return in some weeks, Charles will resume his normal duties, but he will not be living in the dorm. In the interim, his residential duties will be covered by other faculty, but it is our hope to have another faculty member in residence at the appropriate time.

Please see me or Tim Richards in the Dean's office with any questions.

While one parent has informed us he received no letter and several others report that they do not remember receiving one, a sufficient number recall receiving the letter to cause us to conclude that this letter was, in fact, distributed.<sup>90</sup>

Peterson announced Thompson's departure to the student body soon after it was finalized. In announcing the departure, Peterson recalls reading to the students the letter he wrote to the Wheeler parents, and he also read an email from Thompson dated October 28. Among other things, the email stated that following:

Recently, I have become aware that some students have felt uncomfortable with me in certain situations in the dormitory. I regret that this was so, as this was never my intention. I feel that the mindset that I have fallen into over the recent past may have led to the disconnect between my intentions and their perceptions. I now feel that I need to take the time to find what I've been missing in order to make that connection clear again.<sup>91</sup>

Although Peterson's letter of the same date noted that Thompson should expect the leave to continue through the end of the year, Thompson closed his email to the students by noting that he would "be back in a few weeks."

One Wheeler boy's parents recall meeting with Peterson about the issue, and describing what their son told them about Thompson's conduct, which they found troubling. That description is consistent with what their son told Richards when Richards interviewed the son on October 25, 2004.

Thompson was on leave for approximately six months. During that leave, he underwent a psychological evaluation and supplied the report to the school. Peterson reviewed the report with Dr. Kosseff, the school's psychologist, who found the report to be reliable. The report concluded that Thompson posed no risk to students.

In April 2005, Peterson met with Thompson and asked if he wanted to return to the school.

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<sup>90</sup> Two parents of the Wheeler dorm boys were members of the Board of Trustees.

<sup>91</sup> Exhibit 36.

Thompson asked if he could think about it and, a couple of days later, asked Peterson if he could return to student housing. Peterson said no. Peterson recalls telling Thompson that while his actions did not rise to the level of sexual abuse, they were “perilously close.” Thompson returned to campus in April 2015 but was not permitted to live in the dorms.

### *The May 2005 Police Investigation*

In May, one of the students Thompson had touched (Witness 33) came back to St. George’s, having been expelled earlier in the year for violating the school’s honor code. When he did, he saw Thompson back on campus. We have heard divergent accounts about precisely what happened that day, May 21, 2005, but the events ultimately led to Witness 33 calling the Middletown Police and reporting that Thompson had molested him in the fall of 2004. The police then began an investigation.

On the day Witness 33 filed his complaint, he gave a sworn statement to a Middletown police detective. Witness 33 told the detective that in early October 2004, Thompson invited him into his apartment and told him he had “great sailor’s knees.” Witness 33 provided additional detail to the police, but described Thompson’s actions in terms essentially consistent with the description of Thompson’s conduct he had given during Assistant Headmaster Richard’s interview of him in October.

The detective noted in her report that, after Witness 33 gave his statement, she “advised him that as he reports the incidents ... Thompson’s touching is not a sexual assault.” However, she said she would continue the investigation. Later that same day, the detective spoke to St. George’s part-time security director, a former Newport police officer who knew little, if anything, about what the boys in the Wheeler dorm reported in October 2004. The security officer told the detective that Peterson and Thompson would make themselves available regarding the complaint.

Over the course of the next two weeks, the detective spoke to counsel for Thompson and gathered additional information. Thompson’s attorney reported to the detective that he had advised Thompson not to speak with her, but he informed the detective that Thompson worked as a trainer at St. George’s and said that Witness 33 complained to Thompson about a knee injury and that Thompson would counsel Witness 33 about his knee. Thompson’s attorney also mentioned that, prior to Thompson leaving St. George’s, the school “responded to all parents regarding the complaint of possible impropriety.” The detective’s report notes that she received a copy of the letter to Wheeler families that was delivered during parents’ weekend.

On the same day she received that letter, the detective closed the case against Thompson, writing:

After reviewing the complaint and receiving information from St. George’s regarding Charles Thompson, I find the allegations of an assault to be unfounded. These findings are due to the fact that there is no corroborating evidence.

Thompson is an athletic trainer with the school and he apparently touched or handled the complainant in a manner consistent with athletic training. The complainant reports although he was uncomfortable, he continued to go to Thompson's room and the complainant never told Thompson not to touch him.

The detective apparently did not have Tim Richard's notes when she reached the conclusion that the allegations were "unfounded" because there was "no corroborating evidence." That is unfortunate, because those notes, in fact, do strongly corroborate Witness 33's statements to the police, and undermined the contention, advanced by Thompson's lawyer (whom the school neither hired nor paid for), that Thompson's actions occurred principally in connection with Thompson's role as a trainer.<sup>92</sup>

There is no evidence, however, that the school sought to conceal Richards' notes from the police. The police were given a copy of the "Wheeler Family" letter, which stated that Thompson was being placed on leave "to reflect upon how some of his interactions with students in the dorm came to cause them discomfort," but according to Peterson (whose account we find credible), the police did not ask for additional information about the incident. If they had, Peterson said, the school would have provided it.<sup>93</sup>

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<sup>92</sup> The Richards notes do reflect, however, that on one occasion, Witness 33 told Richards that Thompson had examined his knees in the training room.

<sup>93</sup> The narrative of Witness 33's interactions with the school does not end with the police's conclusion (which to be clear, we reject) that Witness 33's allegations were "unfounded" because they were "not corroborated." When Witness 33, his father, and father's girlfriend returned to campus about a week after Witness 33 first saw Thompson there (they were there to drop off Witness 33's girlfriend, whom they had taken to dinner), the police were called. This led Witness 33 to send a memorandum, drafted by his father's girlfriend, to the many students at the school, complaining that the school was retaliation against him because he had reported Thompson to the police. The school in turn blocked Witness 33 from further communications with St. George's students over the St. George's email system. Ironically—and, in our judgment, not wisely—Peterson asked Thompson, as the school's IT Director, to implement the directive to block Witness 33's communications to other St. George's students about Thompson. We credit fully Witness 33's accounts of Thompson's actions and his view that Thompson's conduct was based on prurient rather than simply medical interests. We do not, in the end, think the controversy between the school and Witness 33's family bears on the Thompson's actions, or how the school responded to reports about Thompson's behavior.

*Thompson's Departure from St. George's*

Thompson chose to leave St. George's in 2011—he was not asked to leave the school. He applied to the Taft School in Watertown, Connecticut, and Peterson spoke to William MacMullen, Taft's headmaster, when MacMullen called for references. Peterson's notes of the call read as follows:

Willie McMullen [sic] - Tuft - [number omitted] (Heidi)

Re: Charles T.

- General skills = positive, but -
- ? on some issues? - Sounds like were some want to speak directly
- Expl. History
  - Boundaries, kids uncomfortable - knee exam
  - Clueless, little needy, immat.
  - No molestation acc. vs kids (spoke all)
  - No report conduct - Acc. To kids/counsel
- Still, takes leave, out of dorm, psych. review and report
- Clean Psych
- Willie: "so yellow flag, not red"
  - Good way to put it
- No repeat of behav's
- Don't recommend he live in dorm - 'understood'<sup>94</sup>

Peterson told us these notes accurately reflected his conversation with Thompson and the ultimate conclusion—that Thompson's conduct was a "yellow flag," not a "red flag"—accurately reflected his own views in 2004 and 2011. We asked to interview Taft's headmaster, MacMullen, about this conversation. In response to that request, the school gave us the following statement:

Charles Thompson came to Taft with favorable recommendations after 21 years on the faculty at St. George's School. St. George's communicated that in 2004 they investigated claims made by a few students that they felt uncomfortable when Charles Thompson, a faculty member, EMT and athletic trainer, examined their knees. Taft was told that Charles was cleared of any wrongdoing after an investigation and he remained employed at St. George's for an addi-

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<sup>94</sup> Exhibit 37.

tional 6 years. Taft spoke to four administrators from St. George's each of whom highly recommended Charles to be a faculty member at Taft.

### *Other Witness Reports*

Two students (including Witness 33, whose account was described above) contacted us to report their negative experiences with Thompson before 2004—experiences they believed represented, at the least, Thompson's failure to respect personal boundaries. In contrast, two other students (including one of the students in the Wheeler dorm interviewed in 2004) called to say they believed the allegations against Thompson reported in the *The Boston Globe's* article on January 26, 2016 were, based on their experiences with Thompson, blown out of proportion.

#### **Witness 6, Class of 1999**

Witness 6, who attended St. George's in the late 1990s, reported that Thompson invited him to his house for buffalo wings and, while there, the two had a strange conversation in which Thompson asked him if he was seeing any girls and then started talking about using condoms. During that conversation, Thompson began rubbing Witness 6's back. Thompson asked Witness 6 if it was okay that he rubbed his back, and although Witness 6 was uncomfortable, he said yes. Witness 6 could not recall if another student was present at the time.

Witness 6 also recounted that Thompson would sometimes ask him to stay after class and, in these one-on-one settings, was "touchy" and would rub his back. Witness 6 described the behavior as "odd" and said he would have stopped it if Thompson had tried to take it any further. He did not report the conduct to any adults at St. George's.

#### **Witness 39, Class of 2001**

Witness 39 attended St. George's in the late 1990s and had Thompson as an academic advisor and dorm parent. Witness 39's experience with Thompson was that he was a caring, attentive, and dedicated advisor—not a sexual predator. Witness 39 feels that Thompson was defamed in the *Globe* story.

According to Witness 39, the student relationship for Thompson was more important than for other teachers; Thompson was the type of teacher who wanted to sit down and have a conversation to find out how students were doing. Thompson had a reputation for enforcing the rules and trying to keep students on the straight-and-narrow. Thompson took his roles as academic advisor and dorm parent very seriously.

Witness 39 described Thompson as an affectionate person who was socially awkward and showed his emotions in a tactile way, but said that it never came across to him as inappropriate. Thompson was the type of person who communicated through touch.

### **Witness 97, Class of 2006**

Witness 97 lived in the Wheeler dorm in 2004 and 2005 and recalled two occasions when Thompson touched his knees during a conversation about “sailor’s knee” — once in the training room and once in Thompson’s apartment. Thompson did not move his hand up Witness 97’s thigh; he just touched his knee.

Witness 97 recalled that Thompson’s “sailor’s knee” obsession was a running joke and that the boys in the dorm would laugh about it. Nevertheless, at some point, he recalls sitting in the common room with others in the dorm and discussing Thompson’s conduct. Witness 97 reported that the consensus of the group was that Thompson’s behavior was creepy and awkward, but not sexual. They decided to report the conduct to Tim Richards, the Dean of Students.

Witness 97 does not believe that Thompson ever touched anyone in a sexual way. We note, however, that in his 2004 interviews with Richards, Witness 97 was the student who used the term “pedophilia” to describe Thompson’s conduct.

### *Thompson’s Response to the Allegations*

Through counsel, Thompson declined to be interviewed for this investigation.

### *Conclusions Concerning Thompson and the School’s Response*

Thompson clearly engaged in inappropriate conduct. His actions clearly made a substantial number of boys in the dorms uncomfortable. There is simply no justification for touching boys’ knees, or legs, in a dorm, asking them to change into shorts, or for many of the other actions described above. Thompson denied that he touched boys’ knees, and engaged in the other conduct described above, for sexual gratification, and we have seen no direct evidence establishing that he acted for that reason. Nevertheless, the circumstances as a whole, in our view, suggest there is a significant possibility that he did so. We found Witness 33’s account of Thompson’s action, and the views he expressed of how uncomfortable those actions made him at the time, entirely credible, and consistent with what he told the school in 2004.

We also believe that the Peterson’s initial response to the boys’ disclosures about Thompson was appropriate. Peterson commenced an investigation, and administrators reporting to him obtained detailed statements from the boys. Peterson consulted with the board chair and with outside counsel, as was appropriate, and counsel advised that the matter need not be reported to Rhode Island authorities. (We address the separate question whether that advice was correct, at pp. 132 to 141). We see no reason why Peterson, as Head of School, could not reasonably rely on legal

advice in deciding not to make a report and conclude that he did so here.<sup>95</sup>

The investigation was not perfect, however. Peterson did not consult Thompson's personnel file, where (had he done so) he would have seen that Thompson had been previously admonished for wrestling with boys at the school. Nor did Peterson ask Thompson, who served as the school's IT Director, for permission to review Thompson's computers to see whether Thompson's computer contained images, taken from a webcam, of the Wheeler dorm boys. Peterson acknowledged, in retrospect, that it would have been better to take these steps. We conclude that they were good-faith mistakes made by a new headmaster scrambling to do his best to address a difficult situation early in his first year at St. George's.

The question whether Peterson's ultimate action—choosing to suspend Thompson rather than terminate him—is correct is, ultimately, a question of professional judgment, not a legal question. We conclude that Peterson made the decision to suspend Thompson rather than terminate him in complete good faith, motivated by the objective of attending carefully to the interests and safety of students while, at the same time, seeking to be fair to a long-term faculty member.

In our view, however, it would have been more prudent for Peterson to have terminated Thompson rather than suspended him. Thompson's conduct was far outside the bounds of acceptable conduct—so far, in our judgment, as to call into question his fitness to serve as a teacher at all. His conduct, taken as a whole, was too troubling to warrant his continued presence on campus in any capacity. Further, in our judgment, if he were permitted to stay at the school, he should not have been permitted to continue to work as trainer, where he would have regular occasion to touch boys' legs.

To be clear, however, these are questions of professional judgment, and we believe Peterson approached the question in complete good faith. Ultimately, the reader can consult the Wheeler boys' account of what Thompson did and decide for themselves whether Peterson's ultimate judgment was correct.<sup>96</sup>

Finally, we note that that the public report the school issued in December 2015 did not mention Thompson, the Wheeler boys' 2004 reports about him, or Peterson's decision to suspend rather than terminate him. We address in detail whether Peterson or the board sought to "cover up" allegations about Thompson later in this report. (In summary, we conclude that they did not.)

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<sup>95</sup> As we discuss in greater detail later in this report, however, the question of whether Thompson's conduct constituted "sexual abuse" was, in fact, the wrong question. The Rhode Island reporting statute in effect at the time, *where applicable*, required reporting not just of sexual abuse, but of any conduct creating mental injury, or a substantial risk of mental injury.

<sup>96</sup> See Exhibit 31.

### *Robert Weston*

In January 2016, the school placed Robert Weston, the school's Director of External Affairs, on leave, based on allegations that Weston had engaged in inappropriate conduct while serving as a dorm parent in a girls' dormitory approximately 15 years earlier. In essence, Weston was alleged to have "lurked" in the girls' dormitory around the time the girls showered, so he would encounter them and talk with them when they were less than fully dressed. The allegations, which had also been reported to the Rhode Island State Police, came on a "second-hand" basis—that is, not from any of the girls who lived in those dormitories but, instead, someone to whom several girls had allegedly made that report between 1999 and 2001. The school asked us to investigate and address in our report the allegations that had been made.

The school's letter to alumni describing our appointment as an independent investigator did not prompt any former student to call us to report any inappropriate conduct by Weston.

To be clear, no one has alleged, and we have found, no evidence suggesting Weston engaged in any physical contact with students; nor has anyone alleged that Weston ever *entered* a girls' bathroom to "lurk" around the showers. In the course of our investigation, we have, however, spoken to two individuals—one a former faculty member, another a former student—who reported (Witness 15 on a second-hand basis; Witness 117 on a first-hand basis) that Weston would allegedly appear in the hallways of the girls' dorm around the time they were taking showers, and speak to them (either in public spaces, or in their rooms) following their showers, when they were not completely dressed.

We judge the information we received concerning alleged "shower-lurking" insufficiently credible to warrant the conclusion that Weston acted inappropriately.

### *Allegations by a Former Faculty Member, Witness 15*

A former faculty member whose teaching contract Eric Peterson chose not to renew several years ago told us that, sometime between 1999 and 2001, junior and senior female students came to her and expressed concerns that Weston, their dorm parent in Auchincloss, would enter their rooms without knocking as they were returning from the shower. The girls reportedly told the teacher that Weston had a habit of "magically appearing" as they were getting back from their showers, would walk into their rooms without knocking (there were no locks on the doors), and despite the fact that the girls were often only in a towel and trying to cover themselves, would stay and continue to seek to have a conversation with them.

The faculty member reported that, at the time, she had reported Weston's conduct to then headmaster Charles Hamblet. The faculty member did not know whether Hamblet took any action on her report, but told us that Weston moved out of the dorms at the time. (In fact, Weston did not

leave service as a dorm parent then.) The faculty member also told us that, in 2012, she reported to Eric Peterson what the junior and senior girls told her eleven or twelve years earlier. That report came in the context of the faculty member's complaint to Peterson that Weston was "poisoning" her reputation among other faculty. She told us that Peterson took no action.

In 2013, the faculty member reported what she had learned in 1999 to 2001 to an alumna who was a member of the Board of Trustees; this board member reportedly told the faculty member that, when Weston was her dorm master, Weston had also entered her room as she returned from showers.

### *Allegations by Witness 117, Early 1990s*

We spoke to Witness 117, the alumna the former teacher had identified. Witness 117 (who graduated in the early 1990s) told us that, when she was a senior, she was prefect in a small girls' dormitory where Weston and his wife served as dorm masters. (That dorm was in "Old School"—a cluster of dorms in a single building). The alumna said the shower was in the corner, close to the door to the Weston's apartment.

According to Witness 117, Weston would stand in the doorway when he was on dorm duty and position himself near the doorway to the showers. Witness 117 recalls Weston initiating discussions with her when she came out of the shower room wearing a towel and carrying a caddy containing her soap and shampoo. Weston would walk with the girl to her dorm room and would keep talking once she was at the door. Witness 117 said she found it awkward that Weston would continue to talk as she was trying to end the conversation and get into her room to change. The alumna recalls that once she was in the room, Weston would knock and come in at the same time, leaving the alumna little time to get dressed. She said this happened more than one time but that it "didn't happen too many times."

Witness 117 reported that, because of Weston's behavior, girls in her dormitory would shower in another dormitory located on a different floor in the same building.<sup>97</sup>

The alumna later served on the Board of Trustees. When Weston was named Director of External Affairs, she objected because she did not believe that Weston was qualified and believed he would not be effective. She reported to us that she told Peterson that Weston should not have been appointed Director of External Affairs because he was not qualified and because, in Witness 117's

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<sup>97</sup> Witness 117 gave us the name of a former teacher she believed was the dorm parent in the other dorm that year. We called that former teacher, but she could not corroborate any allegations about Weston. She did not recall serving as a dorm parent in that dormitory the year that Witness 117 told us Weston was her dorm parent.

words, he was a “pervert.” Witness 117 later told at least three other members of the board that she objected to Weston’s appointment because he was “creepy” or a “known shower lurker.” The board member told us that one of those she spoke to, current board chair Leslie Heaney, told her, “this is a known issue.”

Shortly after Weston’s appointment as Director of External Affairs, Witness 117 and another trustee commenced a review of Peterson’s management style and appointments that the board as a whole had not authorized. These two trustees issued a report, highly critical of Peterson’s management style and appointments. That report contained summaries of interviews with a number of faculty and former faculty. It contains no specific mention of the “shower lurking” allegations described above and no details concerning any inappropriate conduct. Two former faculty members reportedly stated, however, that Weston had a reputation for “creepy” or “inappropriate” behavior. Following this unauthorized report, the board stripped the two trustees of their responsibilities as committee chairs; those board members, in turn, resigned.

We spoke to three of the board members to whom concerns about Weston were relayed by the Witness 117. Each discounted Witness 117’s allegations about Weston because they were part of a list of reasons the alumna had given for wanting to rescind Weston’s appointment as Director of External Affairs, and no details were provided to back up the contention that Weston was, allegedly, a “pervert” or “creepy.” Heaney credibly rejected the alumna/board member’s allegation that she had said “this is a known issue.” Several of these trustees, including Heaney, expressed the view that, on occasion, Weston can be socially awkward and his actions could be misunderstood.

Weston, when interviewed, denied that he “lurked” around showers or sought to see girls in a state of partial undress. He said that he performed his job as a dorm parent as he should, checking in on students in the dorm on the nights that he had dorm duties, and did not select times to go into the dorm hallways based on when he believed girls showered. He said, in any event, there was no set time for girls to shower, so it would have been impossible for him to avoid being there when they did. He told us he told girls, in the first dorm meeting of each year, to make sure they are in a proper state of dress because a male could be in the dorm at any time. Weston said he would, as a matter of practice, knock before entering a girl’s room.

In the end, we believe allegations that Weston “lurked” around showers, or sought to speak with girls wearing only towels, are insufficiently credible to warrant the conclusion that Weston acted inappropriately. Despite significant publicity about Weston (including an April 8, 2016 article in *The Boston Globe* describing the allegations) no witness other than the Witness 117 we have mentioned above came forward to tell us that Weston “lurked” around showers. Witness 117 and Witness 15 each appear to have motives unrelated to Weston’s alleged behavior to be critical of Weston and the school.

In addition, we found Weston's denials of the "shower lurking" allegations credible.

### *Responses to The Boston Globe Article*

As mentioned, *The Boston Globe* published an article on April 8, 2016, reporting that the school had placed Weston on leave in January based on "boundary crossing" issues. Following that article, we received dozens of calls and emails from alumni and faculty supporting Weston and explaining that he had been an important and positive influence in their lives. We also received a copy of an online petition, signed by 587 members of the St. George's community (students, parents, and faculty), urging us to expedite the investigation of Weston so that he could be immediately returned to his duties.

But we also received a report from one student, Witness 91, expressing concerns about Weston's behavior when she was a student and Weston was a dorm parent. That student, who attended St. George's in the mid 2000s, near the end of Weston's tenure as a dorm parent in Auchincloss, said Weston entered her room on one occasion (after knocking), laid on his stomach on her bed, and scrolled through her phone.

The same student also said that Weston, weeks later, made a comment about her dancing—after seeing her dancing in a friend's room. The former student said there was never any suggestion of anything physical with Weston, but told us that the two incidents seemed "weird" to her at the time and that she wanted to share them with us as part of our investigation. The student told us she told a friend about these incidents and talked with her parents, who advised her to keep a wide berth. The student did not recall other girls talking about the need to be vigilant around Weston. Likewise, the student did not recall Weston being around a lot when girls in the dorm were showering.

We asked Weston about these allegations (again, without identifying the name of the former student who reported them). He acknowledged that he might occasionally have sat on a girl's bed in the girl's room to talk with her, with her permission, but said that he would not have laid down on a girl's bed, had no recollection of ever flipping through a girl's phone, and strongly doubted that he had done so.

We have no reason to disbelieve the former student, and found what she said credible. Similarly, however, we found Weston's statements on the subject genuine, and we note that the girl's account, while certainly suggesting conduct that should not occur in a girl's dorm, did not involve any touching or sexualized conduct. And, to put the matter in a broader context, even some of Weston's biggest supporters told us that he can, on some occasions, appear socially awkward or too intense.

Ultimately, having reached these factual conclusions, the question of Robert Weston's future at

St. George's is a decision for the school, not us. We make the following observations, however:

- *First*, we have no reason to believe Weston poses any risk to any St. George's student.
- *Second*, it is clear that Weston has had an enormously positive impact on many students, and commands the intense loyalty of many of his fellow faculty members.
- *Third*, we are mindful that teachers and administrators have difficult jobs, dealing day-after-day with teenagers who can be volatile, overly sensitive, distrustful of authority figures, and often prefer to be left to their own devices, unsupervised by adults.<sup>98</sup> Weston has taught at St. George's for more than 25 years. It would be odd if there were no occasions during those 25 years when his actions were *not* misinterpreted by students.
- *Fourth*, it is ironic—given what our investigation learned about the atmosphere that prevailed at St. George's in the 1970s and 1980s, when dorm parents stayed in their rooms, and let student prefects control the dorms, sometimes with terrible consequences—that a faculty member could lose his job based on allegations that he was present *too often* in the dorm.
- *Fifth*, we spoke to many St. George's faculty members—present and former—who are fearful because of what they saw happen to Weston. They are fearful because they saw that a single, second-hand allegation of conduct—an allegation that does not involve *touching* a student—can lead to immediate suspension and, eventually, lead to one's name and reputation being dragged through the mud in a highly unflattering story in *The Boston Globe*.
- *Finally*, there is a persistent danger, which every resident of New England mindful of our region's history should know, that highly publicized investigations can lead to overreactions, ruined reputations, and worse—actions deeply regretted years later in the full passage of time.

While, as we have observed, the matter is ultimately for the school's leaders, not us, we see no reason—based on all the information we have received to date—why Robert Weston should not be returned to St. George's as a faculty member in good standing. Weston chose on his own years ago not to live in the dorms at St. George's. We doubt that he would ask to return to the dorms in light of his experience since his suspension in January. Given the notoriety he has unfortunately received as a result of recent events, we also doubt the school would encourage him to do so.

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<sup>98</sup> We do not intend to suggest that the alumna who told us that Weston laid down on her bed fell into this category.

### *Student-on-Student Assaults or Possible Assaults After 1989*

We received only one report from a student sexually abused by another student after 1989—a report of sexual assault in 1991. We received no calls reporting student-on-student assaults during Eric Peterson’s tenure as Head of School. At our request, the school produced disciplinary and other records concerning possible student-on-student sexual assault.

#### *Witness 40, Class of 1992*

Witness 40 attended St. George’s in the early 1990s and was raped in 1991, during her junior (5th form) year. She and the perpetrator, a senior male, were in the student center on a Saturday morning. He gave her a backrub, and invited her to the schoolhouse, which was where students would go to find privacy. They ended up in a classroom, where he raped her.

The perpetrator was an acquaintance of Witness 40, but they were not in a relationship and were not close. The perpetrator was about to turn 18; there had been a running joke that it was his last chance to do something before he would be treated as an adult.

Witness 40 told two people about the incident. One was the wife of a faculty member. The other was a teacher of hers. (Witness 40 has asked us not to identify or contact either the faculty member or his wife, and we have respected her wishes.)

The wife of the faculty member made an appointment for Witness 40 at a women’s resource center in Newport and drove Witness 40 to the appointment. There, Witness 40 spoke to someone who said she had PTSD, and explained that such a response was normal. Witness 40 and the faculty member’s wife did not talk much about the rape and did not discuss any possible recourse or punishment for the perpetrator.

Witness 40 told her teacher because she thought he would be an ally. She went to see him in his house, where they had only a short conversation. Witness 40 told the teacher about the rape, identified the rapist, and asked if there were a way to prosecute him without Witness 40’s parents finding out. The teacher told her that was unlikely. He was clearly uncomfortable, and made it seem to Witness 40 that there was nothing to be done. Witness 40 left humiliated and wished she had not told him.

There was no punishment or other repercussion for the student rapist. Witness 40 does not think anyone at St. George’s made any report to any authorities.

#### *Incidents During Peterson’s Tenure*

During Peterson’s tenure as headmaster, the school has had occasion to address a relatively small number of incidents where concerns about student-on-student sexual assault were raised. We

conclude that the administrators who handled those matters did so appropriately.

Some of those matters do not merit extended discussion; in keeping with the school's now strong anti-bullying and anti-harassment culture, the school took prompt action. In 2009, the school dismissed a student who had made an unwanted sexual advance toward his roommate. Another student was dismissed when, evidently as a practical joke, he put his penis on the head of a boy who was sitting on a bench in the boys' locker room.

Because two other incidents have been the subject of some public attention, we address them here:

### **2011 Auchincloss Incident**

The first took place on graduation night 2011. The school security department called the Middletown police after they saw a male jump out of the window of a first-floor room in Auchincloss, a girls' dormitory. The security guard chased the male but was not able to catch him. In the meantime, the commotion caused several administrators, including Dorm Head Lucy Goldstein and Dean of Students Katherine Titus, to speak to a girl whose room the boy jumped from. Titus, who spoke to the girl first, learned that the boy was a senior who had graduated that day.

The girl told Titus that she had invited the boy there, but that the boy wanted to take matters further than she was prepared to go. He entered and left through the window in an attempt to avoid detection, as the security office was located in the Auchincloss dormitory and, if he had come or gone by the door, he would certainly have been questioned as being out of place.

The girl was very upset by the event itself, and the commotion that it had caused. When the Middletown police responded to the scene, Titus concluded that she should not permit the Middletown police officer, a male, to question the girl that night because she was so upset. When, at the request of the St. George's security chief, a female police officer from the Newport police department arrived, the female officer questioned the girl without objection from St. George's administrators. (By that time, Titus had left to attend to a family medical emergency and Lucy Goldstein, the girl's advisor, was with the girl.) The Newport officer questioned the girl with Goldstein present.

Titus and Goldstein knew the girl well and believed they were acting in her best interests when they refused to let a male officer, who they described as aggressive, speak to her. While there certainly may be many circumstances where it would be *inappropriate* for a faculty member to bar a police officer from speaking with a student, we do not believe that this was such an occasion. Titus and Goldstein took seriously their responsibility to act in *loco parentis*, and we credit their accounts of their actions and their motivations. We also note that the police did, in fact, interview the girl that evening and chose not to pursue criminal charges.

### **2013 Incident**

The second incident of note took place in 2013. While the exact sequence of events remains

somewhat unclear, it appears that in the fall of 2013, a senior boy, over 17, had engaged in potentially coercive sexual conduct with a freshman girl. The girl and her family made clear that they did not want to press charges; the boy withdrew from the school. Peterson personally went to the Middletown police station and reported the matter, as school documents show. Because neither the girl nor her parents wished to proceed, the police did not investigate further.

Later, when the senior evidently used an unofficial St. George's transcript to gain admission to college, the St. George's contacted the college, explained the circumstances that led to the senior's dismissal, and the college revoked its offer. St. George's also provided complete information about the incident to at least one other college. We find no fault in the way that the school handled the matter. The school reported the matter to the police; neither the girl nor her family wished to press charges, and the school appropriately saw to it that the senior male left school, and did not permit him to mislead others about the circumstances.

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## Mandatory Reporting Requirements under Rhode Island Law —Then and Now

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Two questions have drawn particular public attention<sup>99</sup> as our investigation proceeded:

- In those cases where St. George’s School learned of sexual abuse, or possible abuse, did it have a legal duty to report that abuse to the appropriate Rhode Island authorities?
- If so, did St. George’s violate that legal duty?

The answer to this question is more complicated than might be expected. But three things are clear:<sup>100</sup>

- First, Rhode Island’s mandatory reporting statute has changed in significant ways over the last 52 years, leaving St. George’s subject to different legal responsibilities at the different times when child abuse by St. George’s faculty, staff, or students came to the school’s attention.
- Second, surprisingly, the *language* of the Rhode Island mandatory reporting statute in effect between 1976 and 2016 did not state clearly whether the school had an obligation to report abuse by teachers or staff at St. George’s, and there was little to no guidance from Rhode Island courts explaining how the statute should be interpreted.

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<sup>99</sup> Controversy about the scope of St. George’s obligations under Rhode Island’s mandatory reporting statute (General Law § 40-11) broke out even among those agencies responsible for enforcing Rhode Island law. The controversy began with a Rhode Island Public Radio report on January 27, 2016. In that report, the Rhode Island’s Department of Children, Youth, and Families said that St. George’s had no obligation to report abuse by its teachers or staff; the Department took the position that the statute only required reporting of abuse when the abuser was a parent, guardian, or a caretaker licensed by the Department. Rhode Island Attorney General Peter F. Kilmartin and a spokesperson for his office told Rhode Island media outlets the opposite: that St. George’s *did* need to report sexual abuse, and that for more than 30 years the Attorney General’s Office had interpreted the statute to cover abuse by educators. On February 12, 2016, the Attorney General, speaking with Providence’s NBC affiliate, publicly rebuked the Department for contending that the statute did not apply to schools and stated that school officials could be prosecuted for failing to report abuse.

<sup>100</sup> Rhode Island has a separate statute (not at issue here) that requires the reporting of sexual assault in certain limited circumstances. As many states did, Rhode Island enacted a so-called “Big Dan’s” statute in 1983 that made it a crime for someone with “reason to know that a first degree sexual assault or attempted first degree sexual assault is taking place in his or her presence” to fail to report it to police. R.I. Gen. Laws § 11-37-3.1.

- On multiple occasions, St. George’s attorneys told the school’s leaders that St. George’s did not have to report abuse by its teachers or staff; in those cases where the Department of Children, Youth, and Families (the “Department”)<sup>101</sup> responded, the Department agreed.

### *The Rise of Mandatory Reporting Laws*

The questions surrounding whether St. George’s school was required to report abuse by White, Gibbs, and others is best understood in the context of the evolution of the child reporting laws across the country.

In 1962, when California was the only state in the country to have expressly made child abuse a crime, California pediatrician C. Henry Kempe and his colleagues published a study titled “The Battered-Child Syndrome.” The study brought increased attention to the problem of child abuse, and within three years all fifty states had some version of a mandatory reporting law. The Children’s Bureau of the United States Department of Health, Education, and Welfare created a particularly influential model reporting statute. The defining feature of the Children’s Bureau model statute was its narrow class of mandatory reporters: only physicians and medical staff were required to report child abuse. A statute of this type took hold in forty-seven states, and, over the years, the class of mandatory reporters steadily expanded in many jurisdictions to include health care professionals, social workers, teachers, and police.

Three states took a different approach and enacted universal mandatory reporting laws that imposed a duty to report on *all people*. By 1978, twenty states had followed suit and adopted universal mandatory reporting laws. Sixteen of these followed a template pioneered in Indiana, in which some form of universal mandatory reporting was paired with an enumerated list of professionals who were mandatory reporters.

In 1974, Congress enacted the Child Abuse Prevention and Treatment Act, which tied receipt of federal funds to the establishment of reporting laws that would provide immunity for reporters and require investigation of the reports by state authorities. Congress passed the Child Abuse Prevention and Treatment Act in 1974 in part to respond to the perceived lack of reporting of instances of child abuse. The legislation’s sponsor, Senator Walter Mondale, said in a committee hearing that “it [was] pretty obvious that most child abuse is not reported at all.”

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<sup>101</sup> The Department of Children and Their Families was established in 1979, and renamed the Department of Children, Youth, and Families in 1991. In this report, “Department” will refer to this state authority under either name. Prior to the establishment of the Department, different state agencies were responsible for administering the mandatory reporting statute. These departments will be identified by name where appropriate but generally referred to simply as the “department.”

### *Rhode Island's 1964 Mandatory Reporting Law*

In 1964, Rhode Island enacted its first mandatory reporting law. This law followed the Children's Bureau model and established a small class of mandatory reporters—physicians, hospitals, and other facilities providing medical care. The statute also limited the *kinds of abuse* that had to be reported. Mandatory reporters were to notify the department (then the Department of Social Services) if they saw a child who had injuries caused “by a parent, stepparent, legal guardian, or any other person having custody and care of a child.” Injuries caused by others did not need to be reported.<sup>102</sup>

### *Expanding the Mandatory Reporting Law: 1971-1974*

In 1971, Rhode Island amended the reporting statute to expand both the class of mandatory reporters and the kinds of abuse that was reportable. The class of mandatory reporters was no longer limited by profession or institution; instead, “any person” who suspected child abuse was a mandatory reporter. The category of reportable child abuse also expanded to require reporting when “any child has been battered and/or abused”—without limitation according to *who* inflicted the abuse. The statute defined a “[b]attered and/or abused child” as a child who had suffered non-accidental serious injury, or who suffered from “battered child syndrome.” The 1971 amendment did not say whether sexual abuse of a child was reportable as “non-accidental serious injury” or as a kind of “battered child syndrome.”

The 1971 amendment also imposed additional duties on the department: to petition the family court to remove the child from the custody of its parent or guardian in certain circumstances and to maintain a central registry of cases reported to it.<sup>103</sup>

In January 1974, Rhode Island's legislature further expanded the definition of a battered or abused child to expressly include one suffering from “sexual molestation.”<sup>104</sup> The statute did not specifically define “sexual molestation.”

This was the mandatory reporting statute in place when St. George's became aware, no later than September 1974, that Howdy White had sexually molested at least one student. Because the statute made *everyone* a mandatory reporter, St. George's (and its employees) was required to report this incident if it fit the statutory definition of abuse. It clearly did. At this point, the statute expressly defined abuse to include sexual molestation, and the identity or role of the perpetrator was irrelevant. As soon as St. George's had “reasonable cause” to believe that a child (in this case,

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<sup>102</sup> P.L. 1964, ch. 130.

<sup>103</sup> P.L. 1971, ch. 45.

<sup>104</sup> P.L. 1974, ch. 193.

one of its students) had been abused as defined by the statute, it was required by Rhode Island law to report the incident to the department within twenty-four hours.

St. George's did not report White's abuse. We have no reason to believe that Zane, its headmaster at the time, was aware of his reporting obligation or sought legal advice about it. He has told us that he did not know he had any obligation to report White, and we credit his statement.

This failing is unfortunate, but not surprising. Commentators have noted that child abuse remains underreported, even as reporting rates have generally increased over time, and that sexual abuse is particularly underreported.

If St. George's had reported White, and the agency accepted jurisdiction over the report—a question that, as we shall see, has no clear answer—that report would have been maintained in the statutorily mandated registry of reports of abuse. However, even if the department had conducted an investigation, the primary tools at its disposal—the ability to petition family court to remove the child from custody, and the ability to provide protective services to the child—were not well suited to address cases of abuse by educators. In addition, by 1976, all records concerning reports were required to be kept confidential except where the statute stated otherwise or by order of family court, so no future employers of White would have learned, at least on the basis of a report to the department, about White's abuse of boys at St. George's.<sup>105</sup>

### *The 1976 Mandatory Reporting Law*

In 1976, the reporting statute was repealed and replaced in its entirety (although several sections drew heavily from the predecessor statute). It remained a universal reporting statute, obligating *everyone* to report abuse or neglect of a child (as defined by the statute) to the department (at this time, the Department of Social and Rehabilitative Services) within twenty-four hours. The definition of abuse or neglect was expanded to include a broad range of harms, including “sexual abuse,” “mental injury,” and “creat[ing] or allow[ing] to be created a substantial risk of physical or mental injury.” But the definition simultaneously narrowed the definition of abuse or neglect to harms caused by a “parent or other person responsible” for the child's welfare.<sup>106</sup> For the next

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<sup>105</sup> If White was ever reported again, the department itself (or the agencies that succeeded it in overseeing the reporting system) would have known that White was potentially a repeat offender and could respond appropriately, but otherwise the impact of the report would be minimal. Today, the Department continues to maintain a registry (known as RICHIST), which serves the Department's internal uses and functions as the source material for data aggregation that is then reported to federal databases, but is otherwise kept confidential. In general, the disclosure of any Department records is highly restricted. See R.I. Gen. Laws § 42-72-8 for the circumstances in which records may be disclosed.

<sup>106</sup> P.L. 1976, ch. 91 (codified at R.I. Gen. Laws § 40-11).

thirteen years—until 1989—the statute did not say who qualified as a “person responsible” for a child’s welfare.<sup>107</sup>

Under the 1976 statute, the department continued to have an obligation to petition the family court to remove the child from the custody of its parent or guardian in certain circumstances, and to maintain a central registry of cases reported to it, and added a provision requiring that all records concerning reports be kept confidential except by order of the family court.

This was the version of the statute in effect when Headmaster Zane apparently first learned of Gibbs’ abuse of girls, and Headmaster George Andrews first learned of Coleman’s abuse of boys at St. George’s.

We have seen no evidence that Zane consulted counsel or gave any thought to the question of whether he was required to report Gibbs to the department when he learned what Gibbs had done. Though Andrews did not recall discussing Coleman with legal counsel, documents suggest he did so and was advised that no report was required.

We certainly believe that what students reported to Zane about Gibbs and what a student reported to Andrews about Coleman fell within the category of the kinds of conduct that needed to be reported—that is, “sexual abuse,” “mental injury,” or “creat[ing] or allow[ing] to be created a substantial risk of physical or mental injury.” The statute did not (and still does not) define “sexual abuse,” but the ordinary meaning would include the unwanted sexual contact that both Gibbs and Coleman imposed on students.<sup>108</sup>

The central question, then, under the 1976 law, was whether Gibbs and Coleman were “person[s] responsible” for a child’s welfare.

A common sense reading of this statute would suggest that Gibbs, as a trainer responsible for treating student athlete’s injuries, and Coleman, as a teacher, choirmaster, and dorm parent, were each a “person responsible” for a child’s welfare and, consequently, St. George’s was required to

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<sup>107</sup> P.L. 1989, ch. 147 (codified at R.I. Gen. Laws § 40-11-2(10)).

<sup>108</sup> The first National Incidence Study of Child Abuse and Neglect, a congressionally mandated study periodically carried out by the United States Department of Health and Human Services, was conducted in 1979 and 1980 and published in 1981. The study defined sexual abuse to include a range of physical contact that included inappropriate hugging or fondling of non-genital and non-intimate areas. Applying definitions of “sexual” and “abuse” taken from a dictionary published in 1981, as the Sixth Circuit Court of Appeals did in 2015 when it decided *United States v. Mateen*, yields a similar result: “sexual abuse, consistent with its common meaning, connotes the use or treatment of so as to injure, hurt, or damage for the purpose of sexual or libidinal gratification” (citing *Webster’s Third New International Dictionary* (1981)).

report Gibbs and Coleman to the Department. We note, however, that when the school *did* report Gibbs to the Department in 1989 (in connection with Anne Scott’s lawsuit), the Department declined to exercise jurisdiction, stating that Gibbs “does not appear to have been a person responsible for a child’s welfare within the contemplation” of the mandatory reporting law.<sup>109</sup> Therefore, whatever a common sense reading of the law might suggest, it does not appear that the Department responsible for investigating child abuse took the position that the law required St. George’s to report Gibbs; consequently, we cannot conclude that Zane acted unlawfully when he made no report.

A teacher and dorm parent like Coleman might, arguably, stand on different footing from a trainer, and may be more likely to be seen as a “a person responsible for a child’s welfare.” And a common sense reading of the statute suggests that Coleman, at least as a dorm parent, *would* meet that definition. But the Department’s decision in the Gibbs matter, coupled with its public statements in 2016 confirming that it did not view abuse at private schools as falling within its jurisdiction, again weighs heavily against the conclusion that Andrews acted unlawfully when he failed to report Coleman to the Department.

### *Further Amendments Defining a “Person Responsible”: 1989-2013*

Rhode Island amended its reporting statute again on June 30, 1989 to define a “[p]erson responsible for a child’s welfare.” The 1989 law defined a “[p]erson responsible for a child’s welfare” as:

the child’s parent, guardian, foster parent, an employee of a public or private residential home or facility or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center based day care).<sup>110</sup>

This amendment strongly suggests that the legislature intended to cover only conduct by legal caretakers and residences dedicated to the provision of social services, rather than schools.<sup>111</sup> A

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<sup>109</sup> Exhibit 38 and Exhibit 39.

<sup>110</sup> P.L. 1989, ch. 147 (codified at R.I. Gen. Laws § 40-11-2(10)).

<sup>111</sup> While the phrase “public or private residential home or facility” has neither been defined by statute nor construed in reported decisions from Rhode Island’s courts, the reported cases discussing a “residential home” or a “residential facility” generally refer to assisted-living facilities, substance abuse treatment centers, emergency shelters, and shelters for women escaping abusive relationships. Moreover, interpreting the statute to mean that boarding schools are covered because they fall within the definition of a “residential facility” would mean concluding that the legislature made a conscious decision to exempt day schools from the reach of the law by imposing reporting on obligations only on boarding schools.

further amendment in 2003 expanded this definition to include persons over eighteen years of age who were living in the home of the child's parent or guardian and who had unsupervised access to the child.<sup>112</sup>

This was the mandatory reporting statute that St. George's faced when it learned that Charles Thompson had invited numerous students into his apartment at night and touched their knees to examine whether they had "sailor's knees." Contemporaneous notes taken by Eric Peterson reflect a conversation with the school's counsel at Edwards & Angell about whether to report Thompson to the Department. Counsel did not advise Peterson that the law did not apply to St. George's *at all*, although that would have been a reasonable legal conclusion. Instead, the law firm told Peterson that Thompson's conduct did not constitute "sexual abuse."

This reasoning appears flawed. The reporting does not extend only to "sexual abuse" but also (in circumstances where reporting is required) to occasions where there is "reasonable cause . . . to suspect" "mental injury," or "creat[ing] or allow[ing] to be created a substantial risk of physical or mental injury." The fact that three dorm prefects came to the Head of School and reported that students in their dorm were uncomfortable certainly suggests that that Thompson was "creating a substantial risk of . . . mental injury." And, from our perspective, it is not even clear, on the basis of Richard's notes of his interviews with the Wheeler boys, that the school could rule out the possibility that Thompson was touching boys' knees for sexual gratification.

St. George's own actions demonstrate that it had some concern that Thompson might pose a risk to students: he was placed on leave and required to undergo a psychological evaluation prior to returning. This alone suggests that the school had "reasonable cause . . . to suspect" abuse, which is enough to trigger the obligation to report. Certainly, if St. George's had continued to make reports to the Department "out of an abundance of caution," as it said it had in 1989 when it reported Al Gibbs (in the context of Anne Scott's suit), it would have reported Thompson's actions.

As we have noted, however, it is clear that St. George's leaders disclosed Thompson's conduct to its counsel at Edwards & Angell, and the firm advised that reporting was not required. That conclusion may well have been correct, but not for the reasons Edwards & Angell gave. As we have noted, after the 1989 amendments, it seems doubtful that the reporting statute applied at all to private schools.

### *Reporting Child-on-Child Sexual Abuse*

In 1990, the Rhode Island legislature added an additional reporting obligation that required all people to report if they knew or suspected that a child had "been a victim of sexual abuse by

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<sup>112</sup> P.L. 2003, ch. 141 (codified at R.I. Gen. Laws § 40-11-2(10)).

another child.” There were no further qualifications or limitations. All people had (and continue to have) a duty under Rhode Island law to report child-on-child sexual abuse.<sup>113</sup>

This new feature of the reporting law was in place when Witness 40 told a faculty member and the wife of a second faculty member that a fellow student had raped her.<sup>114</sup> Hearing Witness 40’s story gave these individuals reasonable cause to know that Witness 40 had “been a victim of sexual abuse by another child.” They were required to report this to the Department within twenty-four hours. Their failure to ever report the matter to the Department violated the mandatory reporting law, and could have subjected them to civil and criminal penalties until the relevant statutes of limitations had run.

### *Reporting Allegations of Past Sexual Abuse*

The same reporting statute governed the question of whether St. George’s was obligated to report allegations of past sexual abuse that surfaced during the tenures of Charles Hamblett and Eric Peterson. Peterson’s notes or correspondence from the time reflect that Peterson asked counsel at Edwards & Angell (and subsequently Edwards Wildman) whether the school needed to report (a) allegations that surfaced in 2005 concerning Franklin Coleman and (b) new allegations concerning Al Gibbs that the school learned of in 2011.<sup>115</sup>

In both instances, counsel advised Peterson that there was no obligation to report.<sup>116</sup> In late 2011, however, counsel advised the school to make the report anyway “out of an abundance of caution.” In February 2012, the school (through its attorney) reported to the Department that it had learned of additional allegations that the trainer it reported in 1989 had sexually assaulted a student.<sup>117</sup> We understand that the Department took no action in response to either of those reports.

Neither the statute nor reported decisions from Rhode Island courts expressly address whether the duty to report lapses when the child subjected to abuse turns eighteen years old (i.e., is no longer a child under the reporting statute). For three reasons, we conclude that the duty to report does

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<sup>113</sup> P.L. 1990, ch. 280 (codified at R.I. Gen. Laws § 40-11-3(a)).

<sup>114</sup> This student was under the age of eighteen when he raped Witness 40, and therefore a child under the mandatory reporting statute. (As noted above, Witness 40 has asked us not to identify or contact either the faculty member or the wife of the second faculty member, and we have respected her wishes.)

<sup>115</sup> Exhibit 40; Exhibit 41.

<sup>116</sup> Exhibit 42; Exhibit 41.

<sup>117</sup> Exhibit 43.

likely lapse at that point, and thus St. George's was not obligated to report these allegations of past sexual abuse to the Department.

First, the statute's purposes are protective and preventative, not punitive, *see* R.I. Gen. Laws § 40-11-1, and thus not necessarily served by reporting the abuse of children who are now adults and no longer at risk.

Second, the Department is required by statute to investigate all reports that a child has been abused or neglected, but Department regulations state that it does *not* investigate reports of abuse of people who are now adults (unless the abuse occurred in a home where there are still minor children). Code of Rhode Island Rules 03-005-001, Policy 500.40. Such reports are evidently not treated as reports of "child abuse" for purposes of the reporting statute.

Third, if the statute *did* mandate reporting of the abuse against individuals who are now adults, every reader of this report would be obliged to notify the department of all the abuse this report describes, or risk civil and criminal penalties for failing to do so. Such an outcome was unlikely to be intended by the Rhode Island General Assembly.

### *Closing the St. George's "Loophole" and the 2016 Amendments*

Media reports have called the uncertain application of the reporting statute to abuse by school employees a "loophole," even though it has been a feature of the statute since its inception, except for a brief period between 1971 and 1976. Rhode Island's General Assembly responded to the media reports about abuse at St. George's by amending the statute to make clear that "any public or private school, including boarding schools, or any home schooling program" must report "sexual abuse by an employee, agent, contractor or volunteer." As is the case with other types of abuse, the duty to report applies to "any person" who knows or suspects that someone working at a school has sexually abused a child.<sup>118</sup>

The amendment commendably expands the duty to report to require schools to inform the Department of sexual abuse carried out by the people under their supervision. Unfortunately, the amendment does not resolve the broader ambiguity about what it means to be a "person responsible" for a child's welfare. There was a specific "fix" for abuse at schools, but the language of the statute still creates doubts about whether, for example, an employee of a summer camp who sexually abuses children falls within the statute's reporting obligations.

Despite the fact that the Legislature has closed the "St. George's loophole," we believe the issues that St. George's experience has brought to light suggest that the Rhode Island General Assembly

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<sup>118</sup> P.L. 2016, chs. 352 and 373 (codified at R.I. Gen. Laws § 40-11-2, § 42-11-3.3).

should examine whether a more comprehensive examination of its child abuse reporting statute is appropriate. We address that issue in our recommendations section.

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## Anne Scott's Lawsuit Against St. George's

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In September 1988, Boston lawyer Eric MacLeish contacted Acting Headmaster Archer Harman, Jr. to advise him that Anne Scott '80 had been molested and raped by former St. George's school trainer, Al Gibbs, when Scott had been a student at St. George's.<sup>119</sup> Bringing a claim against the school was mainly Scott's parents' idea: they were concerned that Scott had been so badly harmed by what happened to her at St. George's that she would not be able, on her own, to afford medical care or support herself. MacLeish demanded that the school pay \$2.648 million to settle the case out of court.

Harman referred MacLeish's demand letter to St. George's outside counsel, Edwards & Angell of Providence. The school expressed no interest in settling the case, so MacLeish filed suit on Scott's behalf (using the pseudonym "Jane Doe") on November 30, 1988. The complaint demanded \$10 million from St. George's—an amount evidently double the available insurance coverage, a fact that several witnesses told us the school treated as a financial demand sufficient to threaten the school's existence.<sup>120</sup>

William P. Robinson, III, a trial lawyer for the firm, handled the case for the school. Robinson was not the lawyer to whom the school generally turned for advice (that was Arthur Murphy). Robinson was a litigator working on his first St. George's matter. Murphy told him it was an important case for St. George's, and be sure to do everything possible (consistent with the law) to win the case.

Immediately after Scott filed suit, the school's business manager, Wes Hennion, wrote to Gibbs, informing him that "[d]ue to the serious nature of the alleged incidents outlined in the suit, I must suspend any future payment of your annual grant until further notice." The letter also asked Gibbs "not to come on campus or visit with Faculty living in school-owned housing" at least until the suit was resolved.

We note that neither the school, the school's lawyers, nor Scott's lawyers has been able to locate a

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<sup>119</sup> Exhibit 44.

<sup>120</sup> As the school's experienced counsel doubtless understood, there is little relation between a lawsuit's stated demand and the defendant's actual exposure to pay a financial judgment. It is unclear whether the school's leaders understood that so clearly; the suit was frequently described at the time as a "\$10 million lawsuit."

complete copy of the records relating to the suit. For example, it remains unclear how many witnesses were deposed—that is, questioned, under oath, out-of-court, in a proceeding where the parties (or in St. George’s case, a designated representative) may be present. We have a transcript of only a single deposition—the deposition of Archer Harman; no other transcripts appear to survive.

We believe that some other depositions, including depositions of Scott’s parents, were taken. The Dean of Faculty at the time, Dan Hollins, appears to have attended several depositions as the school’s designated representative. Likewise, the record of correspondence between the parties is incomplete, and the court’s own file, which we obtained from the National Archives, does not contain a complete record of all the documents filed in court. We can, however, reliably report the following information about the case:

St. George’s sought to dismiss the complaint, claiming that it was too late to satisfy the statute of limitations, and also claiming that it should be dismissed unless Scott identified herself publicly. The school argued that public identification was required because witnesses might read about the case in the newspaper and come forward with information about Scott. The school also said naming Scott might turn up information suggesting that Scott had consented to sex with Gibbs.

Magistrate Judge Jacob Hagopian heard oral argument on the motion on March 1, 1989. Following this argument, the magistrate judge rejected the school’s lawyers’ efforts to require Scott to identify herself publicly and spoke particularly harshly about the school’s contention that Scott, who was 15 at the time she alleged Gibbs raped her, could have consented to Gibbs’ conduct.<sup>121</sup> Magistrate Judge Hagopian later rejected St. George’s motion to dismiss the case based on the statute of limitations, ruling that the question whether Scott had filed the complaint in time would ultimately be decided later in the case, as more facts emerged.

In the three months that followed this ruling on the motion to dismiss, both sides pressed for depositions of individuals whom they believed might have information relevant to the case. Scott’s lawyers sought to take the depositions of Harman, Zane, Gibbs, Skip Howard (the Athletic Director), Dolly Howard (his wife) and several former students. St. George’s lawyers issued more than 20 deposition notices, including notices to school counselor Dr. Kosseff, Scott’s parents, the headmaster of Scott’s elementary school, and for her medical records dating back to the period when Scott was a small child, and several of Scott’s childhood friends. As noted above, Harman’s deposition survives; to the participants’ memories, neither Scott nor Gibbs ever testified under oath before Scott dismissed the case in April 1999.

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<sup>121</sup> In the federal systems, magistrate judges are not full, life-tenure judges appointed pursuant to Art. III of the United States Constitution. Their decisions are essentially recommendations, subject to review by the District Court Judge presiding over the case.

Robinson told us he recalled having no specific reason for seeking Scott's family or other personal information. He told us he recalled that St. George's wanted to make the litigation as difficult as it could for Scott, and he viewed his job as a litigator to press as hard as he could, so long as he stayed within the bounds of the law. Robinson also told us he was personally skeptical about whether Scott had been abused, because she had waited eight years to file suit.

The school's tactics worked. In the face of the school's tactics, Scott, who remained badly traumatized by what Gibbs had done to her, chose not to press forward with the lawsuit, and dismissed it.

As the suit proceeded, however, several other events of note occurred:

As part of discovery (the required pre-trial exchange of information among the parties), St. George's produced to Scott's lawyers former Headmaster Zane's notes documenting his February 1980 discussions with students about Gibbs' conduct. These notes—as described earlier—demonstrated that Gibbs had molested at least one other student, and had taken, or displayed to some male students naked or semi-naked pictures of girls. The school also produced to Scott's lawyers Zane's positive letter of recommendation for Gibbs.

The documents produced also evidently described the school's dismissal of Rev. White for molesting a male student in 1974 (although the documents may not have identified White by name). Scott's lawyers amended their complaint to add the allegations about White (without mentioning him by name); St. George's moved immediately to cause this document to be impounded so this allegation would not be publicly known. Scott's lawyers did not object to this request.

As the case progressed, Acting Headmaster Archer Harman wrote to at least 15 former St. George's students seeking information about the Anne Scott litigation. Each of the letters was identical, and read as follows:

Dear [Former Student]:

A student whom you knew at St. George's, Anne Scott, has filed a civil action against St. George's School in the United States District Court. In this civil action she alleges she was sexually abused during part of 1977 and 1978. The School has no information whatsoever which corroborates Ms. Scott's allegations, and the defense of the case has been delegated to our attorneys.

Our attorneys have asked us to inquire as to what information you may have received regarding any alleged incidents from Ms. Scott. If you have any information whatsoever, please contact attorney John Baglini . . . In addition, you may be approached by an investigator hired by our attorneys to furnish infor-

mation as to what you may know. We would appreciate it if you would give him your full cooperation.<sup>122</sup>

As mentioned above, in light of Zane's February 1980 discussions with students (and the notes reflecting those discussions), Harman's claim that the school had "no information whatsoever which corroborates Ms. Scott's allegations" was plainly false.

Harman also wrote a more general letter to the Friends of St. George's—apparently prompted by Scott's lawyers' request for an alumni directory, and the school's concern that Scott's lawyers might contact a broad cross-section of alumni about Gibbs or others. We do not know how widely this letter was circulated, but it is evident that the school was concerned about the prospect that Scott's lawyers might contact alumni as the school's lawyers filed a motion seeking to prevent them from doing so—a ruling that the court had not acted on at the time the suit was dismissed. Harman's letter stated—again, falsely—that the school had "no reason to believe the alleged incidents took place."<sup>123</sup>

In the meantime, MacLeish, as Scott's counsel, wrote to Robinson, suggesting that St. George's might still have an obligation to report Gibbs' conduct to authorities. In response, Robinson wrote on March 24, 1989 to Dr. Joseph J. Picano, head of the Department of Children, Youth and Families:

Dear Dr. Picano:

I represent St. George's School of Newport, and I write in connection with the reporting requirements of Section 40-11-3 of the General Laws.

While I would respectfully note that it is not conceded that St. George's School has a statutory reporting obligation in connection with the matters referenced in this letter (either because only allegations are involved or because of the nature of the alleged acts), I write out of an abundance of caution to apprise you of certain events which allegedly took place several years ago and which involved individuals who were then under 18 but who have now long since attained their majority.

In December of 1988, a Complaint was filed in the United States District Court of Rhode Island by one 'Jane Doe,' a pseudonym for a former student of St. George's School who is now 25 years old. Jane Doe (whose real identity is known to the School and to the undersigned) alleges that she was sexually assaulted by the School's athletic trainer on several occasions between the fall of 1977 and March of 1978. Investigation concerning the allegations set forth in

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<sup>122</sup> Exhibit 45.

<sup>123</sup> Exhibit 46.

Jane Doe's Complaint is continuing. There has been no admission nor judicial finding that the alleged sexual assaults did in fact occur.

To the best of my knowledge, the allegations contained in Jane Doe's Complaint were first made known to the School when her attorney wrote to the School in the summer of 1988.

In the course of the discovery process being conducted pursuant to the Federal Rules of Civil Procedure, information has been located indicating that the above-referenced trainer may have been involved in one or more incidents in or about 1980 wherein one or more students was photographed in a state of total or partial nudity. There is no evidence that any of said students was physically assaulted. I do not believe that such photography, albeit improper, would fall within the statutory definition of abuse; but I report the alleged incident(s) out of an abundance of caution.

The athletic trainer referenced in the foregoing paragraphs has not been an employee of the School since 1980. I have no reason to believe that he is currently employed by any educational institution.

(Although, as I read the statute, there is no reporting obligation under the circumstances here present, the Massachusetts lawyer representing the plaintiff in the Jane Doe litigation suggested that there is such an obligation; and, in the event that he should report to the Department, I felt that it would be advisable for the School to have a report on record.)

If you have any questions relative to the matters referenced in this letter, please do not hesitate to contact me.<sup>124</sup>

The Department responded on April 12, 1989 as follows:

This will acknowledge receipt by this Department of your March 24, 1989 letter addressed to the Department Director, Dr. Joseph J. Picano.

It is understood that the above-referenced letter is provided out of an abundance of caution to satisfy, without acknowledging the existence of, any statutory reporting obligation that your client may have under R.I.G.L. 40-11-3.

Please be advised that the Department will take no affirmative action in response to your letter. The rationale therefore is twofold. The victims in the alleged events referenced in your letter have attained the age of majority, and the alleged perpetrator does not appear to have been a person responsible for a child's welfare within the contemplation of Chapter 11 of Title 40. Therefore, it

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<sup>124</sup> Exhibit 38.

appears that the Department, in its child protective capacity, is without jurisdiction to act.

Thank you for your cooperation in this matter.<sup>125</sup>

By June, in the face of the pressure the case placed on her, Scott was no longer willing to go forward with the suit. Scott also recalled that a friend of her parents who had learned about the suit also placed pressure on her parents to drop the suit. On June 7, 1989—despite having prevailed in nearly every pre-trial motion—Scott’s lawyers filed a Notice of Voluntary Dismissal—a step that would have ended the litigation, but left open at least the theoretical possibility that Scott could file the suit again at a later date.

Robinson then wrote to MacLeish, advising him that the school would not agree to ending the suit in a way that left any possibility open that Scott might bring suit again. Robinson’s letter read as follows:<sup>126</sup>

Dear Eric:

Please be advised that John Baglini [representing the school’s insurer] and I, on behalf of St. George’s School, are seriously considering petitioning the Court for leave to take depositions to perpetuate testimony pursuant to the Federal Rules. We simply cannot bear the risk of not preserving the testimony of such witnesses as Mr. Gibbs and the various friends of the Jane Doe located in Philadelphia and elsewhere who might have some knowledge of the factual context of Jane Doe’s allegations. In addition, we are very concerned about preserving the various medical and school records which are so potentially pertinent to Jane Doe’s allegations. You may be assured that we have no ulterior motive in this respect: you have already filed (presumably on behalf of your client) a Complaint and an Amended Complaint against St. George’s School, each making very serious allegations and seeking several millions of dollars in damages. In view of the fact that your Notice of Dismissal was for a dismissal without prejudice, it would be foolhardy of us not to attempt to preserve any evidence that might be helpful to us. People do not live forever and documents are not preserved forever. Consequently, we wish to avail ourselves of the explicit provision in the Rules which makes the preservation of evidence possible.

If you will agree to stipulate to a dismissal with prejudice, we will not seek to follow the above-outlined route. Please be advised, however, that time is of the essence: we would hope to file our Petition by mid-morning on Monday and to

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<sup>125</sup> Exhibit 39.

<sup>126</sup> Exhibit 47.

commence the deposition process next week.

The letter was copied to Richard Sayer, a member of St. George’s Board of Trustees.

This tactic, though permitted by the court rules, is rarely used, and represents another example of the aggressive strategy St. George’s pursued against Scott. Scott relented, and on June 12, 1989, the school and Scott agreed that the case would be *dismissed with prejudice* (that is, without preserving her ability to file the suit at a later time) based on an exchange of mutual releases (agreement that Scott would not seek to sue St. George’s and St. George’s would not sue Scott) without St. George’s making any payment to Scott. The parties exchanged releases, and on July 17, 1989 a formal dismissal with prejudice was filed on July 14, 1989.

The school publicly declared victory. In articles in the *Providence Journal* and the *Newport News*, Robinson, identified as the school’s counsel, is quoted as saying:<sup>127</sup>

William P. Robinson III, a lawyer for the private, coeducational school, said the suit being dropped “was a bolt out of the blue.”

Robinson said there was no settlement. “Not one cent of money was exchanged,” he said. No reason for the sudden turnaround was offered to Robinson, he said.

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“We received the dismissal notice out of the blue, we were not expecting it,” Robinson said, adding no reason was given for the dropping of charges. “It was initiated by the plaintiff.”

No money was involved in the agreement, he said.

“The school feels vindicated,” Robinson said. “It is very good to have it over.”

After the suit was dismissed, the school resumed paying Gibbs the annual \$1,200 stipend. The school continued to pay Gibbs that stipend until Gibbs’ death in 1996.

We have been unable to locate a copy of any confidentiality order (referred to by some as a “gag order”) preventing Scott from speaking publicly about what Gibbs did to her—something that became a matter of significant controversy later (as we discuss further in this report). The surviving documents about the case are incomplete.

In many respects, the documents that do survive suggest that there was no confidentiality order. Documents describing the school’s proposed settlement terms make no mention of a confidentiality, non-disparagement, or “gag” order. And Robinson’s public statements (quoted above) are inconsistent with the kind of statements that typically result from confidentiality and non-

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<sup>127</sup> Exhibit 48.

disparagement agreements. But Scott recalls (credibly, in our view) signing *two* documents at the conclusion of the case; we have seen only one (the release), so we certainly cannot rule out the possibility that Scott did in fact sign a confidentiality agreement or another document she believed restricted her ability to speak freely about the case.

We conclude with certainty, however, that Scott in any event *believed* she was bound to confidentiality; there is no other explanation for her continued insistence throughout 2015 that she be permitted to be released from an obligation of confidentiality.

### *Our Conclusions about the Scott lawsuit*

The school's aggressive approach to the Scott lawsuit—including its efforts to make Scott publicly disclose her name; Harman's false statements to former students who knew Scott, and false statements to a broader group of alumni; and the school's decision, after the case ended, to reinstate annual payments to Gibbs—represents a low water mark in St. George's treatment of its students who were sexually assaulted. The school's tactics were within the bounds of the law. But the school's repeated denial that there was any basis to conclude that Scott was sexually assaulted represents an extraordinary lack of candor and a failure to recognize any moral obligation to act responsibly to students who had been abused as young, vulnerable children in the school's care.

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## Sexual Abuse at Private Schools: A Brief History of Allegations and Responses, 1977 to 2015

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Some ten years after Scott dismissed her suit, alumni who had been abused at St. George's began to come forward to tell the school they were sexually abused there. Some needed counseling. Others wanted to ensure that their abusers were not in a position to abuse teenagers elsewhere. Some wanted the school to provide an honest accounting of what happened. This report examines how the school responded when these former students came forward.

To evaluate fairly how St. George's responded when alumni began to come forward to report past abuse, we look briefly at how other schools approached questions like this, and how their approaches changed over time.

St. George's School was not, of course, the only school where faculty or staff sexually abused students, or students sexually abused other students, during the 1970s or 1980s. For the most part, private independent schools that faced these problems during those decades dealt with them privately, much as St. George's did when it learned what White, Gibbs, and Coleman had done.

Occasionally, however, criminal prosecutions of faculty members charged with sexual abuse or other news reports interrupted the silence.

In 1977, only a few years after St. George's dismissed White, an assistant headmaster and a senior faculty member at the Fessenden School in Newton, Massachusetts were among seventeen men indicted for allegedly taking part in a ring that bought sex from young boys. Prosecutors said neither had abused any Fessenden student. The headmaster sent a letter to parents that concluded: "Those of us at the school are at least relieved in this distressing situation that neither the school nor any of its students were involved and that the events alleged in the published reports all occurred away from the Fessenden campus." Another school official said the school was convinced that "if advances had been made to boys at the school, they would have learned of it."<sup>128</sup> (This optimism proved misplaced: ultimately, more than a dozen alumni came forward to say they were abused there as students.)<sup>129</sup>

A decade later, in 1987, the indictment of Edward Washburn, a former English teacher at Buckingham, Browne & Nichols School in Cambridge again attracted headlines. Washburn was

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<sup>128</sup> "Stunned by Charges that Two Teachers Homosexually Abused Little Boys, the Fessenden School Is Striving to Preserve Its Image as an Elite Training Ground for the Rich," *Associated Press* (Dec. 10, 1977).

<sup>129</sup> Exhibit 49.

dismissed from BB&N in February 1987, where he had taught English for 23 years, after admitting to engaging in sexually inappropriate activity with students.<sup>130</sup>

BB&N publicly acknowledged that it should have reported Washburn's sexually inappropriate activity to the Department of Social Services. Its headmaster pleaded guilty, and was fined, for failing to make the required report.<sup>131</sup> The school also convened a Task Force on Child Abuse and Sexual Harassment, which published a report, widely circulated in the independent school community, directed to preventing abuse and reporting it when it occurred.

BB&N sent a copy of this report to St. George's lawyers at Edwards & Angell in June 1988, evidently.<sup>132</sup> It is not clear what use, if any, St. George's made of this report. The report focused on real-time action to prevent abuse, and real-time action to address reports when made; it did not address how schools should address students who came forward with reports of abuse from previous decades.

Over the course of the next 25 years, dozens of news accounts emerged reporting that school faculty, or other students, had engaged in inappropriate sexual conduct at private schools, many in New England.

The news accounts appeared in bursts. Even a partial list<sup>133</sup> makes clear that faculty or staff engaging in inappropriate sexual conduct could be found in many places other than St. George's, including Phillips Exeter Academy (1992, 2016);<sup>134</sup> Mount Alvernia High School, Newton, Massachusetts (1994);<sup>135</sup> Indian Mountain School, Lakeville, Connecticut (1995; 2014);<sup>136</sup> Phillips

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<sup>130</sup> "Ex-Teacher Indicted in Rape Charge," *The Boston Globe* (Oct. 3, 1987); "School Secret: Buckingham, Browne & Nichols Chose Not to Inform Authorities that Teacher Ted Washburn had Sexually Abused Three Boys. What the School Didn't Count on the Tenacity of One of the Boys' Mothers – Ted Washburn's Sister," *Boston Globe Sunday Magazine* (July 3, 1988).

<sup>131</sup> Exhibit 50.

<sup>132</sup> Exhibit 51.

<sup>133</sup> The list is not exhaustive in terms of the schools or incidents it includes.

<sup>134</sup> See "Pornography Jury Convicts Teacher," *New York Times* (Oct. 10, 1992); "Prosecutors Say Exeter Teacher had Students Make Sex Videos," *New York Times* (Jan. 6, 1993); "Ex-Teacher Barred from Prestigious N.H. School," *The Boston Globe* (Mar. 30, 2016); "Exeter Admits Error on Abuse Allegation; Will Hire Director to Handle Sexual Misconduct Cases," *The Boston Globe* (July 20, 2016).

<sup>135</sup> See "Former Coach Given Suspended Sentence in Child Rape Case," *The Boston Globe* (Dec. 3, 1994).

<sup>136</sup> See "Allegations of Sexual Abuse and Silence at a Private School," *Hartford Courant* (July 9, 1995);

Andover Academy (1995, 2012);<sup>137</sup> Berkshire School, Sheffield, Massachusetts (2002, 2006);<sup>138</sup> Boston College High School (2002)<sup>139</sup>; Cheverus High School, Portland, Maine (2002);<sup>140</sup> American Boychoir School, Princeton, New Jersey (2002);<sup>141</sup> Groton School (2002);<sup>142</sup> Horace Mann School, New York City (2012);<sup>143</sup> Maimonides School, Brookline, Massachusetts (2012);<sup>144</sup> Landmark School, Beverly, Massachusetts (2012);<sup>145</sup> Brooks School, North Andover, Massachusetts (2013);<sup>146</sup> Deerfield Academy (2013, 2016);<sup>147</sup> Brunswick School, Greenwich, Connecticut

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“School Gave Little Help in Abuse Case, Report Says,” *Hartford Courant* (July 22, 1995); “Connecticut Boarding School Target of New Sexual Abuse Allegations,” *Hartford Courant* (Oct. 8, 2014); “Fourth Lawsuit Charges Sex Abuse at Boarding School,” *Hartford Courant* (Jan. 29, 2015); “New Sexual Abuse Lawsuit Filed Against Lakeville Boarding School,” *Hartford Courant* (July 28, 2016).

<sup>137</sup> See “Task Force Widens Probe at Andover,” *The Boston Globe* (Sept. 4, 1995); “Ex-Teacher Sentenced to 8—15 Years,” *The Boston Globe* (June 13, 1996); “Children’s Hospital Doctor had Previous Reprimand for Viewing Adult Porn, Ex-Phillips Academy Medical Director Disciplined in ’99 for Viewing Adult Porn,” *The Boston Globe* (Sept. 15, 2012).

<sup>138</sup> See “School for Scandal: Sexual Harassment Charges Against the Headmaster are Stirring a Very Public Controversy at the Private Berkshire School,” *Boston Globe Sunday Magazine* (Jan. 13, 2002); “MCAD Finds Evidence of Harassment by Berkshire Headmaster,” *The Boston Globe* (June 15, 2002); “Student Files Suit Over Sex,” *Berkshire Eagle* (Nov. 18, 2006).

<sup>139</sup> See “BC High Suspends Priest Accused of Student Molestation,” *The Boston Globe* (Mar. 6, 2002).

<sup>140</sup> See “Ex-Maine Priest Accused of Abuse at Boston School,” *Portland Press Herald* (Mar. 6, 2002); “Cheverus Priest Abuse Case Settled,” *Portland Press Herald* (Jan. 11, 2003).

<sup>141</sup> See “Years of Sex Abuse Described at Choir School in New Jersey,” *New York Times* (Apr. 16, 2002).

<sup>142</sup> See “Groton School in Sex Abuse Probe,” *Associated Press* (July 27, 2002); “The Boy Who Cried Rape,” *Boston Magazine* (Dec. 2002).

<sup>143</sup> See “Prep-School Predators, The Horace Mann School’s Secret History of Sexual Abuse,” *New York Times Magazine* (June 6, 2012).

<sup>144</sup> See “Rabbi Stanley Z. Levitt Gets 10 Years of Probation for Abusing Three Boys,” *The Boston Globe* (Aug. 3, 2012).

<sup>145</sup> See “Abuse Allegations Surface at Beverly School,” *Boston Globe* (Aug. 1, 2012); “Scandal Grows at Beverly School,” *The Boston Globe* (Jan. 11, 2013).

<sup>146</sup> See “Prep School Reveals Misconduct by Ex-Chief,” *New York Times* (Jan. 4, 2013); “Lawsuit: Brooks School Alumnus Sexually Abused by Administrator,” *Eagle Tribune* (Sept. 27, 2013).

(2013);<sup>148</sup> and Hotchkiss School, Lakeville, Connecticut (2015).<sup>149</sup> Like the former BB&N headmaster had done in 1988, Groton School pleaded guilty in 2005 to failing to report students' sexual abuse complaints to the state and was fined.<sup>150</sup>

Sexual assault scandals also generated headlines outside the world of private secondary schools—in the Catholic Church, of course, and at Penn State, where the university's actions (or failures to act) became a national story prompting many to ask whether trusted institutions were doing more to harm than protect children.

During those years, private schools like St. George's began more frequently to hear from alumni who reported they had been abused many years earlier. As these alumni reached out, a trend emerged: a number of schools, including BB&N, Fessenden, Landmark, Brooks, and Deerfield sent letters to alumni informing that they had received such reports and describing the actions they were taking in response.

### *BB&N*

In 2008, two decades after BB&N's headmaster pleaded guilty for failing to report Washburn's abuse of students, Head of School Rebecca T. Upham wrote in a letter to the school community that "BB&N did not undertake timely or effective efforts to determine whether Washburn victimized others."<sup>151</sup>

The letter disclosed that the school had received reports in the late 1970s that Washburn had engaged in inappropriate activity on trips with students, but, while Washburn was told to stop engaging in such activity, the school did not investigate Washburn's behavior or its potential effects on students. Upham's letter also reported that the school failed to respond when an alumnus reported in the late 1990s that he had been abused by Washburn and asked the school to take appropriate action.

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<sup>147</sup> See "Ex-Teacher Accused of Sexual Conduct with Student," *The Boston Globe* (Jan. 29, 2013); "More Abuse Allegations Brought Against Ex-Deerfield Teacher," *The Boston Globe* (Jan. 26, 2016).

<sup>148</sup> See "Brunswick School Investigates 30-Year-Old Sex Abuse Claim," *Greenwich Time* (Feb. 13, 2013); "Former Brunswick Teacher Sentenced," *Greenwich Time* (Nov. 28, 2014).

<sup>149</sup> See "Former Student Sues Hotchkiss School Over Alleged Sexual Abuse," *Hartford Courant* (Feb. 5, 2015).

<sup>150</sup> "Elite Prep School Pleads Guilty in Sex Abuse Investigation," *Associated Press* (Apr. 25, 2005).

<sup>151</sup> Exhibit 50.

In an effort to help alumni affected by Washburn's abuse, the school established a process so they could confidentially seek school-funded counseling and treatment. Upham wrote that she would reach out to students and faculty to obtain their input on how to enhance communication channels at the school and ensure that the school reported and responded to incidents of potential abuse.<sup>152</sup>

### *Fessenden*

In October 2011, Headmaster David B. Stettler wrote in a letter to the Fessenden community that, in response to receiving two reports, one in 2008 and another in 2011, of sexual abuse related to a former assistant headmaster, the school had initiated a historical review.

The school reported that it had received three claims of abuse in the 1990s, one of which involved the former assistant headmaster, and that "over the years, other alumni have alluded to knowledge of inappropriate sexual behavior in the 1970s and 1980s."

The letter reported that the three claims made in the 1990s were settled to the satisfaction of both the claimants and the school and that the claim reported in 2008 was also settled following mediation. The letter also stated that the school was reexamining its wellness curriculum and that it would make confidential counseling available to those who suffered abuse in incidents connected with the school.<sup>153</sup>

### *Landmark*

In 2012, President and Headmaster Robert J. Broudo emailed the Landmark school community inviting reports of sexual abuse after the school was contacted by two alumni alleging that a

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<sup>152</sup> The alumnus who had come forward in the late 1990s later criticized the school for failing to follow through on some of the claims made in the letter and made a demand for restitution from the school. "Man Seeks \$1M from Cambridge Private School After Alleged Sexual Abuse," *Patriot Ledger* (May 12, 2009).

<sup>153</sup> Exhibit 52. Fessenden's approach did not satisfy a number of alumni. In May 2016, two former students who allege that they were sexually assaulted by former Fessenden faculty criticized the school's 2011 review and its handling of past reports of abuse. They called for a federal inquiry into sexual abuse at the school. "Former Students Call for Inquiry into Assault Claims," *The Boston Globe* (May 10, 2016). In his May 5, 2016 letter, Headmaster Stettler noted that "there are those who believe we have shared too openly and those who feel we have not been transparent enough," but stated that he had made every effort to "model our School's values of honesty, compassion, and respect in every decision and action." Exhibit 49.

former faculty member had engaged in sexual misconduct.<sup>154</sup> Broudo stated that he had received a report from one of the alumni in 1994 regarding the alleged sexual misconduct<sup>155</sup> but that the faculty member denied the allegations and was not terminated at that time. Broudo also stated that he was aware of four other allegations of sexual harassment or abuse in the school's history.

The school retained lawyers to assist it in responding to allegations of abuse and to advise the Board of Trustees as it supervised an investigation. In 2013, Landmark reported that it had received five additional reports of abuse by former faculty or staff and offered counseling services to alumni who had reported being sexually abused as students.<sup>156</sup> Additionally, following litigation initiated by *The Boston Globe*, court documents from a sexual assault lawsuit against a former Landmark teacher were made public after having previously been impounded.<sup>157</sup>

### *Brooks*

In January 2013, Head of School John Packard wrote to alumni and parents that Brooks was conducting a review of the tenure of a former headmaster, who served from 1986 to 2008, after learning that the former headmaster had engaged in an objectionable relationship with a student and had engaged in inappropriate sexual behavior while traveling on school business. The school had reviewed an incident in 2004 in which employees had received phone calls alleging that the former headmaster had engaged in inappropriate conduct, but he denied the allegations at that time. Packard requested that those with personal knowledge regarding the former headmaster's conduct or oversight contact the school.<sup>158</sup>

In response to that request, the school received a claim for compensation from a former student regarding, not the former headmaster, but an ex-assistant director of admissions. In a September 2013 letter, Packard informed the school community that the allegations of sexual abuse by the

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<sup>154</sup> Exhibit 53.

<sup>155</sup> The alumnus has disputed Broudo's account of when he reported the alleged misconduct to the school and how the school responded. "Abuse Allegations Surface at Beverly School," *The Boston Globe* (Aug. 1, 2012).

<sup>156</sup> Exhibit 54.

<sup>157</sup> "90 Sex Abuse Suit at Beverly School Kept Secret," *The Boston Globe* (Feb. 27, 2013). The school settled lawsuits with three men alleging that they had been sexually abused by former employees of the school in 2015. "Landmark School Settles Suits Claiming Student Abuse," *Beverly Citizen* (Dec. 24, 2015).

<sup>158</sup> Letter from Head of School, John R. Packard, and President, Board of Trustees, William N. Booth, to Brooks Alumni, Parents, and Friends (Jan. 3, 2013).

ex-assistant director of admissions were consistent with similar allegations that had been brought to the school's attention and settled confidentially decades earlier.<sup>159</sup>

### *Deerfield*

Also in 2013, Deerfield engaged attorneys to conduct an investigation into allegations that a former faculty member had engaged in sexual misconduct. Deerfield announced that investigation with a letter to the school's community reporting that the former faculty member had admitted sexual contact with a student and seeking additional information.<sup>160</sup> The letter also offered professional counseling. That investigation confirmed that the first faculty member had engaged in sexual conduct with at least one student and revealed that a second former faculty member had engaged in inappropriate sexual conduct with two students. It also led to the conclusion that the school's administration could have done more to address reports, one from the 1980s and another from the early 2000s, regarding alleged faculty misconduct.<sup>161</sup>

This discussion teaches one central lesson about how schools responded to reports of abuse from alumni who graduated many years earlier: no two schools took exactly the same approach.

Some conducted investigations, based on the information at hand, then published the results of those inquiries to alumni and others (BB&N, Fessenden). Others reported the limited information they had, but used that limited information as a basis to conduct a broader, open-ended, historical review (Brooks, Deerfield, Landmark). Some offered counseling in the initial letter to alumni (BB&N, Deerfield, Fessenden); others waited until they received the results of their investigations before widely publicizing that offer (Landmark).

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<sup>159</sup> "Lawyer: Brooks School Withholds Information; Lawsuit Says Alumnus Raped by Woman When He Was 15," *Eagle-Tribune* (Sept. 28, 2013).

<sup>160</sup> Exhibit 55.

<sup>161</sup> Exhibit 56. Multiple lawsuits against the school have been filed since the close of the investigation. See "More Abuse Allegations Brought Against Ex-Deerfield Teacher," *The Boston Globe* (Jan. 26, 2016).

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## The School's Response to Reports of Abuse: 2000-2014

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No St. George's alumnus brought the abuse he or she experienced at St. George's to the school's attention for more than ten years after the school's hardball tactics led Anne Scott to dismiss her suit against the school.

In the years that followed, however, alumni from the 1970s and 1980s began to tell the school's new leaders what had happened to them decades earlier when they were abused as students. The school's leaders addressed each report on a case-by-case basis. The school agreed to provide counseling to two students (one who had been abused by Coleman; a second by Gibbs) when they requested it. The school, based in large measure on pointed advice from its lawyers, did not undertake a broad review of past abuse. Nor did it take affirmative steps—even when requested—to disclose Coleman's actions at St. George's to others, including Tampa Preparatory School, a day school, where Coleman had gone to work. (By the time the school's new leaders heard reports about Gibbs, he was already dead.)

### *Alumni Disclose Gibbs' and Coleman's Abuse to Headmaster Hamblet in 2000*

In 2000, two alumni told Headmaster Charles Hamblet that they had been sexually abused at St. George's: one by Coleman; the other by Gibbs.

#### *Disclosures Concerning Coleman's Abuse*

Charles Hamblet became headmaster in July 1989, following Rev. Andrews' departure in 1988 and Archer Harman's one-year term as interim headmaster in 1988–89. Hamblet served in that position for the next 15 years, until 2004.<sup>162</sup>

In 2000, approximately two-thirds of the way through his tenure as headmaster, Hamblet learned that Coleman and Gibbs had molested students. In 2000, Witness 10, the witness whose complaints about Coleman in 1988 resulted in Coleman's dismissal, contacted Dr. Kosseff, who was still working as a counselor for the school, and asked Kosseff to arrange for a meeting with Hamblet.<sup>163</sup> Kosseff arranged for Witness 10 to meet with Hamblet; at the meeting, Witness 10 told Hamblet that Coleman had abused him.

Hamblet treated Witness 10 with respect and apologized to Witness 10 on the school's behalf.

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<sup>162</sup> Hamblet died in 2010.

<sup>163</sup> There is some possibility this request first occurred in 1999.

Witness 10 asked the school to pay his counseling expenses, and the school agreed. The agreement was memorialized in a September 26, 2000 letter from Hamblet to Witness 10, stating:

It has been brought to my attention that while you were a student at St. George's, you were most unfortunately the victim of a sexual assault. While this incident occurred prior to my becoming Headmaster, Dan Hollins has briefed me as to the circumstances of your plight and the emotional episodes that you now experience and that may well have been at least partially caused while a student here . . . [a]t this point in time, we have been advised that the school has no legal obligation towards you. Nevertheless, as Headmaster, I feel that we have a moral obligation to you.

The school agreed that school psychologist Kosseff would provide at least 20 sessions of counseling for Witness 10 at the school's expense. Hamblet imposed only one condition on this counseling: Witness 10 was required to acknowledge that the school's agreement "was a voluntary act on the part of the school and is by no means an admission of any responsibility of the school with respect to the underlying cause(s) of your emotional trauma."

### *Disclosures Concerning Gibbs' Abuse*

In 2000, Hamblet learned of Gibbs' abuse of students. The news came to Hamblet's attention as the result of a fundraising call an alumna made to a classmate, Witness 19, a woman Gibbs had abused. On that call, Witness 19 told the alumna who called that she had been abused by Gibbs when she was at the school.

The alumna reported what Witness 19 said to Hamblet. Witness 19 followed up by sending a letter to the classmate, explaining what happened to her, and also describing, in detail, why St. George's conduct had troubled her. It is a prescient letter; we heard similar sentiments when, sixteen years later, we spoke to women abused by Gibbs:

Thank you for your caring response to our phone conversation. I want you to know that you did not upset me. The sexual abuse perpetrated by Al Gibbs, and the school's failure to reach out to students and honestly assess and help heal the damage he caused, upset me. You listened to me with compassion and acknowledged my feelings, and I appreciate that very much.

I do not blame St. George's for what Al Gibbs did, although I believe that the lack of proper athletic facilities for girls, combined with our community's trust in this seemingly kind old man, gave him easy, private access to female students. I do blame St. George's for its inadequate response to what Al Gibbs did. St. George's fired him so quietly, without explaining why. The school appeared to be trying to protect its own reputation, and that of this abuser, at the expense of the emotional health of the children he victimized. St. George's even permitted him to attend the first Alumni Weekend following his dismissal. I waited on ta-

bles during that event, and I saw him and his wife eating lobster dinner with faculty and returning alumni and their children. What an outrage that he was welcomed back to our campus after assaulting students! On the other hand, the school, through its silence, appears to hope that his victims, and our memories, will simply go away.

St. George's School had hundreds of children entrusted to its care during Al Gibbs' tenure. It discovered that he sexually abused some of them, yet failed to do what I believe any caring parent would do. It failed to reach out to the other children with whom he interacted. Al Gibbs had lied about his job function to female students in order to touch them inappropriately and even photograph them in the nude. In addition, he had shown photographs of naked female students to male students in the boy's locker room. I believe that the school administration discovered all of this and failed to act responsibly. Al Gibbs had access to virtually the entire student body, and girls were routinely instructed to meet with him privately during off hours for treatments. Why did the administration not want to know if he had harmed anybody else? Why were we not educated about sexual abuse and offered assistance in processing our experiences?

Tony Zane did not say why Al Gibbs was being dismissed, only that Gibbs is a sick man, he won't be working here any longer, and that is all I am going to say about it. Children were left to find out what Al Gibbs did through the rumor mill, to wonder which behaviors were acceptable and which were not in the St. George's community, and to deal with their own experiences without any assistance. Parents were not informed that a pedophile had had access to their children, and therefore they were not able to help, either.

As you and I discussed, when an adolescent was caught violating school rules, Tony Zane relayed the story to the entire school community in excruciating detail during an assembly. He told us what the student did wrong and what punishment resulted. Yet Al Gibbs criminally assaulted young girls, and the administration did not want to talk about it! We all deserved more respect and caring than that, and we still do . . . .

Thank you again for listening, and for acting so responsibly. Please follow up with me and with St. George's School on this issue. I suspect that there are many women now suffering in silence, and many young men who wonder why the school did not respect its female students enough to acknowledge what happened and to help them heal from such a violation. News events of other cases document that pedophiles gravitate towards work with children, and often leave many, many victims behind. We are every bit as important as a new ice hockey rink. Why have we not gotten as much consideration?

In July of 2000, a few months later, Witness 19, with her husband and therapist, met with Headmaster Hamblet, his wife Carol, and Dr. Kosseff, the school psychologist. Hamblet apologized and explained the changes the school had made to better protect students enrolled at the time. Kosseff also told Witness 19 that the school had, around the time of Gibbs' termination, sent the police to Gibbs' house to confiscate the naked photographs Gibbs had taken of female students.<sup>164</sup> Witness 19 also learned, from Kosseff, that St. George's was paying the counseling fees of another male student who had been abused by a male perpetrator. Witness 19 did not ask that the school pay for counseling for her, and the school did not offer to do so.

After the meeting, Witness 19 wrote to the Hamblets, thanking them for meeting with her. But she also raised the school's failure to address what happened in the past:

I am enclosing the December 1988 Providence Journal Bulletin article.<sup>165</sup> To my knowledge, it contains the only public statement ever made by the school about these events. While the words may make sense as a legal strategy, I believe they dismiss the suffering of alumnae and do not reflect the concern that I know that you feel for those of us affected by Gibbs' actions.

Witness 19 asked the school to schedule a follow-up meeting "because I have some questions to ask and some thoughts I'd like to share." She did not hear from Hamblet again. In fact, in the meantime, Hamblet had discussed with Arthur Murphy of Edwards & Angell, the school's primary outside counsel, the possibility of the school taking a broader approach to past abuse. On April 18, 2000, Murphy advised strongly against taking such an approach:

It was my sense of our meeting that you were to meet with the woman concerned about the Gibbs case. As we discussed, it is essential that the alumnae know the policies that St. George's now has in effect and the commitment of the school to the eradication of sexual harassment. We discussed the possibility of establishing a policy to redress wrongs such as in the case of [Witness 19]. After giving it considerable deliberation, the task of quantifying those areas in which the School may want to interact seems insurmountable. I believe these types of matters are going to be best handled on a case-by-case basis.

That strategy would define the school's approach to dealing with reports of past abuse for years to come.

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<sup>164</sup> We have not been able to determine what happened to photographs that Gibbs may have retained. Zane told us he had no memory of whether anything was done to try to retrieve them from Gibbs. Kosseff did not return our calls or letters seeking an interview.

<sup>165</sup> Exhibit 57.

### *Tampa Prep Asks St. George's About Coleman in 2002*

On August 12, 2002, a Tampa, Florida law firm representing Tampa Preparatory School wrote to Pat Moss, then St. George's Dean of Academic Affairs, inquiring about Coleman. The firm's letter stated that the firm was "attempting to gain background information" about Coleman. The law firm asked for "a complete copy of any and all documentation you have in your possession with respect to Mr. Coleman" and provided a release, signed by Coleman, authorizing St. George's to release "any and all information in [its] possession regarding me . . ." The authorization specifically released any former employer "from all liability for any damage whatsoever incurred in furnishing information to [Tampa Prep]" in connection with the background check.

We do not know why a law firm representing Tampa Prep was writing St. George's in 2002. The law firm's letter did not appear to be part of a reference check for the purpose of Coleman's *getting a job* at Tampa Prep; it appears he had already been working there since 1997.<sup>166</sup>

On September 6, 2002, Arthur Murphy of Edwards and Angell responded to the Tampa law firm. Murphy's letter and enclosed the school's May 6, 1988 termination agreement with Coleman, but provided no other information.<sup>167</sup> The school's termination agreement did not forbid the school from telling potential employers like Tampa Prep what Coleman had done at St. George's or why he had been terminated, but St. George's chose not to tell Tampa Prep what it knew about Coleman, including what Hamblet had learned from Witness 10 only two years earlier.

### *Harry Groome Reports Rape By His Dorm Prefect*

On December 9, 2002, Harry Groome wrote to Hamblet, whom he had never met, in stark, direct language:

While a third former at St. George's my sixth form prefect publicly raped me. It was never reported. It has taken me over twenty years to express this fact so directly and as I see the words written here I feel tremendous anger. I am mostly angry that my attacker got away with this crime and ended up graduating from the school.

Groome said he was motivated to write the email "after reading about the occurrence of a similar event at Groton, by the realization of the long-term effect this has had on me, and by my new role as father and protector of my son." Groome told Hamblet that he was also angry "that the culture

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<sup>166</sup> The letter's author is dead; the law firm she worked for no longer exists; and Tampa Prep told us it would cooperate with law enforcement on matters relating to Coleman but would not agree to provide information to us.

<sup>167</sup> Exhibit 29.

of St. George's made it okay for this serious crime to go unpunished."

Hamblet responded with what Groome described as "very personal and heart-felt" phone call, but did not offer any other assistance.

### *Abuse by Coleman, Gibbs, and Groome's Dorm Prefect Reported to Eric Peterson*

Eric Peterson became Head of School at St. George's in July 2004; his first school year began in September of that year. Peterson came to St. George's after serving as assistant headmaster at a day school in Winston-Salem, North Carolina. He did have boarding school experience, however: he was an alumnus of Deerfield Academy, where he attended his junior and senior years of high school, and he had taught at Middlesex Academy. Peterson was himself a lawyer by training who had graduated from Northwestern Law School in 1991 and practiced at Goodwin Procter for two years after graduating from law school. By 2004, however, he viewed himself as an educator, not a lawyer.

Peterson told us, credibly, that Hamblet offered little guidance during the transition between the two administrations, and did not tell him anything about Coleman, Gibbs, or Groome or his rapist, and did not tell him that the school was paying for Witness 10's counseling expenses as a consequence of Coleman's abuse of Witness 10.

Shortly after his arrival, Peterson began to receive reports about St. George's alumni who had been molested as students.

### *Witness 4, Class of 1985, Tells Peterson About Coleman*

On April 1, 2005, Witness 4 called Peterson to talk about Franklin Coleman. Witness 4's work had recently caused him to be concerned that a teacher was "grooming" children for sexual abuse; as a result of Witness 4's concerns, the school conducted an investigation and, based on its results, terminated the teacher. The experience motivated him to tell St. George's leaders what Coleman had done to him, and he decided to tell St. George's current leaders about Coleman and to learn whether Coleman continued to have access to children.

There are some differences between how Witness 4 and Peterson recall the of sequence of events that followed Witness 4's April 1 call. The main outlines, however, are clear. Witness 4's message, as Peterson's assistant recorded it, states: "re: Franklin Coleman—former choirmaster at SG; wants to track him down to make sure he is not w/kids (s. abuse)."<sup>168</sup> Witness 4 called back again on April 11, 2005, and left another message, saying that he was "very eager" to speak.<sup>169</sup>

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<sup>168</sup> Exhibit 58.

<sup>169</sup> Exhibit 59.

Peterson recalls that before he spoke with Witness 4, he talked with Kosseff, the school psychologist. Peterson's notes of two conversations with Kosseff record Kosseff telling Peterson that Coleman resigned, after having engaged in inappropriate "boundary crossing" conduct, not assault.<sup>170</sup> Peterson's notes suggest that Kosseff did *not* tell Peterson that Witness 10 told Hamblet five years earlier that Coleman had sexually assaulted him; that Hamblet had acknowledged that fact in writing in a letter to Witness 10; or that the school was paying for Witness 10's counseling. (As noted, Kosseff did not respond to our requests to speak with him.)

Witness 4 and Peterson talked by telephone twice on April 15, 2005. Peterson's notes of the first conversation say that Witness 4 described Coleman as a "groomer" and list a series of inappropriate actions by Coleman towards Witness 4 ("give massages . . . hand creeps lower"). Peterson does not recall Witness 4 telling him that Coleman had actually sexually *assaulted* him. Witness 4 is confident he did; and the original "While Your Were Out" message slip, as noted, contains the phrase "(s. abuse)."

Witness 4 told us that Peterson was sympathetic, said he was sorry to hear about Witness 4's experience, and thanked him for calling.

Around the same time (again, the exact sequence is unclear), Witness 4 called Coleman. Witness 4 told us that he confronted Coleman, saying in essence, "You molested me; you should not be around kids." Witness 4 told Coleman that he planned to call Tampa Prep himself and also planned to ask St. George's to call Tampa Prep and explain why Coleman was terminated.

After confronting Coleman, Witness 4 called Tampa Prep. He asked whether Coleman had parties, and chaperoned kids, and told Tampa Prep: "you have a predator." Witness 4 recalls telling the person at Tampa Prep he contacted that he would ask St. George's to call Tampa Prep to explain why Coleman was fired.

On April 20, 2005, Peterson spoke with Arthur Murphy at Edwards & Angell, the school's law firm, about whether St. George's had a duty to report Coleman, or to provide additional information about Coleman to Tampa Prep. Murphy (who had written the school's 2002 response to Tampa Prep's request for information about Coleman), told Peterson that St. George's obligation to Tampa Prep had been fulfilled and said he would check on St. George's duty to report.<sup>171</sup> Murphy emailed Peterson the next day; he advised that, "The consensus here is that there is no obligation under the circumstances to report the 20 year old incident that came to light on April 15 to state officials. Both parties are non-residents and the state would have little interest and no

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<sup>170</sup> Witness 10 has reported to us that, in 1988, when he told Kosseff about Coleman's abuse of him, he described more than boundary crossing.

<sup>171</sup> Exhibit 40.

jurisdiction.”<sup>172</sup> Peterson also spoke to the Skip Branin, who had recently become chair of the school’s trustees, about Witness 4’s call and Murphy’s advice.

Peterson spoke at least once more to Witness 4, on April 27, 2005. Peterson’s notes indicate that Witness 4 had called the police and been told that he had no “protections” under Florida law because Witness 4 was 17 at the time. (This statement also suggests that Witness 4 told Peterson that Coleman had engaged in sexual conduct with him.) Peterson’s notes record that Witness 4 told Peterson that the headmaster at Tampa Prep, who had been at Deerfield (where Peterson went), would call Peterson. In contrast, Witness 4 firmly recalls asking Peterson *to call* Tampa Prep and tell Tampa Prep what St. George’s knew about Coleman.

In either event, one thing does not appear to be in dispute: Peterson did not call Tampa Prep about Coleman.

### *Groome Contacts Peterson*

On June 20, 2005, Groome contacted Peterson, emailing him the same letter he originally sent Hamblet in 2002. Among other things, Groome said: “As you can imagine I am still very upset about what occurred 25 years ago and I’d like to talk to you about ways of achieving closure.”

Groome and Peterson spoke by telephone, evidently in the fall of 2005; Groome described his dorm prefect’s use of a broomstick to rape him. Groome and Peterson exchanged emails sporadically over the next year; Groome requested, at least twice, that Peterson replace the prefect who raped him as the class agent for the Class of 1979. In Groome’s last communication, dated June 26, 2006, Groome told Peterson that, if Peterson did not think it was his (Peterson’s) place to remove Groome’s assailant as Class Agent, Groome would address “the situation directly with [the dorm prefect who raped him] and will try to keep it confidential and discreet.” It does not appear that Peterson acted on this request. Instead Groome called the former prefect who used a broomstick to rape him and asked him to resign as class agent; the former prefect did.

Groome wrote again to Peterson in 2011. This time he forwarded an article in *The Boston Globe* about the Fessenden School’s outreach to alumni for information concerning sexual abuse that may have taken place there. Peterson responded, saying that he thought Fessenden’s letter “represented a courageous and candid response.” Peterson continued, “While we have tried hard in the past to be supportive of those victimized by others’ misconduct, clearly there is always more that we can do.”

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<sup>172</sup> Exhibit 42. We note Murphy’s response corroborates Witness 4’s view that he *did* tell Peterson that he had been sexually assaulted; if Witness 4 had reported only boundary issues to Peterson, Murphy would likely have advised, as he had several months earlier when Charles Thompson’s came to light, that there was no need to report because there was no sexual abuse.

Peterson and Groome met on campus in the fall of 2011. Peterson recalls focusing on changes he had made at the school that reduced the possibility for hazing and sexual assault for students there now; he also offered Groome the opportunity to talk to students at the chapel about his experience. Peterson believed the meeting was successful. Groome, conversely, reports that he came away dissatisfied because he felt that Peterson was focused only on speaking about the school's current programs, and did not want to address issues about the past, including Groome's rape.

### *Witness 10 Speaks with Peterson*

In 2006, Kosseff informed Peterson that Witness 10, the former student whose abuse by Coleman resulted in Coleman's termination, was asking the school to pay for additional therapy for him. After consulting with Murphy, Peterson agreed, and sent a letter to Witness 10 on December 13, 2006, confirming the school's commitment to pay for ten sessions. (Peterson described this as an "initial" commitment; it does not appear that the school tracked the number of Witness 10's therapy sessions.) Over the next several years, the school continued to pay for therapy for Witness 10. Again, Peterson advised Branin, the board chair, about his meeting with Witness 10; Branin endorsed the school's payment for Witness 10's therapy.

### *Witness 19 Speaks with Peterson*

In 2011, Witness 19 attended her 30th reunion at St. George's. At the reunion, Witness 19 told a classmate, then working at St. George's, about Gibbs. Kosseff had mentioned Gibbs to Peterson in passing in 2005, when Witness 4 called about Franklin Coleman.<sup>173</sup>

The classmate introduced Witness 19 to Peterson, and Peterson and Witness 19 met in the fall of 2011. At that meeting, Witness 19 described what Gibbs had done to her. Peterson apologized, and appeared genuinely sympathetic. Peterson asked that Witness 19 put her requests in writing, and when she requested that the school reimburse some past therapy expenses, Peterson said that he would raise the issue with the board.

Again, Peterson contacted counsel at Edwards & Angell for advice. They advised that the school should ask students like Witness 19 to provide a written statement of the abuse. They concluded that, "out of an abundance of caution and taking into account the current atmosphere on issues of this nature . . . it may be best to report these incidents to the Department of Child, Youth and Families."

Over the next 18 months, Witness 19 continued to request funds for counseling. After negotiations, the board agreed to pay approximately half of Witness 19's counseling expenses. Witness 19 signed a release, prepared by Edwards & Angell, of "any and all claims or potential claims"

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<sup>173</sup> Exhibit 60.

between Witness 19 and the school, “including all matters relating to [Witness 19’s] time as a student.” As a condition of paying expenses, Witness 19 was required to sign a confidentiality and non-disparagement clause, requiring Witness 19 to keep the settlement confidential and requiring Witness 19 “not to make disparaging, critical or otherwise detrimental comments to any person or entity concerning Witness 19 or the circumstances surrounding her time as a student” except to her “immediate family or other close confidante, physician or other medical professional, attorney, tax advisor or accountant.” Witness 19 had told the school in advance that she did not wish to enter into a “gag order” because agreements preventing survivors of sex abuse from talking openly about them impaired survivors’ abilities to recover. The school’s lawyers strongly urged the school to include that provision in the agreement, and the school ultimately chose to include it.

### *Consideration of a Broader Investigation*

In late 2011, as school records corroborate, Peterson—having in mind what he had learned about Coleman and Gibbs—began to consider whether the school should conduct a broader inquiry to reach out to alumni to learn more about past abuse by faculty. By this time, several other schools, including the Fessenden School and Buckingham Browne & Nichols, had sent letters to alumni reporting what they knew about past abuse, apologizing for that abuse, soliciting additional information and, in some instances, offering to pay for counseling to alumni who had suffered abuse.

Peterson raised this issue with the school’s counsel, now Edwards Wildman, and the board chair, Branin. Peterson met with the school’s lawyers (Arthur Murphy and another Edwards Wildman partner, Stephen MacGillivray) at his office in December 2011. Peterson told the lawyers—as MacGillivray has confirmed—that he favored a broad investigation of past abuse at the school. But the school’s lawyers counseled against it, telling Peterson that, from the perspective of avoiding future litigation, sending an open-ended letter to alumni asking about prior abuse would be the equivalent of the school “calling in an air-strike on itself.” The lawyers advised, instead, that the school continue to address reports by alumni on a case-by-case basis: investigating particular reports brought to the school’s attention, supporting alumni who sought counseling assistance, and reporting the past abuse to the state. On February 1, 2012, Edwards Wildman did file a report with the state advising the state of Gibbs’ abuse of Witness 19.<sup>174</sup>

When Peterson raised the issue with Branin, the board chair, Branin expressed no enthusiasm for the project; while he did not actively oppose it, he believed the school should defer to its lawyers’ advice. Peterson told us he did not present the matter to the full board because of counsel’s advice, the lack of key board member support, and because, at the time, the board itself was experiencing

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<sup>174</sup> Exhibit 43.

significant tension—in part due to concerns a small number of board members had raised about Peterson’s management style (unrelated to issues of past sexual assault) that made it difficult for him to generate support for an idea the board’s senior leader and outside counsel advised against.

### *Eric MacLeish Contacts Peterson*

On June 13, 2012, Eric MacLeish wrote to Peterson for the first time. MacLeish told Peterson that he had attended St. George’s from 1966 to 1969, and that he had represented Anne Scott (MacLeish referred to her only as “Ms. S”) who had gone St. George’s and was repeatedly raped there by Al Gibbs. MacLeish told Peterson he was confident that Gibbs had abused other girls. MacLeish said he would like to discuss the issue with Peterson in person:

I do not consider this a legal matter; I do not represent anyone, will not represent anyone and the time for legal action against SG has probably long since passed. I do not wish to hear from a lawyer unless you feel the need to have one there if we meet . . . . I am writing to you as an alumni. My experiences at the school were unpleasant, but that is irrelevant. SG is, as I said, a different place now. But I believe that SG has an affirmative duty to act and that the failure to act would be contrary to the SG’s values and its duty to the entire school community, past and present.

Peterson wrote back, inviting MacLeish to come to campus so that Peterson could show him the “great many things [that] have changed since your time here.” MacLeish wrote back, saying:

While it is positive to have state of the art practices, those practices also require outreach to alumni who did not have the benefit of those practices in the past and who attended the school during the period when the abuser was employed, working at the school and having access to unsuspecting victims. I have helped schools in New England, New Jersey and New York draft letters to alumni regarding such matters. (Obviously, I am not your counsel so please don't believe that I am soliciting your business; I am writing to you as an alumni with knowledge about past sexual misconduct.).

Over the course of the next two years, Peterson and MacLeish sought to meet on several occasions, but ultimately did not. In the interim, MacLeish forwarded Peterson articles about the inquiries conducted by Brooks, and the Landmark School. MacLeish and Peterson did not meet until early 2015, after MacLeish had re-connected with Anne Scott.

### *Assessment*

Beginning with Witness 10’s report to Hamblet in 2000, St. George’s leaders learned that at least two former staff members, Gibbs and Coleman, had sexually abused students during in the 1970s and 1980s. The school’s response to these allegations presents, in our judgment, a mixed picture. As individuals, Hamblet and Peterson sought to approach alumni who had been abused with

respect and empathy, and deserve credit for agreeing to pay for counseling for Witness 10 and Witness 19 because they believed that doing so was, as Hamblet wrote to Witness 10 in 2000, a “moral obligation” to alumni whom faculty and staff abused as students.

But the school missed an opportunity to be a leader in addressing the abuse its alumni had suffered when it chose, in 2011, not to conduct a comprehensive investigation of abuse in the school’s past. By then—though it certainly did not have a full picture of what either Gibbs or Coleman had done—they knew enough to conclude it was unlikely that Anne Scott and Witness 19 were the only students that Gibbs had abused or that Witness 10 and Witness 4 were the only students Coleman had abused.

The record is clear that Peterson wanted the school to conduct such an investigation as early as 2011. But the school’s lawyers advised against doing so, and the board chair was not sufficiently enthusiastic in the project to make it a priority for a board that was fractured for unrelated reasons. In our view, the school would have been better served if Peterson’s moral intuitions as an educator, rather than more narrow legal thinking, had prevailed.

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## The School's 2015 Investigation

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In March 2015, the Executive Committee of St. George's Board of Trustees agreed that the school would engage William Hannum, III of Schwartz Hannum, P.C. to conduct an investigation concerning abuse at St. George's. By the end of 2015, however, the investigation had, unfortunately, achieved a result almost exactly opposite what Peterson and the school's board intended when they commissioned it. A substantial number of alumni who participated in Hannum's investigation came to the conclusion that Hannum's investigation was not designed to tell the truth about what happened at St. George's but was, instead, intended to portray the darkest moments in St. George's past in as positive a way as possible, and to cover up any abuse that may have taken place on Peterson's watch. It also created a public firestorm about the good faith of St. George's leaders—one neither Peterson nor the Board expected when Hannum began his investigation.

The events that led to this dramatic turn are complex, and less black-and-white than either the school's harshest critics or its most vocal supporters appeared to see it at the time. Our central conclusions about the school's decision to engage Hannum, and Hannum's work, are as follows:

- Peterson, the board's Executive Committee and the board as a whole chose to conduct an investigation in good faith because the school wanted to get to the bottom of what happened at St. George's, so that it could decide how it could best help alumni who had been abused there.
- Neither Peterson nor the board wanted the investigation to portray past events in the most positive light or to cover-up any abuse that took place on Peterson's watch.
- Peterson and the board relied on advice from Schwartz Hannum about how the investigation should be conducted.
- Hannum's investigation itself was fair-minded and generally thorough. But it failed in one critical respect that was essential to the success of an investigation the school itself had promised would be "independent": Hannum failed fully to disclose to alumni his firm's relationship with St. George's School. The failure to tell alumni that his firm was providing advice to St. George's about how best to deal with potential claims relating to sexual abuse, compounded by his failure to disclose that the primary lawyer doing that work was his wife, Sara Schwartz, ultimately created an atmosphere of distrust that cast a shadow over his entire investigation.
- The failure of the school's public report to address any event that occurred during Peterson's tenure at St. George's also contributed to the atmosphere of distrust.

- By December, concerns about Hannum’s independence and suspicions about the school’s objectives had had eroded many survivors’ hopes that the investigation the school launched in April would, in fact, lead to an honest accounting of the school’s past and provide the kind of therapy assistance many alumni needed. At the same time, the school leaders became increasingly concerned that the glare of media attention St. George’s had attracted would make it harder, not easier, to make careful and thoughtful decisions about how best to address the very troubling facts they had learned from Hannum’s investigation about the extent of abuse in the 1970s and 1980s. The atmosphere of suspicion and distrust led to new wounds among St. George’s alumni leaders at a time when they needed to work constructively, together, to move forward and get alumni who had experienced abuse at St. George’s the help they needed.

### *Engaging Schwartz Hannum*

As we described above, Peterson, had considered, as early as 2011, conducting a broader inquiry into abuse at St. George’s. At the time, however, neither the school’s lawyers at Edwards & Angell nor the board chair expressed support for that approach, and Peterson did not press the matter.

By early 2015, however, three events coincided that led the school to engage counsel to conduct an investigation concerning abuse its alumni experienced.

*First*, as we have seen, between 2011 and 2015, several of St. George’s peers, including the Brooks School and Deerfield Academy, had sent letters to alumni, notifying them that they had learned of troubling behavior by faculty, and asking alumni to share any information they had about past abuse.

*Second*, on February 28, 2015, Eric MacLeish contacted Peterson about Anne Scott. Peterson had not heard from MacLeish for nearly two years, since 2013. This time, MacLeish said that he had located Scott. He told Peterson that Scott also wanted the school to “proceed with full disclosure to alumni who were there when Gibbs was present” and “set up a fund to assist victims of Gibbs with therapy and other psychological treatment.” MacLeish characterized Gibbs as “the predator who raped many former female students at St. George’s” and said he believed the school “was still in the possession of documents showing inquiries by former Head Tony Zane (including Mr. Zane’s notes) made after a complaint of rape from other students” and said St. George’s had “done nothing to alert former students of its knowledge of Mr. Gibbs’ criminal behavior.”

MacLeish requested a meeting and said that Scott would like to participate. MacLeish told Peterson that “he was not approaching [him] as an attorney but as an alumnae” but asked Peterson “to have the complete file from the A.S. case available including all documents concerning the inquiries made by the School, Mr. Zane’s notes and any other complaints documents concerning Mr. Gibbs’ criminal behavior.”

Coincidentally, also of February 26, 2015, Peterson was scheduled to meet with Sara Schwartz of Schwartz Hannum P.C., a lawyer whose Andover, Massachusetts firm specialized in representing private schools. In 2011 and 2013, Schwartz had conducted boundary training for St. George's faculty—training well received by the faculty. Peterson and Schwartz spoke together on a panel about national boundary training at a national conference in December 2014. (Apart from this work, Schwartz Hannum had no prior relationship with St. George's.)

Peterson used the opportunity to talk with Schwartz about a possible investigation. By the end of the meeting, Peterson had formed a plan: he would urge the board to authorize the school to retain a law firm to conduct an investigation; the investigator would draft a report and make recommendations; and the report and recommendations would be presented to the Board of Trustees.<sup>175</sup>

After meeting with Schwartz, Peterson came back to the school and asked his assistant to find anything she could about the Anne Scott lawsuit in the basement file room. She brought back a file Peterson had never seen before. It contained a release that was part of the settlement agreement in the Scott case, a copy of Archer Harman's deposition transcript, and some handwritten notes from Tony Zane (the notes discussed earlier). The notes were the "final piece of the puzzle" for Peterson—they persuaded him that Gibbs' actions had likely impacted more students than the two he had previously heard about: student Witness 19 and Scott.

Peterson called board chair Branin, said it was time to do a full-fledged investigation, and asked for his support. Peterson presented the matter to the Executive Committee, with Schwartz's participation, on March 5, 2015. The Executive Committee approved going forward with an investigation in its next meeting, and authorized Peterson to present it to the full board in April.

In the meantime, Schwartz proposed that her partner, William Hannum, conduct the investigation for the school. She described him as the most experienced, sensitive, and capable investigator at the firm. Peterson, again with Schwartz's assistance, asked the full Board to approve an investigation at the Board's April 6, 2015 meeting.

At the meeting, one trustee asked whether it was appropriate for a lawyer from Schwartz' own firm to conduct the investigation. At the conclusion of the meeting, the board understood it was entirely appropriate; Schwartz Hannum had done many other investigations for schools in the same way; and that the firm would establish a so-called "Chinese Wall" between she and Han-

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<sup>175</sup> We note that St. George's asserted the attorney-client privilege concerning the legal advice Schwartz Hannum gave the school after the school retained Schwartz Hannum. Schwartz agreed to be interviewed, but the school's assertion of attorney-client privilege prevented that from going forward.

num. Schwartz would provide legal advice to the school, without participating in the investigation or speaking with alumni who asked to speak with the investigator; Hannum would conduct the investigation and would provide no legal advice. The board did not learn that Schwartz and Hannum were not only law partners, but married. (Peterson did not learn that Schwartz and Hannum were married until sometime in summer 2015; the school's board chair did not learn that fact until December 2015.)

On April 7, 2015, Peterson and board chair Branin sent a letter to alumni, launching an investigation on past abuse. The school intended it to go to all alumni, not merely those from the era when Gibbs worked as a trainer. The school chose not to name Gibbs because, given what Peterson had heard about Coleman, Peterson did not want to limit the response to only those students who had been abused by Gibbs. As part of the investigation, the school created a five-member task force—four board members (Branin, incoming Chair Leslie Heaney '92; Tad Van Norden '84; Jane Timken, the parent of a current student); and Peterson.

We conclude that school's April 7, 2015 letter was issued in good faith, with the intent that the school learn how many of its alumni had suffered abuse, so that it could decide how best to address alumni concerns. The school intended to get at the truth. The investigation was intended to gather facts so that the school could decide on the best course of action; the school intended that the report would be protected by the attorney-client privilege, and not public.

The school relied on advice from Schwartz Hannum about how best to conduct the investigation. We have seen no evidence suggesting that the school chose to use Schwartz to provide advice, and her partner and husband Hannum to conduct the investigation, because the school wanted to control the direction of the investigation or whitewash its results. To the contrary, the school selected Schwartz Hannum because it believed the firm was well qualified. Schwartz advised the school that the approach it contemplated (with Schwartz advising the school and Hannum conducting the investigation) was, in effect, "state of the art" and had been routinely used by other schools.

### *Anne Scott, the "Gag Order," and Objections to Hannum's Independence.*

In the meantime, Peterson responded to MacLeish's February 27, 2015 email and proposed to meet with MacLeish and Scott in early April. Peterson and MacLeish exchanged emails in the second half of March; MacLeish's emails appeared to Peterson to be increasingly aggressive. (MacLeish did not know, of course, that the board's Executive Committee had already approved an investigation.)

MacLeish's March 24, 2015 email, read as follows:

Dear Mr. Peterson:

By this email, I am passing on this message to Anne about your proposal to meet on April 8<sup>th</sup> or April 10<sup>th</sup>. I will make arrangements to be available on the afternoon of the eighth or any time on the tenth.

I have drafted a proposed letter for the School to send out to alumni concerning Mr. Gibbs. The letter is similar to others that have been sent out by independent schools in these situations. I would welcome your edits as well as Anne's. However, far too much time has passed without alumni being notified regarding the overwhelming evidence from multiple sources of rape and sexual assault by Mr. Gibbs. I would therefore ask that you send out the proposed letter for review by the School's executive committee before the meeting on the 8<sup>th</sup> or the 10<sup>th</sup>. I want to emphasize that it is my hope (and I think Anne's as well), that we work cooperatively with the School on the process for notifying alumni. But the notification must start immediately after our meeting.

I have also requested on several occasions that you bring your file on Mr. Gibbs, including former head Tony Zane's notes, to the meeting. Can you confirm that you will have this material? I have also requested that the School's mental health professional be available. You may wish to include a representative of the Board.

While I do not regard this as a legal matter, I have requested that you provide me with the name and contact information for the School's attorney. If you could get that to me, it would be helpful.

By this letter, I am requesting that the School immediately release Anne from the gag order imposed by the agreement. I am confident that SGS will react favorably on this request before our meeting.

Before receiving this email, Peterson had never heard that Scott was subject to a "gag order." The file he reviewed on the Anne Scott litigation contained no confidentiality agreement, as he would have expected to see if one had existed, and no one, including MacLeish, had suggested to Peterson that a "gag order" was in place. Peterson also believed that MacLeish's proposed letter to alumni was overly aggressive.

Given the tone of the email, Peterson no longer thought it advisable to continue to deal directly with MacLeish, and emailed him on March 25, 2015, asking him to contact Schwartz "whom the school has retained to advise us." After an exchange of increasingly testy emails—in our view, increasingly testy on both sides, but the reader can judge for her or himself<sup>176</sup>—Peterson, Schwartz, MacLeish and Scott agreed to meet in early May. By this time, if there was ever *any*

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<sup>176</sup> Exhibit 61.

doubt about Schwartz's role, that doubt was gone: she was acting as the school's counsel, advising the school about the school's response to allegations of sexual abuse, and her relationship with Scott and MacLeish, who at that point was representing Scott, was adversarial.

After this exchange of emails, MacLeish learned of the school's April 7, 2015 letter to alumni; Scott had not received it, evidently because she had opted out of the school's email list system. MacLeish emailed Schwartz on April 23, 2015:

I just saw that Mr. Hannum, the investigator, is your law partner. How can Anne and the SGS alums expect him to conduct an independent investigation, as suggested in the alumni letter, when you (and he) are representing the school? If short, is this an investigation that will be objective and truthful or is it simply a way to obscure the truth? I do not see how you can have an investigator who is also representing the school.<sup>177</sup>

MacLeish, Anne Scott, Schwartz, and Peterson met in early May at MacLeish's office in Cambridge. Harvard Law Professor Lawrence Lessig, a friend of Scott's, also attended. Scott described what Gibbs had done to her; Peterson found Scott, in his words to us, "credible and compelling." The meeting confirmed, in Peterson's view, that the school had done the right thing by commissioning an investigation.

MacLeish and Scott again raised the question whether Scott could be released from her "gag order." At the meeting, MacLeish also raised again the question of Hannum's independence. Schwartz again rejected the contention, and Peterson came away thinking, in his words, that MacLeish's perspective was legally "specious."

After that meeting, Peterson checked with the school's former counsel; none recalled a confidentiality agreement being part of the settlement. By the May meeting, Peterson was clearly frustrated with MacLeish's repeated demands. From his perspective, he had persuaded the board to undertake what he believed to be a thorough, professional and independent investigation. MacLeish, in Peterson's expression, had "gone dark" for nearly two years between 2013 and 2015. MacLeish did not have as broad a view of the facts as Peterson had—for example, MacLeish knew nothing at that point about what Coleman had done—but had now returned after a two-year absence, demanding that the school approach the investigation as *he* believed was best.

As we explain below, we believe that MacLeish's objection to the school's description of Hannum's investigation as independent was well-taken and his request that Scott be permitted to speak freely about what happened to her was also entirely legitimate. At the same time, we credit that Peterson sincerely wished to do what was best for alumni who experienced abuse, and

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<sup>177</sup> Exhibit 61.

believed that the best approach was to do what he had been able to persuade the board to do: conduct a careful investigation and make the best decisions based on advice from experienced advisors. Peterson also knew of MacLeish's reputation for taking issues to the news media; he believed that St. George's could make better decisions about how to address alumni concerns if those decisions were made carefully and thoughtfully, and not on a schedule dictated by the demands of the daily news cycle. We likewise credit these concerns as sincere.

In June, Peterson and Leslie Heaney, who began serving as the new Chair of St. George's Board of Trustees in 2015, traveled to Virginia to meet with Scott. MacLeish did not attend this meeting. Again, Scott asked to be released from the confidentiality order; she told Peterson and Heaney that the need to be able to talk about her experience at St. George's was important to her recovery. Peterson and Heaney recall she emphasized her need to talk to her friends, her family, and her counselors. After the meeting, Peterson sent Scott an email permitting her to speak about what Gibbs had done to her, but only to her family, her friends, and her advisors about her experience with Gibbs. Scott reacted negatively to this action, and in an August 28, 2015 email, she wrote Peterson:

With respect, your assurance is not helpful in any way. It simply tells me that the school has decided not to respond to my request to release me from the gag order. I would have felt more respected if you had just told me that directly, and explained the school's rationale. In the absence of honest communication, I can only guess that the decision was taken so that the school can continue to protect its interests, with continued disregard to the interests of its victims. What has changed? Your words will never bring me or others the restoration that we deserve. Action is required, and that starts with courage of Leadership.

On September 28, 2015, Peterson wrote again to Scott, stating this time that, because the investigation had progressed to its final stages, and given Scott's "desire for greater clarity and wider scope with respect to speaking about the abuse you've described suffering at St. George's, I wanted to assure you on behalf of the School and the Board that you should feel free to speak openly with anyone about those events, without reservation."

By now, however, any goodwill Peterson and Heaney hoped to establish with Scott had been hopelessly damaged; Scott responded by saying that while she appreciated the school's change in position, it had come too late, and by making a series of other requests about the continuing investigation.

Ironically, but sadly, the main source of the distrust arose from questions about releasing Scott from a "gag order" that has never been located, and which the school had no reason to believe—other than MacLeish and Scott's recollection—to have ever existed. It seems clear, in retrospect, that the school would have been better served merely telling Scott and MacLeish that they had no

reason to believe a confidentiality order had *ever* been in place, and stating that, for that reason if no other, the school had no intention to enforce it.

### *An “Independent” Investigation?*

Hannum began his investigation immediately following the school’s release of the April 7, 2015 letter. The school encouraged him to conduct a full and thorough investigation, and did not in any way restrict or limit his ability to gather information. Hannum interviewed more than 100 witnesses, and we believe he sought to treat the witnesses he spoke with fairly and with dignity. We are persuaded he hoped that the school would use the information he gathered to “Do the Right Thing,” as his own article about responding to allegations of sexual abuse at private schools counseled.<sup>178</sup> In particular, we conclude that Hannum hoped the school would notify the authorities of any abuse that had not been reported to the authorities and establish a fund to provide counseling for former students who wanted and needed it. We reject any contention that he intended falsely to cast the school’s conduct in a positive light, or to cover up any misconduct, including conduct that took place on the watch of the current administration. His investigation was generally thorough.

At the same time, however, the structure that Schwartz Hannum employed to conduct the investigation suffered, from the start, from a fatal flaw. The school’s April 7, 2015 letter said the school had commissioned an “independent” investigation. We are persuaded that Peterson and the school’s trustees wanted an independent investigation, and were persuaded that Schwartz Hannum’s use of a so-called “Chinese Wall” would preserve that independence. But, in these circumstances, Hannum’s investigation was simply, by definition, not independent.

To be clear, as we said earlier, there is nothing inherently wrong with a school employing its own counsel to conduct an investigation, on the school’s behalf, to examine past reports of sexual abuse and the school’s response to them. But when a school takes that course, it must be transparent to alumni about the school’s relationship with the lawyer conducting the investigation. That kind of candor is particularly important in circumstances like these: where the investigator is speaking to alumni who have been sexually abused (and are consequently often particularly vulnerable to feelings of betrayal) and who were, with a few exceptions, not represented by counsel.

Hannum informed us that, when he interviewed former alumni, he began by giving each the same explanation of his role. He said the explanation generally contained the following elements:

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<sup>178</sup> See <http://shpclaw.com/Schwartz-Resources/the-right-thing-to-do-preparing-for-and-responding-to-allegations-of-sexual-abuse-at-independent-schools-2/>.

- that he was an attorney hired by the school;
- that he had been hired to investigate reports of sexual assault at St. George's;
- that he believed that the school had embraced the proposition that “bad news does not improve with age” and that the school appeared to be on the Deerfield path, not the Horace Mann path;<sup>179</sup>
- that he would not give the school a “transcript” of what they said;
- that he would keep details of what they said confidential;
- that he would tell the school “what the school needed to know” and that the school may have a requirement to report what they said to authorities.

Hannum said that some witnesses declined to proceed with interviews after he gave this introduction; his sense was that the main concern was about mandatory reporting.

Unfortunately, the interview memoranda Hannum prepared did not recite what Hannum told the witnesses about the ground rules for the interview. This, in our experience, is a significant departure from what lawyers conducting investigations typically do. Moreover, neither Hannum nor the school supplied any written disclosure to former students explaining the precise role Schwartz Hannum played, or clearly explaining to the extent to which Hannum would treat alumni who responded to the school's letters confidentially.

In our judgment, because the school chose to use the same firm to provide legal advice to the school and to conduct the investigation on the school's behalf, and described the investigation as “independent,” the school and Hannum should, at a minimum, have done the following:

- explained clearly, in the letter to alumni seeking information about past abuse, that Schwartz Hannum's role was not limited to conducting an investigation but that the firm was providing legal advice to the school about how best to respond to sexual abuse allegations;
- told alumni that Hannum's law partner and wife was the lawyer primarily person responsible for providing that advice; and
- explained, in a way that left no room for confusion, the extent to which Hannum would share information with the school and its counsel, and the extent to which it would keep that information confidential.

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<sup>179</sup> Horace Mann's leaders, unlike Deerfield's, had declined to pursue an investigation; survivors privately funded a separate one.

Here, neither the school's letter, nor Hannum's description of what he told alumni who responded to that letter, provide the fulsome explanation that, in our judgment, the circumstances required.

We credit Hannum when he told us that he conducted this investigation the way his firm typically conducts an investigation. Hannum again referred to a "Chinese Wall" (more conventionally referred to as an "Ethical Wall") between the school's legal advisors and the investigator. As Hannum described it, Schwartz and others advising St. George's did not have access to the details of his investigative work product and his investigative team did not have access to the counseling team's legal advice to the school. The matters—advice and investigations—were billed separately, but Schwartz reviewed and sent out both bills.

Law firms not infrequently use ethical walls to "wall off" one set of lawyers—for example, lawyers who worked on a case for a client the firm used to represent and consequently possess confidential information—from other lawyers in the firm, who may represent a different client in a case adverse to the former client. The hallmark of an ethical wall, however, is that it should be impervious to breach.

In contrast, the Schwartz Hannum "wall" was porous. Hannum felt at liberty to tell Schwartz (and felt free to tell the school) what he believed the school "needed to know." In Hannum's view, this included names of alumni (and facts they disclosed) when he believed a disclosure might be reportable under Rhode Island law. Likewise, where a former student expressed a desire for an apology, Hannum believed it would be appropriate for him to disclose that information to Schwartz, as the school's lawyer, or the school, so that school could make that apology. The wall was really no wall at all.

When alumni who reported abuse came to know that Hannum's firm also served as the legal advisor to the school, and that Hannum and Schwartz were married, many felt betrayed. The fact that neither Hannum nor the school clearly defined what information Hannum could share with the school exacerbated this problem, and gave rise to complaints by some who were abused at the school that Hannum had passed information to the school they believed would be held in confidence. Ultimately, Hannum's investigation was not sufficiently transparent.

The situation was complicated further, when, on November 2, 2015, the school sent out its third letter to alumni, providing an interim report on the investigation. That report publicly named Gibbs for the first time, and informed alumni that the investigation had also focused on two former teachers (the school meant White and Coleman—not identified by name) who had molested students. This letter also informed alumni, also for the first time, that St. George's was creating a "victim's support fund that will be available to reimburse counseling costs related to sexual misconduct at St. George's." The school made clear that "this was only first chapter in our support efforts," alumni "who may want more immediate assistance"—in particular "counseling cost reimbursement" should contact Hannum, would coordinate "these efforts."

To be clear, the school did not have any intention, at the outset, to have Hannum administer or set the criteria for a counseling fund. The school's decision to use Hannum to coordinate mental health services on an interim basis was, in part, prompted by MacLeish's October 28, 2015 request, made directly to Hannum, asking that the school agree to pay for an alumna's care "without condition or release" and offering "to send the invoices (through me) directly to your office." We are confident that, in the ordinary course, when the school's investigation was complete, St. George's would have worked to establish a counseling fund, as other schools have, administered by professionals with real expertise in providing therapy. The school decided to ask Hannum to coordinate counseling because it had no one else immediately available to play that role.<sup>180</sup>

In the end, however well-intentioned, the events we have described—the school's erroneous description of Hannum as "independent"; Hannum's failure adequately to explain his firm's relationship with the school to alumni who called him; and the school's choice to use Hannum to coordinate services—combined to undo much of the goodwill the school had intended by hiring Hannum.

The problem was eloquently described by one alumna in an email to Peterson and board chair Heaney after word of Schwartz's representation of the school appeared in *The Boston Globe*. The email is excerpted below.

Dear Leslie,

I was disturbed today to find out that Will Hannum, who was portrayed in the email you and Eric Peterson sent in November as an independent investigator and dispenser of a victim's fund, is actually the law partner of the legal counsel for St. George's. I found this out by reading the article in the BOSTON GLOBE. It is difficult to view this fact as anything other than a conflict of interest.

Board chair Heaney responded as follows:

Thank you very much for your email. Please know that the School truly wants to understand what happened in the past, so that the School can do its best to offer help to any alumni who have been harmed.

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<sup>180</sup> In January 2016, the school and SGS for Healing reached an agreement with Day One of Rhode Island, a non-profit provider of services to trauma survivors, to provide or make referrals to any victim of sexual abuse by faculty, staff, or students at the School, with processing of payment to be handled confidentially by an independent third party administrator.

Both Sara Schwartz and Will Hannum are exceptional at (and have national reputations for doing) this type of work: Sara for advising schools, and Will for investigating these matters. More specifically, Will Hannum is not acting as legal counsel for the school. He has never done so. His role as investigator is independent of Sara Schwartz's role as the School's legal counsel. Even if Will were at another law firm, the School would be paying for his time, the investigation would be conducted under the attorney-client privilege, and the investigator's role would be to find out the truth of what happened. The path that we took is a common and proper approach to conducting these types of investigations.

While we await the final report, I can assure you that the work that I have seen Will produce as we have proceeded with this investigation has been objective and has provided an extremely detailed accounting of the facts as he has received them from our alumni.

The alumna responded:

Dear Leslie and Eric,

I really want you to understand what I have to say. I'm going to choose my words very carefully.

Will Hannum may be the best investigator in the world with the most honorable intentions. He and Sara may have constructed an absolutely impenetrable firewall between them.

People who have experienced sexual assault by someone they know and in an environment that is supposed to protect them are keenly sensitive to betrayal, anything that resembles betrayal or contains the possibility for betrayal.

The way the St. George's of 2015 has set up this investigation and victims' fund—so far—replicates dynamics that will be extremely difficult for victims of sexual assault to handle. This is unnecessarily harmful to people who have already been harmed.

A victims' fund should be administered by a clinician, an expert in sexual assault and PTSD . . . .

St. George's has every right to hire the very best lawyers it can to protect its interests. Certainly, this seems necessary now. I can tell that Sara Schwartz is an expert in helping schools defend against sexual assault lawsuits. St. George's has every right to hire her or someone like her. But you cannot expect a person who has experienced harm at St. George's to be anything other than extremely wary about speaking to Sara Schwartz' law partner—the person she founded her firm with—about the specifics of harms that happened to her at St. George's. Even if Will Hannum is entirely honorable, no one could be en-

tirely comfortable sharing specifics with him, given his relationship to St. George's own counsel, something I only learned by reading the BOSTON GLOBE article this week. Again, this scenario is unnecessarily harmful to people who have already been harmed.

Having a victims' fund run by a lawyer instead of a clinician and having an investigation conducted by the law partner of St. George's own legal counsel are choices that will—and do—make people feel betrayed, once again, by St. George's. I don't think you want—or need—to do that.

You are going to lose people like me who could be allies to the school by setting up scenarios (however well-intentioned) that replicate dynamics of betrayal by the school.

Since the BOSTON GLOBE article came out and since Will Hannum told me that he could not guarantee absolute confidentiality about things I revealed, that he would be obligated to share them with St. George's legal counsel (he did not mention that this person was his law partner; I learned that from the article), I don't feel that there is a safe way for me to tell St. George's what happened to me while I was a student. Nothing would upset me more than thinking that something I revealed was later used by the school to make a more airtight defense against people like Anne Scott, who so clearly experienced wrongs that need to be redressed.

The fact that a lawyer or law firm conducting an investigation is not wholly independent from his client (as was the case here) does *not* prevent that lawyer from seeking the truth or fairly reporting it to his or her client. Every day, lawyers conduct investigations for their own clients and, when the facts require, deliver bad news. In fact, the wisest clients do not want their lawyers to sugar-coat their situation; they want the facts, so they and the lawyer can best adjust to the world as it is, not how they wish it might be.

But due weight must also be given to appearances. And here, Hannum's partnership—personal and professional—with Schwartz created an appearance of conflict that, in the end, eroded the trust that former students needed to have to use the investigation as an opportunity for healing.

### *Hannum's Reports*

Between April 2015 and November 2015 Hannum spoke to witnesses, requested documents from St. George's and reviewed documents the school and witnesses provided. He received far more reports of abuse about far more faculty members than he expected, and received many reports of student-on-student abuse as well. While the investigation was proceeding, Hannum reported the key facts he learned (omitting many of the details) to Schwartz, as counsel to the school, and occasionally communicated directly with Peterson. Hannum spoke to Schwartz, and to Peterson,

to keep the school generally informed about the progress of his investigation, and so that the school might report any potential crimes to law enforcement. Where former students (including Witness 4 and Harry Groome) expressed dissatisfaction with how the school had handled their earlier complaints about past abuse, Hannum informed the school, typically through Schwartz.

Beginning in the fall, Peterson made a series of reports to the Rhode Island State Police about past abuse former students had suffered. Some former students appear to have been taken by surprise when they were contacted by police. Harry Groome, for example, whose report to Hannum had focused on a dorm prefect's rape of him with a broomstick, was taken aback when the police contacted him about potential abuse by Coleman.

Beginning in late November, Hannum began to deliver a series of reports to the school's leaders. Hannum sent the first of these reports on November 29, 2015, delivering it only to Peterson and Heaney. The report was divided into two volumes; a main report and a supplement. Each of the two volumes was marked, "Attorney Work Product . . . Attorney-Client Communication . . . Privileged and Confidential." The first volume, 72 pages long, was titled "Report to the Chair of the Board and Head of School, St. George's School, Regarding Sexual Misconduct by Employees Toward Students" and focused, as the name suggests, solely on faculty and staff abuse. It was likewise limited to *first-hand* accounts of abuse by faculty and staff—that is, accounts by former students who had been abused. This volume did not include any reports of student-on-student abuse. It identified Lydgate, Tefft, White, Goddard, Gibbs and Coleman and one other deceased, former employee<sup>181</sup> as perpetrators of abuse.

The second volume was shorter (23 pages) and included first-hand accounts of student-on-student abuse, including Groome's rape by a dorm prefect in 1978, a girl's rape by a student in 1974, and the sexual assault of a boy by a student in 1982. It also included second-hand reports of faculty abuse by a number other faculty members, and an accounting of second-hand reports of student-on-student abuse.<sup>182</sup> The second volume included information (but limited detail) about Charles Thompson's actions as Wheeler dorm parent in 2004; that information was drawn from interviews of three faculty and staff members who knew about Thompson's leave and later return to the school. No student who was interviewed as part of the school's 2004 inquiry concerning Thompson's conduct (his touching of boy's knees, and the like) came forward in Hannum's 2015 investigation. It does not appear that the school gave Hannum a copy of Assistant Head of School

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<sup>181</sup> We do not identify that former faculty member because the former student he was alleged to have abused did not come forward in our investigation.

<sup>182</sup> It also included one first-hand report about a former faculty member (alleging that the faculty member had directed a boy to pull down the boy's pants) judged not serious enough to be included in the main report.

Richard's typewritten notes documenting Richard's discussions with the boys in the Wheeler dorm. Faculty members told Hannum about the school's investigation, but it does not appear that Hannum asked for any back-up material about what the school had done to decide to place Thompson on leave.

It is not clear why Hannum divided the report into two volumes; Peterson recalled that it was Hannum's suggestion; Hannum recalled the suggestion originating from the school.<sup>183</sup> Neither Hannum nor the school viewed the decision to split the report in two as controversial, however. The main report focused on the core issues that led the Board to commission the report in the first place (first-hand reports of abuse by faculty members and staff); the supplement focused on other information Hannum learned, later, as a result of the school's open-ended letter.<sup>184</sup>

The report delivered to Peterson and Heaney on November 29, 2015 disclosed the names of all alleged perpetrators, whether or not they were identified by witnesses with first-hand information about them. It also identified all but four former students who had been abused by name; those four students, the report said, had specifically requested confidentiality.

At Hannum's request, Peterson and Heaney returned the reports to Hannum several days later without copying them.

On December 5, 2015, Hannum delivered a modified version of the reports (again, the main volume, and the supplement) to the Task Force that managed the investigation for the school. The December 5 version of the two reports delivered to the Task Force differed from the November 29 delivered to Peterson and Heaney in only one respect: in the December 5 report, Hannum redacted the names of students who reported abuse. In place of the names, Hannum substituted numbers (as we have for those students who did not express a desire to be identified in the report). Thompson's actions in the Wheeler dorm in 2004 were also described, in the same level of detail as they had been described in the November 29 version of the report delivered to Thompson and Heaney.

The Task Force planned to issue Hannum's findings to the full Board of Trustees at its December 12 meeting. Hannum reported that, over the next week, in preparation for the December 12, 2015 Board of Trustees Meeting, Hannum and the Task Force edited the report. Hannum said that the

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<sup>183</sup> Because the school has asserted the attorney-client privilege with respect to Schwartz Hannum's communications with the school, as it has every right to, we rely on the recollections of Peterson and Hannum, which occasionally diverged, rather than the review of written communications.

<sup>184</sup> Hannum's November 29, 2015 report, and each of the reports that followed, set forth recommendations; the school has not shared those recommendations with us but has, instead, asserted that they are protected by the attorney-client privilege (as is the school's right).

former board chair Branin proposed the most significant edits to the report, focusing in particular on allegations made about one deceased faculty member. Branin believed that the person who reported the abuse, an alumnus Branin knew, was not reliable and urged that this report be excluded from the main part of the report to the board, which focused on credible first-hand accounts of sexual abuse.<sup>185</sup> Hannum did not strongly resist the suggestion; he believed that the single allegation made about this former faculty member—that he touched a male student’s ankle when sleeping and rubbed his buttocks, through a blanket—was quite different from what Gibbs, Coleman and White had done. On that basis, he agreed to take the allegations about the former faculty member’s conduct out of the part of the report documenting *first-hand* accounts of abuse—even though the account, was, in fact, a first-hand account. That was the only occasion when Task Force members influenced the *substance* of Hannum’s conclusions. The committee members did, however, urge Hannum to make editorial changes in the report presented to the Board and generally urged that it be streamlined and simplified to focus in particular on first-hand accounts—whether of abuse by faculty members or student-on-student abuse.

Hannum delivered a 22-page Summary Report to the full board at its December 12, 2015. Hannum handed each member of the Board a copy of the Summary Report. The board read the report in silence; some board members cried as they read it. Hannum answered questions briefly; he then left the room and Schwartz answered legal questions and provided advice (which the school has not shared with us) about next steps.

Thus, between November 29, 2015 and December 12, 2015, Hannum compressed two reports, totaling 94 pages, into a single, 22-page report for distribution to the board. To be clear, the board as a whole was not led to believe that the 22-page report represented all Hannum’s findings; to the contrary, the full board report recited that Hannum had given the Task Force two reports (one 72-pages; the other 22 pages) and many exhibits. The 22-page report gave detailed descriptions of the conduct of Gibbs, White, Coleman, Tefft, and Goddard, but did not name them. (Given the detailed descriptions of their position, and the fact that nearly all the board members were alumni, there is little doubt that the board knew the identities of most of these perpetrators—certainly of Gibbs, White, and Coleman.)

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<sup>185</sup> Branin did not recall participating in editing the report in December; he did confirm, however, that he had expressed concerns about the reliability of the individual who reported the allegations against the deceased faculty member. He declined to tell us why he doubted that individual’s credibility. We credit Hannum’s statement that Branin was, in fact, involved in the December editing process. No member of the Task Force saw the report except Peterson and Heaney until December 4; Branin consequently had no other opportunity to participate in the editing of the report.

The report also provided descriptions of three credible instances of student-on-student abuse: a senior boy's rape of a freshman girl in 1975, when the girl was 13; a dorm prefect's rape of Harry Groome with a broomstick in 1982; and a male student's fondling of another male student while in bed in 1982. The report did not identify either the perpetrators or the students they assaulted.

The report also discussed, at some length, the Jane Doe/Anne Scott litigation (without mentioning Scott's name), in a way that made clear that at least some witnesses believed the school's approach to the litigation was overly aggressive.

The report to the board mentioned briefly that Hannum had learned of other allegations beyond those described in the report provided to the board. The report described in very general terms

- four first-hand reports of unprofessional conduct by four former employees;
- five second-hand reports of sexual misconduct by former employees;
- six second-hand reports of student misconduct; and
- an unstated number of instances of non-sexual misconduct.

On the whole, with the exception of the allegations concerning the deceased employee mentioned above, the Task Force did not attempt to influence the substance of Hannum's report to the Board. Though Hannum's report to the board was much shorter than his report to the Task Force, the 22-page board report tracked the central allegations of the report to the Task Force, and faithfully summarized the main points Hannum's investigation revealed.

Unfortunately, the 22-page report made no mention of Thompson's actions in the Wheeler dorm. We do not believe Hannum or the Task Force left Thompson out of the report to deprive the board of important information or to protect Peterson from damage to his reputation for events that took place during his tenure as headmaster. Streamlining the report for the board meeting, we conclude, was a decision Hannum and the school made to best present the core facts Hannum had learned, not to whitewash an incident that had taken place on Peterson's watch. Unfortunately, as events unfolded, and, in particular, as St. George's prepared to issue a public report based on Peterson's investigation, the failure to address *any* event that took place during Peterson's tenure added to the concern that Hannum's investigation was designed to cover up the truth rather than expose it. As we have said, we reject this premise; we believe the school intended that Hannum seek the truth. Nonetheless, Hannum and the Task Force's failure to appreciate that special attention would be paid to events on Peterson's watch contributed to suspicion rather than confidence that the report could be trusted.

### *The Public Report*

The board issued its public report on December 23, 2015. Peterson was the public report’s principal author; Schwartz and Heaney participated in drafting the report; Hannum played no role. The report’s factual findings faithfully tracked Hannum’s report to the board and set out the central conclusions Hannum reached in his investigation. Again, however, there was no mention of Thompson actions in the Wheeler dorm in 2004, an omission that would raise questions about the integrity of Hannum’s investigation and the school’s response to the abuse of the past.

By the time the school issued the report, however, it was caught in a maelstrom of bad publicity. *The Boston Globe* first reported on abuse at St. George’s, and the school’s investigation of that abuse, on December 14, 2015. Hannum’s investigation—which we find was commissioned with the sole aim of discovering the truth, and guiding St. George’s to help its alumni recover from abuse they suffered as students—had itself become, at least in the eyes of many alumni who were abused at St. George’s, and in the eyes of the news media and the public, another dark chapter in the school’s history. Surely that was not what St. George’s leaders intended.

### *Conclusions About the 2015 Investigation*

We have devoted so much space to providing details about Hannum’s investigation because it opened so many wounds for many of the alumni we spoke to. In the end, Hannum’s investigation *was* thorough: our factual findings track Hannum’s core findings closely. We do not doubt that the school acted in good faith when it chose Schwartz Hannum, or that Hannum acted in good faith to find the truth rather than to cover it up. When we spoke to Hannum, he told us that he believed that, whether or not Schwartz Hannum provided advice to St. George’s School, the quality of his investigation would, in the end, speak for itself.

That sentiment was naïve. The school and Schwartz Hannum each failed to take into account how students who were abused at St. George’s would feel when they learned that the school’s legal counsel was also acting as its “independent” investigator, or how those former students, the news media, and the public would react when they learned that Schwartz and Hannum were not just law partners, but husband and wife. As a consequence, an investigation begun with the best intentions went horribly awry.

### *The School’s January 24, 2016 Statement*

We believe it is appropriate to comment on one final matter that took place, shortly after our engagement, concerning the school’s response to former students who allege that they had experienced improper conduct by faculty at the school.

On January 24, 2016, following newspaper stories about Thompson, St. George’s School released a statement, signed by every member of its board, reciting that the police had concluded that the

allegations made by the former student against Thompson were “unfounded.” This statement was literally true; that, indeed, that was exactly what the police report said. But, by that time, the school’s leaders should have known that the school had not given the police the full picture of what Thompson had done, and that the detective’s conclusion that the student’s allegation was “unfounded” was based on incomplete (indeed, incorrect) information. The effect of the school’s public statement was to suggest to the public that the former student, whom the school *knew* had been the subject of inappropriate treatment by a St. George’s faculty member and dorm parent, had lied to the police. This was, in our judgment, a regrettable return to the kind of “victim-shaming” that marked the school’s behavior in the Anne Scott litigation decades earlier.

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## St. George's Today

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The experience of students who attend St. George's today is in many respects the product of Eric Peterson's twelve years as Head of School. Peterson has many strong supporters among faculty, alumni and the St. George's board. Conversely, we have heard from some alumni, and some others, who questioned his management and leadership style. But this report is *not* a management review. After twelve years, we doubt there is little we could say that would change strongly held opinions about Peterson's leadership.

Our focus on St. George's today is to ask whether the school's leaders and faculty, Peterson included, have created an environment, *for the school's current students*, where the sexual assaults, sexual abuse, sexual misconduct, hazing and bullying that dominated life for some St. George's students in the 1970s and 1980s no longer have a place, and whether the school has in place programs, policies, practices and systems designed to prevent these problems from arising, and to address them when they do. On those questions, we reach four principal conclusions:

- First, long before the school found itself embroiled in controversy about how it addressed *past* reports of sexual abuse, Peterson, other school leaders, and faculty made it a priority to take steps to ensure that the school embraced a culture of respect for its current students.
- Second, St. George's *does*, in fact, have appropriate programs, policies, practices and systems in place to address sexual assault, sexual misconduct, bullying, hazing and faculty/student boundaries for current students. These policies are state of the art.
- Third, St. George's has increased its attention to gender diversity. While we cannot say for certain, common sense and experience suggests that the problems that this report so vividly documents would not have occurred so often, or with such intensity, if St. George's had *not* been so male-dominated an environment.
- Fourth—and this conclusion is at least as important as the first three—the school appears to be committed to the process of continuous evaluation to ensure that its policies, practices, and systems remain state of the art.

### *A Culture of Respect*

#### **New Traditions**

Our investigation reveals that, when Peterson started as Head of School, he sought to develop more positive and affirming school traditions. He did so by engaging both faculty and student leaders; the latter, in particular, helped encourage the adoption of new traditions and to put to

older, more dated ones to rest. A few examples: “Zoo Day,” for starters, was eliminated. While initially a day in which students dressed as and poked fun at faculty, the day had morphed into an at-times mean-spirited roast of other students.

The cruelty that was sometimes part of the school’s annual “Christmas Feast” became a thing of the past. No longer would a student dressed as Santa Claus bestow gifts on student—gifts that, over the years, had become increasingly sarcastic and mean-spirited. (A faculty member recalls, for example, a student “Santa” giving the game “Clue” to a girl perceived by her fellow students as “clueless”; the girl left the holiday assembly in tears.)

Casino Night remains, though it does not happen yearly; importantly, it bears little resemblance to the Casino Night of the past. Now, the focus is on the mock casino games played by all students, not on objectifying and degrading young women as “bunnies.” The “Quad Run” is long gone; younger faculty members we spoke with had not even heard of its existence.

In the place of old traditions, Peterson has encouraged the development of new ones, focusing on opportunities for the campus to come together, particularly including in connection with sporting events against its rival Middlesex. More than one student told us they see traditions as always evolving; we agree that this is the right and appropriate response to an institution with history, as the school acknowledges that history while allowing for the development of a more positive and more inclusive future.

Abandoning old traditions, even cruel ones, is never easy, particularly in a school environment where older students sometimes believe that they have paid their dues as underclassmen and believe they are now entitled to the position of primacy. Some older faculty members have likewise resisted change. Peterson and the leadership team he assembled over the last twelve years deserve significant credit for pushing for change.

### **The Honor Code**

In 2007, still early in his tenure as headmaster, Peterson and his administration, with faculty and students, greatly expanded the reach of the school’s Honor Code. When Peterson arrived, the Honor Code focused solely on *academic* honesty; it read:

I promise to abide by the St. George’s School Honor Code, which states that my name, appearing on any paper, project, test, or examination, signifies that I have neither given nor received unauthorized information in the course of preparing for executing that academic work and I have not plagiarized.

Now, the Honor Code is understood to embrace all aspects of student life, and is not limited to cases of academic honesty:

I pledge to be truthful in my words and honorable in my actions.

I pledge that for any academic work, I have neither given nor that I have neither given nor received unauthorized information in the course of preparing that work (assignments, tests, examinations, projects, etc.) and that I have not plagiarized.

I pledge to treat respectfully the person, reputation and property of all members of the community and our surroundings.

I understand that if I violate these principles I am undermining the pillars of honor, trust, and respect on which this code and the community are built, and that acting dishonorably has consequences.

To be sure, high sentiments do not always translate into practical outcomes, day to day. But we heard from a number of faculty members who say they use the honor code to address issues that *do* arise, day to day, in their dorms (by asking a student, for example, “Is that treating someone with honor, trust and respect?”) to believe that the revised Honor Code does actually play an important role in the life of St. George’s.

### *Programming, Policies, Practices and Systems*

St. George’s publishes on its website a list of the programs, policies, and systems it has in place to address faculty and student boundaries, and relationships between students on campus.<sup>186</sup> We need not repeat them here, but some merit particular mention:

Each year, with new faculty and with returning faculty, the school reviews faculty obligations to report suspected sexual assault. The school takes a broad view of what is required to be reported. Faculty are advised that they can report directly to authorities or they can consult with the school’s counseling services if they would prefer. And faculty are aware that, when they make these types of good-faith reports, the law immunizes them from liability.

Faculty have also received significant in-service training on faculty-student boundary issues; on several occasions, by outside experts.<sup>187</sup> These programs focus on practical exercises designed to generate discussion about recurring situations. Many faculty mentioned these trainings to us, and

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<sup>186</sup> *The Shield: Community Handbook of St. George’s School*, available at [http://www.stgeorges.edu/uploaded/Documents/Portal/Parent\\_Portal/Documents/Shield16-17\\_Web.pdf](http://www.stgeorges.edu/uploaded/Documents/Portal/Parent_Portal/Documents/Shield16-17_Web.pdf).

<sup>187</sup> These include presentations by Sara Schwartz of Schwartz Hannum. To be clear, our reservations about the way the firm conducted the 2015 investigation do not extend to the firm’s boundary training programs, which are well-regarded.

spoke with us about actual experiences in which they drew on their training in particular interactions with students.

The boundary training has emphasized that faculty are directed to meet with students, except in exceptional circumstances, with doors open. If circumstances do require confidentiality that cannot be achieved meeting with the door closed, faculty are urged, absent an emergency, to do so in a location where they will be visible, through a window, to others. Faculty and students are not permitted to “friend” one another on social media.

Students, likewise, receive access to a significant amount of programming. The school has focused on intimate relationships and in addition to information concerning safe sex, the school has also undertaken to communicate with students about healthy relationships, in both formal and informal ways.

There is a Human Sexuality and Relationships course, and the school has also asked that advisors broach the subject with their advisees, so that the students can have a conversation on this subject.

Each year, Peterson meets with the senior class for the “Age 18 Meeting” to discuss with them what it means as students age into legal adults.

St. George’s has also brought in external support, and for example, in February of this year, had a program by Date Safe concerning consent in intimate relationships and, more generally, appropriate physical intimacy between students.

The school today also understands that it cannot turn a blind eye to bullying and hazing. It does not, and these behaviors are included in the student handbook, *The Shield*, violations of which will subject students to discipline. Students have met as a student body to view a documentary film on the subject and discuss it as an ordinary part of their work with their advisors. Students generally described a culture that does not include the hazing that may at one point have been common to the boarding school environment.

The school has, since Carol Hamblet’s tenure, convened a Health Group, consisting of the counselors, school physician, deans, assistant heads, and Head of School. The Health Group still meets to discuss student health and well-being in a forum designed to ensure that individual students do not fall through the cracks and also that patterns of student conduct are appropriately detected. Counseling services at St. George’s are now provided wholly in-house, and include two dedicated counselors, as well as the school physician.

Students have also benefitted from changing and developing educational and residential norms. Now, as at no time in the past, students have an incredible amount of adult oversight. Faculty members are involved in all aspects of students’ lives, as their teachers, coaches, dorm heads, and advisors; they communicate with a frequency that was previously incomprehensible, and that

communication extends to students' parents. The current students have little "free time" and their days are structured to encourage healthier and better choices (for example, the elimination of free time after study hall).

Faculty meetings have been a mainstay of the St. George's faculty experience, and those meetings continue. In that setting, faculty can communicate about students in an open and informal forum. In recent years, there has also been an increase in formal trainings, including the addition of three dedicated professional development days. This has included programming on boundary training led by an external consultant, as well as issues such as substance use, cultural competency, and eating disorders. The Board of Trustees also receives and will continue to receive training on sexual abuse and misconduct, including survivor sensitivity training. This area in particular is one ripe for continued development, especially as the school considers the range of skill sets it might seek to put on its board.

### *Gender Diversity*

By the numbers, St. George's is a much different place than it was in the 1970s and 1980s. When female students were first admitted to St. George's, female faculty were few and far between. Now, of the 94 faculty, administrators, and dorm parents, 50 are women. Women hold 50 percent of the leadership roles, including positions of Assistant Head and Dean (but notably, never Head of School). Among the students, this improving gender balance is also reflected. In the past decade, the school has had 24 girl prefects and 26 boy prefects; over the same period, there by 27 members of the Disciplinary Committee or Honor Board were girls: 23 were boys.

### *Commitment to Continuing Improvement*

The school has also committed to continue to improve its programs, policies, practices and systems. Some of the ongoing initiatives include:

- Creation of community standards: These are sets of expectations for the faculty and for the students that play an intermediate role between the broad statements of the honor code and the specific details of school rules—for example, "Be a role model" or "Treat people with respect." The school has engaged a recognized expert to work to craft community standards for the faculty, and will craft standards for students with the assistance and input of student leaders upon the return to school this fall
- Clinical review of policies: The school has engaged the Boston Area Rape Crisis Center to perform a clinical review and assessment of its policies and practices concerning sexual assault and abuse, including counseling resources, reporting pathways, and more general training on healthy intimate relationships.

- Increased background checks: Beyond the background checks required under Rhode Island state law, the school has determined to undertake broader and more frequent background checks than are required by law. It will now extend background checking to spouses and resident adult children, and will ensure that every faculty member is subject to a background check once every four years.
- Development of a self-defense and empowerment class for female students taught by an alumna.

A Climate and culture survey: This is expected to occur shortly so that the school can gather specific feedback about the current climate, in a way that it allows it to take account of the numbers of different voices, student and faculty, that comprise the school.

### *Climate Change for the Better*

In closing, we reiterate how much the faculty with whom we spoke care for their students. We are also mindful of the tightrope they walk: Faculty are, on one hand, the adults who are responsible for the students, a role in which they teach students and assign grades, enforce rules and, occasionally, mete out discipline. On the other hand, they serve as resources and advisors to the students, who turn to them when they need support on a host of issues. One faculty member told us he worried that creating an environment that too strictly regulates faculty/student interaction could lead to a school becoming “so antiseptic that we’re not actually caring for the kids.” We do not believe St. George’s School should steer that course, and think the current policies and practices, coupled with the heightened awareness of the need for appropriate boundaries that we have seen in our interviews, strikes the appropriate balance.

### *Final Considerations*

The fact that that St. George’s has created so positive an environment for today’s students does not, of course, erase the harm suffered by the alumni from prior generations who were sexually abused at the school in the 1970s and 1980s. Nor does it change the fact that it required the persistent efforts of alumni like Groome, Scott, Witness 4 (whom Coleman molested) and Witness 19 (whom Gibbs abused) over the last fifteen years to persuade the school to conduct a complete examination and accounting of its past.

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## Recommendations

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Our engagement letter gave us the discretion to make recommendations, but did not require us to do so. At the outset of our work, we did not know whether, for example, St. George's had good practices and systems to prevent and report sexual abuse. As we have observed, we are persuaded that St. George's approach to these issues has for many years been thoughtful and forward looking. We also recognize that St. George's current leadership is committed to a process of continuing improvement in the way it approaches issues like faculty/student boundaries and its students' sexuality.

At the outset of our work, it was also unclear whether the public clashes between SGS for Healing and the school had created so much continuing enmity that the parties would march, disastrously, toward full-scale, multi-party litigation or whether, alternatively, St. George's and SGS for Healing would be able to reason together to work towards a resolution of legal issues. We have not participated in any way in these matters, but published reports suggest the parties have already taken that approach.

So we see no point in making recommendations on these issues solely for the sake of making them. Our focus over the last seven months on what happened at St. George's does prompt us to have five suggestions, which we think the St. George's School community, the broader independent school world, and the Rhode Island legislature may wish to consider. They are only suggestions; we offer them for whatever consideration they merit.

### *Auditing Compliance with Sexual Assault Policies and Systems*

As we mentioned, we believe that the school has adopted a first-rate set of policies, practices, and systems to prevent sexual abuse and to report it when discovered. We are confident that the current focus on sexual abuse at the school will ensure that St. George's is vigilant about making sure those policies are working as intended. Over time, however, any organizational initiative, even the best-intentioned, can lose momentum. We suggest that St. George's engage a third party to conduct an annual audit of the school's compliance with its own policies. The results of that audit could be submitted to the board's audit committee, or to another committee the board selects or creates, in much the same way an independent auditor submits a financial audit to the school's audit committee. An annual audit of the school's compliance with its own programs would create incentives for the school to maintain accurate, real-time records of its activities and the kind of outcomes measurement that ensures that the school continues to focus on this important issue.

### *Board Composition*

St. George's is fortunate to have an extraordinary number of alumni who care deeply about the school. Board service is certainly an important way for alumni to continue to stay part of the life of the school after graduation (often, long after graduation) and we certainly understand that alumni service on boards can be critical to a school's development activities. But we have noticed in our work how closely connected within and across generations trustees appear to be, and how longstanding loyalties (and, sometimes, grudges)—among family members, classmates, teachers, and the like—can make it difficult for the school to make clearheaded, dispassionate decisions. The school's website lists the school's board members; all currently listed are alumni of the school, parents whose sons or daughters attend the school, or both.

This group may in many circumstances be ideal. But we do not believe that having *every* board member so closely connected to the school necessarily serves the school's best long-term interests. As board vacancies occur, we suggest that the board recruit at least a few board members who have no special relationship with the school, but may have expertise in education, childhood development, or other relevant subjects and who may be able to offer a different perspective than those bound to St. George's by long history or by blood.

### *Teaching St. George's History to Its Students*

In many ways St. George's is extraordinarily fortunate that, for its current students, and for many alumni who graduated in the last 25 years, what happened at St. George's in the 1970s and 1980s may seem to occupy a point in the distant past, personally irrelevant to issues they face. But the abuse that this report documents *is* an important part of the school's history; the fact that it is so troubling a part of that history makes it in many ways more, not less, worthy of study. We suggest that the school and SGS for Healing work together to develop a program, integrated with the school's curriculum, so that students may not only understand what happened to the students who came before them, but can also think through the many moral questions, and question of personal responsibility, that run throughout this report. There are many: *Why did no boys object, or come forward to Zane, when Gibbs' pictures of their female classmates started to circulate? Why didn't the school tell Tampa Prep the whole story about Franklin Coleman in 2002?* Questions about how individuals and leaders make choices, and how those choices may ultimately define their legacies, cut across many issues that students will have to face in their lives, and the issues raised in this report could well provide a unique opportunity to raise those issues, and to honor survivors at the same time.

### *Transparency in Hiring (and Firing)*

As this report describes, St. George's is by no means alone in addressing allegations of historic sexual abuse at independent schools. And, as we have found, the school's current policies, includ-

ing its hiring and reference check policies, are state-of-the art. But any system of hiring is only as strong as its weakest link, and we would be surprised if there are not some schools that choose to address problems of misconduct by faculty members in the way that St. George's for example, chose to deal with Coleman: permitting him to resign, sending him on his way, and providing meaningless information when another school makes a pointed reference check. We know that leaders of organizations like the National Association of Independent Schools and the Association of Boarding Schools are now focused on issues like the ones raised by this report. We suggest that St. George's use the position in the public eye it now occupies to lobby those organizations to consider creating a kind of compact among their members—the equivalent of a cross-institutional honor code—favoring transparency in hiring and firing, one that will ensure that teachers who are terminated or permitted to resign because of grooming and other conduct short of criminal sexual abuse are not permitted to roam from school to school.

### *Amending the Rhode Island Reporting Statute*

As this report shows, the confusing language of the Rhode Island reporting statute—a confusion that set off last year a battle between the two agencies with responsibility for enforcing the statute—creates unnecessary ambiguities that appear to serve no useful purpose. To be sure, the Rhode Island legislature has now fixed the “school” problem, but the amendment is just a patch on a tired statute. It simply shifts the confusion from schools to other institutions. Even under the new statute, it appears that no one would be required to report abuse at a summer camp, even a sleep-over camp. It is hard to make sense of that gap, and there are others.

We respectfully suggest that the Rhode Island legislature consider a broad re-write of its abuse reporting statute to address these related issues:

*First*, the requirement that “every person” report child sexual abuse, though doubtless well-intentioned, appears counterproductive. It effectively diffuses the responsibility so widely it does nothing to focus the attention of those best positioned to detect child abuse to be vigilant for it.

*Second*, the arcane characterizations of who is and who is not covered by the statute creates significant confusion, as we have seen. In many jurisdictions, those professionals best positioned to notice child abuse are the only mandatory reporters and are required to report all child abuse. The range of professionals made mandatory reporters varies by state, but commonly includes at least (a) physicians and other medical personnel, (b) social workers, (c) counselors and mental health professionals, and (d) school employees.<sup>188</sup>

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<sup>188</sup> All the listed categories of professionals are mandatory reporters in, among other jurisdictions, California (Penal Code § 11165.7), Colorado (Rev. Stat. § 19-3-304), Louisiana (Children's Code Art. 603(17)), New York (Soc. Serv. Law § 413), and Ohio (Rev. Code § 2151.421). Each of those states

*Third*, many jurisdictions have recognized the key role of institutions in their reporting statutes by requiring “institutional reporting.” If a staff member or volunteer of a hospital, school, or other institution knows of or suspects child abuse, that person would be required to notify the head of the institution.<sup>189</sup> We believe a provision requiring people to report to their supervisor or the head of their institution could improve reporting in two ways. First, it may increase the likelihood of reporting by leveraging known and familiar channels of reporting. Second, institutionalizing the reporting process may encourage the development of clear reporting mechanisms and more training on when and how to report abuse.

*Fourth*, Rhode Island currently maintains a database of child abuse reports,<sup>190</sup> but restrictions on the disclosure of reports prevents the database from being a useful tool to prevent abusers from finding employment in positions where they will teach or supervise children.<sup>191</sup> Such restrictions are understandable, but not inevitable. Other jurisdictions have legislation that permits information concerning reported child abuse to be disclosed to employers to help them determine whether a prospective employee is fit to supervise children.<sup>192</sup> States vary in how they balance the interests of disclosure against the interests of confidentiality and the protections afforded by due process. For instance, some states will only provide information that the state department has

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also identifies additional categories of professionals.

<sup>189</sup> The statutes typically focus on hospitals and schools, but include catch-all categories that would require institutional reporting by a broad range of institutions. *See, e.g.*, District of Columbia Code § 4-1321.02 (requiring institutional reporting by “the staff of a hospital, school, social agency, or similar institution); New York Soc. Serv. Law § 413 (requiring institutional reporting by “the staff of a medical or other public or private institution, school, facility, or agency”). The report within the institution may be *instead of* a report to the state agency (as is the case in New York) or *in addition to* a report to the state agency (as is the case in the District of Columbia). In our view, there are reasonable grounds for either version of institutional reporting.

<sup>190</sup> P.L. 1979, ch. 248 (codified at R.I. Gen. Laws § 42-72-7).

<sup>191</sup> P.L. 2016, ch. 368 (codified at R.I. Gen. Laws § 42-7-8).

<sup>192</sup> *See, e.g.*, Alabama (Ann. Code § 26-14-8); Arkansas (Ann. Code § 12-18-909); Connecticut (Ann. Stat. § 17a-28); District of Columbia (Ann. Code § 4-1302.03); Illinois (Comp. Stat. Ch. 325 § 5/11.1); Indiana (Ann. Stat. § 31-33-26-16); Iowa (Ann. Stat. § 235A.15); Louisiana (Rev. Stat. § 46:56); Missouri (Ann. Stat. § 210.150); Montana (Ann. Code § 41-3-205); Nevada (Rev. Stat. § 432.100); New Jersey (Ann. Stat. § 9:6-8.10a); North Carolina (Gen. Stat. § 7B-311); Pennsylvania (Cons. Stat. Tit. 23, § 6344); Vermont (Ann. Stat. Tit. 33, § 4919); Virginia (Ann. Code § 63.2-1515); Wyoming (Ann. Stat. § 14-3-214).

found to be “substantiated.”<sup>193</sup> Others are explicit in only allowing some form of “limited” amount of information to be provided.<sup>194</sup> Still others will provide the information only with the employee’s consent.<sup>195</sup> However, a number of states have taken a broad approach in providing records to any employer involved in the regular care of children, with little or no restrictions.<sup>196</sup>

In light of the recent amendments to the reporting statute aimed at protecting children from abuse in educational programs, we believe it makes sense to revisit the scope of disclosure permitted to educational programs, as employers, to prevent abusers from having access to children in the first instance. The General Assembly has a number of models to use as guidance in developing sensible legislation that would protect confidentiality, due process, and the well-being of children, but at a minimum there should be a mechanism in place for ensuring such information can be used to prevent future child abuse.

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<sup>193</sup> *See, e.g.*, Wyoming (Ann. Stat. § 14-3-214).

<sup>194</sup> *See, e.g.*, Louisiana (Rev. Stat. § 46:56); District of Columbia (Ann. Code § 4-1302.03). The Louisiana statute leaves “limited” undefined, while under the District of Columbia statute, “limited” means the “nature and disposition of the report” may be disclosed, but not the identifying information of anyone apart from the prospective employee.

<sup>195</sup> *See, e.g.*, District of Columbia (Ann. Code § 4-1302.03).

<sup>196</sup> *See, e.g.*, Missouri (Ann. Stat. § 210.150); Montana (Ann. Code § 41-3-205); Nevada (Rev. Stat. § 432.100); New Jersey (Ann. Stat. § 9:6-8.10a); Vermont (Ann. Stat. Tit. 33, § 4919).

# EXHIBIT 1

ST. PAUL'S SCHOOL  
CONCORD, NEW HAMPSHIRE

*Mr. Schuch* ✓  
*Mr. Harman* ✓

Mr. Archer Harman, Jr.  
St. George's School  
Middletown,  
Newport County,  
Rhode Island

*He looks strong +  
was highly recommended  
by Bill Oates —*

Dear Mr. Harman,

The Rev. Jack Carter suggested that I write to you about my interest in St. George's School. Since Matt Warren's retirement, I have been open to the idea of leaving St. Paul's. Jack Carter seemed to think that St. George's might be something that I would be interested in and has encouraged me to inquire about any possible position as chaplain-teacher in the near future.

I am indeed quite interested, and I would appreciate any consideration you might think appropriate at this time. I have taken the liberty of enclosing my resume for your information.

Thank you for your time and interest. With every good wish and my warmest personal regards, I am

Sincerely,



Howard W. White, Jr.

Ford House  
April 28, 1971

## EXHIBIT 2

St. Paul's School  
CONCORD, N. H. 03301



May 19, 1971

WILLIAM A. OATES, Rector

Dear Archer:

Thank you for your letter about David Ames. I shall turn this over to Phil Burnham and Ted Yardley. Ted, as you may know, is joining the faculty as Chaplain and Head of the Religion Department next fall.

I certainly wish you and Howdy White the best of everything. He is a fine, sincere person, and I am sure he will make a helpful and interesting contribution to St. George's.

Best wishes.

Sincerely,

A handwritten signature in cursive script, appearing to read 'W. A. Oates'.

Mr. Archer Harman, Jr.  
Headmaster  
St. George's School  
Newport, Rhode Island 02840

## EXHIBIT 3

ST. GEORGE'S SCHOOL  
NEWPORT, R.I.  
02840

ANTHONY M. ZANE  
HEADMASTER

September 16, 1974

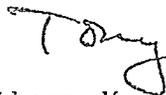
To the Trustees:

I regret to inform all of you as I have already done by telephone and in person some of you, that the Rev. Howard W. White, Jr. has resigned from St. George's as of Thursday, September 12, for unbecoming conduct involving a male student last spring. This action is a result of investigations that I have pursued since talking to a parent on September 6. The faculty has been given the facts about this matter, though the student will remain anonymous. The students will be told tomorrow that Mr. White has resigned for "personal reasons." We will not elaborate further. Mr. White's resignation was procured with the fullest cooperation of the parents of the boy, and they are satisfied with the school's action.

Mr. White came to St. George's in the fall of 1972 from St. Paul's School. He is a bachelor, age 33, and he is now at home in West Virginia where he hopes to pursue a new career.

If you have any questions about this matter, please call Peter Ward or me.

Sincerely,



Anthony M. Zane

## EXHIBIT 4

bcc: C. Bodine, Bishop Belden, Messrs. Howland, Madeira, Ward  
Dr. and Mrs. MacNamara

September 19, 1974

The Rev. Howard E. White, Jr.  
Box 359  
Country Club Addition  
Clarksburg, West Virginia 26301

Dear Howdy:

Thank you for calling me the other day, and I am glad to hear that you are well and thinking about your future and not about the recent events of the past. I am sorry to hear that you need money, and here is the best we can do. The school has given you your pay check for September, that is, 1/12 of the salary of \$10,500 that you would be paid for this academic year. Enclosed is another check, that which you would have received for October. This is the last payment that St. George's School can give you. I have already given you \$200 from my discretionary fund, a sum that need not be returned, the school will waive your debt of approximately \$35, and the school will pay for your moving expenses of \$390.91. Furthermore, the school has got to pay something extra to those teachers who have volunteered to take over your courses. Under the circumstances, I think the school is being generous, and if you find yourself hard pressed in the future I suggest that you consider selling your Porsche.

I do hope that all goes well in the future. Quite obviously, as I have said before, I feel strongly that you should not be in a boarding school and that you should seek psychiatric help. Please do not return to St. George's until one generation has gone through, that is, not for another five years. Also, I have a request from the family in Scranton that you do not attempt to communicate with them or their son.

I am glad that you have talked to Bishop Belden, and please do not hesitate to call on me for help or advice. I wish you well, and I am sorry that you had to leave.

Sincerely,

Anthony M. Kane

AMK:ln

## EXHIBIT 5

Rev.  
Mr. & Mrs.  
H. Willard White  
Route No. 1, Box 359  
Clarksburg, West Virginia 26301

Dear Tony.

As the dust begins to settle a bit, I thought I'd drop you a note to say thanks again. You're quite a guy. Losing about  $\frac{3}{4}$  of what you love in the space of three hours still has me reeling. I still have to sort that out.

I want you to know that any money you've given me, will give me, and shipping the furniture will be payed back when I'm settled again. A T.V. that's been sent belongs to the school — S4 Society — I'll ship it back.

I have some nibbles. Jack Carter and a host of friends are behind me. I do know, however, that nothing will happen unless I can count on your recommendation whatever job comes up. You've said you would help and I

know you will. The big ache obviously  
is due to the loss of the people I  
love and have left. Perhaps I'll never  
get over it.

I do know that there has to be  
a day sometime in the future when I  
get some perspective back that we sit down  
together again and talk.

Have a good year, Chief. It's a  
great school and the headmaster is no  
less. My love to Essie.

Howdy  
H

# EXHIBIT 6

September 30

Dear Tony,

I took your advice and immediately found a psychiatrist with whom I could talk with about the recent turn of events. On the outset of our talks I told him that I wanted his professional report sent to you and to the Bishop of New Hampshire. I am still seeing him on a regular basis. I've discovered some things about myself that are positive and reassuring. I know now why what happened did indeed happen, and I know it can't happen again. At least at this point he has assured me the only problem I have is tremendous anxiety about being unemployed. When Dr. Pletcher's report comes to you, you may share it with Charlie and Sandy Bodine if you wish, but with no one else. I think I owe them and you at least that.

I've gotten a couple of job nibbles. I'm excited about both. Culver Military Academy is looking for a chaplain. A friend in Washington has put me in contact with a parish that needs an assistant to work with teachers in their day school, to coordinate adult education and the parish Sunday school program, and finally to help with the pastoral duties of the parish. I'm obviously excited about both prospects. Will let you know what happens.

Planning to go out to see Russ and Pat Ingersoll in a week or two. I talked to Russ over the phone this evening. He's been a great friend through the whole mess -- as you have.

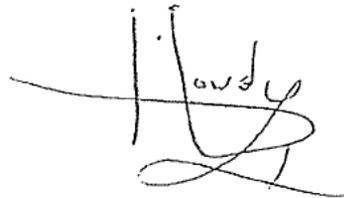
If by chance anyone should write or call about a recommendation, I would appreciate your total support. If this isn't possible, then I would hope that you would simply decline to say or write anything.

I'm pushing along on my book. The lake is lovely and the trees are beginning to turn. I'm beginning to unwind, and I'm looking forward to simply moving ahead. It should go without saying that I miss St. George's. Looking back I sometimes think I let the school become too much a part of me. Time will heal that wound.

Again, if you feel you can say something positive about my contribution to the school I would appreciate. If you feel ~~nothing~~ you can't, I would appreciate your saying nothing at all.

My love to Eusie. Have a good year.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Hardy". The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke extending to the left. The name "Hardy" is written in a cursive script above the main body of the signature.

# EXHIBIT 7

I.E. S. FORM April 8, 1974

I have known the Rev. Howard White for two years now; I am the headmaster of St. George's and he is the associate chaplain. I like him very, very much. He has a nice sense of humor, he is a hard worker, and he cares a great deal about this school and about doing a good job here. He has lots of friends among the faculty and the students, but he is never afraid to say what is on his mind. Sometimes he is too willing to say what is on his mind; I think, as I have told him, that there are moments for tactful silence. He is still fairly young and still somewhat impetuous and bullheaded. He is a man of tremendous courage; I have never seen him duck a hot issue or avoid a ticklish situation. He works very hard to make the religious life of this school effective, and he succeeds. He is witty and articulate, and he is kind. This year he took over the housemastership of our largest boys' dormitory, and he has in the words of one of the inhabitants "made it a better place to live in."

I think that someday he would like to be either a chaplain or a headmaster, and I recommend him certainly for the first position and in a few years for the second.

# EXHIBIT 8

May 12, 1978

Mr. William W. Baeckler  
Independent Educational Services  
80 Nassau Street  
Princeton, New Jersey 08540

Dear Bill:

Our Associate Chaplain, Darwin Price, has just been appointed to the position of chaplain at Miss Porter's School. Consequently, we are looking for an Associate Chaplain, an Episcopalian, male or female. I would appreciate your help.

Incidentally, I just talked to a headmaster who was asking me about a man named Howard W. White, Jr., a former Associate Chaplain of our school who is now I gather in your stable. In the information that you send to prospective employers of Mr. White you include a letter I wrote on April 18, 1974. That letter was written after I had not appointed Howdy White to the head chaplaincy when our chaplain left to become a headmaster. Consequently, Howdy asked me if he could look around and if I would give him a recommendation, which I did. That is not the same kind of recommendation I would give him now, a recommendation based on his having left us in September of 1974. Therefore, will you please remove my recommendation from the information you send out about Howard White. Thank you.

Sincerely,

Anthony M. Zaue

AMZ:Ln

## EXHIBIT 9

R. O. PLETCHER, M. D.  
PSYCHIATRIST  
SCHROATH BUILDING  
CLARKSBURG, WEST VIRGINIA 26301  
PHONE 623-6731

October 2, 1974

Anthony M. Zane  
St. George's School  
Newport,  
Rhode Island 02840

To whom it may concern:

The Reverend Howard White has been to see me on a few occasions and has related to me the events leading up to his leaving St. George's School.

I feel that the specific incident which was most responsible for his leaving was based on a circumstantial event and was not to be construed as a way of life. I feel that it will not happen again.

A complete evaluation of the situation leads me to believe that his preference is for female companionship which probably will eventually lead to marriage.

I feel that he should be very competent and useful in his profession, based on his past performance and his future potentialities, regardless of where he should continue to work.

Sincerely,

*R. O. Pletcher, M.D.*  
R. O. Pletcher, M. D.

ROP/plz

# EXHIBIT 10

October 9, 1974

Dr. R. O. Pletcher  
Schroath Building  
Clarksburg, West Virginia 26301

Dear Dr. Pletcher:

Thank you for your letter about the Rev. Howard White, whom you have been treating. I naturally want to do everything I can to help Mr. White and to get him gainfully employed. On the other hand, I find it very difficult to recommend him as a teacher, especially in a boys' boarding school. In the second paragraph of your letter you refer to "the specific incident." Did Mr. White tell you that although there was, as far as I can tell, only one specific incident last year, he nevertheless pursued at least three other young men, taking them all to motel rooms where there was a single bed?

Sincerely,

Anthony M. Zane

AMZ:ln

# EXHIBIT 11

October 24, 1974

Mr. Robert J. Smith, Jr.  
Educational Counselor  
Osterville, Massachusetts 02655

Dear Bob:

Thank you for your letter of October 22, and I apologize for not following through in bringing you up to date. I should have, but there were so many angles to cover in regard to Howdy White and then school started which is always a busy time. is home, and I have talked to him and to his parents, the latter a number of times. As far as I can tell, they seem to have settled down with the aftermath of the whole incident, and there is a distinct possibility that might return to St. George's for his sixth form year. We offered to have him back for his fifth form year, and the trustees, not knowing identity, voted to have him attend St. George's free seeing as he was paying tuition at Wyoming Seminary. Howdy is in West Virginia; he has seen a psychiatrist, who claims that he is well (although I have my doubts), he is looking for a job in the church, and so far no one has asked me for a recommendation.

I look forward to seeing you on November 14 or 15 when you bring one of the Indian Mountain boys here for an interview. Make sure to track me down as I will be here that weekend.

Thanks for your letter and for your cooperation.

Sincerely,

Anthony M. Zane

AMZ:ln

## EXHIBIT 12

Bill to JWD  
about the below

Rt. 1, Box 359  
Clarksburg, W. Va. 26301

Dear Tony,

I received this bill a couple of days ago. It was my understanding that this would be taken care of as a part of my severance pay. If I misunderstood you on this, return the bill, and I shall come up with the funds somehow.

My doctor has been wanting me to write to you for some time. I need to get something off my chest, and I hope you will understand. If ever such an incident ever happens again while you are headmaster, do yourself and the person involved a great favor: Don't announce the details to the entire faculty. I know where you stand on being open and candid with your faculty. Most of the time I would agree with you. I do think incidents of a personal nature ought to be handled with more prudence and sound judgment. You need to know that I am still seeing my doctor -- and have continued to see him for many months -- not because of the specific incident. I have to see him to deal with the fact that you took it upon yourself to open it to an entire faculty. People with whom I am dealing here in Clarksburg and with friends at the school; all felt your decision to be candid was reckless and unwarranted. People talk too much. Your faculty talks too much. I am sorry it happened, but I am even sorrier about the way you decided to handle it in that faculty meeting. At any rate, I know you well enough to know that anything I say will not change your thinking on the subject. If ever it happens again that you need to get rid of a faculty member, keep it to yourself -- for that person's sake and peace of mind. I know of at least four job opportunities I have lost simply because the word got around. The word got around because of your airing it in faculty meeting. I'm sorry that happened.

WJW  
10/27

I hope to continue with my doctoral work at the university. I am hoping that I will be given a fellowship that will cover the work that will take the better of two to three years. It will be the first doctorate in religious education at the university. I am quite excited about the work ahead.

People from at the school say it has been a good year for you. It. Lilit plans to come down after school for a looking forward to our vacation together at the

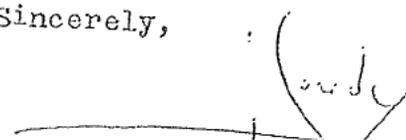
estimated  
date

if you concerning this bill, just have the business  
Give my best to your family. Special love to

you have learned something from the whole experience.

and my warmest personal regards, I am

Sincerely,



# EXHIBIT 13

file - H. White.

CHRIST EPISCOPAL CHURCH

33 EAST FIRST STREET  
CORNING, N. Y. 14830

THE REV. W. SCOTT HARVIN - Rector  
THE REV. RICHARD L. CLETT - Associate

OFFICE TELEPHONE 607-936-9032

Called on 1/28/78

Dear Mr. Zarr,

fred in the  
whole story

(in current Headmaster - EC Annual not  
always accurate.)

I am writing to inquire about  
reasons for the Rev. Howard W. White's  
dismissal from St. George's, of  
memory serves me, in September 1972.

"Heard" was my eccurate in West  
Virginia before going to St. Paul's  
School. Over the years we had some  
contact as I've watched him mature.  
You may know he completed his  
doctorate at West Virginia University  
last spring.

It may be I'll invite him  
to join my staff here in Corning.  
He has never talked much about  
his sudden departure from St.  
George's. Obviously I'm not interested  
in gossip, but for whatever information  
you can share with me - that might  
inform my thoughts about his coming  
here, I will be grateful.

January third

W. Scott Harvin

# EXHIBIT 14

West Virginia  
University

MORGANTOWN, WEST VIRGINIA 26506

Office of Admissions and Records

May 15, 1972

Mr. Howard Willard White Jr.  
St George's School  
New port, Rhode Island 02840

Dear Mr. White:

A copy of your application for admission to the Graduate School of West Virginia University was forwarded to the College of Human Resources and Education for approval of the program you requested in education.

The program evaluation report gives you probationary approval of the program you requested. You are required to meet the minimum Graduate School requirement of a cumulative graduate grade point average of 2.75 at the end of the semester in which the ninth semester hour of graduate work at West Virginia University is completed. In addition to the minimum grade point average of 2.75, you will be required to meet the following condition: You are approved to take courses until doctoral committee action.

You are admitted as a graduate student effective Summer Session 1972.

General Registration Period will be June 12, 1972.

Your time ticket indicating the date and hour you are to report for registration will either be mailed to you within ten days of registration or will be available for you Registration Day at the Admissions and Registration Center. We are looking forward to the time when you will be enrolled as a graduate student.

PLEASE BRING THIS LETTER TO REGISTRATION.

Very truly yours,

*John D. Brisbane*

John D. Brisbane  
Dean of Admissions and Records

cc: Graduate School  
College of Human Resources and Education

GA-2-2A

# EXHIBIT 15

Christmastide 1975  
West Virginia University

*Some say that ever 'gainst  
that season comes wherein  
our Savior's birth is  
celebrated, the bird of dawn  
singeth all night long, and then  
they say no spirit dare stir  
abroad. The nights are wholesome  
then. No planets strike. No fairy  
takes nor witch has power to charm,  
so hallowed and so gracious is the time.*



*and by p.c.  
12/15/75*

Dear Tony and Eusie,

Christmas 1975 finds me very much alive, working hard, studying hard, and writing a great deal. I'm about half way finished with my doctoral program. All that remains is the comprehensive examination and my dissertation. The basic research on the moral development of adolescents has been very exciting. It has given me important insights as to what is happening in religious education as well as what ought to happen.

Along with my doctoral studies I am teaching two courses at the University and supervising student teachers. I find the work tremendously stimulating.

This is that time of year when I am particularly aware of the fact that it is my friends -- new and old -- who make my life so rich and rewarding. May the celebration of Love born in a manger bring you and your family joy at Christmas and renewed faith and hope in the New Year.

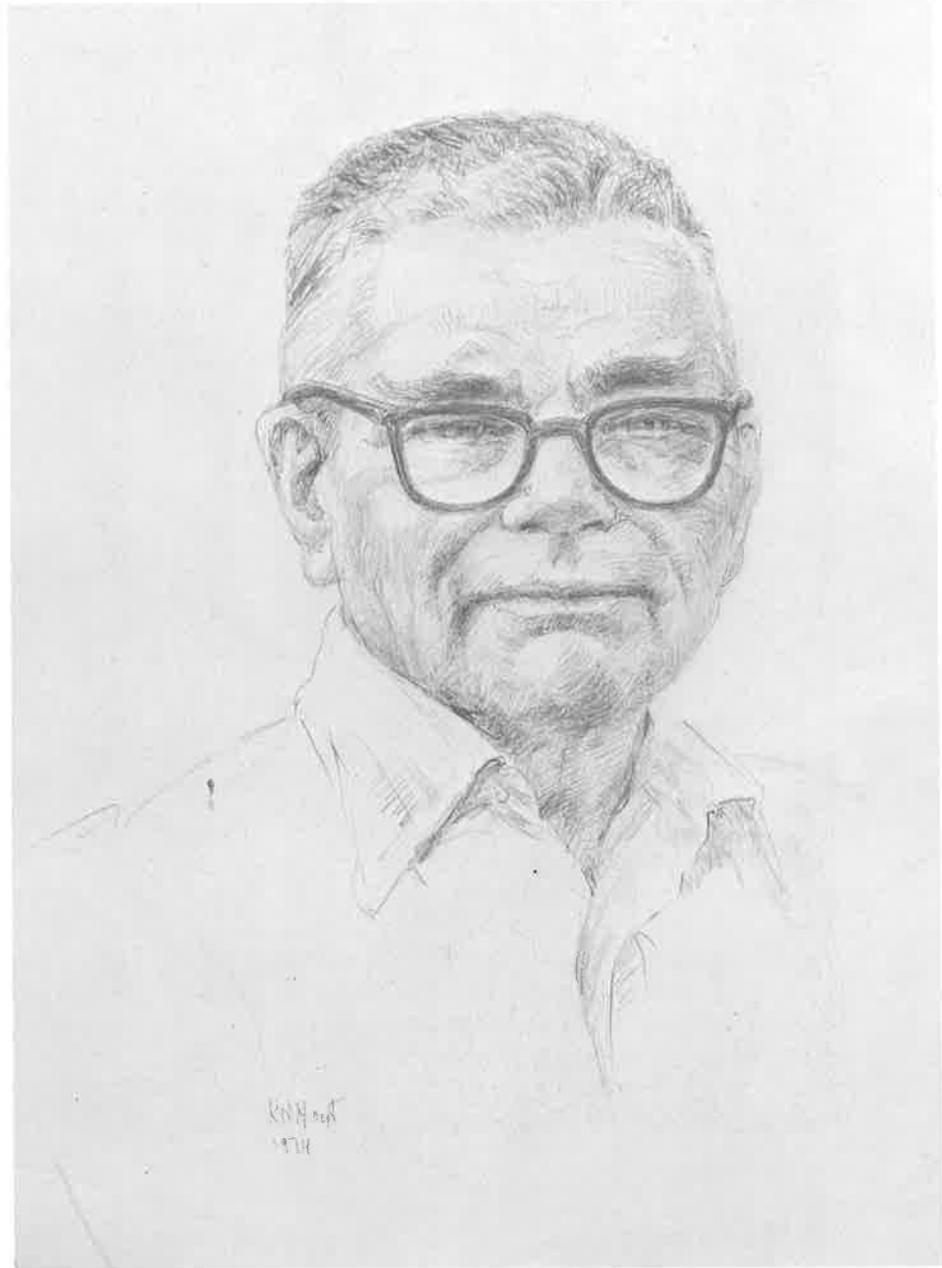
Have a Merry Christmas!

Sincerely,

# EXHIBIT 16

# AL GIBBS

At first sight, one would never guess that this friendly, curious face peering up owlshly from under black glasses was Al Gibbs, the former Olympic Silver Medallist in boxing. Neither would one suspect that this man had spent time in the service, doing some tough, rugged years with a hard bunch. Yet if you look sharply, his wisened eyes and always-slightly-smiling mouth will tell you worlds of wisdom. Ready to retire from the Navy only one year ago, Mr. Gibbs looked for the first stable platform he could find, and quickly jumped ship. "Gibbsy", as he is known to the students here, found to his liking a more panoramic view of the ocean from the St. George's Hilltop. He soon ceased to be an athletic director for the Naval Base and instead signed on board as our athletic trainer in January of '73. Never has a planted seed grown so well as has Mr. Gibbs at St. George's. He declined a job offer with the Kansas City Royals for the quick friendships he had already developed with many students and faculty. He soon dug his roots deeper and on June 9, 1973, he was married to his present wife, Rose, in the St. George's Chapel. Since then, his warmth, his good humor, and his conscientious concern for all of our injuries and joys have focused on this campus. He's our best spectator, a great trainer, and a humane friend. For his unceasing devotion to the school, the students, and the faculty, we embrace Mr. Al Gibbs in the spirit he has embraced us, and to him we happily dedicate the 1974 Lance.



# EXHIBIT 17

F M G CONSTRUCTION  
1560 West Main Road  
Middletown, Rhode Island  
December 17, 1979

847-3814

Dear Mr. Hennion,

Enclosed find my estimate for entrance ways to east side and west side of St. George's Gym.

I will be cutting two door ways, one to be entered into training room and the other to the gym.

Approx. length and width 8 x 14 entrance to the training room.

Construction will consists of roof, walls, floor, doors, stairs, flashing and finish work.

Panic hardware for all doors.

All doors will meet fire and state local codes. Doors will be constructed of heavy gage aluminium. Floor joices will consists of 2 x 12, on 12 in. center. Floors consists of 5/8 in. ply wood overlay with another 5/8 plywood.

Two steel columns..shingle of roof of asphalt...texturelll for side of anterance way. Flashing will consists of leaded copper. Stairs hand rails on both sides of stair way. One angle iron 2 x 6 are the main support of stair ways. Any Electric Work will be done per F.E.M. Const.

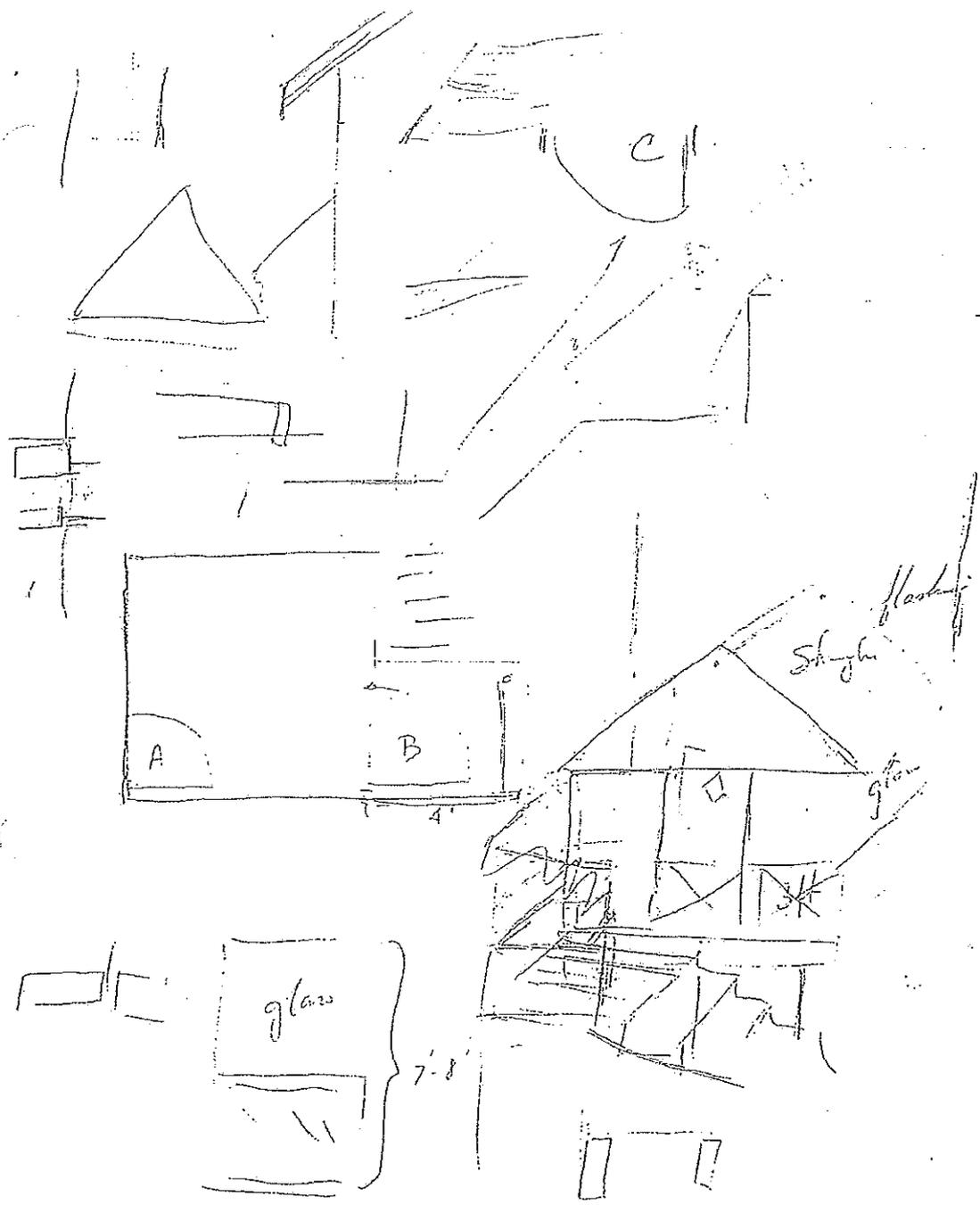
All my work is guaranteed for one full year and all my work is done in a work man like manner All cleaning done per F.G.M. Const.

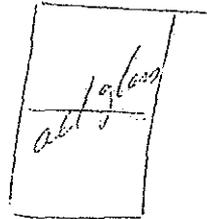
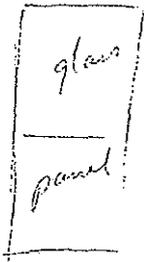
All my work to be inspected by Middletown Bldg. Inspector.

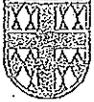
Entrance to Gym: Removing largeplate glassand aluminium door.

Total price \$7,704.00

May I thank you in advance for giving me a chance to send you my estimate.







**ST. GEORGE'S SCHOOL**  
 NEWPORT, R. I. 02840  
 401-847-0187

DATE: 1/10/80

BILL AND SHIP TO:

THIS ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND SHIPPING PAPERS	
P.O. #	11999
ST. GEORGE'S SCHOOL NEWPORT, R.I. 02840	
ATTN: Business Office	

ORDERED FROM  
 F.M.G. CONSTRUCTION  
 1560 West Main Road  
 Middletown, RI 02840

PLEASE ENTER OUR ORDER IN ACCORDANCE WITH PRICES, DELIVERY AND SPECIFICATIONS GIVEN.

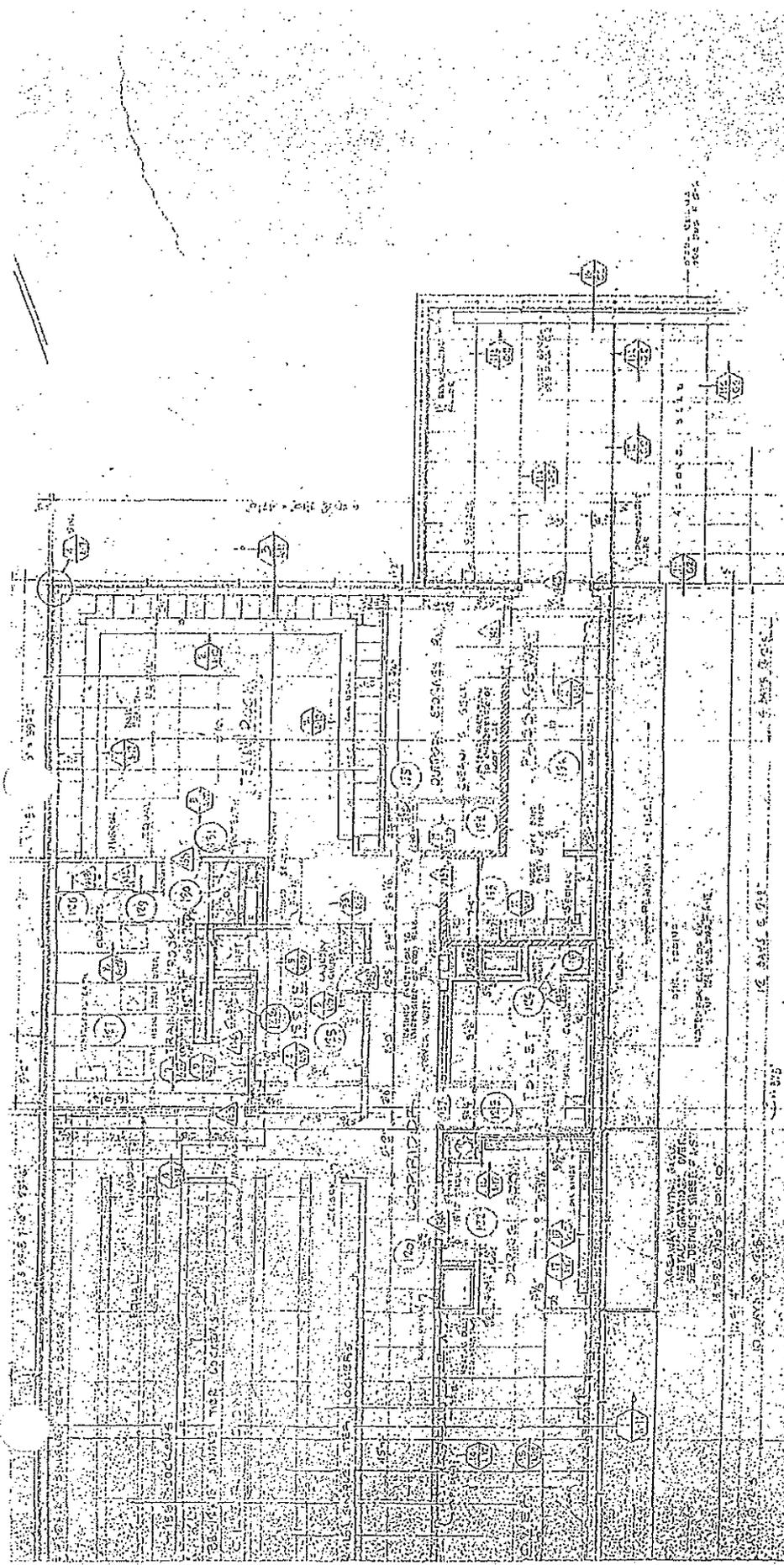
DATE RECEIVED		SHIP VIA	DEPARTMENT	ACCT. NO.	ISSUED BY	
			Coed Access to Gym	960-058	C.W. Hession	
QUANTITY		CATALOG NO.	DESCRIPTION		UNIT PRICE	AMOUNT
ORDERED	RECEIVED					
			Provide materials, and permit and labor to construct coed access entrance to gym training room as per discussion 1/10/80 as a price not to exceed quoted price of:  F.M.G. Construction is to provide all necessary insurance for any workmen brought to the job site.			7,704.

If applicable, this product must be in full compliance with O.S.H.A. and the Rhode Island Fire Code.

ACKNOWLEDGE ORDER IMMEDIATELY AND IF ANY ITEM CANNOT BE SHIPPED PROMPTLY, NOTIFY US.

BY *[Signature]*  
 AUTHORIZED SIGNATURE

FILE COPY



ROBINSON GREEN &  
 ARCHITECTS AND ENGINEERS  
 100 W. WASHINGTON STREET, PROVIDENCE, R. I.

GYMNASIUM  
 ST. GEORGE'S

START STUDYING SHEET WITH ARCHT. & E. S. C. FROM THESE &  
 (SEE "STAINING" DRAW. DWG. P. 5-4)

FIRST FLOOR PLAN SCALE: 1/8" = 1'-0"

NOTE: DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED

ROSEMARY WITH FLOOR  
 METALS GRATING DATE  
 SEE DETAILS SHEET P. 5-5  
 11-23-27 3 10-10

SEE FLOOR  
 12-24-27 6 7-1

# EXHIBIT 18

ST. GEORGE'S SCHOOL  
NEWPORT R.I.  
02840

ANTHONY M. ZANE  
HEADMASTER

May 9, 1980

TO WHOM IT MAY CONCERN:

This is to recommend Al Gibbs as an effective and competent trainer. He worked at St. George's from 1965 until February of 1980, when he took a medical leave of absence in order to take a series of tests at the Naval Hospital in Newport. Mr. Gibbs has had a great deal of experience as a trainer, and he is most certainly competent.

Sincerely,



Anthony M. Zane

AMZ/jg

# EXHIBIT 19

May 9, 1980

To: Mr. Hennion

Wes,

I talked with Al Gibbs this morning and told him that even though the doctor does not tell me that Al is senile, because of Al's behavior in the training room last fall we cannot have him return to St. George's. Al apologizes for that behavior and said that he understood my position.

R.I.  
T.D.L.  
Dr. Washburn is not diagnosing Al as disabled, yet Dr. Washburn apparently has advised Al to apply for disability insurance starting February 12. Please explain to me when you have some spare time.

I told Al that we would continue to pay him through the end of fiscal '80.

Al raised the question of whether he can receive an annual grant from the trustees, indeed something that he and I had talked about in happier days. I said that I would pose the question to the trustees this weekend.

AMZ

cc: Messrs. Herter, Howard

## EXHIBIT 20

ANTHONY M. ZANE  
HEADMASTER

ST. GEORGE'S SCHOOL  
NEWPORT, R.I.  
02840

May 5, 1978

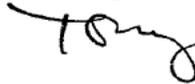
Dear Al:

I did want to put down on paper what you and I agreed upon in our recent conversation, that is that you will receive a salary next year of \$6,700.00, and thank you very much for all you do for the school. Furthermore, we will include you in our Blue Cross-Blue Shield coverage, and the school will pay for that; you will pay for Rose.

As we agreed in our conversation, it will not do any good for us to put you in TIAA/CREF now, but when you retire you should write a letter to the trustees requesting an annual grant from the school for your services. This is done with a number of people now, and I will most certainly keep it in mind, though I do not look forward to your retirement!

Again, thank you very much for all you do for the school, and I hope that these arrangements are satisfactory.

Sincerely,



Anthony M. Zane

AMZ:ln

cc: C. W. Howard II

bcc: Ann Ferri

Skip: According to our agreement, you are going to pay Al \$6,000 out of your budget, and I am going to pay him \$700 out of mine, right? A. M. Z.

## EXHIBIT 21

ST. GEORGE'S SCHOOL  
NEWPORT, R.I.  
02840

ANTHONY M. ZANE  
HEADMASTER

July 14, 1980

Mr. Al Gibbs  
5 Scotty Drive  
Portsmouth, RI 02871

Dear Al,

I enjoyed our last talk, and I am sorry that all ended as it did. As I said to you when we last met, please do not hesitate to visit.

It is my understanding that Wes Hennion will be in touch with you about the annual grant that you and I discussed when we last met.

Sincerely,



Anthony M. Zane

AMZ/jg

cc: Mr. C. W. Hennion

## EXHIBIT 22

ST. GEORGE'S SCHOOL  
NEWPORT, R. I.  
02840

C. WESLEY HENNION  
BUSINESS MANAGER

November 3, 1980

Mrs. Helen Douglas, Manager  
Dept. of Employment Security  
268 Bellevue Avenue  
Newport, R.I. 02840

Re: Alphonse Gibbs

Dear Mrs. Douglas:

This is to confirm that the Board of Trustees of St. George's School voted an annual grant of \$1200.00 to Alphonse Gibbs at their meeting on July 11, 1980.

Annual grants are awarded, when School finances permit, to former employees with distinguished service records that the Board wishes to recognize. Each grant runs only for a one year period, and can only be renewed by a vote of the full Board once each fiscal year.

Sincerely,

C. Wesley Hennion  
Assistant Treasurer

CWH/dp

cc: A. M. Zane  
Jeanette Connolly

## EXHIBIT 23

Al & Rose Gibbs  
5 Scotty Drive  
Portsmouth, R.I.  
02871

*file*  
May 12 1982

Dear Tony:

I thought that its about time to thank the St. George's Trustees and above all, you Tony for the yearly grant that has been endowed in my behalf.

I can assure you that the monthly check that we have been receiving has certainly come in handy and specially during these trying times where everything has gone sky high.

I have been traveling some of the time this year and you probably know that I have been selling St. George's to people with young men and women that I know the school would be interested, perhaps some have applied, at least I hope so, the only thing that I didn't have that I could of used were the school catalogs, perhaps Mr. Doolittle could make some available to me.

Rose and I plan to be in Portsmouth during Prize Day and naturally we would appreciate a invitation if one could be sent.

As usual our best wishes to you Eusie, the faculty and students and wish you lots of luck for the next semester, hoping to stop by to see you when you are not so busy and thanking you again.

Sincerely,

*Al.*

Al.

## EXHIBIT 24

EMPLOYMENT TERMINATION AGREEMENT AND RELEASE

St. George's School (the "School"), and Franklin G. Coleman ("Coleman") hereby agree as follows:

1. The School accepts Coleman's voluntary resignation from employment effective May 6, 1988.

2. The School shall pay to Coleman a lump sum settlement payment of \$10,000, subject to withholdings required by law.

3. The School shall continue to provide its current medical and coverage for Coleman until such coverage is obtained by him elsewhere, or until August 31, 1988, whichever is sooner. Following that date, the School will respect Coleman's rights, if any, to continued medical coverage at his own expense under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

4. The execution of the Agreement shall not be construed as an admission of a violation of any statute or law or breach of any duty or obligation by either the School or Coleman.

5. Coleman hereby waives any and all rights to future employment with the School and agrees not to seek employment in the future with the School.

6. In consideration of the foregoing, Coleman hereby releases and forever discharges the School, its present and former officers, employees, agents, successors and assigns from any demands both in law and in equity including any and all claims based upon or in any way related to employment or termination of employment with the School including, but not limited to any claims of defamation, intentional infliction of emotional distress, breach of contract, wrongful discharge, unjust dismissal, breach of covenant of good faith and fair dealing, interference with contractual relations and age, race or handicap discrimination, which against the School, its present or former officers, employees, agents, successors or assigns, Coleman, his heirs, executors, administrators or assigns, ever had, now have or in the future may have for or by reason or means of any matter or thing from the beginning of the world through and until the date of the Agreement.

7. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

8. This Agreement contains the entire understanding between Coleman and the School and may not be changed orally but only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification, extension or discharge is sought.

The undersigned have READ AND FULLY UNDERSTAND this Employment Termination Agreement and Release.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this            day of            , 1988.

St. George's School

By: George E. Andrews & Franklin G. Coleman  
Franklin G. Coleman

Title: Headmaster

Date: May 6, 1988

Date: May 6, 1988

## EXHIBIT 25

REMARKS TO THE STUDENTS AND FACULTY IN CHAPEL

ON SATURDAY, MAY 7, 1988

I have asked you all to gather together here in the Chapel in order to communicate directly with you.

Yesterday afternoon at 5:00 p.m. Mr. Coleman came to me and asked to resign as our Organist and Choirmaster - effective immediately. I accepted Mr. Coleman's resignation because of the specific reasons he gave me regarding his decision.

. Due to the increasing emotional stress he has been experiencing and because of the pressures and demands on his life, Mr. Coleman felt the strong personal need to immediately separate himself from our school community.

. I have always had the highest regard and respect for Mr. Coleman - as a professional and as a person...my primary commitment is to him and his health and well-being. Therefore, I accepted Mr. Coleman's resignation.

It is essential for each one of us to accept Mr. Coleman's decision.

Yes, his resignation will have a definite impact on our community, and we will feel his separation deeply.

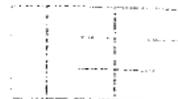
However, we must respect his desire to leave and support him in his decision.

George E. Andrews

# EXHIBIT 26

Independent Educational Services

30 Nassau Street, Princeton, NJ 08540, (609) 921-6195



The candidate mentioned below has applied to us for a position in education and given your name as a reference. Please supply a candid evaluation of this person in the areas where you know him best: as a teacher, scholar, student, administrator, co-worker, or friend. Your comments will be treated as strictly confidential and will be used only to weigh the candidate's appropriateness for specific positions. Please include comments on the candidate's (a) ability, capacity and success, (b) poise and communication skill, (c) personality, appearance and character, and (d) cooperation and dependability.

Mr. Anthony Zane, Headmaster  
St. George's School  
Newport, RI 02840

Candidate: Franklin G. Coleman  
11/2/82

COMMENTS (if possible, please type):

I recommend Franklin G. Coleman to you with reluctance; I don't want to lose him, but I certainly can sympathize with his motives for wanting to move on.

Franklin is an extremely able musician. He is a first-class organist and pianist, and he is a fine teacher of both music and voice. He is also an excellent choirmaster. Our choir now sings magnificently, and Franklin has to turn kids away; there isn't enough room for everyone who would like to join. Franklin is also the co-director of the musical that we produce every spring, also with great success.

Franklin has considerable poise, and he has no difficulty whatsoever in conveying his knowledge and enthusiasm to others.

Franklin is always neat and tidy. He is an intelligent, cheerful, and pleasant person. He works well with his colleagues, and you can depend upon him always for a first-rate job with music.

Signed

*Anthony M. Zane*

Telephone

*601-846-1102*

Date

*Nov. 5, 1982*

IN WHAT CAPACITY HAVE YOU KNOWN THIS CANDIDATE?

*his employer & friend*

## EXHIBIT 27

ST. GEORGE'S SCHOOL

NEWPORT, R. I. 02840

G. DANFORTH HOLLINS  
Assistant Headmaster  
Dean of the Faculty

May 29, 1988

Dear George and Richard,

When Franklin Coleman resigned on May 6th, I agreed to help him with the next phase of his employment. I suggested he contact Hugh MacBrien of Educational Resources, a placement firm in Solebury, Pennsylvania. I called Hugh and told him about Franklin's musical talents and accomplishments. Hugh put Franklin in touch with Moorestown Friends School, a day school, K-12, in Moorestown, N.J., a town close to Philadelphia. The headmaster, Clint Wilkins, called for a recommendation. Franklin had visited the school and everyone who met him was most impressed.

Before talking to the headmaster, I called Cal Groton, the lawyer for St. George's. Cal had worked with us throughout Franklin's decision to resign, as benefits, etc., had to be arranged. I told Cal that I would tell Clint Wilkins the following:

Franklin had been an enormously successful Choirmaster, music teacher and organist during the eight years he had been at St. George's. He resigned due to emotional stress due to being overly involved with his job. Boarding school was consuming his life. For example, he used up his Christmas vacation going to England to plan for a spring vacation Choir trip. Then, obviously, he spent his spring vacation with the Choir in England. While at St. George's, every weekend was devoted to the Sunday Choir performance. In addition, he was a black in an overwhelming white environment and Newport offered no relief as Newport is essentially a white community. We had also hired an assistant organist and Choirmaster who could pick up the slack if Franklin left to seek an environment that offered different social opportunities and did not have the time demands of a boarding school.

I also told Clint Wilkins that if I were Franklin's headmaster, I would watch to be sure that Franklin did not become overly involved with his job or his students. I would make sure that Franklin got into Philadelphia often and that he had adult friends and a cultural life that had nothing to do with the school. I stressed that this is what Franklin wants to have happen and the headmaster should be sure that it does. Franklin has subsequently been offered the job and will take it.

Cal approved of my approach. This recommendation, and any others I may be asked to make, was and will be, by telephone only.

Sincerely,  
Dan

August 7, 1988

Dear Dan & Betsy:

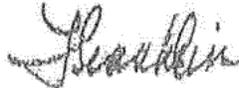
I hope that you enjoyed your well-deserved vacation. Life here for me has been one spent unpacking boxes in 100+ - degree temperatures, but finally some order is emerging from the chaos which existed for most of July.

It is hard for me to put into print my gratitude to you both for all that you did, all the concern you've shown, all the offers of help and recommendations which you've made in what was a very difficult time for me. I have always internalized problems, and many things which were wrong are still buried back in the recesses of my mind, and are perhaps too painful for me right now. I do realize that I was masking my unhappiness with my personal life by putting so much into my work and the school, while managing to completely block out things which were really bothering me. Now I can be proud of what I did accomplish professionally, at least, but must be about rebuilding my own life once again.

I have been busy trying to plan for the four school choirs I will have without having heard more than two of the members of any of them. After a bit of interviewing and quite a bit of thought, I have taken a job at Mt. Airy Presbyterian Church - it is a relatively small congregation these days in an old, medium-sized building with beautiful windows (otherwise undistinguished architecture) and acres of Sunday school rooms. My predecessors were two distinguished musicians, so the standards are good. It is an integrated congregation, middle-to-upper middle class - the chair of the search comm. is a Black Federal judge, and there is a very excellent young soprano who is a member both of the Choir and the Session. A few old friends are here in town, and so becoming acclimated has been easier. The realities of living in a city seem to balance out some good things - there have been an astounding number of drug-related murders here lately, some of them innocent children who just got in the way - but then that was going on in Boston and NYC while I was there as well. There are also many eccentrics wandering about in the noonday sun.

Well, I must sign off now. But I do hope to stay in touch, and perhaps see you when I come back to play at Andover some time after Christmas. My deepest gratitude and thanks to you both for all that you have done for me - I will miss seeing you a lot.

As ever,



# EXHIBIT 28

RUDEN  
McClosky  
SMITH  
SCHUSTER &  
RUSSELL, P.A.  
ATTORNEYS AT LAW

2700 SUNTRUST FINANCIAL CENTRE  
401 EAST JACKSON STREET  
TAMPA, FLORIDA 33602-5841

(813) 222-6645  
FAX: (813) 314-6945  
CYNTHIA.SARGENT@RUDEN.COM

August 12, 2002

*Via Federal Express*

Ms. Patricia Moss  
Dean of Academic Affairs  
St. George's School  
372 Purgatory Road  
Middleton, Rhode Island 02842

Re: Franklin G. Coleman  
Social Security No. 354.34.9107  
Date of Birth: December 19, 1941

Dear Ms. Moss:

Please be advised that we represent the Tampa Preparatory School in attempting to obtain background information on a former faculty member of St. George's School. It is our understanding that Mr. Coleman was a member of the faculty from September, 1980 until May, 1988.

We would appreciate your providing us with a complete copy of any and all documentation you have in your possession with respect to Mr. Coleman, while he was a faculty member with your institution and would appreciate your forwarding same in the pre-paid Federal Express envelope provided. For your consideration, we are providing you with an Authorization To Release Information which has been signed by Mr. Coleman for this purpose.

Thank you, in advance, for your cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact me at (813) 222-6645.

Sincerely,



Cynthia J. Sargent  
Paralegal to Karen L. Trafford

/cjs  
Enclosures

cc: Mr. Gordon MacLeod

TPA:241364:1

TAMPA PREPARATORY SCHOOL

AUTHORIZATION TO RELEASE INFORMATION

I, FRANKLIN COLEMAN, hereby voluntarily authorize and request any present or former employer, school, law enforcement agency, or other persons having personal knowledge about me, to furnish Tampa Preparatory School (the "School") with any and all information in their possession regarding me in connection with my employment or potential employment with the School. I agree that a photocopy of this Authorization may be accepted with the same authority as the original, and I specifically waive any written notice from any present or former employer who may provide information based upon this authorized request.

I affirm that I fully understand this Authorization request. I also understand that this Authorization is to be part of my written employment application and/or personnel file. I acknowledge that the School requires background checks for the purpose of evaluating me for employment, promotion, reassignment, reclassification, transfer, or retention as an employee, and I agree that the School may conduct same from time to time, as needed. Accordingly, I hereby release the School and any present or former employer, school, law enforcement agency, or other persons from all liability for any damage whatsoever incurred in furnishing information to the School for the purpose of said background checks.

Franklin Coleman  
Name

8-8-02  
Date

## EXHIBIT 29

# EDWARDS & ANGELL, LLP

COUNSELLORS AT LAW

since 1894

130 BELLEVUE AVENUE  
NEWPORT, RI 02840-7414  
(401) 849-7800  
FAX (401) 849-7887

Arthur W. Murphy, Esq.  
Direct Dial: (401) 851-2503  
E-Mail: amurphy@calaw.com

September 6, 2002

Ms. Cynthia J. Sargent  
Paralegal  
Ruden, McClosky, Smith  
Schuster & Russell, P.A.  
2700 Suntrust Financial Center  
401 East Jackson Street  
Tampa, FL 33602

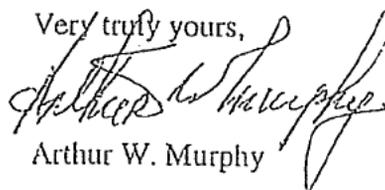
Dear Ms. Sargent:

St. George's School has received your letter of August 12, 2002 enclosing an "Authorization to Release Information" signed by Franklin G. Coleman.

Please be advised that we represent St. George's School in this regard.

I enclose a copy of the Employment Termination Agreement and Release that Mr. Coleman signed on May 6, 1988.

Very truly yours,



Arthur W. Murphy

AWM/sb  
Enclosures  
cc: C. Hamblet  
William P. Robinson

## EXHIBIT 30

Charles Thompson

ST. GEORGE'S SCHOOL  
NEWPORT, RI 02840  
401-847-7565

CHARLES A. HAMBLET  
HEADMASTER

Fri, May 31, 1991

File:

On Wed, May 29 I met with Charles to discuss an incident in the gymnasium in which he was seen wrestling with a student.

From our discussion, it appeared to be a good natured event with no apparent inappropriate behavior. I have strongly advised Charles to avoid any further wrestling events with students.

C.A. Hamblet

# EXHIBIT 31

Wheeler Situation  
10/26/2004

Three students came to my office today to meet with Mr. Peterson and me to express their concerns about inappropriate and disconcerting behavior as it relates to Mr. Thompson and his work in the dorm. We spent about an hour with these three students. Their concerns were as follows:

- CT comes into rooms late at night without invitation
- Sometimes when on duty, sometimes not. Referred to as a "T-Chat"
- CT has opened shower curtains on students on two occasions while students were either showering or preparing to shower.
- CT repeatedly discusses "Sailor's Knee" phenomenon. CT has touched at least 10 students' knees while remarking about their "SK".
- CT has asked a student to go put on shorts so he could examine his knee.
- Anecdotally, no seniors wanted to live in Wheeler this year.
- Students voiced concern about the sitting arrangement- CT on the floor, student on the couch.
- Door is closed when these conversations take place

Individual concerns:

Student A:

- CT likes to talk about and touch people's knees
- SA approached CT to talk about laptop computing in CT's study.
- Conversation turned to family issues.
- Out of the blue, CT asked SA about his knees, asked if he could take a look, asked SA to go change into shorts.
- SA rolled up his pants, CT asked SA to sit on the table.
- CT pushed the door closed as he was coming to examine SA's knee.
- SA felt really uncomfortable when CT closed the door.
- SA felt that CT was feeling his knee more than examining it.
- CT has examined SA's knee 3 or 4 times (sometimes in trainier's room.
- 1<sup>st</sup> time, CT asked SA "Do you sail?", SA answered "Yes", CT replied "You have great Sailor's knees."
- SA talked to a fellow dorm resident about his concern.
- 1<sup>st</sup> week of school CT told SA "If you are ever uncomfortable in the dorm, I have an extra bedroom."
- Says this usually happens one on one, in CT's study, with door closed.
- Has informed his parents via e-mail, mother is concerned.
- "Kids are nervous about going to his apartment after SH"
- Started out as a joke, has grown into something serious.

Student B:

- CT asked SB 4 or 5 times in the spring to stop by and talk to him in CT's apartment.
- SB found this very strange. Happened before housing lottery.

- SB never went, having heard rumors from an alum about these conversations. Didn't see any reason to go.
- CT asked 3X at the beginning of this year for SB to come by and talk.
- CT came to SB's room. SB found it strange that CT had never come by at SB's request to look at his laptop, but he did come by otherwise.
- CT invited SB to his apartment.
- CT on floor, SB on couch.
- Door closed
- Lots of seemingly innocuous questions, SB did all the talking.
- Web camera pointing at the couch.
- Conversation over 2 hours
- Totally out of the blue, CT said "You know you have Sailor's knees?"
- SB said "What?", CT leaned across the table and rubbed both sides of his knees, talking about the particular muscle developed when "hiking out."
- Sailing had never been discussed.
- "It was strange, having heard that this had happened before."
- CT said "It's late, you should probably go."
- "Creepiest thing was the web cam."
- Parents unaware.

Student C (came with Student D):

- "CT and I are good friends, but there are some awkward moments."
- 11:30 last year, CT asked SC to come to his apartment.
- Discussion about Geronimo. CT wanted to know what it was like because he (CT) was debating going. (Had already been on it.)
- CT is a nice guy, a good dorm parent.
- There was a conversation about "SK" that came out of no-where. No conversation about sailing predated this incident.
- CT touched SC on the knee to show him "SK"
- SC on couch, CT on floor.
- Has no concerns about living in Wheeler.

Student D:

- Has never been asked about SK.
- Last year, after most students had left for the year, SD was taking a shower.
- CT entered the bathroom and cracked the shower curtain open to strike up a conversation
- It was odd- didn't feel that CT looked away from his eyes.
- We have a good relationship- he's a good dorm parent.

Student E:

- SD asked CT to talk- went to CT's apartment
- SD didn't believe the rumors at first
- Had heard about day students being asked to his apartment.
- Has only heard about the incidents.

- Ct will occasionally just come into a room and stand there- (once on a Saturday at 6:30PM)
- Had a run-in with him last year during exams
- Was doing laundry, CT accused him of smuggling booze into the dorm.
- Knows of rumors about knees & T-Chats.
- Lots of low lottery picks living here- not a coincidence.

Student F:

- Once going to the bathroom in boxers at 3:00 AM, CT was there.
- Calls us in regularly for long talks.\
- Almost too personal a relationship with kids.
- Once every two weeks last year.
- 2X so far this year.
- Conversations are in his study, with door shut even when he's on duty.
- SF on couch, CT on floor.
- Uncomfortable conversations- personal.
- No SK talk, though he's heard a lot about it.
- SF didn't want Wheeler because of CT
- Parents know, suggested SF talk to Bob Weston (DoF)

Student G:

- CT calle SG to his apartment.
- SG put a pillow over his lap & knees so CT wouldn't touch him.
- 11:00 at night.
- Had heard about knee touching.
- SG on couch, CT on floor
- CT told SG that he could sit closer to him
- CT asked SG if he liked puzzles, CT offered him some hand puzzles.
- "He uses puzzles as a trick", a distraction to get kids not to notice his glances up their pants.
- SG eventually put the pillow down.
- Identifying information redacted
- Door may or may not have been open.
- Has heard rumors.
- CT is a good dorm parent, it's just sometimes awkward when he's around.
- "You wanna wear pants (instead of shorts) when he's around."

Student H:

- Last year had heard stories (about the shower incident)
- In 1<sup>st</sup> week of school, SH to CT's study.
- Really formal, deep conversation, very personal ("too much so")
- Out of the blue, CT mentions "Sailor's knee"
- CT on floor, SH on couch
- CT reaches behind himself to redirect a light onto SH's legs.
- Reached over and touched SH's leg "Wow, you've got SK"
- CT had him stand up, then sit down.

- CT mentioned a puzzle, if he liked puzzles.
- SH noticed web cam.
- Other kids have corroborated this.
- SH was “freaked out” by this.
- SH asked Roy Williams about SK, RW had never heard of it.
- The fact that so many kids have reported the same thing really bugs SH.
- Mentions pedophilia. Wouldn’t think it was pedophilia if it hadn’t happened to so many kids.
- Parents know, said to talk to deans or Doc Wallace.
- Kids always wear long pants now.
- 1 week ago, Ct into SH’s room at 12:30 AM or so. SH in bed without a shirt. Ct in the room for 45 minutes or so
- CT mentioned how skinny SH was- made him uncomfortable.
- Knee touching has happened TWICE. 3 weeks between incidents.
- (mentions pedophilia again)
- Has heard about training room massages.
- SH is uncomfortable being in dorm with CT.

Student I:

- Has heard stories from many students
- 1 night CT invited him to his apartment wearing shorts.
- SI did not go, changed into pants.
- CT came in one time at 1:00 AM, made some mention of SI’s body
- Wears long pants whenever CT is on duty.

Student J:

- Only became aware of the problems this year.
- This year, lots of rumors about Sailors Knees
- One time, SJ was in downstairs shower when CT came in
- CT walked over to the shower area and pushed the shower curtain open.
- “Odd- wouldn’t expect a dorm parent to be in that area of the bathroom.”
- “Had I been showering (naked), I would have considered it sexual harassment”
- CT said nothing.
- SJ believes that CT knew someone was in there, and so “why would he walk in there?”
- SJ has been to CT’s apartment for “T-chats”
- Was nervous about the invitations. “To be nervous about that is just wrong.”
- CT on floor, SJ on the couch.
- CT working on a computer
- CT was very nice during the conversations
- “People are afraid to live in this dorm.”
- “T is a big turn-off for this dorm.”
- SJ is uncomfortable living in Wheeler.
- Has not mentioned it to his parents.

- During debates, CT was reclining on a couch, kind of leaning up against a student.
- "He just acts differently from the other dorm parents."
- "He's a good guy, but he's making a lot of kids feel uncomfortable."

Student K:

- CT to SK's room to invite SK to his apartment.
- A generic conversation turned to personal issues- asked some strange questions.
- CT handed SK some puzzles. "He (CT) made me do them."
- CT asked SK if he had ever sailed before.
- SK replied that he had sailed long ago.
- CT: "I can tell that you sailed because you have Sailor's Knee"
- CT repeatedly moved a lamp so that eventually the lampshade blocked SK's view of CT's face- CT's eyes were hidden, CT could then look up SK's pants
- SK wearing shorts
- CT stood up and came over and touched SK's leg, moving two fingers up and down his leg.
- Later that night, CT to SK's room.
- SK in room, in bed, lights out.
- CT turned on the light
- A fan was running, and there was a rustling noise.
- CT asked what it was, SK noticed it was a book being blown by a fan.
- SK took the book ( a paperback) and was going to drop it out of his bed ( a loft)
- CT told him NOT to drop it, but to get out of bed and put the book down.
- SK did as told, wearing boxers.
- Ct then left.

Student L:

- It is awkward when CT called him into his study (two times so far)
- "There never seems to be a good reason for the talks.
- SL on couch, CT on floor
- SL didn't want to be there, CT made him do all the talking
- SL wearing shorts and a T-shirt
- CT brought up, out of the blue, "Sailor's knees".
- CT: "You look like you have Sailor's knees".
- CT pointed at but did not touch the knee.
- Hasn't told his parents

Student M:

- One time Sm was getting prepared fro bed, was in hallway in boxers.
- CT stared at him, making him feel very awkward.
- Been to CT's apartment once, but it was all business

Student N & O:

- CT has been a decent guy.
- Have heard lots of stories
- 1 night, both up late
- CT to their room, gave a room restriction and then just stood there for 2-3 minutes without saying another word. Uncomfortable
- Neither one has been to CT's apartment
- Otherwise, CT has been generally fine.

Student P:

- There has been lots of joking around, lots of long conversations.
- Ct called Sp to his apartment to discuss normal school issues.
- No touching, no talking about anything uncomfortable
- SP has simply heard the same stories.
- Believes it may be simple exaggeration, but "I'm not around and don't have the full perspective."
- SP definitely a CT fan and believes this is exaggeration.

Student Q:

- This is "way blown out of proportion."
- SQ knows what everyone is talking about, but doesn't agree with any of it.
- Can see how CT can be annoying
- He tries too hard to be buddy-buddy
- Students are blowing it out of proportion
- Believes that some kids are lying, that they have an axe to grind.
- Believes kids hold a grudge because of his strictness and because of the T-Chats
- Thinks that it is inappropriate for the kids to come and see me.

Student R:

- "What I have heard is way out of proportion
- He can and does make kids feel uncomfortable- he's awkward
- SR has had a bum knee, CT researched it
- CT examined the knee both 4<sup>th</sup> form & 5<sup>th</sup> form year, several times.
- SR believes it was because CT wanted to become an EMT
- He means well, he's not really doing anything wrong.
- Has had the Sailor's knees conversations and touches even though he doesn't sail.

## EXHIBIT 32

10/26:

- CONV. RECAP w/ ARTHUR - MURPHY
- TRAINER - (ADJUNCT TRAINER) VOLUNT. SINCE
- WORKS w/ FOOTBALL -
  - MOSTLY FB, BOYS
- REVIEW INFO - RISE TO REPORTING LEVEL = PER A.M.
- OUT OF DORM -
- SLOWER ELSEWHERE -
  - OK w/ TRAINING ROOM -
- OUT OF DORM - (3 1/2 YEARS)
- COUNSELING -
- ADMIN LEAVE -

- 10/26/04 -

Chas Thompson - "uncomfortable" - prefects + students  
- invite in apt - long conversations -  
- visits rooms - "gaiter's knee" - into shower room -  
- meet w/ Deans -

Tim to dorm

handful of kids complained to  
parents -

Pat & Eric w/ Chas. -

18 students

10 - peculiar incidents - "gaiter's knee" - touching -

2 invasions to showers -

- "uncomfortable" -

- awoken after bed - climb out of bed -

trainer - ?

3 kids defend him -

"TRAINER" -

NET abuse re needing reporting -  
"T-chat"

Touching anything other than hands/arms -

Recommend: remove him from dorm -

## EXHIBIT 33

10/27-

- CHARLES, BOB, PAT -

- WHERE GO -

- ? -

- Δ WAY? -

- TOUGH TO RECALN -

- BURNED ME OUT -

- LAPS OF PERSPECTIVE -

- MISS POSITIVE CARE -

- TIME AWAY FROM DORN -

- REQUEST - LEAVE -

- MECHANICS OF DEPARTURE / LEAVE -

- EVAL. - TIMING -

↳

# EXHIBIT 34



PERSONAL AND CONFIDENTIAL

October 28, 2004

Dear Charles,

This letter records formally the context and results of the conversations that we have had this week. I would like to thank you for your careful attention to the issues raised, as well as your cooperation given the difficult and sensitive nature of the inquiry.

As we have discussed, some students from Wheeler properly raised a concern to the school that some of your actions in the dorm had made them uncomfortable. Principally, these actions included late night conversations that included odd seating arrangements and seemed to them focused on personal family matters, room visits at unusual or awkward times, and at least one instance where you entered the bathroom while a student was showering. Most significantly, a number of students expressed discomfort with you examining and touching their knees while describing a condition called "sailor's knee." In addition, the instance where you asked a student to change into shorts so that you could examine his knee caused considerable discomfort. In isolation these incidents are worrisome, but collectively they represent a significant professional misjudgment. You have explained to Pat Moss and me that your intentions in each of these circumstances were not to cause discomfort, but you also suggested that perhaps you were unable to recognize the students' unease because of some combination of inadequate personal perception and a general feeling of overwork or burnout.

In order to best address these personal and professional issues, you have requested and been granted a paid leave of absence beginning tomorrow, October 29, 2004. This leave is intended to provide you the chance to rest and reflect and to develop a keener sense of yourself and the interpersonal dynamics around you. During your time away from campus it is agreed that you will work with a therapist and/or a counselor to 1) undergo a full psychological assessment and 2) engage in ongoing counseling to address the questions of a) why you were unable to perceive students' discomfort in the dorm, b) in what ways overwork or difficulty in properly balancing your personal and professional lives may have contributed to your failure to recognize the boundaries of the students, and last and most important c) at what point this is a place where you and students can thrive in each other's company. So that you can have the necessary time to address these concerns, you should plan on your leave continuing at least through the end of the calendar year (December 31, 2004). Though the leave will not continue beyond June 2005, you may return from the leave once you and the school agree that you have made appropriate personal progress and that you have fulfilled the conditions described above. By way of final confirmation of the

P.O. BOX 1910 NEWPORT, RHODE ISLAND 02840-0190

Head of School: phone 401-842-6700 fax 401-842-6716 [www.stgeorges.edu](http://www.stgeorges.edu)

appropriateness of the timing, you should plan to have your counselor communicate to the school his or her support of your return. Once you come back, you will not live in the dorm, but your other professional responsibilities will resume.

I am compelled to note that should there be any further incidents of similar nature which suggest a continued inability to properly perceive students' personal boundaries, your continued employment at St. George's will be in jeopardy. At the same time, I want to offer once again the unequivocal support of the school in this very difficult circumstance. You have been a devoted member of this community for a great many years, and we look forward to your successful (and healthy) return. We have every confidence that you'll be back very soon. In the meantime, don't worry - we'll cover your workload here. Please contact me with further questions or concerns.

Yours truly,

A handwritten signature in cursive script, appearing to read "Eric F. Peterson".

Eric F. Peterson  
Head of School

## EXHIBIT 35

October 29, 2004

Dear Wheeler Families,

I would like to make you aware of a change that has recently taken place in the residential life of Wheeler. Charles Thompson, who has served St. George's ably for many years, has requested and been granted a leave of absence for personal and professional reasons.

Charles has requested this leave in part to have some time to reflect upon how some of his interactions with students in the dorm came to cause them discomfort. While it is clear he did not intend to cause this discomfort, Charles has asked for the time to better understand how his actions could have done so. The students' concern was expressed appropriately, and the matter was handled carefully with an eye towards the best interests of all involved.

Upon his return in some weeks, Charles will resume his normal duties, but will not be living in the dorm. In the interim, his residential duties will be covered by other faculty, but it is our hope to have another faculty member in residence at the appropriate time.

Please see me or Tim Richards in the Dean's office with any questions.

Yours truly,

Eric F. Peterson  
Head of School

## EXHIBIT 36

Unsent Message

From: **Eric Peterson**  
**Charles Thompson**

Subject: Fwd:

To:

Cc:

---

----- Original Message -----

Thursday, October 28, 2004 5:23:06 PM

Message  
From: Charles Thompson  
Subject:  
To: Eric Peterson

Dear Friends,

I'd like to take an opportunity to address the questions, misperceptions, and rumors that have been circulating these past few days.

Over the past several years, my focus here has been consumed by my job as Director of Technology. During the last 6 months especially, I have pushed myself so hard and given so much of my thought and energy to the school, even to the extent of spending the summer being trained as an EMT to be more helpful in the community, that I have become burnt out and have lost my focus on myself as an individual. For the past month, I have been thinking about needing some time away.

Recently, I have become aware that some students have felt uncomfortable with me in certain situations in the dormitory. I regret that this was so, as this was never my intention. I feel that the mindset that I have fallen into over the recent past may have lead to the disconnect between my intentions and their perceptions. I now feel that I need to take the time to find what I've been missing in order to make that connection clear again.

Therefore, I have requested a leave of absence on my own mission to regain perspective. Eric has graciously granted me this time away, effective tomorrow. I would like to thank those of you who have sent me notes of support. I can't tell you how much that has meant to me. I am sorry to jet off so quickly, but I have to begin my search, because my own journey matters too. I will be back in a few weeks.

Sincerely,  
Charles Thompson



# EXHIBIT 37

APRIL '11

- WILLIE MCKELWON - TWT

RE: CHARLES J.

- GEN'L SKILLS = POSITIVE, BUT -

- ? ON SOME ISSUES? - SOUNDS LIKE WERE SOME

WANT TO SPEAK DIRECTLY

- EXPL. HISTORY

- BOUNDARIES, KISS UNCOMFORT. - KNEW EXAM

- CLOSER, LITTLE NERDY, IMMAT.

- NO MOLESTATION ACC TO KISS (SPICE MIL)

- NO REPORT CONDUCT - ACC TO KIDS/COUNSEL

- STILL, <sup>TAKES</sup> LEAVE, OUT OF DORM, PSYCH REVIEW & RPT.

- CLEAN PSYCH

- WILLIE: "SO YELLOW FLAG, NOT RED"

- GOOD WAY TO PUT IT.

- NO REPORT OF BEHAV'S

- DON'T RECOMMEND HE LIVE IN DORM - 'UNDERSTOOD'

# EXHIBIT 38

700 Hospital Trust Tower  
 Providence, Rhode Island 02909  
 401 274-9200  
 Telex 952001 "E.A.P.V.D."  
 Telecopier 401 276-6611

March 24, 1989

Counselors at Law

- |                         |                         |
|-------------------------|-------------------------|
| Edward J. Huddle        | Richard A. Perras       |
| Robert Spino Davis      | James E. McVane         |
| James H. Bamer          | David K. Duffell        |
| George Michael*         | William P. Robinson III |
| Alan S. Flork           | John B. Rosenquist III  |
| Ernest N. Agresti       | Joseph C. Maher, Jr.*   |
| Roger V. Pugh, Jr.*     | Susan S. Egan*          |
| Stephen A. Fanning, Jr. | Thomas E. Pitts, Jr.    |
| Calvert C. Croxon       | Mary Louise Kennedy     |
| Alvin M. Glazerman*     | Walter G. D. Reed       |
| Carl Angeloff           | Louis B. Goldman*       |
| Benjamin P. Harris III  | Stephen O. Meredith     |
| Bernard A. Heik*        | Patricia A. S. Zeik     |
| Richard M. Borod        | Gail E. McCann          |
| Arthur W. Murphy        | John D. Deacon, Jr.     |
| V. Duncan Johnson       | Charles E. Rogers, Jr.  |
| James J. Skellington    | Michael H. Miller*      |
| James P. Kelly          | Barry G. Hittner        |
| Deering E. Sherman      | Philip B. Barr, Jr.     |
| Edward J. Bertozzi, Jr. | Christine M. Marx       |
| John H. Reed III        | Elizabeth H. Munroe*    |
| John L. Melnyk          | G. Scott Nebergall      |
| S. Michael Lewis        | John R. Higham          |
| Richard M. C. Glenn III | Philip D. O'Neill, Jr.  |
| Timothy T. Moore        | Lois J. Boland*         |
| John A. Halloran*       | George A. Rodenhuisen*  |
| Jonathan E. Cole        | James R. Kay*           |
| Alfred S. Lombardi      | Kurt J. von Boeselager  |
| Kinnaard Hewland        | John A. Houlihan        |
| Yerencey M. Finn        | Christopher D. Graham   |
| David M. Olszew*        | John G. Igoe            |
| Andrew J. Chirba        |                         |

Dr. Joseph J. Picano  
 Department of Children and  
 their Families  
 610 Mount Pleasant Avenue  
 Building No. 7  
 Providence, Rhode Island 02908

Dear Dr. Picano:

I represent St. George's School of Newport, and I write in connection with the reporting requirements of Section 40-11-3 of the General Laws.

While I would respectfully note that it is not conceded that St. George's School has a statutory reporting obligation in connection with the matters referenced in this letter (either because only allegations are involved or because of the nature of the alleged acts), I write out of an abundance of caution to apprise you of certain events which allegedly took place several years ago and which involved individuals who were then under 18 but who have now long since attained their majority.

In December of 1988, a Complaint was filed in the United States District Court of Rhode Island by one "Jane Doe," a pseudonym for a former student of St. George's School who is now 25 years old. Jane Doe (whose real identity is known to the School and to the undersigned) alleges that she was sexually assaulted by the School's athletic trainer on several occasions between the fall of 1977 and March of 1978. Investigation concerning the allegations set forth in Jane Doe's Complaint is continuing. There has been no admission nor judicial finding that the alleged sexual assaults did in fact occur.

To the best of my knowledge, the allegations contained in Jane Doe's Complaint were first made known to the School when her attorney wrote to the School in the summer of 1988.

- |                         |                            |
|-------------------------|----------------------------|
| <b>Counsel</b>          | Bernard V. Buonanno, Jr.*  |
| Alfred H. Jodin         | Kenneth M. Seggerman, Jr.* |
| Maz Schoor*             |                            |
| Florence Snyder-Roux*   |                            |
| <b>Counsel</b>          | John E. Ottaviano*         |
| Ralph K. Mulford*       | Andrew H. Donovon*         |
| Ernie Wright            | Ned W. Plater, Jr.         |
| Balter C. Hauer         | Leonard Q. Slap            |
| Nancy Fisher Chuderman  | Roderick Marshall          |
| John F. Reed            | Laura N. Wilkinson         |
| Judith Colenback Savage | John J. Hazden             |
| Carla L. Spayne         | Kenneth I. Minerley*       |
| Jeffrey M. Alexander    | Diane J. Mory              |
| George W. McDonough*    | Margaret A. Schwarz        |
| <b>Counsel</b>          | Deborah A. Epperson        |
| Walter E. Fink          | Stephen M. Fingans         |
| Karen G. DellPonte      | Richard R. Desharnais      |
| Alfred R. Palano*       | Nancy New Nissensohn       |
| Kenneth L. Levine       | Robert L. Vitale           |
| Mark P. Helms           | Joanne M. Avallone*        |
| Mark A. Bogue           | Yimshu P. Van Dyke         |
| Amelia S. Robertson     | Ruben A. Therie*           |
| Stella Carter-Fill      | Lawrence J. Gibbons*       |
| Alan J. Roullet*        | Tim J. Archer              |
| Brian J. Moynihan       | Jeffrey E. Chase-Lubart    |
| Debra L. Peckard        | William E. Smith           |
| Mark P. Minkin*         | Colin A. Coleman           |
| John J. Garabsh         | Joanne H. Matoux           |
| Robert J. Chender*      | Christine J. Neely*        |
| Kathryn A. Flood*       | John W. Folarelli*         |
| Charles H. DeBovone     | Mark W. Hrel               |
| Michael D. Hockley      | David C. Rutledge          |
| Mary E. Moran*          | Lauren A. Mogensen         |
| B. David Sandberg       | Luz A. Bayliss             |
| Robert J. Price*        | Brian P. Carroll           |
| Jane A. Smith*          | Sheila High Kirc           |
| James S. Gaskford*      | Kenneth J. Nott            |
| <b>Counsel</b>          | Paul J. Green              |
| Edward Whitte           | Bancroft Littlefield       |
| Cerald W. Harrington    | Knigh Edwards              |
| Beverly Glenn Long      | James K. Edwards           |
| John A. Kean            |                            |

Not a member of the Rhode Island Bar

Dr. Joseph J. Picano  
March 24, 1989  
Page Two

In the course of the discovery process being conducted pursuant to the Federal Rules of Civil Procedure, information has been located indicating that the above-referenced trainer may have been involved in one or more incidents in or about 1980 wherein one or more students was photographed in a state of total or partial nudity. There is no evidence that any of said students was physically assaulted. I do not believe that such photography, albeit improper, would fall within the statutory definition of abuse; but I report the alleged incident(s) out of an abundance of caution.

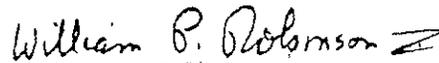
The athletic trainer referenced in the foregoing paragraphs has not been an employee of the School since 1980. I have no reason to believe that he is currently employed by any educational institution.

(Although, as I read the statute, there is no reporting obligation under the circumstances here present, the Massachusetts lawyer representing the plaintiff in the Jane Doe litigation suggested that there is such an obligation; and, in the event that he should report to the Department, I felt that it would be advisable for the School to have a report on record.)

If you have questions relative to the matters referenced in this letter, please do not hesitate to contact me.

Thank you for your attention.

Very truly yours,



William P. Robinson III

Certified Mail.  
Return Receipt Requested

## EXHIBIT 39



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department for Children and Their Families  
OFFICE OF LEGAL COUNSEL  
610 Mt. Pleasant Avenue  
Providence, R.I. 02908

COPY

April 12, 1989

William P. Robinson, III, Esquire  
2700 Hospital Trust Tower  
Providence, RI 02903

Dear Mr. Robinson:

Re: St. George's School

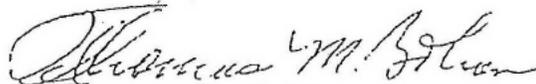
This will acknowledge receipt by this Department of your March 24, 1989 letter addressed to the Department Director, Dr. Joseph J. Picano.

It is understood that the above-referenced letter is provided out of an abundance of caution to satisfy, without acknowledging the existence of, any statutory reporting obligation that your client may have under R.I.G.L. 40-11-3.

Please be advised that the Department will take no affirmative action in response to your letter. The rationale therefore is twofold. The victims in the alleged events referenced in your letter have attained the age of majority, and the alleged perpetrator does not appear to have been a person responsible for a child's welfare within the contemplation of Chapter 11 of Title 40. Therefore, it appears that the Department, in its child protective capacity, is without jurisdiction to act.

Thank you for your cooperation in this matter.

Very truly yours,

  
Thomas M. Bohan  
Chief Legal Counsel

cc: Dr. Picano

# EXHIBIT 40

4/26/05

CONF. W/ ARTHUR MURPHY

- REPORT? -

- MAY HAVE DUTY TO REPORT? (EVEN JUST 20 YRS)

- YOUNG W/ SIMILAR SITU.

- DUTY TO TAMPA PR.?

- NO, FULFILLED

- ARTHUR WILL CHECK ON REPORTING QUESTION

& CALL BACK.

# EXHIBIT 41



EDWARDS WILDMAN PALMER LLP  
130 BELLEVUE AVENUE  
NEWPORT, RI 02840  
+1 401 851 2501 main +1 401 849 7887 fax  
edwardswildman.com

Arthur W. Murphy  
+1 401 851 2503  
fax +1 888 325 9079  
amurphy@edwardswildman.com

December 13, 2011

**CONFIDENTIAL**

Eric Peterson  
St. George's School  
P.O. Box 1910  
Newport, RI 02840

Dear Eric:

I wanted to follow up our discussion of last Thursday with you and Bob Weston. Both Steve and I have had a conference with Jon Anderson in our office who is our "go to man" on matters of child abuse and/or hazing.

The school has learned of alleged sexual abuse matters that occurred in excess of 25 years ago. Basically, former students have come forward alleging abuse which the school learned for the first time many years after the incidents. The fact that these incidents are historical in nature does not diminish the seriousness of them and/or the adverse effect it may have had upon the victim. In at least one occasion, the school offered counseling to a former student, and we think that that is a proper response.

We think that it would be a good idea as part of the school's investigation of these incidents to request of each victim a written statement describing the alleged abuse. It is important for the school to know under what circumstances the incidents occurred. It also important for the school to assure the alleged victims that the school has procedures and policies in place now that assure, to the best of the school's ability, the safety of our students. Both the faculty and the students have been educated concerning the necessity to report incidents of alleged abuse, and the school will continue to refine its policies and procedures to safeguard our students.

When our investigation has accumulated such factual material as may now be available, including the statements of the victims, we are of the opinion that out of an abundance of caution and taking into account the current atmosphere on issues of this nature, that it may be best to report these historical incidents to the Department of Children Youth and Families (the "Department"). Our current plan would be to report these incidents in a writing from the firm in our capacity as counsel to the school. Mr. Anderson has indicated that he personally will "walk" the report to the Department. Because of the historical nature of these incidents and the passage of time, the Department most likely will not take any further action.

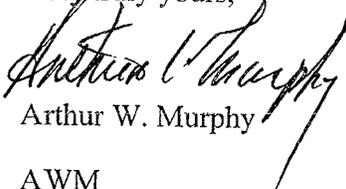
# EDWARDS WILDMAN

Eric Peterson  
December 13, 2011  
Page 2

I should point out that that upon checking my files, I realize that I did discuss with your predecessor, Chuck Hamblet, the incident with the former trainer at the school. My recollection is that Chuck offered counseling to the alleged victim, but that she did not choose to partake. Her main concern appeared to be that she wanted assurances that the school had proper procedures and policies in place so that similar incidents could not occur.

The firm stands ready to assist you in whatever way possible. We also would like for you to consider having Mr. Anderson make a presentation to faculty and staff as to their responsibilities to report abuse and/or hazing. We have recently included staff in such educational forums as, if you recall, from the Penn State situation, it was a janitor who allegedly witnessed the abusive act. Mr. Anderson uses a power point presentation. Let us know how we can help further.

Very truly yours,



Arthur W. Murphy

AWM

cc: Stephen J. MacGillivray  
Jon M. Anderson

PRV 1171957.1

# EXHIBIT 42

---

Thursday, April 21, 2005 3:53:56 PM  
Message

From: amurphy@EdwardsAngell.com  
Subject: Reporting  
To: **Eric Peterson**  
Wes Hennion

Attachments: Attach0.html

---

The consensus is that there is no obligation under the circumstances to report the 20 year old incident that came to light on April 15 to state officials. Both parties are non-residents and the state would have little interest and no jurisdiction. Agree also with insurance agent's analysis that there is no need to report now to the insurer as there has been no suggestion of an action against school.  
Best, Arthur

Boston, Ft. Lauderdale, Hartford, New York, Providence, Short Hills NJ, Stamford, West Palm Beach, Wilmington, London (Representative office)

---

#### CONFIDENTIALITY NOTICE

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## EXHIBIT 43

Stephen J. MacGillivray  
+1 401 276 6499  
fax +1 888 325 9037  
smacgillivray@edwardswildman.com

February 1, 2012

**BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Stephanie Terry, Chief  
Division of Child Protective Services  
Department of Children, Youth and their Families  
101 Friendship Street  
Providence, RI 02903

Dear Ms. Terry:

We represent St. George's We represent St. George's School of Newport (the "School") and write in connection with the reporting requirements of Section 40-11-3 of the General Laws. We make this report out of an abundance of caution despite the fact that the Department of Children and their Families (the "Department") indicated in 1989 that, because the victims of these alleged events have reached the age of majority and the alleged perpetrator was not a person responsible for a child's welfare at the time, it did not have jurisdiction to act. (The March 24, 1989 reporting letter and the April 12, 1989 response from the Department are attached hereto.)

This additional report is being made now because the School has received allegations from a specific former student, regarding the events described in the 1989 letter. Corroborating the earlier information reported by the School, this individual alleges that she was sexually assaulted by the School's athletic trainer in or around 1980. The School has investigated these allegations to the best of its ability given the passage of time. The athletic trainer has not been an employee of the School since 1980 and is now deceased. The former student reached the age of majority more than 20 years ago.

If you have questions relative to the matters referenced in this letter, please do not hesitate to contact me.

Thank you for your attention.

Very truly yours,

Stephen J. MacGillivray

Department of Children and their Families  
February 1, 2012  
Page 2

SJM

cc: Patricia Hessler, Esq.  
Jon M. Anderson, Esq.

PRV 1179951.1

# EXHIBIT 44

FINE & AMBROGNE  
COUNSELORS AT LAW

Exchange Place, Boston 02109

PETER VAN  
RALPH I. FINE  
ROBERT F. SYLVIA  
ARNOLD M. RAFF  
GENE A. BLUMENREICH  
FREDERICK J. PITTARO  
CHRISTOPHER A. MILTON  
STEPHEN R. DELINSKY  
ROBERT L. CAPORALE  
CATHLEEN DOUGLAS STONE  
NANCY L. CONLIN  
RODERICK MAELEISH, JR.  
STUART A. OFFNER  
JULIA LIVINGSTON BELL  
STEPHEN T. LANGER  
SUSAN M. ALEXANDER  
DANIEL C. COHN

MURRAY L. SACKMAN  
MARC D. SCHERR  
ETHAN E. JACKE  
ANTHONY M. MOGGA  
MICHAEL B. ROITMAN  
TREAZURE R. JOHNSON  
SUSAN B. THOMPSON  
JUDITH E. MILLER  
MELINDA L. REINGOLD  
THOMAS C. ARMSTRONG  
SARA B. DALEY  
MARY LEE MOORE  
JOHN J. ELLIS  
KENNETH E. FETTERMAN  
PIETRO M. PALADINO  
LESLIE FOGELMAN  
DAVID R. SLOTTJE

DAVID C. DYER  
LAWRENCE A. KLETTER  
AMANDA DARWIN  
JENNIFER W. CATLIN  
MELIA LEV  
HENRY M. ROSEN  
RICHARD J. LANDAU  
EVAN SLAVIT  
CHRISTOPHER R. VACCARO  
ERIC F. EISENBERG  
ANNE E. COLLETON  
JULIA KURTZ  
JOHN W. BISHOP, JR.  
HEATHER SRESLER  
CATHERINE J. MORRISON  
WALTER K. MCGONOUGH  
MERYL J. ERSTEIN

(617) 367-0100

TELECOPIER: (617) 227-0277

TELEX: 260856

CABLE ADDRESS "WHITEACRE" BOSTON

WASHINGTON OFFICE  
WHITE, FINE & VERVILLE  
1156 FIFTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 859-2900

COUNSEL

PHIL DAVID FINE

OF COUNSEL

ANNA M. DIGENIO ALAN L. FELD JAMES P. POPKINS

September 26, 1988  
Our File No. 4138-1

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Archer Harman, Jr.  
Headmaster  
St. George's School  
Newport, Rhode Island 02840

Dear Mr. Harman:

This office represents Anne W. Scott, who attended St. George's School from the fall of 1977 until her graduation in June of 1980. A demand for relief is hereby made on behalf of Ms. Scott for the injuries she sustained as a result of her rape and molestation by an employee of St. George's School. As is set forth in more detail below, St. George's School is responsible for her injuries because it negligently hired and supervised the employee, and by its actions or inaction, failed adequately to protect Ms. Scott who was under the School's care. In addition, the School is liable for the employee's actions toward Ms. Scott since they occurred within the scope of his employment.

I. STATEMENT OF FACTS

Ms. Scott entered St. George's School as a sophomore in the fall of 1977. In or about October of 1977, she was injured while playing field hockey. She went to the athletic trainer's room, where the trainer raped her. He told her that he would find out if she reported him and come after her. Over the next several months, the trainer summoned Ms. Scott to the trainer's room where he sexually molested her. On the occasions when Ms. Scott objected, the trainer threatened to send a note to her coach and advisor, requiring Ms. Scott to return for "treatments." He again threatened that she would be in trouble and that he would come after her if she told anyone about the rapes. In or about

FINE & AMBROGNE

Mr. Archer Harman, Jr.  
September 26, 1988  
Page 2

March of 1978, Ms. Scott refused to return to the trainer's room again. Upon information and belief, the trainer was later terminated from St. George's School as a result of allegations of sexual abuse involving another student.

St. George's School acted negligently in several respects, resulting in substantial injury to Ms. Scott. The School failed to investigate adequately the trainer's background to insure that he would not sexually assault students. Moreover, the School did not supervise the trainer adequately. Rather, it situated the trainer's room, which both male and female students used, in the men's locker room, creating a situation in which a female student reporting to the trainer's room would have to report at a time when no other persons were in the immediate area. Nor did the School provide a changing room for female students, or even a curtain behind which female students could change. Furthermore, St. George's did not hire or otherwise provide for a female trainer, a female assistant to the trainer, or a female monitor for the trainer's room.

As a result of St. George's negligence, Ms. Scott has sustained serious and substantial injuries. She suffers from post-traumatic stress disorder, secondary to sexual molestation and sexual terrorism; dissociative disorder, secondary to sexual abuse; anorexia nervosa and bulimia nervosa, induced by sexual abuse; and major depression, induced by sexual abuse. Ms. Scott was hospitalized with these conditions for eight weeks in 1983, six weeks in 1984, a total of four weeks in 1985, three weeks in 1986, and three weeks in 1987. Future hospitalizations cannot be predicted with certainty but are likely. Ms. Scott has been treated with a variety of medications as a result of these injuries, including Norpramin, an antidepressant; Marplan, an antidepressant; Ludiomil, an antidepressant; Navane, a psychotropic medication; Lithium, an antidepressant; and Stelazine, a psychotropic medication.

Ms. Scott is presently unable to maintain regular employment as a result of her injuries. She also suffers from recurring nightmares about the rape and molestation that she was forced to endure, and cannot live alone.

Other injuries which commonly occur as a result of anorexia and/or bulimia may not emerge in Ms. Scott for years to come. These include difficulty or inability to bear children, tooth problems, gastric and liver problems, and increased risk of bone fractures.

Mr. Archer Harman, Jr.  
September 26, 1988  
Page 3

Ms. Scott has received outpatient psychotherapy since 1982. Her therapist directly attributes her emotional and psychological injuries, and her resulting need for hospital treatment, medication, and psychotherapy, to the rape and molestation which occurred at St. George's School. As is common in cases involving sexual abuse, Ms. Scott could not disclose the rape and molestation to any third person for many years after the incidents occurred. Disclosure was first made to her therapist in November of 1986.

## II. DEMAND FOR RELIEF

This letter constitutes a demand for relief on behalf of Ms. Scott for the injuries that she sustained as a result of her rape and molestation by an employee of St. George's School. St. George's School is responsible for these injuries in that it negligently hired the trainer who committed the rape and molestation, and negligently supervised the trainer. In addition, the School's liability is based on the fact that the trainer's actions toward Ms. Scott occurred within the scope of his employment.

As a result of the foregoing negligent actions, Ms. Scott makes the following demand for relief:

- (1) Reimbursement for the full costs of all of her hospitalizations, medical treatments, medications, and psychotherapy, in the amount of \$148,000.00;
- (2) Reimbursement for all future costs relating to the treatment of Ms. Scott, including hospitalizations, medical treatments, medications and psychotherapy, which will total at least \$250,000.00;
- (3) Compensation for Ms. Scott's pain and suffering in the amount of \$2,000,000.00;
- (4) Compensation for lost earning capacity, both past and future, in the amount of \$250,000.00; and
- (5) Payment of all of the attorneys' fees and disbursements which Ms. Scott has incurred in connection with making this demand for relief.

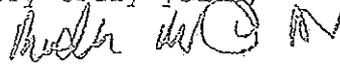
FINE & AMBROGNE

Mr. Archer Harman, Jr.  
September 26, 1988  
Page 4

Please have your counsel contact me regarding the claims set forth in this demand letter. If St. George's School requires further information, Ms. Scott is prepared to furnish it, provided that the information is relevant to evaluating her claims, and provided that the information will be kept confidential.

Your immediate attention to this matter is requested.

Very truly yours,



Roderick MacLeish, Jr.

RMJR:cg

cc: Ms. Anne Scott

# EXHIBIT 45

ST. GEORGE'S SCHOOL  
NEWPORT, RI 02840  
401-846-1102

ARCHER HARMAN, JR.  
HEADMASTER

April 11, 1989

Dear

A student whom you knew at St. George's, Anne Scott, has filed a civil action against St. George's School in the United States District Court. In this civil action she alleges she was sexually abused during part of 1977 and 1978. The School has no information whatsoever which corroborates Ms. Scott's allegations, and the defense of the case has been delegated to our attorneys.

Our attorneys have asked us to inquire as to what information you may have received regarding any alleged incidents from Ms. Scott. If you have any information whatsoever, please contact attorney John Baglini, 401-751-3600.

In addition, you may be approached by an investigator hired by our attorneys to furnish information as to what you may know.

We would appreciate it if you would give him your full cooperation.

Very truly yours,

*W. H. Harman, Jr.*

*Sony - to the person who was  
Thanks for your help*

Archer Harman, Jr.  
Headmaster

brg

# EXHIBIT 46

ST. GEORGE'S SCHOOL  
NEWPORT, RI 02840  
401-846-1102

ARCHER HARMAN, JR.  
HEADMASTER

May 10, 1989

To Friends of St. George's:

I want to tell you about a law suit which was filed last fall against St. George's. Jane Doe, a pseudonym, brought civil claims against St. George's School for injuries allegedly sustained during the 1977-1978 school year when she was a student here. She claims that she was raped and molested by an athletic trainer at that time. We had no knowledge of these alleged incidents before late September, 1988, when a preliminary notice was sent to us. The total amount of the suit is ten million dollars.

The Executive Committee of the Board of Trustees appointed a committee of Richard Verney, President of the Board, Richard Sayer, a member of the Board who is a Newport lawyer, and me to work closely with the school's lawyers, representatives from our insurance company, and public relations people in monitoring the case.

A motion to dismiss the case has been filed, based on the three year statute of limitations. Although we have no reason to believe that the alleged incidents took place, the most direct response at this time is to use the legal defense that the time interval is too great to permit an accurate determination of what happened.

The lawyer for the plaintiff has asked for a copy of the St. George's Alumni Directory, and we must comply with his request. We do not know what he plans to do with the information, but in case he contacts the St. George's constituency we would like you to have heard directly from us.

The availability of adults to counsel students who are personally troubled has always been emphasized at St. George's. There are many to whom a student can go with the understanding that whatever is discussed is confidential unless it is life threatening. The school doctor, the nurses, the school psychologist and the school counselor, the student's advisor, the Coordinator of Student Services, the "Group 8" of peer counselors, and the prefects - all of these people stand ready to help that young person who is upset about something in his or her life. We trust that through these resources such matters as sexual abuse, always a serious concern, would be handled competently and expeditiously. In 1980, when questions about the trainer's behavior became known, he was promptly separated from the school.

To answer questions by the press and others I have been designated as the sole spokesman for St. George's. Naturally, what I can say about this case is limited, but if I can be helpful to you about any concern which you may have, please let me know.

Sincerely,

Archer Harman, Jr.  
Headmaster

# EXHIBIT 47

EDWARDS & ANGELL

2700 Hospital Trust Tower  
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 Eric A. Bartlow  
 Ryan P. Carroll  
 Shelia Heeb King  
 Kenneth I. Nitz

Paul J. Gitter  
 Ericson Luthford  
 Knight Edwards  
 James K. Edwards

June 9, 1989

VIA FAX

Roderick MacLeish, Jr., Esq.  
 FINE & AMBROGNE  
 Exchange Place  
 Boston, MA 02109

Dear Eric:

Please be advised that John Baglini and I, on behalf of St. George's School, are seriously considering petitioning the Court for leave to take depositions to perpetuate testimony pursuant to the Federal Rules. We simply cannot bear the risk of not preserving the testimony of such witnesses as Mr. Gibbs and the various friends of the Jane Doe located in Philadelphia and elsewhere who might have some knowledge of the factual context of Jane Doe's allegations. In addition, we are very concerned about preserving the various medical and school records which are so potentially pertinent to Jane Doe's allegations. You may be assured that we have no ulterior motive in this respect: you have already filed (presumably on behalf of your client) a Complaint and an Amended Complaint against St. George's School, each making very serious allegations and seeking several millions of dollars in damages. In view of the fact that your Notice of Dismissal was for a dismissal without prejudice, it would be foolhardy of us not to attempt to preserve any evidence that might be helpful to us. People do not live forever and documents are not preserved forever. Consequently, we wish to avail ourselves of the explicit provision in the Rules which makes the preservation of evidence possible.

If you will agree to stipulate to a dismissal with prejudice, we will not seek to follow the above-outlined route. Please be advised, however, that time is of the essence: we would hope to file our Petition by mid-morning on Monday and to commence the deposition process next week.

270 Park Avenue  
 New York, New York 10022

250 Royal Palm Way  
 Palm Beach, Florida 33480

101 Federal Street  
 Boston, Massachusetts 02110

130 Bellevue Avenue  
 Newport, Rhode Island 02840

Roderick MacLeish, Jr.  
Page 2  
June 9, 1989

If you wish to react to this matter, I would prefer that you communicate with us in writing (preferably by "FAX").

Sincerely yours,



William P. Robinson III

cc: John A. Baglini, Esq. (by messenger)  
Robert W. Lovegreen, Esq. (by messenger)  
Richard N. Sayer, Esq. (by messenger)

# EXHIBIT 48

# Woman drops rape suit against St. George's School

7-19-89 Morning PJ

By PAUL EDWARD PARKER  
Journal-Bulletin Staff Writer

PROVIDENCE — A former student of St. George's School in Middletown has dropped a \$10 million lawsuit in which she claimed an athletic trainer at the school raped and molested her when she was a student.

Court documents identify the woman only as Jane Doe, now 25 and living in Mendenhall, Pa. Her lawyer, Robert W. Lovegreen, would not say why the suit was dropped or if there was any settlement.

"I'm not at liberty to discuss it. That's my client's business," Lovegreen said.

William P. Robinson III, a lawyer for the private, coeducational school, said the suit being dropped "was a bolt out of the blue."

Robinson said there was no settlement. "Not one cent of money was exchanged," he said. No reason for the sudden turnaround was offered to Robinson, he said.

The lawsuit had been filed last November in federal district court. On June 7, the woman filed a "voluntary dismissal" with the court. This allowed her to drop the suit, but refile it later.

On Monday, both sides agreed to a "dismissal with prejudice," Robinson said. This prohibits the woman from ever suing the school again.

Also, the school agreed not to sue the woman, he said.

There was no indication that the woman planned to refile her lawsuit, Robinson said. The action Monday was taken only to protect the school.

The woman had alleged that she first was raped in October 1977 when she went to the athletic trainer for injuries suffered in a field hockey game. The trainer threatened to "come after her" if she told, the suit says. Until March 1978, the trainer repeatedly summoned her to his room and molested her, the suit says. She then refused to return.

The school never responded in court to the allegations, but sought

to have the suit dismissed because it was not filed until more than 10 years after the alleged incidents. State law requires that personal injury lawsuits be filed within three years.

In a recommendation to the court, federal Magistrate Jacob Hagopian sided with the woman, saying the three-year statutory limit did not apply because it was not until the woman sought counseling as an adult that she realized that the abuse caused her permanent harm.

Judge Francis J. Boyle, who was hearing the case, did not have the opportunity to act on Hagopian's recommendation.

NDN 7-19-89

# Woman drops suit against St. George's

By Darrin Lautenschleger  
Daily News staff

MIDDLETOWN — A \$10 million suit brought against St. George's School has been dropped by a former student who had claimed she was raped numerous times by a school athletic trainer there more than 10 years ago.

Lawyers for the school and the plaintiff, who was not identified in court records, and who now resides in Pennsylvania, agreed Monday to a "dismissal with prejudice," St. George's lawyer William P. Robinson III said today. The agreement stipulates that the woman may never sue the school again and the school agrees not to seek charges against the woman.

"We received the dismissal notice out of the blue, we were not expecting it," Robinson said, adding no reason was given for the dropping of charges. "It was initiated by the plaintiff."

No money was involved in the agreement, he said.

Monday's action followed a June 7 "voluntary dismissal," also filed by the plaintiff. However, under the terms of this dismissal, she could refile the claim at a later date if she chose. At that time the school asked the plaintiff's lawyers for the dismissal with prejudice, Robinson said.

The suit, filed in U.S. District Court in November, did not identify the athletic trainer implicated by the allegations, but said the trainer was fired as a result of allegations of

## MIDDLETOWN

sexual abuse involving another student. The suit said the private co-educational high school failed to adequately protect the plaintiff while she attended from 1977 to 1980.

The alleged rapes occurred between October 1977 and March 1978, when the plaintiff was a 15-year-old sophomore at St. George's. She claimed the trainer "threatened and frightened" her against reporting the assaults to authorities. She said she originally sought the trainer out for treatment of injuries suffered in a field hockey game.

A motion by the school to dismiss the case on the grounds that the statute of limitations to bring charges had elapsed was denied in May by U.S. Magistrate Jacob Hagopian. In certain rape cases, such as this one, the statute does not apply, Hagopian said. According to Rhode Island law, personal injury lawsuits must be filed within three years of the alleged incident(s).

Hagopian's decision was being reviewed by Federal Judge Francis J. Boyle, but he did not have the full time needed to rule on the decision.

The woman also claimed she had spent up to six months in a hospital for treatment of psychological, eating and depression disorders brought on by the alleged abuse.

"The school feels vindicated," Robinson said. "It is very good to have it over."

# EXHIBIT 49

May 5, 2016

Dear Fessenden Alumni, Parents of Alumni, Parents, and Friends,

As many of you know, in October 2011, we wrote to more than 7,500 alumni, parents of alumni, parents of current students, and friends of the School to share our concern that sexual abuse of students had occurred at Fessenden in the 1970s. At the same time, we proactively shared our concerns with the news media, and the *Boston Globe* wrote an [article](#) and an [editorial](#) supporting our efforts to shine a light on this dark period in our history and the terrible issue of sexual abuse. We felt it was important to publicly acknowledge that the intolerable conduct of decades past likely involved more victims and to apologize on behalf of the School to those who were harmed. We expected that our 2011 outreach would encourage additional survivors of abuse to come forward, and we were resolved to help in the healing process if we could. The letter, which is also posted to our website, can be read [here](#).

After our 2011 outreach, I was contacted directly by four alumni who wanted to share with me their own experiences of sexual abuse in the 1960s and 1970s. I was also contacted by former students who, while not personally abused, had concerns about the possible mistreatment of fellow students. In the years following our 2011 letter, eight additional alumni have contacted the School through legal counsel about sexual abuse in the 1960s and 1970s. In total, the School has received reports of sexual abuse involving at least sixteen former students and one non-student by at least five individuals who were members of our community. We have also received accounts from alumni that certain members of the School's administration in the 1960s and 1970s were informed of instances of sexual abuse and, according to these alumni, failed to take appropriate action. In view of the reports provided by former students, the School has removed the name of Robert P.T. Coffin, headmaster from 1967 to 1980, from the Fessenden ice rink.

As I am sure you are aware, the issue of sexual abuse at independent schools has been widely reported, particularly in recent months. We anticipate that the *Boston Globe* will be publishing an article about sexual abuse in New England independent schools and that the history of sexual abuse at Fessenden will be included in that coverage. I recently met with a reporter from the *Boston Globe* and shared what we have learned since first reaching out to the community in 2011. Several former students from the 1960s and 1970s have also been interviewed by the *Globe* and have shared information about their abuse. Their accounts and some portions of my interview will likely be published. The coverage may include criticism related to how we have responded since 2011 to the egregious actions in the School's past—there are those who believe we have shared too openly and others who feel we have not been transparent enough. I have made every effort, with the full support of our Board of Trustees, to model our School's values of honesty, compassion, and respect in every decision and action.

It is important to recognize that Fessenden today is a very different place than it was decades ago, and the School continues to change and grow. Our community regularly participates in personal safety, wellness, and boundaries training, and a character education program is woven into the fabric of the School. We are resolute in our commitment to protect our students and have zero tolerance for sexual misconduct or abuse. Our community continually strives to ensure that our boys feel comfortable to be themselves, to discover their passions, and to reach out to members of the faculty and staff with any type of concern. We are proud of today's healthy relationships between faculty and students, and of our unwavering dedication to the safety and well-being of our boys. I encourage you to contact me to discuss any questions or concerns that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Stettler', with a long horizontal flourish extending to the right.

David B. Stettler  
Headmaster

# EXHIBIT 50



# Buckingham Browne & Nichols School

October 10, 2008

Dear Members of BB&N's Alumni/ae Community:

Two decades have passed since BB&N was confronted with the revelation that one of our teachers had victimized students who were in his classes. Today we must confront and acknowledge that the school failed to respond to those awful events in an appropriate way, as they unfolded and in the intervening decades. With this letter, I offer a public apology on behalf of the School and the Board of Trustees. My sincere hope is that the School can begin a long-delayed process of healing for those adversely impacted by past events. In addition, I take this opportunity to renew our efforts to make BB&N a better and safer school, one committed to creating and sustaining an environment free of abusive conduct.

I will start with a review of the issues related to Edward Washburn, discuss a program to help those still suffering from events of that era, and outline a process to examine and enhance communication, policies, and procedures to make BB&N the safest possible environment for learning, teaching, and growing as individuals.

As many of you know, in February 1987 Washburn admitted to sexually inappropriate behavior with three BB&N students. The School promptly dismissed him. Soon thereafter, he was accused of raping his own nephew (not a BB&N student). He was prosecuted, pled guilty to raping his nephew, and received a suspended sentence which did not include incarceration. In 1988, the Headmaster admitted criminal wrongdoing for failing to report Washburn to the appropriate authorities in a timely manner and was fined.

On the public record, that ended the matter.

I write to acknowledge what many of you have expressed since then, and what I now believe to be true. BB&N did not undertake timely or effective efforts to determine whether Washburn victimized others. Consequently, we could not offer to those students the services essential to begin a healing process.

Sitting in my office in Renaissance Hall in 2008, I have the benefit of looking back at these events through a very different cultural lens. We know much more today than we did 20 years ago about the profile of child abusers. We know there is a pattern of power abuse and intimidation. In 2008, victims and their families are far less likely to be stigmatized or to fear public scrutiny. The fault is most emphatically not the victim's and the crime is one of violence. In 2008, students and parents are more likely to step forward and seek help from counselors and law enforcement. In 2008, there is consensus that dealing directly and candidly with acts of abuse may help ease the suffering of victims rather than make it worse. And in 2008, the law is crystal clear that institutions cannot acquiesce to requests that abuse cases be handled privately. As we know today, one result of the attitudes of old is to place an unfair burden on the victim, a burden of isolation, guilt, and shame.

I have spent considerable time over the past nine months learning more about what transpired during the Washburn era. I have concluded that we must now confront and admit our past mistakes with greater conviction than before. We must explain our failure to act until now. We must offer BB&N's sincere apology to those known and unknown victims of Washburn's terrible conduct. And we must make services available to address wounds that have not healed. Finally, we must resolve that such abuse will never happen again.

## **1. Acknowledgment of Past Mistakes**

One of the School's failures is, by now, well known: BB&N did not report Washburn's abuse to the Massachusetts Department of Social Services ("DSS"). Such "51A" reports are routinely filed today whenever there is a suspicion of child abuse. In 1987, the law was clear that BB&N had to report to DSS immediately if it had reasonable cause to believe that any child under age 18 suffered serious

physical or emotional injury resulting from sexual abuse. Had the School filed such a report, DSS may have been able to reach more affected students.

In addition, the School failed to reach out promptly *and effectively* to members of the BB&N community whom Washburn may have intimidated and abused. It was not until September 1987, well after an investigation by the District Attorney had begun, that the School reached out to the entire community with a letter encouraging people to help identify and assist any child who may have been affected.

By February 1987, members of the BB&N faculty and administration had already noted some troubling conduct by Washburn. For example, for a number of years, Washburn gave a sexually offensive “award” at the end of the year to a girl in his class. Upon learning about the award, School administrators told Washburn to stop but made no effort to contact the prior recipients of the award and inquire as to their well-being. School administrators also learned in the late 1970s that Washburn had taken BB&N students on trips to Squam Lake, and they had at least some indication that inappropriate activity, including swimming in the nude and sharing of sexually oriented magazines, took place there. Again, he was told to stop. Once again, however, there appears to have been no effort to investigate further and determine if any students were at risk or needed help.

## **2. Making Sense of What Happened**

As I have tried to make sense of what unfolded, I’m struck not only by the failure to ask more questions after these inappropriate activities first came to light but also by the atmosphere of silence and privacy at the School during the Washburn era.

My understanding is that some parents asked for complete privacy, out of a natural concern for their children’s well-being. The School did not appreciate, however, the negative consequences of containing the issues entirely within BB&N. Advisors to the School may have contributed to this inability to realize the possibility and extent of harm to victims.

There were other factors. The administration did not involve the faculty in its decision-making or in determining how best to help the School community. It also appears that the School’s judgment may have been clouded by a misplaced deference to Washburn, whom some saw as a gifted teacher and others viewed as intimidating. Against this backdrop, as I’ve noted, the School did not follow the statutory requirement to report Washburn’s abuse to DSS.

I have no way of knowing whether the School was motivated by a concern for its reputation or a prevailing attitude 20 years ago that sexual abuse should not be discussed openly. But it seems evident that all of these factors led to a course of action that did not address the needs of the known victims and ignored the victims who are unknown to this day.

Following the events of 1987, the School was reluctant to discuss the Washburn matter. In the late 1990s, Daniel Weinreb ’89 came forward and contacted BB&N. He reported that Washburn had abused him—we reveal no confidences here; he has said as much on his website—and advocated that the School take further action in connection with the Washburn matter. Nothing significant changed in the School’s posture. During this past year, I met and corresponded with Daniel and his sister as well as with other alumni/ae and Washburn victims. I credit Daniel and many others for their efforts to overcome my own reluctance and move the School toward a direct confrontation of its past shortcomings. I greatly appreciate their courage and persistence.

## **3. An Approach to Help Those Impacted**

BB&N’s Board of Trustees and I have resolved that our purpose now is to focus on healing and what the School can do to assist anyone adversely impacted by the events of the Washburn era, including both those whom he may have abused physically and those who still harbor emotional scars from the tumultuous events and uncomfortable silence that followed in the wake of his separation from the School.

With the assistance of legal and psychiatric experts and with the advice and consent of our Board of Trustees, I have created a procedure for offering counseling and treatment that can be accessed anonymously by any member of our alumni/ae community. A psychiatrist will be made available to any person who comes forward seeking assistance for emotional injury arising out of experiences relating to Ted Washburn. Any individual who contacts the dedicated line below will receive

consulting and referral services which will be completely anonymous to BB&N. The consulting psychiatrist will make recommendations to the School for any further therapy or treatment. The School will bear the cost of this consultation and treatment. We will not seek to obtain any information from this process other than the anonymous information necessary to provide necessary medical or psychiatric services.

To contact this service, call 617-558-3901, ask to speak with the consulting psychiatrist, and identify yourself as someone seeking assistance arising out of experiences relating to Ted Washburn.

#### **4. A Plan for the Future**

Much has changed in the last 20 years at BB&N. In 2008, there are counselors and nurses on each campus. Both the advisor system and the counseling system are much more proactive, structured, and connected than they were in the past. In the Middle School, there is an advisory curriculum in place that directly addresses the different inappropriate interactions that students might experience. Also in place at the Middle School are grade deans, a student support team that includes health professionals, and a plan for regular contact with parents in all grade levels. At the Lower School, we have a health curriculum in place that specifically deals with child-adult interactions and trains our youngest students with actions, language, and strategies around personal boundaries. On the Upper School campus there is a robust advising system. There are Class Deans and a Dean of Students and other support staff in place to hear grievances. A program in sexuality and relationships deals with some of the issues surrounding abuse, albeit indirectly. There is a noticeable increase in awareness surrounding the issue of sexual harassment since 1987, including regular, mandatory training on this topic for all faculty and staff. Criminal Offender Record Information (CORI) checks are performed on all employees working at the School, both at hiring and subsequently at three-year intervals.

Many of you may know that, in the spring of 2008, we discovered that a former teacher during more recent years, Andrew Goldman, had been convicted of internet sex offenses. We carefully investigated the matter, contacted the appropriate authorities immediately, informed the BB&N community, and ultimately concluded that no BB&N student had been affected. I mention this for two reasons: first, to illustrate that the School has evolved considerably. BB&N has already taken affirmative steps to demonstrate a commitment toward complete transparency where issues of abuse or neglect arise. Second, the Goldman incident solidified my resolve to respond to the suggestions from Mr. Weinreb and others regarding the Washburn era.

I do not expect that the acknowledgements and apology contained in this letter will end the suffering of Washburn's victims or the misgivings of our alumni over the manner in which these affairs were managed. However, as we now set ourselves upon the right course, I do hope that all concerned will accept our commitment to ensure that similar tragedies never happen again. I would like to foster a safe environment where there is simply no place for intimidation, sexual harassment, inappropriate sexual behavior, or sexual abuse. Such a sense of safety requires a commitment to cultural values of communication, mutual respect, openness, tolerance, and participation. Toward that end, I have decided to take concrete steps to ensure that BB&N is a model for dealing with any and all potential abuse situations in the future.

I plan on tasking a group of faculty—including current faculty as well as faculty from the Washburn era—to advise me on specific changes that can be made internally to ensure optimal communication and openness between faculty and administration in reporting and responding to potential abuse. I am going to reach out to the Student Council and task them with recommendations for improving and enhancing communication channels between students, their advisors, and the administration. I am going to enlist the assistance of a third-party provider to create a confidential hotline for any member of our community who wishes to report a case of abuse or neglect. I am also considering a symposium across numerous disciplines to carefully explore other steps that might be appropriate to help our community.

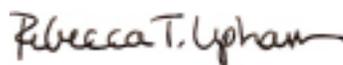
Finally, I admire the tenacity, courage, and commitment shown by Daniel Weinreb '89 during the past ten years. Despite numerous formidable impediments, including the School's unwillingness to assist him in reaching out to potential victims, he has persevered. I want to apologize to him on behalf of myself and the School for the obstacles he encountered. He recently launched a website which has raised consciousness and helped many members of our community in starting the difficult process of healing from the Washburn era. I similarly credit the courage of those who have posted testimonials on his website, many of which reflect a dark and at times malicious portrait of their Middle School teacher, Ted Washburn.

As difficult as this journey has been for BB&N, I know that it has been many more times difficult for those students whose abuse by Washburn has gone unaddressed. If you are one of those students, please know that I am sorry. I hope you will accept this apology and offer of services. If you know one of those students, please convey this apology and opportunity for help to him or her.

I expect that we will be about this for some time, and that our sincere attempt to foster a healing process will benefit all of the BB&N community. I ask of us all what many have already asked of their School: that we collectively acknowledge the terrible acts of Ted Washburn and that we reach out to those who may have been affected by his actions.

Let us begin today to make BB&N the safest possible experience and environment for all our students—past, present, and future.

Sincerely yours,

A handwritten signature in black ink that reads "Rebecca T. Upham". The signature is written in a cursive style with a horizontal line at the end.

Rebecca T. Upham  
Head of School

# EXHIBIT 51



Buckingham Browne & Nichols School

Gerry's Landing Road  
Cambridge, Massachusetts 02138

June 28, 1988

Mr. Calvert C. Gorton  
Edwards & Angell  
2600 Hospital Trust Tower  
Providence, RI 02903

Dear Mr. Gorton:

I am happy to send you a copy of the report of BB&N's Task Force on Child Abuse and Sexual Harassment. Although the procedures we have outlined have not yet been tested at BB&N, we feel confident that they will serve our School well. We will be assessing the procedures next year and will fine-tune them as necessary at the conclusion of the 1988/89 academic year. One cautionary note: Our experience suggests that before you put anything into place at your School, you consult your legal counsel.

If you have any questions or comments about the report, please do not hesitate to contact me at School either by phone (617-547-6100) or by mail at the above address.

I certainly hope the report will be helpful to you and your School.

Sincerely,

W. Allen Rossiter  
Director of Studies

WAR/jw

Encl.

REPORT OF THE  
TASK FORCE ON CHILD ABUSE AND SEXUAL HARASSMENT

May, 1988

Buckingham Browne & Nichols School  
Gerry's Landing Road  
Cambridge, Massachusetts 02138

REPORT OF THE  
TASK FORCE ON CHILD ABUSE AND SEXUAL HARASSMENT

May, 1988

Buckingham Browne & Nichols School  
Gerry's Landing Road  
Cambridge, Massachusetts 02138  
617/547-6100

## Headmaster's Charge to the Task Force

In October, 1987, Headmaster Peter Guinness, with the approval of the BB&N Board of Trustees, appointed a Task Force to develop a program for BB&N on child abuse and sexual harassment.

The charge was to develop a *School-wide program for faculty, parents, students and Trustees which will:*

- a. increase their awareness of these issues,*
- b. explore appropriate ways for the School and for individuals within the School to respond to child abuse and sexual harassment.*

\* \* \*

### MEMBERS OF THE TASK FORCE

Al Rossiter, Chair  
Director of Studies, parent

Jack Denny-Brown  
Lower School faculty

Lissa Hodder  
Upper School Dean of Students, past parent

Peter Houk  
Middle School faculty

Cathy Hughes  
President of BB&N Parents' Association, BB&N Trustee, parent

Linda Kaufman  
Upper School faculty, Director of Coeducation Committee, past parent

Mark Lindberg  
Upper School faculty, parent

Beverly Malone  
Director, Lower School

Libby Maclaren  
Middle School faculty

Berenice Ronthal  
BB&N Trustee, parent

Dick Rubin  
BB&N Trustee, parent

Larry Strasburger, M.D.  
BB&N Trustee, parent

Marjo Talbott,  
Assistant to the Headmaster for Planning

Kathy Yukich  
Lower School faculty

\* \* \*

## Introduction

### I. THE BACKGROUND OF THE REPORT

At the first Task Force meeting, on October 10, 1987, it was determined that there was an immediate need for the School to assist parents, faculty and ~~students in dealing with the anger and pain associated with the Washburn incident~~ by giving each group a chance to talk together, ask questions and voice their opinions. As a result:

- students from sixth through twelfth grade met with School psychologists,
- parent-to-parent evenings were organized at each campus,
- faculty were given the opportunity to discuss the events of the incident.

These meetings were often difficult because of the School's inability to give all of the relevant facts of the case due to the unresolved legal proceedings. The climate of exchange of reactions and feelings, however, provided a healthy and needed forum.

The other major job of the Task Force was to plan for the future. In order to get this long-range, more complex and central work of the Task Force underway -- i.e. planning for the future -- the group broke into three smaller subgroups, one dealing with child abuse, one dealing with sexual harassment, and one looking at the issue of communication between parents and the School. Each group met many times during the fall and early winter and gave periodic reports at full committee meetings.

Throughout the process the Task Force sought advice and counsel from numerous outside experts: psychologists, psychiatrists, social workers, hospital administrators, lawyers, and educators, many of whom have national reputations in the fields of child abuse and sexual harassment. In addition, members of the Task Force reviewed pertinent reports, documents, and procedures developed and used by other institutions.

Two major issues arising from the Washburn case are addressed explicitly in this report: 1) The Headmaster, Peter Gunness, has acknowledged that the School should have reported the Washburn case to the DSS immediately upon its discovery in February, 1987. It is imperative that both faculty and administration, as mandated reporters, understand the details and the legal obligations of reporting suspected incidences of abuse as mandated reporters, under the Child Abuse Law (Massachusetts General Laws, Chapter 119, Section 51A), to the Department of Social Services (DSS). 2) The School must have internal mechanisms to identify, track, address and resolve problems relating to possible child abuse and sexual harassment.

## II. ELEMENTS OF THE REPORT

1. Because the two subgroups dealing respectively with child abuse and sexual harassment decided that their documents should logically be merged, a substantial portion of the Task Force's time was devoted to joining the discrete documents on child abuse and sexual harassment into a single set of procedures and policies. The final document (pages 6-10) went through multiple drafts.

2. On November 2, 1987 the parent subgroup met with 13 parents (none of whom were Trustees) representing each campus -- Lower, Middle and Upper Schools. At that meeting, the need for Parent-to-Parent meetings on child abuse and sexual harassment was reaffirmed. In addition, many parents perceived a need for greater clarity regarding the channels of parent communication with the School. Areas of concern also included definitions of acceptable teacher conduct, designations of those with whom parents should communicate about a variety of issues at each campus, and definitions of internal procedures for dealing with parental concerns -- a need complicated by the fact that the administrative structure is slightly different on each campus. One major recommendation was that School officials not only respond to complaints, but also follow up with an explanation of the resolution to the complainant.

The Task Force has recommended that the School provide an Information Supplement to all families at the beginning of each School year. (See pages 11-13.)

3. As the two subgroups on child abuse and sexual harassment began to put their definitions, policies and procedures together, the need to develop a policy on crisis management also became clear. This included three elements: (See pages 14-16.)

a. a clearly defined and well publicized administrative structure, including a definition of responsibilities of Assistant Heads, Directors and the Assistant Directors at each campus, and of coverage during the academic year, vacations and summers.

b. guidelines to be used when decisions must be made quickly. The Task Force felt that these guidelines and procedures should not be restricted to matters of child abuse and sexual harassment, but should include other potential crisis situations as well.

c. increased use, in crisis situations, of legal and psychological experts not associated with BB&N. In addition, the Task Force recommended that the School lawyer not be a member of the BB&N Board, faculty, or inside "community," in order to insure objectivity.

### III. ON-GOING PROJECTS

1. Faculty: The Task Force will sponsor a faculty meeting at the School, in May, with outside legal and psychological experts, to speak on the subject of child abuse. A major focus of this meeting will be to help the faculty understand how to detect early signs of abuse, and to describe the various obligations and considerations of reporting potential cases of child abuse to the Massachusetts Department of Social Services. In late April, members of the Task Force also presented the internal policies and procedures on child abuse and sexual harassment to each faculty.

2. Students: Before the beginning of the 1988/89 academic year, members of the Task Force and others will develop curricula and programs to educate our students on child abuse and sexual harassment. Issues will include, but not be restricted to, the following:

- a. how students can recognize child abuse and sexual harassment,
- b. how students can seek help from advisors, teachers, and parents when they think they are victims,
- c. how students can resist unwanted attention,
- d. how to help students trust adults, while at the same time understanding that some adults may engage in child abuse and sexual harassment,
- e. how students can deal with anxieties about their own sexuality, especially as it may be related to their possible victimization by child abuse and sexual harassment.

3. Parents: Many parents look to the School to take a more active role in parent education. This would include not only matters of child abuse and sexual harassment but also issues concerning homework, AIDS, alcohol and drugs, sexuality, parties, etc. The Task Force recommends that the Parents' Association sponsor programs for parents each year on child abuse and sexual harassment as part of a general and on-going program of parent education on a wide variety of issues.

### IV. GENERAL GUIDING PRINCIPLES

1. Providing a safe and secure school environment for all BB&N students has been and will continue to be a primary goal of the School.

2. It is the Task Force's hope that everyone in the BB&N community -- parents, students, faculty and staff alike -- will take responsibility for implementing the procedures outlined in

this report. All groups should understand their obligations to report suspected cases of child abuse and sexual harassment quickly and forthrightly (according to the process outlined in this report) in order to ensure the health and well-being of all BB&N students, faculty and staff. This must be understood as a community effort rather than the sole responsibility of any one group.

3. It is the Task Force's hope that as child abuse and sexual harassment policies are made clear, the community will understand that a well-defined and implemented procedure is far better than no procedure at all. Without such a structured system, rumor often becomes fact, the loudest voice often gets heard, and both accuser and accused may be treated unfairly.

4. The Task Force has based its policies and procedures for dealing with child abuse and sexual harassment on the assumption that teachers and parents will act in a reasonable and responsible manner.

5. The Task Force is acutely aware that there is greater public concern about the damage that can be inflicted on young people through child abuse and sexual harassment. Acts and language that several years ago might have been tolerated, ignored or even seen as acceptable are now clearly understood to be unacceptable.

6. The Task Force is fully aware of the importance of individual personalities and teaching styles at BB&N. In addition, BB&N values the close student-teacher bonds that are formed in all grades. These relationships are among the greatest strengths of this School. We will need, however, to educate ourselves to ensure that we continue to maintain high standards of professional conduct. By using these new policies with good judgment and reasonableness, the Task Force believes that this delicate balance can be achieved and maintained.

7. No policy can take the place of human judgment or common sense, nor is it wise to expect that any policy will give full protection against error. Nonetheless, the School is committed to the development and implementation of policies to improve communication and to encourage community awareness of these sensitive issues.

8. The policies regarding child abuse and sexual harassment will be evaluated at the conclusion of the 1988-1989 academic year.

## BB&N Policies Regarding Child Abuse and Sexual Harassment

### I. GENERAL PRINCIPLES AND POLICIES

1. Providing a safe and secure environment for all our students is a primary goal of the School.
2. No set of policies and procedures can or should replace trust, goodwill, and the judgments of reasonable people.
3. BB&N students, parents, faculty and staff should be sensitive to and educated about the nature of child abuse and sexual harassment.
4. BB&N students should be protected from any form of child abuse. BB&N students, faculty and staff should be protected from any form of sexual harassment.
5. All BB&N students, faculty and staff are expected to be able to recognize signs and symptoms of child abuse and sexual harassment, and to take responsibility for dealing with any such incidents either on campus or at any off-campus school-sponsored function. Parents are also expected to notify the School (see item 6) if they have reasonable cause to believe that a BB&N student is a victim of child abuse or sexual harassment.
6. Formal complaints regarding possible child abuse or sexual harassment may be addressed directly to the Headmaster or to the Upper, Middle, or Lower School Director, who will then forward such complaints to the Headmaster. If the Headmaster is unavailable, or has to disqualify himself, he will designate one or more of the Assistant Heads to assume his responsibilities.
7. Any complaint made in writing will be investigated, resolved and kept permanently in a confidential file that can be reviewed by the Headmaster or those authorized by him. Individuals who have been accused will be informed of any complaint filed.
8. The Headmaster will be expected to review all child abuse and formal sexual harassment reports on a periodic basis to determine if there is any pattern of child abuse and sexual harassment involving an accused individual. Based on this review, the Headmaster will determine whether or not any further action is necessary.
9. It is understood that the School's review and investigation of instances of child abuse does not supplant its legal mandate to notify the Department of Social Services (DSS). Where appropriate, the School will work collaboratively with the DSS and the District Attorney's office, and the School's investigation of child abuse incidents may be guided by the advice from these agencies.
10. The Directors of the Upper, Middle and Lower Schools, after consultation with the faculty, will appoint and announce one or two

male and one or two female faculty members on each campus to deal with concerns regarding child abuse and sexual harassment. These designated faculty members will meet regularly on each campus. They will attend workshops with outside consultants for training and acquisition of skills.

*For purposes of clarity, in-School procedures and policies regarding child abuse and sexual harassment will be discussed separately on the pages that follow.*

## II. PROCEDURES FOR DEALING WITH CHILD ABUSE

### Definition:

The term CHILD ABUSE refers to any incident where an individual engages in conduct that is potentially harmful to the physical, sexual or psychological well-being of a child under the age of 18 years.

Child abuse can be subdivided into four areas:

- a. *physical abuse*: non-accidental physical injury;
- b. *physical neglect*: failure on the part of the caretaker to meet the child's basic physical needs;
- c. *sexual abuse*: sexual involvement between a child and an individual who has greater knowledge, authority, power or resources; and
- d. *psychological abuse*: extreme and/or repetitive conduct which is frightening or intimidating.

### Procedures:

If there is reasonable cause to believe that a BB&N student under the age of 18 years is suffering serious physical or emotional injury resulting from abuse inflicted on the student, including sexual abuse, the Headmaster or his designee will immediately report such condition orally to the Department of Social Services in accordance with Massachusetts General Law, Chapter 119, Sect. 51A. A written report will be made to the DSS within 48 hours after such oral communication.

Any School personnel who believes a BB&N parent, student, or a member of the faculty or staff to have committed child abuse must report such belief to the Director, who will:

Notify the Headmaster, or his designee, who will take the following action:

1. Notify DSS and determine with DSS if the incident falls under M.G.L. Chap. 119, Sect. 51A. The Headmaster will also seek guidance from DSS as to what further action is necessary. If the accused is a student, the Director or Headmaster will immediately notify his/her parents.
2. If appropriate, the Headmaster will call a meeting of one or more of the following: the Director, the School psychologist, the student's advisor, the Dean of Students (Upper School), one of the designated faculty members, and/or the School's lawyer. In addition, other consultants who have acknowledged expertise in the field and who have agreed to be called upon in a crisis to act in an advisory role may be invited.
3. The purpose of this meeting is to discuss the incident and to decide what, if any, additional steps need to be taken to protect the child and to fulfill the School's legal obligations. This meeting should occur as soon as possible after the alleged child abuse was suspected or observed or reported.
4. Unless DSS or the District Attorney's office orders otherwise, if the accused is a BB&N student, faculty member or staff person, the Headmaster or his designee will notify the accused of the report as soon as possible.
5. The Headmaster will decide, with or without a meeting with the accused, whether to reprimand, suspend or dismiss the accused, or the Headmaster may take any other action that he deems appropriate under the circumstances. The Headmaster will immediately notify the accused of any action that has been taken against him/her. The accused may request a meeting with the Headmaster to present his/her response to allegations and/or actions taken.
6. The Headmaster or his designee will write a report detailing each incident of alleged child abuse which will be filed in his office. These reports will be kept confidential, subject to review only by the Headmaster or his designee.
7. Unless the Headmaster believes that a special meeting of the Board of Trustees is necessary, he will inform the Board at its next regularly scheduled meeting of any incidents of child abuse which have been reported to the Department of Social Services. If he believes that a special meeting is necessary, the Headmaster will advise the Chairman of the Board and together they will determine whether to call such a meeting.

### III. PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT

#### Definition:

The term SEXUAL HARASSMENT shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual

nature when: a) such advances, requests or conduct have the purpose or effect of creating an intimidating, hostile, humiliating, or sexually offensive environment; b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's performance; or c) when submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions.

#### Procedures:

*These procedures will apply to students and adults.*

There are two procedures outlined below for dealing with possible incidents of sexual harassment. It is our hope that with increased faculty and student awareness about sexual harassment, the informal procedure can be utilized in most situations. In more serious cases, either the accused or accuser may wish to by-pass the informal procedure and go directly to the formal procedure.

To provide for consistency, fairness, and thoroughness, the designated faculty members will meet together regularly to inform each other about cases and their resolutions. Confidentiality about cases will depend on the guidelines set forth in the procedures below.

#### *Informal Procedures*

It may be possible to resolve a situation through a conversation between the accuser and the accused. The accused, especially if she or he is a student, may want the counsel of an adult and should, therefore, be encouraged to seek out and consult with one of the designated faculty members trained to deal with child abuse and sexual harassment. Through this conversation, the accused may acknowledge that his or her actions or words were inappropriate or objectionable; or the accuser may understand that he or she misconstrued the situation. If the accuser, accused and designated faculty member feel that a resolution has been achieved, then the conversation may remain confidential and no further action will be taken.

#### *Formal Procedures*

If the accuser and/or the designated faculty member feel that the informal procedure is inadequate, one or both may report the incident in writing to the Headmaster. The report will be kept permanently in the Headmaster's office with a copy to be given to the accused and the accuser.

1. The report will detail the facts and circumstances of the incident.

- ii. If a student is accused, his or her parents will be notified immediately.
- iii. If appropriate, the Headmaster will call a meeting of one or more of the following: appropriate Director, designated faculty member, School psychologist, accuser (or an advocate), accused, and, in the case of a student, the parents of the accuser or the accused. This meeting should occur as soon as possible after the incident to determine the facts of the case.
- iv. After the meeting the Headmaster will decide what, if any, disciplinary action is necessary, and the decision will be recorded in the report.
- v. The report will be kept confidential, subject to review only by the Headmaster or his designee.
- vi. Unless the Headmaster believes that a special meeting of the Board of Trustees is necessary, he will inform the Board at its next regularly scheduled meeting of any incidents of sexual harassment which have been reported to his office. If he believes that a special meeting may be necessary, the Headmaster will advise the Chairman of the Board and together they will determine whether to call such a meeting.

*The procedures described herein will be evaluated at the end of the 1988-1989 academic year.*

Proposed  
Information Supplement for Parents  
BB&N 1988-1989

A COMPANION TO THE CATALOGUE

The Task Force recommends that BB&N publish each summer a Parent Information Supplement which would either accompany or incorporate the BB&N Parent Directory. It will clarify communication channels at each campus (see copy below), describe administrative positions and structure, provide a complete calendar of events, and explain ways to find other information of interest to the BB&N parent body, including rules and regulations in the catalogue, School policies and procedures on child abuse, sexual harassment, AIDS, etc. The following are some elements to be included in the Supplement.

Introduction

Welcome to the 1988-1989 school year at BB&N. We are happy to have your family at the School and look forward to a productive year. The BB&N Catalogue is the official document describing programs, policies and operations at the School. The purpose of this Information Supplement is to assure that you know what is going on at the School, as well as to identify the appropriate person to contact if you have questions or concerns. Please take a moment to familiarize yourself with the contents of this new resource. We hope that you will keep this Supplement available for consultation in the coming months and that it will prove useful. If you find that you have any questions that are not answered here, please call the School and ask.

BB&N: A COMMUNITY

At BB&N, we believe that the education of children is a cooperative effort between home and School, and that the effort should be made in a trusting and supportive atmosphere. The School exists to teach, nurture and support children; the quality of our teaching and our care will be greatly enhanced if you, the parents, are knowledgeable about the School and feel comfortable about communicating with the School on a full range of issues. The more you know about the School, its philosophy, its programs, courses and activities, the more you can support us in our task. And as we come to know about your individual concerns and questions, we can provide a better learning experience for your sons and daughters.

There are numerous avenues of communication between parents and the School. Some are sponsored by the School administration, others are initiated by various parent groups. All are done in a cooperative spirit. The following is a sampling rather than a... definitive list.

1. The BB&N Catalogue is published annually and provides up-to-date, specific information about the philosophy, programs and policies of the School.
2. The Notebook is published monthly, October through May. Each month you will find activities and events listed in the calendar. In addition, periodically Mr. Gunness will add a letter in the Notebook, outlining important school news.
3. You may join the Headmaster and/or the Directors of each campus at an informal early-morning coffee once a month. These occasions are ideal times to ask general questions about School procedures and curriculum issues. Dates and times are advertised in the Notebook.
4. Parent-to-parent meetings, run by parents, are held at each campus to provide an opportunity to meet other parents, share concerns, and develop a sense of community. Also, all Parents' Association meetings are open, and any parent may come and hear the discussions.
5. The Back-to-School evenings scheduled in the Fall offer an opportunity to meet each of your child's teachers and gather general information about the programs. Potluck suppers and special information meetings occur throughout the School year.
6. Parent conferences may be scheduled at any time, by the parents or by the School.
7. The class parent representatives of the Parents' Association are another avenue of communication.

#### Parental Concerns and Complaints:

If your child brings home a concern or a complaint, a family talk often provides a balanced perspective and may even be sufficient to resolve the problem. As a parent, you know your own child and can evaluate whether his or her concern requires further adult intervention. We caution you to remember, however, that children, like adults, may accept misinformation as truth; sometimes they know "only half the story." If, after a family discussion, you feel you need more information, or if you think your child's concern should be made known to the School, contacting the appropriate person (see 1 and 2, below) can keep a simple misunderstanding from developing into a major problem. You can be assured that your communication will be addressed in a thoughtful and timely manner. We will gather the relevant information and then call or write with a response or a suggestion for further action. The following guidelines are offered for clear parent-school communication.

1. For concerns relating to your child's development at the School (course of study, academic or social progress.

athletic or extracurricular activities), LOWER SCHOOL parents should contact the homeroom teacher. He or she may direct you to a more appropriate individual, if needed. MIDDLE and UPPER SCHOOL parents should contact the child's advisor. It is the advisor's job to know your child and his or her progress.

The homeroom teacher or advisor will follow up on your questions or concerns and will return your call or letter with information and possible courses of action. If you feel that the matter needs further attention, you then should call the Director of that campus (or, at the Upper School, the Dean of Students).

2. General questions about the curriculum should be addressed to the appropriate department head, at each campus, or to the Assistant Headmaster for Education. General questions about the athletic program should go to the Director of Athletics or his assistant.

3. If you have psychological concerns about your child, you should call the Lower or Middle School Directors or the Upper School Dean of Students to help arrange an appointment with one of the School psychologists.

4. Complaints about individual faculty should be addressed to the appropriate Director rather than to advisors, department heads, or other faculty members. The teacher will be informed and given an opportunity to respond, thus ensuring that both the complainant and the respondent are given the benefit of a fair and impartial proceeding. After considering this matter, the Director will decide what action is appropriate. The parents will be kept advised of any decision. The complaint, and a record of any action taken, will be kept on file. Should there be other serious complaints of a similar nature, the Director will inform the Headmaster, who will review the file and decide on what steps are necessary.

5. If you are not satisfied with the School's response to your concern or inquiry, you should contact the Headmaster.

## Crisis Management Guidelines for the Headmaster

A crisis is always an unexpected, unpleasant and/or sudden event. BB&N must be prepared to anticipate and deal with a variety of crisis situations. The following guidelines are intended to assist the Board, the Headmaster, the administration, the faculty, and the staff in addressing and managing these situations.

### GENERAL GOALS FOR MANAGING A CRISIS

When facing a crisis, the following -- in order of priority -- are the general objectives the Headmaster and his advisors must keep in mind:

1. To get immediate help for those who may be in danger of physical or emotional harm, and to take care of those for whom BB&N is responsible - starting with students.
2. To help the BB&N community deal with the situation.
3. To maintain the integrity of BB&N as an educational institution.

### PRE-CRISIS PREPARATIONS

1. Establish a management structure: e.g., what happens if the Headmaster is not accessible? In the event that one of the Directors of a campus is unavailable, the Assistant Director will be in charge. Determine that there is leadership coverage at all times, even during the summer.

2. Develop a system for notifying the School community - an institutional call-tree, both for employees and for parents. The system must ensure the accurate exchange of information, by utilizing a short, written statement to be read and repeated at each call.

3. Develop a list of experts to help with a crisis situation, especially one that might occur over vacations, on weekends, and at times when the School's lawyers or psychologists cannot be reached easily. BB&N should have connections with Mt. Auburn Hospital for dealing with a variety of health emergencies. BB&N should have a list of doctors who have agreed in advance to act in a short-term advisory role in the event of a crisis. Lawyers and other experts should be in the same category.

4. Determine who will be the School's spokesperson if there is a need for publicity or a need to respond to the public or press inquiries. This person should have immediate access to all information, have secretarial support, know the major media outlets, and have a list of experts who might be consulted to handle the press.

#### PROCEDURES TO FOLLOW WHEN A CRISIS OCCURS

As soon as the Headmaster is advised of a crisis situation, he should adhere to the following:

1. Make sure everything possible is being done to insure the health of, or minimize any injury to the possible victim(s). Make sure that the appropriate people (parents, physicians, police, etc.) have been contacted.

2. Once the situation is "under control" (i.e. no one's physical health is immediately at risk), the Headmaster should meet promptly with:

- The Director of the appropriate School (Lower, Middle or Upper)
- The Assistant Heads.
- Other involved school personnel (witnesses, etc.).

The Headmaster should also consider consulting with one or more of the following when appropriate:

- School psychologists.
- School lawyer<sup>1</sup>.
- Chairman of the Board of Trustees.

The purpose of this meeting is to:

- (a) Inform administrators of the situation.
- (b) Determine the facts of the case.
- (c) Determine School's need for additional information, and consider bringing in outside experts<sup>2</sup>.
- (d) Determine who else needs to be informed of the situation.

3. After the immediate crisis has passed, and if no serious damage actually occurred, and if the Chairman of the Board of Trustees has not been contacted, the Headmaster should determine

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<sup>1</sup> It is the recommendation of the Task Force that the School lawyer not be a member of the BB&N Board, faculty or "inside" community, in order to insure objectivity.

<sup>2</sup> Although it is impossible to know all the experts we may need for all conceivable crises, as noted BB&N should have a list of phone numbers for potential problems - drug abuse hotline, suicide counselors, legal specialists, etc.

whether to contact the Chairman. The Chairman and the Headmaster should decide together how and when to notify the Board.

If serious harm has occurred, and/or the crisis still persists, the Headmaster should contact the Chairman and one or both of them should convene a meeting of the full Board. The purposes of the meeting are:

- To inform the Board of the situation; and
- To receive advice on further courses of action.

If action of the Board appears necessary or appropriate, or if the School's integrity as an educational institution is seriously threatened, the full Board should be convened for a special meeting to determine future courses of action.

4. The Headmaster and his administrative team should consider informing the faculty of the situation, balancing the individual's right to privacy against the needs of the overall School community. If real harm has occurred, if the possibility of a crisis still exists, and/or if press coverage is probable, serious consideration should be given to informing the entire faculty as soon as possible. A brief meeting should occur to apprise the faculty of the situation. Either the Director or the Headmaster should conduct the meeting. The information disseminated must be confirmed and accurate.

5. The Board, the administrative team and the Headmaster should determine whether or not parents and students should be informed of the situation.

6. After the crisis has passed, the Headmaster should meet with his Administrative team to review and appraise the School's response to the crisis and determine whether any further steps need to be taken to improve or strengthen the School's ability to respond to a future crisis.

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*For further information contact:*

*W. Allen Rossiter, Director of Studies  
Buckingham Browne & Nichols School  
Gerry's Landing Road  
Cambridge, Massachusetts 02138  
617/547-6100*

# EXHIBIT 52



October 18, 2011

Dear Fessenden Alumni, Parents of Alumni, Parents, and Friends,

It saddens me to write to you today about a difficult and disturbing issue of sexual abuse that was widely reported in the news media in the 1970s involving a former Fessenden administrator. Because our first priority as a School is to protect the health, safety, and well-being of the boys here, it is especially hard to confront the realization that boys were abused at Fessenden. Out of great care and concern, I apologize on behalf of The Fessenden School to anyone who was harmed or hurt in any way while attending our school or by individuals who were part of our school community.

In November 1977, the Boston Police arrested then Assistant Headmaster Arthur Clarridge for his involvement in a case of sexual exploitation of minors in Revere, Massachusetts. Clarridge resigned immediately. At the time, there was no indication that Fessenden boys were abused or that any misconduct occurred on the School's campus. Thirty years later, in 2008, the School received a letter stating that a friend of Clarridge sexually abused a Fessenden student off-campus in the mid-1970s. In response, we met with the alumnus to offer compassion and professional counseling, and to share our current policies and guidelines regarding adult/student interactions. The case was settled following mediation. In April 2011, the School received a second letter claiming abuse on campus by Clarridge; the young man was not a Fessenden student. As the Board of Trustees and administration absorbed this disclosure, we recognized the likelihood that these incidents were not necessarily isolated, and additional victims of Clarridge likely exist in our community.

Last spring as a result of these two Clarridge-related claims, the School initiated a thorough historical review which established that the School had also received three claims in the 1990s. The first claim involved a sexual impropriety in the early 1990s. The second and third claims were from alumni about sexual abuse that occurred when they attended Fessenden in the 1960s and 1970s. One of these claims involved Clarridge. Following meetings and discussion, the matters were settled to the satisfaction of the three claimants and the School. None of the adults named in these claims work at Fessenden today. Our research also indicated that, over the years, other alumni have alluded to knowledge of inappropriate sexual behavior in the 1970s and 1980s. Deeply concerned, the School leadership has come to the realization that this intolerable behavior in past decades may have been broader in scope than we once had reason to believe.

The Board of Trustees and I are resolved to help the healing process by making counseling available to those who suffered abuse by an employee of The Fessenden School or in incidents connected with the School. We have created a confidential procedure to access free counseling and treatment for any member of the Fessenden community who was victimized. A psychiatrist is available for consulting and referral services to help heal emotional injuries. To access this service, please call 888-720-4480 and identify yourself as someone seeking assistance from The Fessenden School.

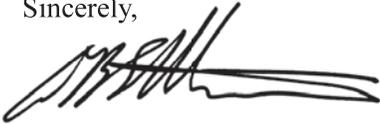
I want to assure parents and alumni that the safety and well-being of the boys at Fessenden are our highest priorities. With our faculty and staff, we have emphasized the importance of raising our collective consciousness and reiterated our expectation of vigilance in identifying and recognizing signs of questionable behavior. Our administrative team and faculty have reviewed and revised the existing policies and guidelines regarding interactions between adults and children in our school community. In our opening faculty meetings this fall, as we have done in previous years, we held discussions on maintaining boundaries in our relationships with our students, and we are committed to sustaining ongoing training. We are reexamining our school-wide wellness curriculum to affirm that we are giving our boys the tools and understandings that they need in order to help maintain their own safety. As required by Massachusetts state law, our hiring process for faculty and staff includes mandatory Criminal Offender Record Information and Sex Offender Registry Information background checks. We have zero tolerance

for sexual misconduct and abuse. As many of you know, a faculty member's employment was immediately terminated last June when the School received a report that, within the past few years, she had engaged in inappropriate sexual conduct on one occasion with a just graduated student. The School immediately informed the former student's parents of the report and filed the required documentation with the state.

Parents in particular may want to know if we plan to address this communication and its content with our students. At this time, we do not plan to talk directly with the boys about it. In the course of our wellness curriculum, the issue of boundaries is addressed in age-appropriate ways and will continue to be emphasized. If you would like advice for speaking with your son about this topic, please contact our school psychologist.

We offer sincere apologies to those whose lives were affected and harmed by the intolerable actions of a few, and we are devoted to providing help to those who have suffered. We expect Fessenden boys to embody our School's core values of "honesty, compassion, and respect," and we must be unwavering in our resolve to model this behavior ourselves in every action and decision. We reaffirm our commitment to protecting the health, safety, and well-being of our boys. We will maintain and continue to foster the healthy relationships between faculty and students that are one of the hallmarks of a Fessenden education. I encourage you to contact me to discuss any questions or concerns that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Stettler', with a long horizontal flourish extending to the right.

David B. Stettler  
Headmaster

## EXHIBIT 53



**LANDMARK SCHOOL**  
*Embracing potential. Empowering lives.*

**July 31, 2012**

**Dear Member of the Landmark School Community,**

**I am writing to you about two matters that have surfaced since July 12 of this year that we have been addressing with seriousness and thoughtfulness.**

**We have received contact from an alumnus who reported sexual misconduct by a former faculty member that took place in 1979. The faculty member was with the school from 1977 to 2000. I informed Landmark's Board of Trustees and the Board authorized an investigation. We contacted the alumnus and reported the matter to the Massachusetts Department of Children and Families (DCF), the state's child protection agency, about this contact. DCF "screened out," the report, meaning that it will likely not be investigated because the alumnus is now an adult. We also informed two government agencies that license the school, the school district where the former teacher is employed, and the Essex County District Attorney. Further, Landmark retained legal counsel to conduct a comprehensive investigation.**

**Shortly thereafter, in the course of investigating this contact, we received a similar report from a second alumnus, regarding an incident with the same former teacher that took place in 1984.**

**The first report was brought forth to me in 1994 by the alumnus. In**

speaking openly with the alumnus now, we both recall that we talked at that time and that I confronted the accused faculty member, who vigorously denied the accusation. I conveyed this information to the alumnus, who chose not to pursue the matter then. The faculty member was not terminated based on that report.

I am aware of four other allegations of sexual harassment or abuse during Landmark's 42-year history. These reports noted allegations dating from the early 1970's to the mid-1990's. Each of these cases was resolved to the satisfaction of the student involved. Legal counsel and I have reviewed the records of these cases and believe they were handled appropriately.

Landmark's primary concern has always been the health, safety, and overall care of all of our students and alumni. While Landmark has had in place, for quite some time, state of the art practices and faculty training programs to prevent the harassment or abuse of any student, the school recognizes that we have an obligation to take any allegation of past impropriety seriously, and to respond quickly and thoroughly.

As part of our investigation prompted by these recent contacts, I would like to hear from Landmark's alumni who may have information about any past sexual misconduct. Please contact me if you have any information in this regard. To assist with communication, attorneys are available to talk with (Hank Clark or Eric MacLeish at 617-494-1920, ext. 8041) as well as an independent mental health professional if this should be your preference (Dr. Frederic Krell who can be reached at 978-740-3100).

Sincerely,

A handwritten signature in black ink that reads "Robert Broudo". The signature is written in a cursive, flowing style.

**Robert J. Broudo**

**President and Headmaster**

**978-236-3450**

**[bbroudo@landmarkschool.org](mailto:bbroudo@landmarkschool.org)**

**Landmark School  
429 Hale Street  
Prides Crossing, MA 01965**

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# EXHIBIT 54



# BOARD OF TRUSTEES OF LANDMARK SCHOOL

## REPORT TO THE LANDMARK COMMUNITY REGARDING REPORTS OF PAST SEXUAL ABUSE • JANUARY 10, 2013 •

Since July 2012 the Board of Trustees of Landmark School (“the Board”) has directed an investigation regarding reports of past sexual abuse at Landmark School. This report is being provided by the Board to Landmark’s 4,200 parents and alumni, to update the Landmark community on the status of this investigation, provide some specific information on matters warranting further outreach, and assist those who may have additional relevant information in coming forward.

In the course of this investigation, counsel to the Board has coordinated and reviewed all of the reports which have been received by Landmark in response to the School’s current outreach, which began with Headmaster Robert Broudo’s first letter to the Landmark community on July 31, 2012. Counsel has conducted interviews of Landmark employees and others; reviewed Landmark’s historical records; reviewed information from social media, to the extent available; and obtained additional records from public authorities. The Board has supervised these efforts through its Executive Committee, and through periodic telephonic and in-person meetings of the entire Board.

The results of the Board’s investigation to date have been made available to the appropriate law enforcement authorities. Immediately after the Board commissioned this effort, the Essex County District Attorney was notified, and we expect that we will continue to provide information to that office as our own investigation continues.

The names of the individuals involved in past events are not included in this report, with the concurrence of the District Attorney’s office, out of respect for the privacy of those who have reported this information, and in compliance with Landmark’s obligations under certain impoundment orders and confidentiality provisions. The Board remains committed to evaluating any relevant information which can be provided regarding these matters.

### 1.

#### THE CLAIMS AGAINST A FORMER TEACHER THAT STARTED THIS INVESTIGATION

In July 2012, two alumni contacted Landmark regarding claims that a former teacher engaged in inappropriate sexual touching in the late 1970s or early 1980s. Landmark immediately retained counsel to assist the School in responding to these reports.<sup>1</sup> The School reported these allegations to the Department of Children and Families (DCF), the Department of Early Education and Care (DEEC), and the Department of Elementary and Secondary Education (DESE). The School also notified the District Attorney’s office of these allegations. In due course, the Board determined that it would directly supervise Landmark’s internal investigation into the matter.

With regard to the alumni who came forward in July, Mr. Broudo recalls that one of them, who graduated from Landmark in 1984, had brought his

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<sup>1</sup>Landmark initially retained Clark, Hunt, Ahern & Embry to assist it in responding to these allegations. The Board later retained Choate, Hall & Stewart LLP on July 29, 2012 to advise the Board in its supervision of the investigation.

claim to Landmark’s attention in the early 1990s. Upon learning this information, Mr. Broudo spoke to the alumnus and confronted the teacher, who denied the allegations. Thereafter, Mr. Broudo spoke with the alumnus again, who decided not to pursue the matter further at the time. (This alumnus denies that Mr. Broudo got back to him.) The teacher left Landmark in 2000 by his own choice and became employed at a local school system.

The second alumnus, who knows the first alumnus, came forward in July 2012 with similar allegations against the same former teacher.

After these allegations were made in July, Landmark assisted the two alumni in bringing their allegations to the local school system, which suspended the teacher. The local school system has stated that no allegations of sexual misconduct against this teacher have been made by its students. Recently a settlement was reached by which the teacher no longer works in that school system.

To date, the Board’s investigation has not uncovered any additional allegations of misconduct by this teacher, who was at Landmark from 1977-2000. Moreover, we have not received any allegation of sexual abuse against any current Landmark employee.

## 2. NEW INFORMATION

In Mr. Broudo’s first letter to the community, he mentioned four past cases involving sexual harassment or abuse. Two of these cases, involving sexual abuse, were the subject of lawsuits which were settled. The other two cases involved teachers who were forced to resign immediately after allegations of verbal sexual harassment were made, and there

were no subsequent legal claims by the students. The conduct in all four of these cases occurred before 2000.

The first of the lawsuits was brought more than 20 years ago, and the second in 2005. In both cases, the complaints described abuse that occurred in the 1970s or 1980s. Both claims were resolved in settlements, and one imposed strict confidentiality obligations on Landmark. The court files in both cases were “impounded,” which means that the court ordered that they be kept from public view.

*As a result of Landmark’s outreach, the School has received new allegations of sexual abuse committed by the same two former teachers who were the subject of these lawsuits.*

### A. THE FIRST CASE

Over 20 years ago, a Landmark alumnus filed suit against a male teacher for sexual abuse. The teacher worked at Landmark from 1978-1991. The alumnus also sued Landmark and other Landmark teachers and administrators for failing to supervise or prevent the alleged abuser’s conduct. The lawsuit was dismissed pursuant to a settlement, which included a strict confidentiality agreement precluding public comment on the matter.

*As a result of Landmark’s recent outreach, in August 2012 two more alumni made new, separate allegations against the same teacher. The conduct they report occurred in the early 1980s, and it involves acts of sexual abuse.*

This former teacher currently resides in Essex County. Landmark has reported the new allegations against him to the Essex County District Attorney, and Landmark will provide assistance if these alumni wish to make additional notifications.

## B. THE SECOND CASE

The second case that involved a legal claim was brought in 2005, when Landmark received notice from an attorney for an alumnus who reported that a different teacher had committed sexual abuse in the early 1970s, both on Landmark's campus and at the teacher's home in Maine. Landmark notified the Essex County District Attorney of this information and also contacted DSS and the Office of Child Care Services (OCCS) of the Executive Office of Human Services, which was the government agency that licensed Landmark's dormitories at the time.

This claim was settled in mediation. This teacher was with Landmark from 1971-1975.

*As a result of Landmark's current outreach, in November 2012 another alumnus made a new allegation that this same teacher committed similar acts of sexual abuse in the early 1970s, both in Landmark's dormitories and at the teacher's home in Maine.*

This former teacher currently resides in New Hampshire. Landmark has reported the new allegations against him to the Essex County District Attorney and the Lincoln County District Attorney in Maine, where some of the abuse is alleged to have occurred, and Landmark will provide assistance if this alumnus wishes to make additional notifications.

### 3.

#### THE TWO PAST CASES OF VERBAL SEXUAL HARASSMENT

The other two cases referred to in Mr. Broudo's July 31, 2012 letter were different than those described above. Both involved incidents in which a teacher was accused of verbal sexual harassment. Both

teachers were confronted and forced to resign immediately, and no further claims were made against the school.

In the first case, which was reported to Landmark in 1997, the teacher admitted to the verbal sexual harassment. In the second case, which was reported to Landmark in 1998, the teacher did not respond but simply resigned. Mr. Broudo recalls that both cases were reported orally or in written form to DSS and/or OFC.<sup>2</sup> Records obtained in the course of this investigation indicate that the 1998 case was investigated by DSS and OCCS, both of which took no further action thereafter.

*Landmark has not received any additional information about these teachers as a result of its outreach.* The teacher in the 1998 case presently is employed by another school system, which has been informed of this allegation. Landmark is not aware that the other former teacher is presently employed as a caretaker of children.

### 4.

#### A FORMER STAFF MEMBER

*In addition, as a result of its recent outreach, Landmark has received new reports regarding a former staff member, who was involved in food services from 1971-1985.* Two alumni have stated that this person inappropriately touched them. There also have been many comments about this staff person's conduct on Facebook. Landmark has reported this information to the Essex County District Attorney, and Landmark will provide assistance if these alumni wish to make additional notifications.

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<sup>2</sup>Counsel for the Board made written requests to DFC and DEEC for documents related to any report by Landmark involving abuse or neglect. In response, Landmark has not received any documents related to the 1997 incident. DCF and DEEC did provide reports related to the 1998 incident.

## 5.

### THE GLOBE LITIGATION

*The Boston Globe* has written two news stories about Landmark in connection with this investigation. In addition, it has engaged in litigation seeking the release of the court files related to the first legal claim discussed above. The litigation is ongoing. In the meantime the court files remain impounded, pending the decision of the courts.

## 6.

### REVIEW OF LANDMARK POLICIES

At the request of Mr. Broudo and the Board, an outside review of Landmark's policies and procedures has been conducted, including those related to sexual abuse and harassment. Kate Anatone, Human Resources Director, and Melissa Mischke, Dean of Students, both from Phillips Exeter Academy, examined Landmark's Policies and Procedures Manuals and Student and Employee Handbooks. They provided Landmark with a report and recommendations for refinements and improvements to the School's policies related to: language to describe certain behaviors; expanding the impact of certain policies; and implementing additional health and safety procedures. Landmark's management has studied the report, generated initial responses to the recommendations, developed a Code of Conduct (drawn from the School's existing Policies and Procedures) for all faculty and staff, and will report to the Board once its review is complete. Landmark also will explore retaining a mental health professional to assist in training Landmark staff on how to prevent abuse and to identify abusers.

## 7.

### OFFERS OF SERVICES TO ALUMNI

The Board is aware that many other schools have faced similar challenges, and it is aware of their responses to these matters. One way to address such allegations responsibly is to offer counseling services to alumni, at the School's expense, without invading the relationship between service providers and the individuals involved. Landmark has made arrangements so that the alumni who have reported sexual abuse while at Landmark can obtain these services, at the school's expense if insurance is not available. With the Board's approval, Landmark has asked Dr. Frederick Krell, an independent psychologist, to assist in making assessments and referrals to independent psychotherapists who specialize in sexual abuse treatment.

## 8.

### FUTURE REPORTS TO THE LANDMARK COMMUNITY

The Board expects that the School will obtain additional information as a result of the distribution of this report and Mr. Broudo's letter. If appropriate, the Board will make an additional report on the results of that outreach and the status of this investigation.

The Board appreciates the assistance of Landmark's management and staff, and the efforts of all of those parents, alumni, and friends of Landmark who have responded with information about personal and difficult matters. We are committed to seeing this investigation through to a conclusion that addresses any harm suffered by Landmark's alumni and assures that current and future students will continue to receive the highest level of care, education, and service that has been the hallmark of the Landmark experience.

# EXHIBIT 55

# Student News

[← The Bulletin](#)

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[To-Do](#)

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[2016](#)

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[2010](#)

[2009](#)

[2008](#)

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## Important Announcement from Deerfield

Communications – January 28, 2013

Dear Members of the Deerfield Community,

We write with deeply troubling news. A former student has confided in us that he was subjected to sexual contact, in the 1980s, by Peter Hindle, who was a Deerfield faculty member between 1956 and 2000. Mr. Hindle has admitted sexual contact with a student, and we are now conducting a detailed investigation of Mr. Hindle's years at Deerfield. We have retained an independent law firm to assist, and we have informed law enforcement authorities.

While the reported behavior occurred many years ago, we realize that it continues to cause great pain. There is no greater violation of our values than broken trust between student and teacher.

The Academy goes to extraordinary lengths to build a warm, vibrant, and safe community for our students, and we have many safeguards and protections in place to ensure that is the case for our students and community members. Please rest assured that we have a zero tolerance policy regarding inappropriate teacher-student relationships of any kind, and this is regularly communicated to faculty and staff.

If you have been affected personally or have any information at all that may assist us in our investigation, we urge you to contact us at [mcurtis@deerfield.edu](mailto:mcurtis@deerfield.edu) or 413-774-1425. If you would prefer, Stuart Bicknell, our school psychologist, at [sbicknell@deerfield.edu](mailto:sbicknell@deerfield.edu) or 413-774-1563, is also available to speak with you. We will

make every effort to ensure the confidentiality of any information, and we are offering professional counseling if needed.

We realize this message affects every member of the Deerfield family. Meaningful relationships between faculty and students define our community, but those relationships must be anchored in our core values—and first among them is the safety and welfare of every student. We remain fully committed to this fundamental principle and to being “worthy of our heritage.”

Yours respectfully,

Philip Greer '53 P'94 G'13,'16

President, Board of Trustees

Margarita Curtis H'57

Head of School

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**MEDIA MAY CONTACT:**

David Thiel, Director of Communications

413-774-1878 (direct)

dthiel@deerfield.edu

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#### **NEXT**

[Spring Elective Course Catalog is Available](#)

January 29, 2013

Seniors and juniors who will need to replace classes that are after winter term should work with their advisor...

#### **PREVIOUS**

[Need Help Backing Up Your School Data?](#)

January 28, 2013

Here is the truth! Your data\* can be permanently lost if your computer is stolen, has a hardware failure, or...



# EXHIBIT 56

# Student News

[← The Bulletin](#)[News](#)[To-Do](#)[Lost and Found](#)[Current](#)[2016](#)[2015](#)[2014](#)[2013](#)[2012](#)[2011](#)[2010](#)[2009](#)[2008](#)[2007](#)

## Important Report from Deerfield

David Thiel – March 30, 2013

Dear Members of the Deerfield Community,

We write to follow up on our letter of January 28th, which reported allegations of sexual misconduct by Peter Hindle, who taught at Deerfield from 1956 to 2000. While this news was deeply troubling to all of us, Deerfield's principal obligation is the safety and welfare of students, regardless of when they attended school.

When an alumnus came forward with serious allegations of sexual misconduct, we had a moral obligation to learn, as best we could, what really happened years ago –mindful of the needs of a potential victim and of protecting the rights of the accused. In our earlier letter, we indicated that independent legal counsel, experienced in such matters, had been retained to conduct an investigation into Mr. Hindle's tenure at the Academy. We instructed our counsel, the firm of Debevoise & Plimpton LLP, to pursue the truth, wherever it might lead.

Throughout this process, we and the investigators have endeavored to preserve the privacy of individuals whenever possible. It is clear that these incidents caused deep, real, and lasting pain. We can never make that go away. However, by openly addressing this issue now, we hope to give victims validation, to keep the door open for those who might still want to come forward or seek counseling, and to reassure our entire community of our commitment to the standards we espouse.

To the many alumni and others who have provided information about these personal and difficult matters: thank you. We are now ready to share the investigators' findings, and this letter is our report.

Overall Findings

The investigation confirmed that sexual conduct by Peter Hindle occurred with the student who came forward and there is evidence that such conduct occurred with at least one other student. Separately, in the course of the investigation, we also received direct, independently corroborating accounts from two victims alleging that another teacher, Bryce Lambert, now deceased, engaged in sexual conduct with them during his tenure. We also received other reports about teachers who were appropriately terminated at the time for unacceptable behavior. Lastly, we received reports concerning other former Deerfield employees who were alleged to have engaged in misconduct of varying kinds—principally non-sexual in nature—that investigators were not able to corroborate.

The investigation also led us to the conclusion that the Deerfield administration in the 1980s could have—in the case of Peter Hindle—moved more forcefully to address reports of inappropriate behavior. In addition, the administration in the early 2000s could have investigated detailed allegations of sexual misconduct made against a then-unnamed teacher in a letter from the same former student who wrote to us about Mr. Hindle.

#### Peter Hindle

The former student who more recently came forward credibly alleged that Peter Hindle first offered him backrubs and then, after several backrub sessions, performed sexual acts on over eight different occasions over an extended period. Mr. Hindle admitted—prior to our January 28 letter, in two separate interviews involving the school’s general counsel in the first instance and two independent investigators in the second—that sexual contact with the student had taken place one time. Mr. Hindle claimed the sexual contact was against his will, yet he neither resisted nor reported the incident. The detail Mr. Hindle provided to the investigators was explicit and, in no conceivable way, could it be described as a simple “backrub.” Further, Mr. Hindle made several statements to the investigators that proved to be untrue, raising serious questions about whether his admission was too limited.

By any measure, Mr. Hindle’s behavior represents an outrageous violation. Although this student has advised that he did not surface the allegations to administrators at the time, a second student in the 1980s did make an allegation, while he was attending Deerfield, regarding inappropriate behavior by Mr. Hindle, and at that time his mother sent a letter expressing serious concern about a “deviant deed” committed against her son. Mr. Hindle was confronted by the administration and denied sexual conduct.

While that second student has so far declined to be interviewed as part of this investigation, we hope to speak with him, in coordination with his legal counsel, in the near future.

The investigators have been unable to confirm sexual contact with other students, but they did communicate with numerous alumni and faculty who said they had experienced or were aware of incidents that—by the standards of the day and certainly by the standards prevailing today—were inappropriate and should have raised red flags. In several instances, we were contacted by alumni who had never before told anyone about their discomfort with Mr. Hindle. There is no evidence that any of these incidents was brought to the attention of the school's administration prior to the time the second student made his allegation and his mother wrote to the school.

#### Naming Peter Hindle in the January Letter

Given Mr. Hindle's admissions to the investigators, he was identified in Deerfield's communication to prevent, over the course of the investigation, unjustified speculation and harmful gossip about current and former teachers. The investigators also believed it was necessary to name him in order to elicit potentially relevant information.

From our perspective however, an additional reason for naming Mr. Hindle in our initial letter, and naming Bryce Lambert now, is that the practice of not being forthcoming on matters like these at many different institutions over decades has resulted in a lack of reporting by victims. A lack of disclosure of inappropriate behavior can allow individuals to maintain positions of responsibility where they are a threat to children or, as in this case, to be venerated despite their past actions. To all students—past, present or future—we have an important message: if you feel you have been treated inappropriately by an adult in our community, it is safe to come forward—regardless of that person's status or reputation.

We have received, during the last two months, numerous communications from alumni in support of Mr. Hindle. They have praised his teaching skills and personal attributes, and often expressed incredulity at the allegations. These positive experiences, however, cannot justify what Mr. Hindle himself acknowledged did occur. Mr. Hindle's subsequent denial to a newspaper reporter notwithstanding, there is no question that he engaged in sexual activity with at least one student.

#### Bryce Lambert and Other Reports

We recently received and investigated reports from two unrelated student victims alleging that Bryce Lambert, who retired in 1990 and is now deceased, had inappropriate sexual contact with them during his tenure. The alleged incidents were separated by several years and were consistent regarding the nature of the conduct. Mr. Lambert is unable to defend himself, but there is sufficient evidence to name him.

The investigators received, evaluated, and followed up on allegations concerning other former faculty members at Deerfield. Some of the allegations were raised at the time of the incidents and the faculty members were dismissed in a timely manner, and, when appropriate, reports were made to authorities; for that reason, those faculty members are not identified here. The majority of the reports concerned past incidents that were non-sexual in nature but that would not be tolerated in today's environment. And, although three reports concerned alleged sexual behavior, the investigators were not able to corroborate them.

#### Deerfield Administration

Our investigation led to the conclusion that the Deerfield Academy administration in the 1980s could have moved more forcefully to address indications of unacceptable behavior by Mr. Hindle. Given Mr. Hindle's denials and highly revered status, the administration relied solely on verbal and written warnings. The administration, however, did terminate two other faculty members for inappropriate conduct with students. We fully acknowledge the challenge of confronting a highly respected and dedicated teacher, who adamantly denied any wrongdoing, but we now realize that in this case, the Academy could have gone further to protect the victims and potential victims.

As we noted above, the administration in the early 2000s received a letter from the same former student who wrote to us last year detailing allegations of specific acts of sexual misconduct by an unnamed teacher—whom we now know was Mr. Hindle. The administration did not interview the former student or take steps to determine the identity of the unnamed teacher. The administration, however, did communicate with the student who has indicated that he was satisfied at the time with the response.

We found no evidence that administrators were aware of similar red flags relating to Bryce Lambert, and the victims never reported the incidents to anyone at Deerfield until now. In addition, we found no evidence that the Board of Trustees was informed of any allegations relating to Mr. Hindle before 2012 or Mr. Lambert before 2013.

## “Standards of the Day”

Over the past two months, some members of the community have suggested that the “standards of the day” were different in the 1980s, and that looking at past behavior through today’s lens might be unfair. Our investigation took this important caution into account. We agree that less was known in the 60s, 70s and 80s about these kinds of issues and that people were less alert to warning signs of sexual misconduct. Protocols were also far less established in how to report suspicious behavior and manage the delicate balance between justice for victims and protecting the rights of the accused.

However, we do not think the “standards of the day” argument exonerates the Academy or any individual, primarily because this view ignores the plight of the victims. As painful as this process has been, we believe that disclosure and a public apology is the only responsible action. The healing process of the victims has been, and will continue to be, our overriding concern.

## Conclusion

At the recommendation of the Board of Trustees, Deerfield is in the process of reviewing and enhancing our policies regarding sexual misconduct and sexual harassment. The revised policies and procedures will be posted on our website.

The Board of Trustees has determined to rename the Peter G. Hindle ’52 Schoolmaster’s Chair, remove his name from the School’s squash facility, and forbid him from attending events on campus. Further, the Board has determined to rename the Bryce Lambert Fund and the Bryce V. Lambert Writing Fellowship.

Our dedication to the safety and welfare of our students—past, present, and future—is unwavering. As noted in our January letter, “we have zero tolerance for inappropriate teacher-student relationships of any kind.” We should have added, “no matter how revered the teacher.” We continue to speak with students to ensure that they have the knowledge and support to both identify and report inappropriate behavior of any kind.

We hope that the discussions that have ensued from this process ultimately will make our community stronger and more resolute than ever in cultivating our core values—respect, honesty, and concern for others.

On behalf of Deerfield Academy and its Board of Trustees, we offer a heartfelt apology to the victims—and a pledge to ensure the safest possible environment for our students.

Yours respectfully,

Philip Greer '53, P '94, GP '13, '16  
President, Board of Trustees

Margarita Curtis H '57  
Head of School

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#### MEDIA MAY CONTACT:

David Thiel, Director of Communications  
413-774-1878 (direct)  
dthiel@deerfield.edu

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#### NEXT

##### [We have a Winner!](#)

April 1, 2013

Congratulations to Joe Donohue, winner of our March Library Question of the Month! The Question: What 1932 story by...

#### PREVIOUS

##### [May SAT Registration Deadline is 4/5](#)

March 30, 2013

If you are planning on taking the May 4th SAT – the registration deadline is April 5th! Standby test takers are...

# EXHIBIT 57

St. George's School sued in sex assault Former student says trainer raped her  
Providence Journal - Providence, R.I.

Author: JUDY RAKOWSKY Journal-Bulletin Staff Writer

Date: Dec 06, 1988

Start Page: B-06

Section: NEWS

Text Word Count: 482

### **Document Text**

PROVIDENCE --- A former student of St. George's School in Middletown has filed a \$10 million suit against the private coeducational school saying she was raped and molested there by an athletic trainer in the 1978 academic year.

The suit, filed last week in U.S. District Court, identifies the former student only as Jane Doe, now 25, of Mendenhall, Pa. It does not name the trainer, who it says was later fired as a result of sexual abuse allegations involving another student.

The suit contends that St. George's failed to protect her from the trainer's actions while she was a student there from 1977 to 1980.

The first assault occurred, the plaintiff says, after she was injured playing field hockey as a sophomore in October 1977. She says she was raped when she went to the athletic trainer's room for treatment. The trainer told her "he would find out if she reported him and come after her," the suit says.

Over the next several months, the suit alleges, the trainer summoned the student to his room, where he repeatedly molested her. When she protested, the suit says, he repeated the previous warning and also threatened to send a note to her coach and adviser saying she needed to return for "treatments."

She refused to return to the trainer's room in March 1978, the suit says.

The suit asserts that the student was psychologically unable to disclose the rape and molestation until she told a psychotherapist in 1986. After that, the suit says, she discovered the connection between the rape and her psychological injuries.

According to the suit, the woman suffers from post-traumatic stress disorder, anorexia nervosa, bulimia nervosa and major depression, allegedly brought on by the rape and molestations. She was hospitalized for those maladies for six months over the last five years, the suit says. She has undergone outpatient psychotherapy since 1982, it states, and has been treated with a variety of psychotropic medications.

She also has recurring nightmares about the assaults that prevent her from living alone, and she has been unable to maintain regular employment, according to the suit.

Archer Harman, the headmaster of St. George's, said he was not in charge of the school at the time the woman was a student there and does not know the name of the trainer.

"We are obviously investigating the serious allegations made involving a relatively distant point in history," he said.

William P. Robinson III, the school's lawyer, said he planned to raise the question of whether a statute of limitations on the alleged incidents has expired.

"From the school's perspective or parents of children present now, the complaint itself indicates the alleged complaint took place many, many years ago," Robinson said. Even if the allegations in the suit prove true, Robinson said, there is no "clear and present danger" to students now.

**KEYWORDS:** lawsuit crime sexual assault

**SECTION:** NEWS

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**Abstract** (Document Summary)

- A former student of St. George's School in Middletown has filed a \$10 million suit against the private coeducational school saying she was raped and molested there by an athletic trainer in the 1978 academic year.

Over the next several months, the suit alleges, the trainer summoned the student to his room, where he repeatedly molested her. When she protested, the suit says, he repeated the previous warning and also threatened to send a note to her coach and adviser saying she needed to return for "treatments."

According to the suit, the woman suffers from post-traumatic stress disorder, anorexia nervosa, bulimia nervosa and major depression, allegedly brought on by the rape and molestations. She was hospitalized for those maladies for six months over the last five years, the suit says. She has undergone outpatient psychotherapy since 1982, it states, and has been treated with a variety of psychotropic medications.

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# EXHIBIT 58

FOR E.  Urgent

DATE 4/1 TIME 12<sup>30</sup> A.M.  
P.M.

While You Were Out

V  
C

PHONE \_\_\_\_\_ AREA CODE \_\_\_\_\_

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
RETURNED YOUR CALL		WANTS TO SEE YOU	

MESSAGE

Re: Franklin Coteman  
- former choirmaster @ SG

wants to track him down  
to make sure he is not  
w/kids. - (s.abuse).

SIGNED

E. Adams  
9711

# EXHIBIT 59

FOR \_\_\_\_\_ Urgent

DATE Mon. 4/11 TIME 3:45 A.M.  
P.M.

**While You Were Out**

M \_\_\_\_\_

OF Cell

PHONE \_\_\_\_\_

AREA CODE	NUMBER	EXTENSION
TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
RETURNED YOUR CALL	WANTS TO SEE YOU	

MESSAGE

Re: Coleman. -

very eager ✓

phone time tomorrow. =

Fri

3:15 p.m. -

phone

app.

SIGNED \_\_\_\_\_

E. Adams  
9711

# EXHIBIT 60

1980

6 mos - W/IN? - REPORTS?

- ENCOURAGING CONTACT / PRESS

- NO ASSAULTS, JUST UNAPP.

- NO CONTACT FOR -

- 7 YRS:

+ OFFERS?

- CAL GIBSON (ATTY)

- IF LEFT,  $\phi$  REPORT TO POLICE?

- REF.  $\phi$  SAY SO LONG AS  $\phi$  EARNING

-  $\phi$  FREE HIM - HE RESIGNS

- GIBB'S (AL) - '87-'88

- LAWSUIT? - CONSUMER DEFENSE FUND?

- PERSE KOSOFF

- FBI, 1230

- 4/8/05

# EXHIBIT 61

**From:** Roderick MacLeish  
**Sent:** Thursday, April 23, 2015 10:01 AM  
**To:** Sara Goldsmith Schwartz  
**Cc:** [annewmScott@gmail.com](mailto:annewmScott@gmail.com)  
**Subject:** Re: SGS/Non privileged

I just saw that Mr. Hannum, the investigator, is your law partner. How can Anne and the SGS alums expect him to conduct an independent investigation, as suggested in the alumni letter, when you (and he) are representing the school? In short, is this an investigation that will be objective and truthful or is it simply a way to obscure the truth? I do not see how you can have an investigator who is also representing the school.

Roderick MacLeish  
Of Counsel  
Clark, Hunt, Ahern & Embry  
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Sent from my iPhone

On Apr 16, 2015, at 4:11 PM, Sara Goldsmith Schwartz <[SSchwartz@shpclaw.com](mailto:SSchwartz@shpclaw.com)> wrote:

Dear Eric -

In reading your recent email, I am not clear whether you received the recent correspondence that Headmaster Eric Peterson sent to alumni. I attach a copy here, to be sure that you and Anne Scott have both received it.

In accordance with Eric Peterson's letter, I want to be sure that Anne Scott is aware of the ongoing investigation. It is our hope that Anne will share her story with the investigator. Thus, as we understand she is traveling to Boston on May 4, what approach would work best? Shall we meet (you, me, Anne and Eric)? Or would you prefer that Anne meet with the investigator at that time? We are happy to proceed in the manner that works best for Anne. We recognize that there is a possibility that she may not want to share her story repeatedly.

So, May 4 is confirmed. As for the participants, what are your thoughts?

Thanks.

- Sara



SCHWARTZ HANNUM PC

Sara Goldsmith Schwartz | President

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**From:** Roderick MacLeish [<mailto:rmacleish@chelaw.com>]

**Sent:** Monday, April 13, 2015 9:22 AM

**To:** Sara Goldsmith Schwartz

**Cc:** [annewmiscott@gmail.com](mailto:annewmiscott@gmail.com)

**Subject:** Re: SGS/Non privileged

The meeting place is designed to make my client feel comfortable. I really think discussions like this are beneath you and your client. We are not negotiating the end of a war. Quite the opposite. Next time, if there is one, we will meet at your offices.

Roderick MacLeish

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Sent from my iPhone

On Apr 13, 2015, at 8:15 AM, Sara Goldsmith Schwartz <[SSchwartz@shpclaw.com](mailto:SSchwartz@shpclaw.com)> wrote:

Good morning, Eric.

I am sorry you are so frustrated with me! We have confirmed the meeting several times already, so no worries.

As to location, we would like to meet at a neutral spot. I would not suggest my office and I would ask you not to insist on your office. In fact, I was going to suggest a conference room at the BBA, which sounds ideal given your scheduled meeting on Beacon Hill that same day. So just let me know if that works and I will reserve a room there.

I hear your concerns about the other matters and I will discuss with my client and be back in touch. As you know from prior correspondence, these last two weeks of April are very hectic for my client. We will all do the best we can.

See you on May 4,

- Sara

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Email sent from my iPad; please excuse short replies and any typos.

On Apr 10, 2015, at 12:06 PM, Roderick MacLeish <[rmacleish@chelaw.com](mailto:rmacleish@chelaw.com)> wrote:

Dear Sara: Anne and I are growing weary of your inability to confirm the meeting on May 4 at my office in Cambridge. We would have hoped that by now you would have confirmed the meeting and recognized that it is

of paramount importance that it take place at a location where Anne feels secure and comfortable. Yet, thus far, rather than picking up the phone and calling me, I receive missives from your (very pleasant) assistants, suggesting that this is going to take place at some unspecified location in Boston. That's not going to happen.

I know you are extremely busy. So am I. (I won't go into details, but my schedule fills up weeks in advance and I have a critical meeting with senior state officials on Beacon Hill scheduled for May 4th which I have put off until 4 pm that day so that we can meet).

So kindly confirm the meeting at my office or tell us you do not intend to show up.

I have also asked you several times for SGS's position on whether it believes that Anne is gagged from talking about the underlying action of the Mr. Gibbs, his sexual assault and rapes of other SGS girls and the School's actions and inactions to date. I want you to know that if the meeting takes place, I am hopeful that people of good faith will arrive at agreed upon resolution on how SGS can best act under these circumstances to notify alumni, as have so many other schools.

Thus far, you and Mr. Peterson have failed to answer the question on whether you believe there are restrictions on Anne's speech. I believe there are no such restrictions, and that the prospect of an independent school seeking to gag a former student from speaking, if she so decides, about her sexual abuse is antithetical to the core values of schools like SGS. Therefore, I am requesting that we speak about this issue if we meet on May 4th. If we don't meet, then I am requesting that you take a position on this on or before May 4th. If we don't hear from you, we will assume that SGS takes no position on the matter.

Sara, I do hope that there is a meeting and I do think it is possible to achieve a resolution which will be positive for everyone -- most particularly, the school community and the alumni. I urge you and SGS to change direction and for you to pick up the phone and communicate with me directly. I do not wish to negotiate the location of a meeting with your staff, as pleasant and professional as they are. At this point, it's easier for me to reach senior officials at the Attorney General or the General Counsel of various state agencies than it is to get a return communication from you I hope that changes.

Regards, Eric

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<Letter to the Community.Final.4.7.15.pdf>