



November 21, 2019

Dear Members of PATH,

This communication addresses the school's examination of its handling of past incidents of sexual misconduct and the determination of the extent to which additional public or private sanctions are appropriate for the individuals involved in addressing those matters.

To undertake that examination, the Trustees formed an ad hoc committee composed of the assistant principal, the dean of faculty and the director of human resources, with the Academy's general counsel, who served in a non-voting advisory role. The committee evaluated the circumstances of each reviewed incident of sexual misconduct, reviewing the privileged investigation reports by Holland & Knight, confidential personnel files, any relevant reports by law enforcement, and other available documentation. As the committee endeavored to assess each situation with fairness, consistency and coherence, it placed empathy and concern for the impacted students at the center of its consideration.

The committee's work was complicated by a number of challenges. As previously shared in our communications to the community, historic (and since corrected) inconsistent record keeping resulted in incomplete available evidence. That incomplete evidentiary record, in turn, made it particularly difficult for the committee to conclude with certainty the nature of each employee's intent behind their actions, with intent being a critical element in determining appropriate consequences.

The incomplete record keeping also clouded the issue of institutional versus individual failures, as the committee could not definitively determine the extent to which the school had in place the policies, procedures and training required in order to confer responsibility upon the individual, but which, in their absence, would be a failing of the institution.

Finally, the committee weighed two factors: 1) the employee's apparent failure to act or to report relative to other actions the employee did or did not take to care for the student in question and 2) the employee's apparent failure to act or to report relative to evidence of an otherwise positive professional record, including the taking of appropriate and decisive action in response to other incidents of misconduct.

The committee's findings included:

- It did not find evidence of conscious or intentional efforts to evade the obligation to make a legally mandated report to authorities.
- The committee did not find evidence of any individual engaging in a pattern of failure to make legally mandated reports.

- It did not find evidence that any individual consciously intended to cause secondary harm to students or otherwise act against the best interests of students.
- The committee found that in those instances in which employment and related actions have been taken in the past and adverse consequences imposed, those actions and consequences have been appropriate. The Academy, as do most employers, considers such personnel matters personal and confidential.
- The committee found no evidence that it considered sufficient in any case to support public consequences for alleged failures to report or other failures or omissions.

With the completion of the committee's work, we reaffirm our guiding principles for ensuring the well-being of our students and our handling of sexual misconduct now and in the future. Those principles include:

- We will not tolerate sexual activity of any kind between adults and students, regardless of age.
- We must understand, anticipate and focus on the individual needs of impacted students in our immediate response to reports of sexual misconduct, regardless of how the students might present outwardly, in the wake of trauma.
- While recognizing the importance of honoring the expressed wishes of individuals who have been harmed, we must balance those needs with our institutional responsibility to protect the immediate needs and safety of all students.
- Administrators must follow through on all matters of concern, even if they begin as what appear to be rumors.
- Timely and thorough communication, while respecting the need for appropriate confidentiality, is critical to properly and responsibly addressing reports of misconduct. This includes timely communication with Trustees.
- We must keep accurate records of all personnel matters, including sexual misconduct allegations, in order to hold offenders accountable and prevent further misconduct. It is not possible to recognize patterns of misconduct without clear and accurate records, which are made readily accessible to administrators responsible for personnel management.

Since the first revelations of sexual misconduct within the Phillips Exeter Academy community, the on-campus leadership and Trustees have reexamined, and will continue to examine what it means to ensure the health, well-being and safety of our students. We have strengthened the training and education of students, faculty and staff; given support to those who have been harmed; and held accountable those adults – past and present – who have fallen short in their responsibilities to the students under their care.

Our goals have been to establish programs, policies and a fostered culture for our school that: 1) unambiguously establish ours as a community that will not tolerate any form of sexual misconduct; 2) educate both our students and faculty as to what does and does not constitute acceptable behavior; and

3) make clearly and readily available the necessary supportive resources in response to an incident of sexual misconduct – current or historical – resulting in appropriate consequences for the perpetrators of sexual assault and for violators of our related policies. As we have done this work, we have included the critically important (and quite helpful) perspectives of current students.

We thank the members of PATH for their engagement in sharing with us their experiences, their perspectives and their suggestions for how we move forward. We reiterate our commitment to do all we can to learn from the past and provide the safest community we can for the students of today and tomorrow.

William K. Rawson  
Principal

John A. Downer  
President of the Trustees