

Principles of Disclosure

The following principles were developed during a meeting of the Trustees of Phillips Exeter Academy, held on Friday, October 28, 2016, and with the consultation and advice of legal counsel, including General Counsel Holly Barcroft and David Vicinanza and Tina Sciocchetti from Nixon Peabody LLP.

These principles should serve as a guide in making a decision regarding the possible public disclosure of allegations of misconduct against former faculty and/or staff of the Academy.

- 1) Does the Academy have in hand a compelling allegation of misconduct against a former faculty or staff member? If the answer is yes, proceed to the next question.
- 2) Is there an admission of guilt by the alleged perpetrator of misconduct? **If the answer is yes, the Academy should make a public disclosure.** If the answer is no, proceed to the next question.
- 3) If there is no admission of guilt, has the alleged perpetrator been investigated and found guilty by a competent authority (for example, a court of law and/or state agency, such as NH DCYF)? **If the answer is yes, the Academy should consider making a public disclosure by proceeding to answer the following questions.**

Affirmative answers to the questions listed below weigh in favor of making a public disclosure, though an affirmative answer to any one question standing alone does not require a public disclosure. Instead, the answers to all of the questions listed below should inform the decision about disclosure.

The questions below have been listed in order of relative importance or weight.

- 4) Is the alleged perpetrator a current or ongoing risk to members of our community?
- 5) Would the alleged misconduct, if committed today, violate the Academy's Faculty Handbook, Staff Handbook, or E Book?
- 6) Has the Academy commissioned a full and fair investigation of the alleged misconduct, the result of which was a finding that the alleged misconduct in fact occurred?
- 7) Has the Academy received multiple allegations of misconduct against the same perpetrator?
- 8) Is there the potential for other unidentified victims of the alleged perpetrator?
- 9) What effect will disclosure have on the Academy's former students?
- 10) Are the allegations raised against the perpetrator already in the public domain?