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October 11, 2018

VIA E-MAIL

The Board of Trustees
Choate Rosemary Hall
333 Christian Street
P.O. Box 5043
Wallingford, CT 06492

Re: Report of Investigation

Dear Members of the Board:

Day Pitney LLP (“Day Pitney”) was retained by Choate Rosemary Hall (“Choate”) to conduct investigations into specific allegations of sexual misconduct or other inappropriate conduct by adults in the Choate community received by Choate following the April 2017 release of the report written by Nancy Kestenbaum and Covington & Burling LLP (“Covington Report”).¹ We write to you to set forth our findings.

I. Introduction

A. The Covington Report

In the fall of 2016, Choate retained Nancy Kestenbaum and Covington & Burling LLP to investigate reports received by the school concerning “adult sexual misconduct against any student by Choate faculty or staff.” On April 13, 2017, Michael Carr, Chair, Board of Trustees, and Alex Curtis, Head of School, wrote to members of the Choate community informing them

¹ The Day Pitney team was led by Stanley A. Twardy, Jr., former United States Attorney for the District of Connecticut. The team also included: Daniel Schwartz, former Deputy District Attorney for Alameda County, California; Daniel Wenner, former Assistant United States Attorney for the Eastern District of New York; Danielle Corcione, former Assistant United States Attorney for the District of New Jersey; Kaitlin Canty; and Kenton Attakrah.

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that Kestenbaum had presented her report to the Board of Trustees. The letter was posted on Choate's website and we were informed that it was sent by email to current trustees, faculty, staff, and students, as well as to approximately 14,000 alumni, parents of current students, and other trustees and by mail to approximately 3,000 individuals for whom Choate did not have an email address.

On the same date, Choate released the full Covington Report to the public and provided information on its website for current and former students, faculty, and staff to report sexual misconduct. Specifically, Choate encouraged alumni to report sexual misconduct during their time at Choate to Kathleen Wallace, Associate Head of School, via email or telephone. The Covington Report also encouraged members of the Choate community who wished to report information about incidents of adult sexual misconduct at Choate to contact Wallace. Further, over the last few years, Choate has put in place a number of programs, including a therapy fund that was established to support alumni who want help paying for current therapy needed because of adult sexual misconduct they experienced during their time at Choate. Choate provided this information on its website under community wellness and resources.

B. Reports of Misconduct and Our Investigative Process

Wallace received various reports of sexual misconduct after the release of the Covington Report. In Wallace's response to each individual who contacted her, she requested permission to share the person's contact information with Day Pitney. Wallace then provided us with the contact information of those individuals who gave her express permission to do so. She did not provide us contact information for individuals who declined to give her permission to do so or who did not respond to her request. Given the subject matter of these investigations and in an effort to be sensitive to the difficulty inherent in a survivor's having to revisit these types of incidents, Choate directed us only to investigate reports from individuals who both contacted it directly and indicated it may share their contact information with us. Therefore, we did not investigate the reports from people who did not authorize Wallace to share their contact information with us. Furthermore, if we learned of alleged abuse from other sources, we did not investigate the purported incident unless we had received a first-hand report concerning the same faculty or staff member or the survivor directly contacted Choate and authorized it to provide his or her contact information to us.

We reached out by email to each individual who gave Wallace permission to share contact information with us to set up a time to speak. Out of respect for those who changed their minds about speaking with us, we reached out to each individual only two times over the span of a few weeks. If he or she did not respond after our second overture, we did not reach out again.

Some individuals with whom we spoke provided names of possible survivors or others who might have knowledge of sexual misconduct. We did not in any instance contact any possible survivor who did not reach out to Wallace or to us because we did not want to re-

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victimize individuals or otherwise compel involvement in our investigation. Where appropriate, when the reporting party personally knew a possible survivor, we encouraged him or her to encourage the survivor to contact either Wallace or us to provide a first-hand report of the sexual misconduct. No such survivor did so. Also, where appropriate, on the few occasions where the reporting person provided the names of others who were not survivors themselves but might have had additional information about the instance of sexual misconduct, we either asked the reporting person to put us in touch with those individuals or asked assistance from Wallace to reach out to them.

Where an individual's account suggested that there was potential for specific information in a Choate file, we requested and reviewed it. In an effort to search for corroboration, we also requested and reviewed Choate's files for all former students who provided first-hand accounts and, to the extent that we could identify them, for all alleged perpetrators who were the subject of those first-hand accounts.² Choate searched for and provided to us, if in existence, all files that we requested. Additionally, at times Choate voluntarily provided us with other documents that it thought might be helpful to our investigation.³ Choate was responsive and fully cooperative with us in our efforts to contact people and to review documentation.

C. Scope of this Letter

Following the release of the Covington Report, Wallace received a broad range of reports of misconduct, including possible adult sexual misconduct, sexual misconduct by students, and non-sexual misconduct by adults.⁴ We appreciate the difficulty inherent in coming forward to report such troubling incidents and applaud the individuals who did so for their bravery. Although we followed up with all individuals who consented to our contacting them, consistent with the Covington Report, this letter details only instances of sexual misconduct by former Choate faculty and staff members and faculty spouses. Our decision not to include other reports is based solely on the scope of our retention and is not meant in any way to imply that those allegations were or were not credible.

² One individual with whom we spoke did not provide us or Choate with his true name. Because we do not know his identity, we did not review his student file.

³ We learned that during Covington's investigation, its team made and pursued a number of requests for former headmaster Ed Shanahan's personal notes or any similar files. Choate looked extensively for these items and produced what it believed to be every file related to Shanahan in its possession. However, Choate informed us that following the release of the Covington Report, facilities personnel, who were not looking for any files, were working in a facilities storage area where they came across files related to Shanahan. We were provided with these files, which included documents referenced herein.

⁴ We received reports concerning sexual misconduct involving certain current faculty members and staff of which we immediately made Choate aware. In the September 2017 letter sent to the Choate community and posted on its website, Choate reported that based on evidence developed at that time, Day Pitney found no basis to recommend that Choate take any adverse employment action against any current faculty member or staff because we were unable to substantiate the allegations. While we have further investigated some of those allegations since the date of that letter, our conclusions remain unchanged; therefore, those allegations are not detailed in this letter.

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D. Confidentiality

Consistent with the Covington Report, to protect the identity of survivors and those who demonstrated courage by participating in our investigation, we are not naming in this letter anyone who contacted Wallace to report sexual misconduct.

We carefully considered whether to name individuals accused of sexual misconduct and made a determination as to each report we received. We made a holistic assessment for each individual instead of adhering to a strict formula. The factors we considered for this determination mirror many of those identified in the Covington Report and are as follows: (1) whether the individual was the subject of one or more first-hand reports; (2) the quality of the corroborating evidence; and (3) the severity of the individual's alleged conduct.

Many of the reports we received were the only ones regarding a specific alleged perpetrator. We recognize the inherent unlikelihood that there would be multiple individuals with direct knowledge of an incident of sexual misconduct, which often occurs in private and does not involve anyone other than the survivor and perpetrator. We also recognize that while an alleged perpetrator might have assaulted more than one student, not all survivors of that alleged perpetrator's misconduct necessarily came forward.

In general, we found the first-hand accounts to be credible even if they could not be corroborated. That said, we found allegations to be substantiated only if we had at least one first-hand account plus either (1) an additional first or second-hand account of the same incident or similar conduct by the same alleged perpetrator, or (2) compelling documentary evidence.⁵

After carefully evaluating the criteria above with regard to each account, we identify by name three adults accused of sexual misconduct who were not previously identified in the Covington Report.⁶

II. First-Hand Reports of Sexual Misconduct

A. Reports of Sexual Misconduct Committed by Former Faculty Members Previously Identified in the Covington Report

Several individuals contacted us specifically to corroborate or add to the accounts of misconduct set forth in the Covington Report. Below is a description of first-hand reports we

⁵ This decision is not meant as a judgment about the credibility of the individuals who reported sexual misconduct to us; rather, it is because of the inherent problems with rumors and other non-first-hand accounts.

⁶ We also learned about an improper sexual relationship between another former faculty member and a student. The survivor brought that incident to Choate's attention outside of the process described in Part I.B, and it was investigated by counsel for the school. Although we learned about the relationship from counsel for the school, we did not investigate it separately and do not include it in this letter.

received about those individuals. No individual who provided a first-hand account told us that he or she had previously reported the incident to Choate.

- John Joseph – faculty member and housemaster from 1944 to 1977.
 - We received three first-hand accounts concerning Joseph, who died in 1984.
 - A daughter of a former Choate faculty member who lived on campus told us that, when she was young, in the mid to late 1950s, Joseph, a friend of the family and sometime babysitter, sexually abused her over a four year period.
 - A Choate graduate from 1968 recalled Joseph giving him a nude backrub on the backside of his body.
 - A Choate graduate from 1969 told us that he received a massage from Joseph. Joseph tried to massage the student on two other occasions, and both times the student emphatically refused.
 - We also received a report from a former faculty member from the early 1970s that he was aware that Joseph bathed boys in his tub and gave massages to boys and did not report that to anyone.
- William “Bill” Maillet – faculty member, coach, and house adviser from 1961 to 1983.
 - We spoke with four individuals who reported first-hand accounts about Maillet, who died in 2012.
 - One former Choate student from the early 1970s told us that on occasion Maillet would rub the student’s shoulders, back, and legs, and one time Maillet tried to remove the student’s shirt.
 - A Choate graduate from the class of 1974 told us that on about half a dozen occasions, Maillet massaged his shoulders.
 - A third student, a member of the class of 1979, reported that he believed that he was identified in the Covington Report as Student 4. The student told us that Maillet kissed him “full on the mouth” and asked him whether he had ever masturbated. The student had had Maillet as a teacher and described their relationship as “emotionally intimate” before Maillet made any physical advance.

- A son of a faculty member at Choate reported that Maillet sexually abused him, when he was young, about once a week over a four year period from about 1977 to 1981. The abuse mostly involved oral sex, although Maillet also attempted anal sex.
- Kenneth Mills – college professor who was married to a Choate faculty member and lived in Choate housing from 1975 to 1983.
 - We received one first-hand account concerning Mills, who died in 1983.
 - A Choate graduate, class of 1979, took a one-on-one tutorial with Mills and sometimes met at his home for the project. During one meeting, Mills leaned over and gave her an “open-mouth kiss” and may have touched her breasts.

B. First-Hand Reports of Sexual Misconduct Committed by Others Not Previously Identified in the Covington Report

We also received a number of reports from members of the Choate community concerning individuals other than those previously identified in the Covington Report. After carefully weighing the factors identified in Section I.D, we name three adults who were not named in the Covington Report, organized in chronological order of conduct.

1. Robert Iglehart

Robert Iglehart worked at Choate in several roles between 1957 and 1964, including as an Admissions Officer, French teacher, and, from 1963–64, House Master of Memorial House.⁷ In 1964, he left Choate to become headmaster at Westover School, a single-sex school for girls in Connecticut. From 1966 to 1976, he worked in various countries in Africa, including as director of the Peace Corps in Togo, West Africa. Following retirement, he moved to Mystic, Connecticut, where he passed away in 1998.

An alumnus from the mid-1960s told us that Iglehart used a measles outbreak in 1963, when the alumnus was in the ninth grade, as a pretext for inspecting the genitals of boys in Memorial House. The alumnus reported that the school’s protocol in response to the outbreak was for students to see the school nurse at the signs of any symptoms. However, Iglehart also decided to inspect students himself. The alumnus explained what happened to him and others as follows: after lights out in the dorm, Iglehart would summon a student to his office,⁸ which

⁷ It appears that Iglehart took a leave of absence in 1962–63 and moved to France for the year with his family. He returned to Choate in 1963 where he taught French and became House Master of Memorial House. Prior to that, he had been a faculty member in Logan Munroe House.

⁸ One alumnus with whom we spoke indicated that inspections may also have occurred in students’ rooms.

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would be dark, except for a desk lamp. Iglehart would ask the student to lower his pants and would then proceed to manipulate the student's genitals. Iglehart's apparent justification was that he was being proactive in checking students for signs of measles. According to the student, the boys had suspicions about the impropriety of Iglehart's behavior because they did not hear of faculty in other dorms conducting such inspections and the boys who were inspected had not shown any symptoms. Nevertheless, the alumnus did not believe that anyone reported Iglehart because, at the time, the boys did not think of his actions as abusive or exploitative. Rather they attributed his actions to his being "creepier than others." For example, the alumnus recalled that Iglehart would often station himself close to the boys' shower room after sports and watch the students as they entered and exited the shower room.

Another alumnus from the mid-1960s told us that in 1965, two friends who had lived in Memorial House in 1963 separately told him about the inspections by Iglehart. As Iglehart was no longer with Choate at the time, the alumnus did not report the matter to the school.

2. Bette Spencer

Bette Spencer ("Spencer") was the wife of former faculty member Jim Spencer, a chemistry and physics teacher, who joined Choate in 1962 and worked there until his death in 1982. The Spencers divorced prior to Jim Spencer's death. According to public obituaries, Spencer died in 2003.

A Choate graduate from the late 1960s told us that he had had an ongoing emotional and physical relationship with Spencer when he was 16- to 17-years old that consisted of kissing, being nude together, and fondling each other's genitals. Spencer and her husband were dorm advisers to a boys' house where the student lived during his junior year. At one time, love letters written by Spencer were discovered by the student's parents, prompting the student and his father to speak with the campus minister of Choate, after which the student agreed to break off the relationship with Spencer. The relationship continued, however. During spring break, Spencer visited the student for a tryst in Florida and on another occasion, a dorm-mate saw the student and Spencer kissing each other on the lips by the stairs to the dorm's basement. That student reached out to us and confirmed that account.

Further, Jim Spencer and the student got into a verbal argument on the Spencers' front porch on campus. The student's roommate separately reached out to us, reported hearing that argument, and provided an account consistent to that of the student's. Following that argument, the student reported to a dean, who is now deceased, that he had had a relationship with Spencer. The dean told the student to report the relationship to the headmaster, Seymour St. John, which he did. St. John arranged for the student to move out of the Spencers' dorm for the remaining few weeks of school. The student further told us that St. John also told him he needed to break off the relationship with Spencer or leave Choate. In St. John's presence, the student called Spencer and broke off the relationship.

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Correspondence in the student's file corroborates the phone call between the student and Spencer in St. John's study and knowledge of the relationship by St. John, the campus minister, Jim Spencer, and the student's father. There is also a letter from Spencer to the student's father stating that "everything between [the student] and I is at an end."

3. Carl Johnson

Carl Johnson was a Choate faculty member for 32 years, from 1969 to 2001. Prior to being employed by Choate, Johnson received his Bachelor's degree from Quinnipiac College (now Quinnipiac University) and ran the media center at Quinnipiac College. He taught photography at Choate and was Audio Visual Director. He was also dorm master of girls' dorm McCook House. According to documents in his Choate file, following his retirement from Choate, Johnson moved to Florida and worked in the library of the Venice campus of Manatee Community College in Florida. We interviewed Johnson by telephone in May 2018.

Documents in the personal files of Ed Shanahan, who was Headmaster from 1991 to 2011, reflect that in March 1992, in response to an alumni survey, Shanahan received a handwritten letter from an alumna from the late 1970s, who reported that a Choate graduate who was identifiable from the letter "had an affair with a married faculty member." The letter did not identify the faculty member. In August 1992, in response to a request by Shanahan to certain faculty and staff for information concerning employee sexual misconduct, Shanahan received a report from an employee of Choate that seven years earlier, the same alumna told the employee that Johnson had made sexual advances toward the same Choate graduate. Handwritten notes in Shanahan's file reflect that during a meeting with Shanahan in 1993, Johnson admitted to having had a relationship with the same Choate graduate for two years after the student graduated in the late 1970s. The notes further reflect that Johnson admitted that he and the student engaged in holding hands and kissing during the student's senior year. The notes further reflect that Johnson identified Choate faculty members who were aware of the relationship between the student and Johnson.⁹ In our interview with Shanahan, he confirmed that his handwritten notes concerning his meeting with Johnson in 1993 described what Johnson told him during that meeting.¹⁰ Documents in the student's file reflect that Johnson was the student's adviser during her senior year at Choate.

⁹ The notes reflect that Johnson told Shanahan that former headmaster Charley Dey was aware of the relationship. Because of Dey's advanced age and the state of his health, we did not endeavor to confirm or deny that contention.

¹⁰ Page 4 of the Covington Report relays, "Shanahan said that he had regular and frequent conversations with the Chairmen of the Boards of Trustees during his tenure and stated that he raised issues of potential sexual misconduct when those issues were brought to his attention." Shanahan told us that he followed that practice when he received the allegations against Johnson. The Covington Report also noted, "it was the school's practice to consult outside counsel with respect to incidents of adult sexual misconduct as they arose. . . . Because Choate has not waived its attorney-client privilege, we do not know the nature of the advice sought or received." Consistent with this, Shanahan told us that he consulted with counsel with respect to the allegations involving Johnson.

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We interviewed three faculty members concerning their knowledge of Johnson's relationships with students. None said he had a specific recollection or knowledge of Johnson's having had an inappropriate relationship with a Choate student or former student. One acknowledged to us that he "heard the suggestion of the possibility" of a relationship between Johnson and a student and identified by name the same student identified in Shanahan's notes. Another faculty member identified by name the same student as being "around a lot" at the dorm where Johnson lived.

We subsequently spoke with the survivor, who told us that sexual contact between Johnson and her began during her senior year at Choate and continued until shortly after she graduated from college.

A Choate graduate from the mid-1980s told us Johnson, who was her dorm master, would invite female students over to his dorm to watch movies and the girls would lean on him. At those times he would have "a special girl" to whom he gave extra attention. The student with whom we spoke told us that at one point she was Johnson's special girl. She further told us that following graduation, Johnson invited her to stay overnight at his home while she traveled from college to visit her family over a holiday-break. She told us she agreed, and while at his home, he fondled her breasts and kissed her.

In our interview with Johnson, he denied having an inappropriate relationship with any student or former student, denied kissing a student, denied ever inviting a former student to stay overnight at his home, and denied talking with anyone, including Shanahan, about relationships with students. Johnson admitted that he had massaged the shoulders of male and female students, mostly athletes, to help "get kinks out." When asked whether he had made any sexual advances toward students, Johnson replied, "No, not in dorms" and upon further inquiry, said not outside of dorms either.

When we asked Johnson whether he knew the student identified in the documents referred to above, Johnson said he did not know why that was anyone's business. When asked whether he had a relationship with that student after graduation, Johnson replied, "not at Choate, not going to comment on that, it was after, not going to comment."

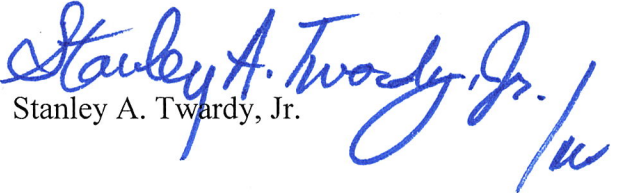
The documentary records and the confirmation by the survivor regarding Johnson's conduct in the late 1970s combined with the allegations raised to us by the student from the mid-1980s lead us to substantiate the allegations against him. We do not find Johnson's denials to be credible. Furthermore, while none of the other faculty members we spoke with claimed to have knowledge of any misconduct by Johnson, they confirmed enough tangential details about Johnson's behavior and relationships while they knew him to lend credence to the allegations raised against him.

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III. Conclusion

This letter marks the conclusion of our investigation. We appreciate the cooperation of the Choate staff and we are thankful to all members of the Choate community who spoke with us, particularly those who provided first-hand accounts that we understand may have been difficult for them to share. We hope our findings will be of value to the Choate community.

Very truly yours,


Stanley A. Twardy, Jr.