

Report to the Board of Trustees of Proctor Academy

This report contains sensitive and graphic information regarding sexual misconduct.

Reader discretion is advised.



TABLE OF CONTENTS

I.	Introduction.....	3
II.	Scope of Engagement	3
III.	Independence of Investigation.....	4
IV.	Engagement of Learning Courage.....	4
V.	Mandatory Reporting.....	5
VI.	Respecting Autonomy and Privacy Considerations of Survivors.....	5
VII.	Naming Principles.....	6
VIII.	Standard of Proof.....	7
IX.	Information Reviewed and Interviews Conducted.....	8
X.	Findings and Conclusions Regarding Reported Sexual Misconduct.....	9
XI.	Conclusion.....	33

Proctor Academy Investigation Report

I. INTRODUCTION

In May 2024, after receiving a report of sexual misconduct from a Proctor alum, Proctor's Board of Trustees and School Leadership ("Proctor") engaged Aleta Law to conduct a comprehensive, neutral and trauma-informed investigation into allegations of historical sexual misconduct at Proctor. The stated purpose of the investigation, and therefore Aleta Law's charge, was to examine Proctor's past as it relates to sexual misconduct and the school's response thereto in order to ensure that current policies and procedures promote a safe and supportive environment for all students and to provide appropriate care and support for any community member who was harmed. The process was guided by Proctor's values of honesty, compassion, respect and responsibility.

II. SCOPE OF ENGAGEMENT

In a letter to the community dated May 16, 2024, Proctor invited anyone who experienced sexual misconduct by a Proctor employee or anyone with pertinent information regarding sexual misconduct at Proctor to contact Aleta Law. Aleta Law was asked to investigate any reports received in response to Proctor's May 16, 2024 community letter.

Aleta Law's scope of engagement involved investigating whether current or former Proctor employees engaged in sexual misconduct or grooming¹ with then-current Proctor students, as well as examining whether Proctor failed to appropriately respond to reported sexual misconduct. In evaluating the school's response to sexual misconduct, Aleta Law received reports involving both employee sexual misconduct and student-on-student sexual misconduct. Aleta Law was not asked to investigate reports of student-on-student sexual misconduct to determine whether the underlying conduct occurred, but rather focused on whether Proctor's response was appropriate.

Over the past 11 months, Aleta Law has conducted a thorough investigation of the reports received in response to the school's community letter, entailing numerous interviews of Proctor alumni and employees as well as extensive review of school records. The findings in this report are a culmination of that process and the information learned about the reports made to Aleta Law.

¹ For the purposes of this investigation, the term "sexual misconduct" encompassed a broad range of acts including rape, sexual assault, any form of unwanted sexual contact or behavior, sexual harassment, and grooming and boundary violations. "Grooming" may take different forms but typically involves gaining access to and isolating a victim, developing trust and secret-keeping, desensitizing touch and discussion of sexual topics, and normalizing the behaviors to avoid raising suspicion. See [Grooming: Know the Warning Signs | RAINN](#)

However, this report does not purport to capture every instance of sexual misconduct that may have occurred, over time, at Proctor. Rather, this report is a summary of the information that Aleta Law found to be substantiated based on the preponderant available evidence (as discussed in Section X (A)-(B) below) as well as reports that Aleta Law received that were not able to be substantiated (as discussed in Section X (C) below). Finally, new reports and/or information may come to light following this report. For that reason, this investigation is not closed following the issuance of this report and any community member who wishes to make a report or share pertinent information regarding historical sexual misconduct at Proctor is encouraged to contact Aleta Law.²

III. INDEPENDENCE OF INVESTIGATION

Aleta Law was engaged as neutral, external investigators in this process. Neither Aleta Law nor any of its attorneys have represented Proctor in the past and agreed, as a condition of its engagement, that they will not do so in the future so as to remain impartial during the investigation.

Aleta Law received full cooperation and unfettered access from Proctor to interview witnesses and review materials that were deemed relevant to the investigation. The findings summarized in this report are based on the Investigators' independent and objective assessment of the information received during the course of the investigation, which Proctor in no way constrained or influenced.

Aleta Law did not guarantee any particular result or finding and instead reached findings based on an impartial and professional evaluation of the evidence available. Aleta Law's mandate was to determine the truth of what happened, to the extent reasonably possible, and to determine whether Proctor failed to reasonably act in response to known sexual misconduct. Aleta Law was engaged to be candid, impartial, and not to hesitate to share information that may be difficult for Proctor to hear or that may cast Proctor or any of its current or former employees in an unfavorable light. Proctor was earnest in its desire to learn about any instances of employee misconduct involving sexual misconduct in its past, and to confront and address such misconduct in the best way possible.

IV. ENGAGEMENT OF LEARNING COURAGE

From the outset of this investigation, Proctor sought to ensure that this process was trauma-informed and survivor-centered. To that end, Proctor initiated a multi-year partnership with Learning Courage, a survivor-led national nonprofit that works with schools to support sexual misconduct prevention, trauma-informed response, and healing. With this lens, Learning Courage has provided invaluable guidance to Proctor and Aleta Law throughout the investigation process.

² Those with new or additional information to report may contact [Aleta Law](mailto:Kmcgintee@aletalaw.com) Investigator, Kai McGintee, at Kmcgintee@aletalaw.com

Learning Courage has also been a resource for survivors and community members during the investigation.

Informed by Aleta Law's findings from the investigation, Learning Courage will be recommending potential improvements to policies and procedures, providing periodic assessments of policies and offering on-going training to Proctor employees, Board members and students.

V. MANDATORY REPORTING

During the course of our investigation, Aleta Law shared all information learned about sexual misconduct with Proctor and their legal counsel in order for the School to make any necessary mandatory reports to law enforcement under applicable New Hampshire law. Aleta Law also informed all individuals who were interviewed, prior to their interview, that Proctor may have an obligation to report the conduct to law enforcement if it triggered state mandatory reporting laws. Prior to the issuance of this report, the School reported all incidents described herein to law enforcement.

VI. RESPECTING AUTONOMY AND PRIVACY CONSIDERATIONS OF SURVIVORS

Recognizing that individuals who have experienced sexual misconduct have varied journeys and timelines with respect to disclosure and reporting, Aleta Law considered the autonomy and privacy of Survivors³ in the investigation process. For these reasons, and as is recognized as best practice from a trauma-informed perspective, Aleta Law did not reach out directly to individuals who were identified by third parties as Survivors of sexual misconduct. Rather, Aleta Law interviewed those Survivors who reached out to provide information about their experience and respected the decisions of those who chose not to come forward during this process. As noted above, to the extent that individuals who did not previously provide information during the investigation wish to do so, that avenue remains open to them after the issuance of this report by contacting Aleta Law. Aleta Law did, however, attempt to gather any corroborating information it could, including from witness interviews and school records, of reported sexual misconduct even if the Survivor did not participate in the investigation.

Aleta Law has not included Survivors' names in this report and taken additional steps in the summary of information in this report to maintain their anonymity and privacy. These considerations informed the level of detail included in the report about Survivors' experiences. Aleta Law did not include, for example, the Survivors' individual and personal accounts of how they were impacted by the incidents of sexual misconduct. While this decision was made to preserve their individual privacy, it is important to note that, collectively, Aleta Law heard about profound and lasting impacts that Survivors experienced from these incidents. While each

³ For consistency, Aleta Law used the term "Survivors" to refer to those individuals who identified as having been subject to, or were reported to have experienced, sexual misconduct. Aleta Law recognizes that individuals may not self-identify as such and/or that other terms such as "Victim" or "Complainant" may be used.

Survivor's experience was different, many described long-term and harmful effects caused by associated trauma, including substance abuse, unhealthy relationships and/or self-harming behaviors.

Aleta Law also omitted certain information and exact years that may help to identify Survivors to the Proctor community. Aleta Law redacted and used date ranges for the same privacy reasons. For example, Aleta Law generally referred to the decade (or decade range) in which a student attended Proctor (e.g. the 1980s) and an employee worked at the school (1980s-2000s). Aleta Law also redacted specific dates of incidents and events that may help to identify a Survivor. By way of example, if Aleta referred to the date as 202[X], that means a year in the 2020s.

VII. NAMING PRINCIPLES

In deciding whether to identify, by name, those individuals who reportedly engaged in sexual misconduct in this report,⁴ Aleta Law considered the following criteria:

1. Strength of evidence received (including a credible first-hand report by a Survivor and corroboration);⁵
2. The number of reports made about any particular individual;
3. The severity of the alleged conduct (including whether the conduct involved non-consensual sexual intercourse or sexual assault as defined under NH law);
4. Any ongoing risk to members of the community; and
5. The effect on Survivors of naming the faculty or staff.

Aleta Law determined that one Respondent, Mike Graham ("Graham"), met the criteria for being named in this Report. During the investigation, three Survivors reported sexual misconduct by Graham, which ranged from sexual touching to sexual penetration and included Graham using alcohol or drugs to facilitate the sexual misconduct. Investigators also received multiple credible third-party reports that Graham had a sexual relationship with another former Proctor student.

Aleta Law determined that there were six (6) additional Respondents who did not meet the criteria to be named in the report based on the available information, but who were nevertheless found to have engaged in various forms of sexual misconduct toward Survivors, including grooming, serious boundary violations, and sexualized behavior and contact. In some instances, these reports would have met the naming criteria if a first-hand account from a Survivor had been received (as in the case of Respondent 3 who admitted to having a sexual relationship with a recently graduated student) or if the Respondent was able to be identified (as in the case of Respondent 6 who forcibly sexually assaulted a student). The fact that a Respondent did not meet

⁴ Aleta Law used the term "Respondents" to refer to Proctor employees who reportedly engaged in sexual misconduct.

⁵ Therefore, the lack of a firsthand account from a Survivor regarding the nature of the conduct/relationship, as well as the potential effect of naming a Respondent on a Survivor who did not come forward, was a consideration in not naming a Respondent in this report.

the naming criteria at this time does not mean, however, that facts may be learned of after the issuance of this report that supports naming a Respondent in the future. Most importantly, regardless of whether the naming criteria was met, Aleta Law found the sexual misconduct that the Respondents engaged in, as summarized in detail below, to be wholly inappropriate, harmful, and unacceptable behavior by school employees toward students entrusted in their care.

Finally, Aleta Law also provided an overview of unsubstantiated reports that Investigators received in Section X (C). Even if credible, the reports were not substantiated because they lacked first-hand, corroborating, and/or specific information to fully investigate or reach a determination by a preponderance of the evidence.

In terms of naming involved school personnel, Aleta Law identified the Head of School at the time of the reported conduct when relevant to the incidents. Aleta Law did not otherwise identify individuals, by name, in this report but instead referred to involved persons by role (i.e. “senior administrator,” “faculty member,” “student”). Aleta Law nevertheless evaluated whether school officials knew or should have known about the sexual misconduct described in this report. Aleta Law also identified and detailed in this report the circumstances in which the Investigators found that Proctor failed to appropriately address known sexual misconduct. The purpose of describing these institutional failures is to rectify past harms and prevent them from being repeated in the future.

VIII. STANDARD OF PROOF

Aleta Law applied the preponderance of evidence standard in determining whether the alleged conduct at issue was substantiated. The preponderance of evidence standard is a “more likely than not” standard of proof. Investigators considered the nature, quality, and detail of the information provided as well as if the information was corroborated by third parties, or in some cases, the Respondents themselves, to determine whether reports met the preponderance standard and were therefore substantiated. In other words, if Aleta Law found the conduct at issue to be “substantiated” that means that Investigators determined that the available evidence established that it “more likely than not” occurred. Conversely, if there was insufficient available evidence to establish that the conduct “more likely than not occurred” then the conduct at issue was not able to be substantiated by Investigators. As noted above, finding that the conduct was not substantiated was not a determination that the report lacked credibility. To the contrary, in many instances Aleta Law received credible, third-party reports that were unable to be substantiated because of a lack of available first-hand and/or corroborating evidence.

In those instances where the conduct was not substantiated, Investigators recognize that additional information may come to light after the publication of this report, including a first-hand account from a Survivor that may support a finding that the conduct occurred as reported. As such, it is possible that information may come to light after the issuance of this report that alters these determinations.

IX. INFORMATION REVIEWED AND INTERVIEWS CONDUCTED

As noted above, Proctor sent a letter to the community on May 16, 2024 inviting anyone who experienced sexual misconduct by a Proctor employee or anyone with pertinent information regarding sexual misconduct at Proctor to contact Aleta Law.⁶ Aleta Law responded to every outreach received in response to the community letter. Aleta Law offered every individual who responded to Proctor's community letter an opportunity to participate in an interview with Investigators to provide additional information and context. While Aleta Law did not reach out affirmatively to Survivors due to trauma-related concerns, Investigators did pursue interviews of school employees and review school records that could corroborate the reported information or who were identified as having potentially relevant information. In some instances, because of the passage of time, these school officials were deceased. Further, in other instances, witnesses' recollections and evidence available to corroborate the reports were limited or incomplete, particularly where the events occurred over 30 years ago.

In total, Aleta Law conducted 42 interviews, which included interviews of alumni, current and former faculty members, administrators, Heads of School, and parents. In doing so, Aleta Law interviewed Survivors, third party reporters, witnesses, and Proctor employees accused of misconduct.⁷ Aleta Law also obtained and reviewed relevant personnel and school records to evaluate the School's response to the reported conduct.

Aleta Law received reports about incidents of sexual misconduct (both employee and student) occurring at Proctor that spanned from the 1960s to the 2000s. However, as outlined more fully below, most of the incidents of employee sexual misconduct that Aleta Law learned about through the course of the investigation occurred in the 1980s. As many interviewees explained, the norms, culture, and understanding of appropriate faculty-student relationships and boundaries have evolved since that time. For example, at that time faculty members frequently attended senior parties where they drank alcohol with students. Further, it was not uncommon for faculty members to have students in their residences and spend one-on-one time with students both on and off campus. This historical lens is important to keep in mind, particularly as it informs an understanding of how inappropriate conduct can be normalized and unchecked in a school environment. However, regardless of the timeframe of the incidents, the sexual misconduct that was found to have occurred at Proctor, as described below, was indisputably wrong and harmful to the students who experienced it.

⁶ Proctor also sent periodic updates to the community and via its website.

⁷ Aleta Law did not seek to interview Proctor students accused of sexual misconduct because that was not within the scope of this investigation. Rather, the focus of the investigation was on whether Proctor employees engaged in sexual misconduct and/or failed to appropriately respond to reported sexual misconduct.

X. FINDINGS AND CONCLUSIONS REGARDING REPORTED SEXUAL MISCONDUCT

A. SUBSTANTIATED REPORTS OF EMPLOYEE SEXUAL MISCONDUCT

Based on the available information obtained during the course of the investigation, Aleta Law determined that there was sufficient evidence to substantiate the following reports of sexual misconduct perpetrated by seven (7) former employees. Applying the naming criteria described above, Aleta Law has identified one of the Respondents by name. Where the naming criteria was not met to identify a Respondent by name in this report, but Aleta Law nevertheless determined the report to be substantiated by the preponderance of the evidence, Aleta Law has summarized the findings and conclusions regarding those reports.

1. Michael Graham

Graham was a faculty member at Proctor from 1975 to 1983. During his tenure, Graham was an English teacher, soccer coach, basketball coach, advisor, and dorm parent.

During the investigation, three former Proctor students shared their firsthand accounts of sexual misconduct by Graham when they were students and/or recently graduated from Proctor. This conduct ranged from sexual touching to oral and vaginal sexual penetration and included Graham using alcohol or drugs to facilitate the sexual misconduct. Investigators also received multiple credible third-party reports that Graham had a sexual relationship with another former Proctor student, who did not come forward during the Investigation.

Though Investigators made contact with Graham to seek his participation in the Investigation, Graham declined to be interviewed.

a. Student 1's Report

Student 1, who graduated in the 1980s, stated that she had Graham as an English teacher when she was a sophomore. Student 1 reported that one week after her graduation, when she was 18 years old, she went over to Graham's on campus apartment. Student 1 recalled that Graham offered her a beer which she said was not unusual at that time because faculty members drank with students at their senior party. Student 1 said that "what [she] didn't realize is that the beer was probably messed with because there was a blackout." Student 1 stated that she only had one beer, which would not have made her "blackout" and that she believes she was "slipped something" by Graham.

Student 1 stated that the next thing she recalled was "being naked" in Graham's apartment and Graham performing oral sex on her. Student 1 stated that she recalled "discomfort in [her] genital area" and as a result believed there was also "some penetration" of her vagina, but she did not recall how this occurred. Student 1 said she was unable to consent to the sexual activity based on her "blackout" state and did not recall ever giving consent.

Student 1 stated that afterward Graham gave her a ride back to her home and recalled Graham being “friendly” and acting like “nothing happened.” Student 1 said that when they arrived at her house, she asked Graham to come inside the house to meet her mother and Graham’s demeanor completely changed and he became agitated and left.

Student 1 stated she did not have contact with Graham until the 1990s when she “came to a reckoning of what happened.” She recalled that Graham had left Proctor by that time, and she looked him up and called him on the phone. Student 1 said that Graham answered the phone and when she told him who she was, he stated, “Nice to speak to you. I don’t ever want to talk to you again. Proctor’s not part of my life” and hung up the phone.

Student 1 stated that she did not report Graham’s conduct to any employee at Proctor or contemporaneously tell anyone about this experience. Student 1 stated that the first time she reported Graham’s sexual misconduct was after receiving Proctor’s community letter for the purposes of this investigation.

b. Student 2’s Report

Student 2 attended Proctor in the 1980s. Student 2 said that during her junior year, when she was 17 years old, she remained on campus during a school break. Student 2 stated that because there were not many other students on campus at that time, she went to the corner store where a female worker,⁸ who was in her twenties or thirties, befriended her and invited Student 2 over to her apartment. Student 2 stated that the female worker was friends with Graham and Graham was present at her apartment when Student 2 went there to visit. Student 2 stated that she had not had Graham as a teacher or had any prior interaction with him. Student 2 said that after hanging out with Graham and the female worker on this occasion, the female worker called Student 2 and told her that “[s]omeone is interested” in her, referring to Graham.

Student 2 stated that afterward Graham invited her over to his on-campus apartment on two or three occasions. She stated that on the first occasion, Graham kissed her on the lips and led her to his bedroom. Student 2 stated that they laid down on Graham’s bed together and she recalled her shirt being removed and Graham placing her hand on his genitals underneath his clothes. Student 2 stated that she had “never touched a man before” and that “it just felt wrong” at the time. Student 2 stated that Graham then asked her to have sex with him and she said “no.” Student 2 said that there was then an “awkward” moment where Graham suggested she leave his apartment and she did. Student 2 stated that there was “one more time” where they had a similar interaction and sexual contact in Graham’s apartment.

Student 2 said that after these incidents Graham stopped talking to her and they did not have any further contact. Student 2 stated that after this experience with Graham she “was really struggling” academically and ultimately did not return to Proctor.

⁸ This individual was not an employee of Proctor.

Student 2 stated that she did not report Graham's conduct to any employee at Proctor. Student 2 stated that the only person she contemporaneously disclosed Graham's conduct to was Student 4 who had also disclosed that she had a sexual relationship with Graham as described in more detail below. Student 2 stated that the first time she reported Graham's sexual misconduct was after receiving Proctor's community letter for the purposes of this investigation.

c. Student 3's Report

Student 3, who graduated in the 1980s, stated that approximately two days after her graduation, when she was 18 years old, Graham invited her over to his apartment. Student 3 recalled that at the time she thought "we're friends" and "it's cool" that Graham had invited her and "went to the store and bought a bunch of beer" to drink at Graham's apartment.

Student 3 stated that while at Graham's apartment, she and Graham drank beer to the point at which she became "drunk." Student 3 recalled "being in his house and sitting on the couch and he would start making sexual innuendos about TV commercials." Student 3 said she recalled thinking that he was making these comments because he "like[d]" her. Student 3 stated that she had sexual intercourse with Graham on this occasion, which she felt "obligated" to do at the time because she had gone over to his apartment and drank alcohol. Student 3 described Graham's behavior as "super groomy" and "really manipulative."

Student 3 stated that she felt Graham pursued her for a sexual encounter to prevent her from telling anyone that he was having a sexual relationship with another student, Student 4 (as described below). Student 3 stated that she did not report Graham's conduct to any employee at Proctor. Student 3 stated that the first time she reported Graham's sexual misconduct was after receiving Proctor's community letter for the purposes of this investigation.

d. Credible Third-Party Reports of Graham's Sexual Relationship with Student 4

In addition to the three firsthand accounts of Graham's sexual misconduct, the Investigators received numerous credible third-party accounts of Graham's sexual relationship with Student 4. Reports included Proctor alums stating that they had heard directly from Student 4 that she had an intimate and sexual relationship with Graham while she was a student. Given the number of reports, and specificity and detail of the reports, including from Proctor alums who heard this contemporaneously from Student 4, the Investigators determined that the preponderance of evidence supported that Graham had a sexual relationship with Student 4 while she was a student at Proctor.⁹

⁹ For the reasons explained previously, the Investigators refrained from reaching out to Student 4 or any individuals who were identified by third parties as potential Survivors. As such, the Investigators did not interview Student 4 regarding this report.

e. Proctor's Knowledge and Response

Four former employees who worked at Proctor during this timeframe, including Senior Administrator 2, confirmed that they heard rumors that Graham had a sexual relationship with Student 4. There was no evidence obtained that Proctor took any steps to investigate the rumors of Graham's sexual misconduct. The Head of School at the time, Fowler, is deceased and Investigators were unable to interview him about his knowledge of Graham's sexual misconduct.

In Graham's personnel file, there is a letter from Fowler dated June 7, 1983 memorializing Graham's departure from Proctor. The letter suggests that Graham left Proctor in good standing and was not terminated or asked to leave. In the letter, Fowler stated:

You have served us in the finest tradition of the independent school teacher. [. . .]
My only regret is that you really didn't give us time to properly say goodbye. Please know that if the IF¹⁰ in your life doesn't work, you are always welcome back to this school.

After leaving Proctor, Graham did not continue to teach.

Former Head of School Mike Henriques ("Henriques") received a third-party report from an alum in 2016 who stated that they had direct knowledge that Graham had a sexual relationship with Student 4 for "all four years." The email also reported that Graham had "a sexual relationship with [Student 4] along with doing drugs with her (alcohol and cocaine) and writing papers for her."

In response to the Proctor alum's email, Henriques spoke to Former Senior Administrator 2, who worked in leadership during Graham's tenure, about the reported misconduct. Former Senior Administrator 2 confirmed that after Graham left Proctor there were "rumors" that Graham had a sexual relationship with Student 4 when Graham was at the school. Former Senior Administrator 2 said that he was unaware if Fowler was aware of these rumors or took any action against Graham.

Based on the available information, the Investigators determined that Proctor failed to take appropriate steps to investigate or respond to Graham's suspected sexual misconduct with Student 4. A review of Graham's personnel file indicates that Graham was not terminated but left the school voluntarily and Fowler expressed that Graham would be welcomed back at Proctor in the future. The school records, in combination with witness interviews, support the conclusion that Proctor did not take appropriate actions in response to available information about Graham's sexual misconduct.

¹⁰ Fowler had previously written in the letter to Graham that "when the big 'if' comes trotting itself through one's brain, it is best to meet it head on and not always wonder what would have happened 'if'"

2. Respondent 1

Respondent 1 was a Proctor faculty member from 1960s until the 2000s. During the investigation, Investigators received four firsthand accounts from Proctor alumni of various forms of sexual misconduct by Respondent 1. This included one account of touching a student's intimate body parts, three accounts involving attempting to touch students' intimate body parts, and multiple reports that Respondent 1 made inappropriate and sexualized comments to students. Respondent 1 is deceased and therefore the Investigators were unable to interview him.

a. Student 5's Report

Student 5, who graduated from Proctor in the 1980s, stated that when she was a sophomore and 16 years old, she was injured while playing softball and recovering in the whirlpool in the school's athletic training room, when Respondent 1 entered. Student 5 recalled that she was partially submerged in the whirlpool while wearing athletic shorts when Respondent 1, who worked as the athletic trainer, placed his hand into the whirlpool and attempted to "molest [her]." Student 5 explained that Respondent 1 "was trying to put his hand underneath [her] shorts" and touch her genitalia while she was in the whirlpool. Student 5 stated that Respondent 1 did not touch her genitalia because she "pushed [Respondent 1] away and got right out" of the whirlpool and left the training room immediately. Student 5 said that after the incident, she "stayed as far away" from Respondent 1 as she could and did not have any further interactions with him. Student 5 stated that she did not tell anyone about Respondent 1's conduct and did not report it to an employee at Proctor. Student 5 explained "you're 16 years old...you're just so shocked that something could happen like that."

b. Student 6's Report

Student 6, who graduated in the 1980s, stated that she was a student athletic trainer and an athlete. Student 6 described that Respondent 1 "crossed boundaries" with her. She explained that Respondent 1 would "say really inappropriate things" to her and specifically recalled one time when she had a sprained ankle, Respondent 1 said to her, "[C]ome sit on my lap and we'll talk about the first thing that pops up." Student 6 said that Respondent 1 "never touched [her] or did anything physical, but he used to talk that way a lot, not just to [Student 6]." Student 6 said she did not report Respondent 1's conduct to any employee at Proctor.

c. Student 7's Report

Student 7, who graduated in the 1980s, stated that she played hockey and that "in hockey, you pull your groin a lot, and so you get taped up, and [Respondent 1] was known [by female student athletes] for having his fingers go too far up, and touch your pubic hair, or talk about your pubic hair[.]" Student 7 said that Respondent 1 touched her groin area on one occasion, so she stopped going to him as an athletic trainer. Student 7 recalled that other classmates of hers also stopped going to Respondent 1 for athletic training because they had experienced similar behaviors from him. Student 7 stated she did not report Respondent 1's conduct to any employee at Proctor.

d. Student 8's Report

Student 8, who graduated in the 1980s, stated that when she was a student athlete at Proctor she would get her groin area “wrapped” by Respondent 1 who was serving as the athletic trainer. Student 8 said, “it’s obviously a very private area to get your groin wrapped in and he just would give these sexual comments.” Student 8 specifically recalled Respondent 1 stating to her, while she was having her groin taped, “I hope I didn’t tape you too hard there.” Student 8 said that Respondent 1 never touched her inappropriately but described Respondent 1 as having a “bad mouth.” Student 8 stated that she did not report Respondent 1’s conduct to any employees at Proctor.

e. Proctor’s Knowledge and Response

As set forth above, the former students who were interviewed did not report Respondent 1’s sexual misconduct to Proctor. Nevertheless, several current and former Proctor employees confirmed that they were aware of Respondent 1 engaging in inappropriate behavior toward female students.

Former Senior Administrator 1 stated that in the 1980s and 1990s students came to her in her role as a coach and told her that they did not want to be treated or taped by Respondent 1 because Respondent 1 made them uncomfortable. Former Senior Administrator 1 recalled that student athletes expressed concerns about Respondent 1’s “free hands” when he taped their legs and hips and gave them the “heebie-jeebies,” but said that no student had ever reported to her that Respondent 1 had touched them on their intimate body parts, including the groin area.

Former Senior Administrator 1 and Former Senior Administrator 2, who worked at Proctor during the 1980s, stated that they were aware that Respondent 1 made inappropriate comments to female students, such as comments about female students’ weight and “dirty” jokes. They said that the female employees working at Proctor at the time may have told Respondent 1 to “cut it out” but were not aware of any other action being taken against Respondent 1 for this behavior at the time.¹¹

Steve Wilkins (“Wilkins”), who was Head of School from 1995-2005 and the current Interim Head of School, stated that he was not aware of any reports about Respondent 1’s inappropriate behavior while he was Head of School. Wilkins stated that, although he had heard from Former Senior Administrator 1 about Respondent 1 giving students “the creeps” in the past, Respondent 1 appeared to “have cleaned up his act” by the time of Wilkins’ tenure. Wilkins stated that additional personnel were hired for athletic training and the athletic training room was relocated to a more public area, which may have served as “checks” on Respondent 1’s inappropriate behavior.

¹¹ As previously noted, Fowler was Head of School during this timeframe, but could not be interviewed because he is deceased.

A review of Respondent 1's personnel file did not show any memorialization of misconduct or disciplinary action taken against him during his tenure. Respondent 1 remained employed at Proctor until his retirement.

As discussed above, none of the Survivors who were interviewed reported Respondent 1's sexual misconduct to a Proctor employee. Even without a first-hand contemporaneous report to Proctor of Respondent 1's sexual misconduct, the evidence supports that Proctor employees were aware in the 1980s that Respondent 1 made female students uncomfortable with his "free hands" while taping their bodies and made inappropriate or sexual comments. There is insufficient evidence to conclude that Proctor employees were on notice of Respondent 1 touching or attempting to touch female students' intimate body parts, including genitalia. Nevertheless, based on the available evidence regarding Respondent 1's known misconduct, the Investigators determined that Proctor did not take adequate and appropriate steps to investigate and respond.

3. Respondent 2

Respondent 2 was a faculty member and administrator at Proctor from the 1980s to the 2020s.

During the investigation, three Proctor alumni shared firsthand accounts of Respondent 2 engaging in sexual misconduct with them when he was a faculty member in the 1980s. This misconduct included grooming, sexualized behavior and intimate physical contact with students.

Respondent 2 agreed to an interview as part of the investigation and, while acknowledging he engaged in boundary-crossing behaviors during his early years as a faculty member in the 1980s, he denied ever having sexual or intimate contact with a Proctor student.

a. Student 7's Report

Student 7 graduated from Proctor in the 1980s. She stated that during her junior and senior year at Proctor, Respondent 2 cultivated an inappropriate relationship with her that involved "head games" and sexualized innuendo, frequent one-on-one interactions and isolation from her peers, and intimate physical contact that escalated after she graduated. Student 7 explained that, as an adult, she is now able to recognize Respondent 2's behavior toward her while she was a student as grooming and manipulative.

Student 7 stated that during her junior and senior year she was in Respondent 2's apartment "all the time," including when it was just the two of them. Student 7 said Respondent 2 would also pick her up in his car in the mornings and take her out to breakfast. Student 7 stated that Respondent 2 would treat her like a girlfriend and a peer, flirt with her, and tease her about boys and boyfriends when they were together. Student 7 stated that Respondent 2 would joke with her about The Police song "Don't Stand So Close to Me," which was about an inappropriate relationship between a teacher and student. Student 7 stated that Respondent 2 would also write her letters and poems, including over the summer or while on break from school.

Student 7 provided a copy of her yearbook from her junior year with handwritten notes from Respondent 2 that she described as indicative of his sexually inappropriate conduct toward her. Student 7 explained that there was a photo in the yearbook of her in a “kind of low cut-ish” shirt, and Respondent 2 wrote, “Just a little more[,] lean over just a little more . . .[.]” In addition, on a separate picture, Respondent 2 circled Student 7’s face in the yearbook and wrote, “Roses are red and ready for plucking [Student 7’s] sweet 17 and ready for . . . ? ! ?” Further, in reaction to a note from a fellow Proctor student about having a crush on Student 7, Respondent 2 wrote “ditto.”

Student 7 stated that Respondent 2 would engage in inappropriate physical contact with her, including holding her hand, lengthy embraces, and brushing or rubbing against one another’s intimate body parts. Student 7 specifically recalled going to the “sauna” on campus with Respondent 2 and other students and, while in there, Respondent 2 would stand in between her legs with an erection and rub her shoulders and thighs with his hands. Student 7 also recalled another occasion that “felt very sexual” in which she was swimming with Respondent 2, and she wrapped her legs around him and he had an erection that he rubbed against her.

Student 7 also stated that Respondent 2 would make “sexual kind of innuendos” about how they would have a sexual relationship “someday.” She said on one of these occasions she and Respondent were lying on his bed in his apartment together though no sexual contact took place.

Student 7 stated that, after graduating from Proctor, Respondent 2 visited her during her freshman year in college, attended a party with her, and kissed her and asked her to go to a hotel to have sex with him, which she declined to do. Student 7 also described returning for her 5-year reunion at Proctor and Respondent 2 again trying to “get [her] to sleep with him” but she again said “no” and told her friend not to leave her alone with Respondent 2, which her friend corroborated.

In terms of whether Student 7 ever contemporaneously told any Proctor employee about her relationship with Respondent 2, Student 7 said that she told a counselor at Proctor, Former Counselor 1, about her relationship with Respondent 2 at the time it was occurring. She explained that she told Former Counselor 1 about “how confusing [their relationship] was, and [she] was always at his apartment.” Student 7 recalled that in response, Former Counselor 1 told her, “If you keep telling me about your time with [Respondent 2], then I’m going to have to report it. I’m going to have to do something, so it’d be better if you didn’t tell me.” Former Counselor 1 is now deceased, and therefore the Investigators were unable to obtain her perspective about this reported disclosure of Respondent 2’s conduct.

Student 7 further said that she believed that at least two other faculty members, Former Faculty Member 1 and Former Faculty Member 2, knew that her relationship with Respondent 2 was “not right” because they “kind of yelled” at Student 7 and Respondent 2 about hanging out together. Former Faculty Member 1 had no recollection of this or of Respondent 2 having an inappropriate relationship with Student 7. Former Faculty Member 2 is deceased, therefore the Investigators were unable to obtain her perspective about her reported knowledge of Respondent 2’s conduct. Student 7 also stated that Proctor employees from that time should have known that her

relationship with Respondent 2 was inappropriate based on the amount of time they spent together, and she spent in his apartment, but “no one did anything.”

b. Respondent 2’s Response to Student 7’s Allegations

Respondent 2 denied that he had a romantic or sexual relationship with Student 7. Respondent 2 described his relationship with Student 7, when she attended Proctor, as “playful,” by which he meant “light” and “cheerful.” Respondent 2 stated that Student 7 “would in some ways be flirtatious and [he] would be responding in kind, but it was just flirty without it being intent on doing anything more.”

Respondent 2 said that he could not specifically recall a time when he took Student 7 off campus or out to breakfast but stated that would not be atypical for faculty to do with students at that time. While Respondent 2 recalled Student 7 being in his apartment, both alone and with others present, he also said that was not uncommon at Proctor during the 1980s. He stated he could not recall how often that occurred but said if Student 7 was in his apartment they were always in the kitchen or living room. Respondent 2 stated that he did not recall any time when Student 7 was in his bedroom and denied that she was ever in his bed with him.

Respondent 2 did not recall any written communications between him and Student 7. During his interview, Respondent 2 was given the opportunity to review and address the yearbook messages provided by Student 7, which he acknowledged were written by him. Respondent 2 admitted that the notes he wrote in Student 7’s yearbook were “just bad” and “disappointing to think about” him writing that to a student. However, Respondent 2 characterized these notes as part of the “playful” or “teasing” banter and relationship he had with Student 7 at that time, which was not meant to convey “a sexual relationship or an intent on [his] part.”

In response to the poem, “Roses are red and ready for plucking[,] [Student 7’s] sweet 17 and ready for . . . ? ! ?” Respondent 2 admitted he was alluding to the word “fucking,” but said he was “not trying to invite or solicit” a sexual relationship from Student 7. Respondent 2 explained, “this is the way we interacted as a school culture in terms of teasing and playful and growing up.” Respondent 2 recalled another occasion when he recited this same poem “out loud in assembly when someone’s birthday was announced” and “getting a light chuckle out of it from people nearby.”

Respondent 2 stated he did not want to have a physical or sexual relationship with Student 7 and was not “trying to do things leading up to that.” Respondent 2 stated that the extent of his physical contact with Student 7 was hugging, which was a “widespread” practice among faculty/students at that time. Respondent 2 denied holding Student 7’s hand or engaging in any other physical contact with her, including what she reported occurred in the sauna and while swimming.

Respondent 2 did, however, have one specific recollection of being in the sauna with Student 7. Respondent 2 said that he was alone with Student 7 and he realized that “she wanted to have

sex” with him so he “got out of there.” Respondent 2 said that he “distanced” himself from Student 7 and they left the sauna. Respondent 2 stated that no physical contact took place and he did not recall anything else about this situation.

Respondent 2 also acknowledged that he visited Student 7 at college after she had graduated from Proctor and attended a party with her. Respondent 2 stated that he did not kiss Student 7, nor did he ask her to go to a hotel and have sex. Respondent 2 further denied that he made any sexual advances toward Student 7 at her fifth-year reunion.

c. Student 9’s Report

Student 9, who graduated from Proctor in the 1980s, said that during her senior year she received an unsigned note in her mailbox that said, “Don’t stand, don’t stand, don’t stand so close to me[,]” which Student 9 explained was “a lyric from The Police that was about a teacher and a student having some kind of relationship.” Student 9 further stated that she received another unsigned second note, which stated “If you wink at me, I will wink at you. Wink. Wink. Wink.” Student 9 recalled the day that she received the note about winking, she went to assembly where she “walked down the aisle and [Respondent 2] was sitting with his advisee group. And he looked at [Student 9] and he winked.” Student 9 stated that she knew in that moment that Respondent 2 was the person who had sent that note.

Student 9 explained that “there was this feeling that [Respondent 2] was choosing somebody, or he was a little bit more friendly with certain girls at school than other girls.” Student 9 stated that “there was some weird tension between [Respondent 2] and [her] and [she] felt like his eyes were on [her] and [she] felt that made [her] feel special and kind of cool.”

Student 9 further described when she was at the senior party during her senior year and Respondent 2 attended and “offered to take [her] to go buy booze.” Student 9 recalled thinking, “this is the moment” when something intimate might happen between her and Respondent 2 so she asked another student, Student A, to accompany them. Student 9 said that after this car ride to purchase alcohol she “avoid[ed] [Respondent 2] for the remainder of the party.”

Student 9 stated that she did not contemporaneously report Respondent 2’s conduct to a Proctor employee. Student 9 said that in or around the mid-1990s she spoke to Proctor’s then-Board Chair, Board Member A, about Respondent 2’s conduct. Student 9 said that Board Member A told her that he would discuss it with the Board, but she never heard anything further from him and Respondent 2 remained employed at the school.

d. Respondent 2’s Response to Student 9’s Report

Respondent 2 stated that he recalled Student 9 and that he could “picture her face” but that he had “almost no recollection of interactions with [Student 9].” Respondent 2 said he had no recollection of leaving notes in Student 9’s mailbox with The Police lyrics on it, or writing that he

would wink at Student 9 if she winked at him. Respondent 2 stated that while he did not “have any recollection” of those incidents “that doesn’t mean it didn’t happen.”

Respondent 2 acknowledged that in the 1980s and 1990s he did attend senior parties where there was alcohol present, and students would have “a fair amount to drink.” Respondent 2 said that other faculty also attended these parties, and he never drank to the point of drunkenness. Respondent 2 said that the senior parties occurred after graduation, and he attended them for the “first five or six years” he was employed at Proctor, but stopped after that time period.

Respondent 2 recalled going to a senior party and going to get beer with Student A, which he acknowledged was inappropriate for a faculty member to do, but stated that he did not recall Student 9 being present. Respondent 2 explained that Student A came with him to buy the beer and they “had to drive out of state [. . .] [and] ended up driving a while because [they] couldn’t find a place.” Respondent 2 clarified that he did not purchase the beer, but Student A did. He confirmed he had never purchased alcohol for underage drinkers during his tenure at Proctor. Respondent 2 said that, in retrospect, it was “spectacularly a bad judgment” to be in a car alone with a student going to purchase alcohol but reiterated that nothing inappropriate occurred beyond being in the car alone.

e. Student 3’s Report

Student 3 graduated from Proctor in the 1980s. Student 3 said that she did not interact with Respondent 2 until she was a senior and 18 years old, when she attended a party that was “outdoor[s] with a tent with dancing and a band.” Student 3 said that there was drinking at the party and Student 3 described that she was dancing, and Respondent 2 began dancing with her. Student 3 stated that “all of a sudden [Respondent 2] start[ed] kissing [her].” Student 3 recalled that Respondent 2 “kissed [her] for a long time and then just moved out into the crowd.” Student 3 clarified that they were “in a large group of people” and she “would imagine [that] somebody saw it, but no one ever talked to [her] about it.” Student 3 said after the incident, she never spoke to, or saw, Respondent 2 again. Student 3 said she did not report this incident with Respondent 2 to anyone at Proctor.

f. Respondent 2’s Response to Student 3’s Report

Respondent 2 said that he did not recall Student 3 and has no memory of any interaction with her. When asked specifically if he recalled kissing Student 3, Respondent 2 stated, “It’s hard for me to picture that happening, but no.”

g. Proctor’s Knowledge and Response

Based on the information that Investigators were able to gather during the Investigation and applying the preponderance of evidence standard, there was insufficient evidence to conclude that Proctor had contemporaneous notice of Respondent 2’s sexual misconduct toward Student 7, Student 9, or Student 3. As noted above, the counselor that Student 7 said she spoke to about

Respondent 2's conduct is now deceased, as is one of the faculty members who Student 7 said was likely aware of the inappropriate relationship between Respondent 2 and Student 7. While Investigators interviewed the living faculty member who Student 7 suspected had knowledge of Respondent 2's conduct, the faculty member's recollection did not corroborate this.

While several contemporaneous colleagues stated that they were aware of Respondent 2 going to senior parties and drinking with students, as well as spending time one-on-one with students in his residence, car and/or off campus in the 1980s, none stated that they were aware of Respondent 2 having an intimate, physical or sexual relationship with a student. Further, the faculty and administrators from that time stated that these behaviors, while clearly inappropriate and boundary-crossing, were typical of many Proctor faculty-student relationships in the 1980s which were described as "more laissez-faire in terms of closeness" and therefore "[n]o one thought anything of it." Senior administrators also noted that in the 1990s, when Wilkins became Head of School, the administration instituted clear rules prohibiting faculty members from attending senior parties and drinking alcohol with students.

For his part, Respondent 2 acknowledged that he engaged in boundary-crossing behavior during the 1980s, which was indicative of the culture at that time, including attending student parties, accompanying a student to buy alcohol and drinking with students, spending one-on-one time with students in dorm rooms and his apartment, and engaging in inappropriate "flirtatious" banter or written communications with students as he acknowledged in his interview. Respondent 2 nevertheless stated that as Proctor's culture and rules around appropriate faculty-student relationships evolved after the 1980s, he modified his conduct and set appropriate boundaries with students. A review of Respondent 2's personnel file does not reflect any complaints or concerns about Respondent 2's boundaries or inappropriate relationships with students over his tenure at Proctor, nor any record of misconduct or discipline.

The evidence supports that Student 9 told Board Member A in the 1990s about Respondent 2's previous inappropriate conduct toward her. While Board Member A did not specifically recall this conversation, he acknowledged that it may have occurred and he may not have followed up on it. Based on the available information and interview with Board Member A, it does not appear that any further investigation or action was taken with respect to Student 9's report to Board Member A.

Finally, the evidence establishes that in 202[X] Student 7 confronted Respondent 2 about his inappropriate relationship with her and also disclosed her experience to a Proctor school administrator. In response, Proctor conducted an investigation and Respondent 2 resigned from the school.

4. Respondent 3

Respondent 3 was a faculty member at Proctor beginning in the 1970s and ending in the 1980s. During the Investigation, Investigators received multiple credible third-party reports that

Respondent 3 had a sexual relationship with a former Proctor student, Student 10, who did not come forward during the Investigation.

Respondent 3 agreed to participate in an interview as part of the investigation. Respondent 3 denied that the sexual relationship started when either he or Student 10 were at Proctor. Respondent 3 stated that he and Student 10 had a sexual relationship shortly after she graduated from Proctor and he left the School.

a. Credible Third-Party Reports of Respondent 3's Intimate/Sexual Relationship with Student 10

The Investigators received numerous credible third-party accounts of Respondent 3's intimate/sexual relationship with Student 10. Reports included Proctor alums stating that they had heard directly from Student 10, at the time, that she was having an "affair" with Respondent 3 while she was a student. Reports generally included descriptions that Respondent 3 and Student 10 would walk together around campus in an intimate manner and be seen together in private locations on campus. One Proctor alum stated that she reported the relationship to an unnamed "trusted faculty member" and that faculty member told the Proctor alum they would "take care" of it. Given the number and specificity of the third-party reports, including from Proctor alums who heard about the relationship contemporaneously from Student 10, the Investigators determined that the preponderance of evidence supports that Respondent 3 had an inappropriate, intimate relationship with Student 10 when she was a student at Proctor. To this point, Respondent 3 admits, as set forth below, that he and Student 10 expressed romantic interest for one another while they were at Proctor and then began a sexual relationship with Student 10 within weeks of her graduation and him leaving the school. Without a first-hand account, however, Investigators were unable to determine whether Respondent 3 had sexual contact with Student 10 while she was a student.

b. Respondent 3's Response

As described above, Respondent 3 agreed to participate in an interview as part of the Investigation. During his interview, Respondent 3 recalled Student 10, and stated that she had been in his class. Respondent 3 said that he spent personal time with Student 10 when she was a student, and they discussed Student 10's family and future career. Respondent 3 explained that he would spend one-on-one time with Student 10, but only in outside areas around campus and stated that they were never "purposefully" alone. He stated that they would often spend time together "sitting down on the tennis court in the middle of campus" in the evening before check-in at 10:00 p.m. Respondent 3 denied that he ever spent time alone with Student 10 in her residence or his, or other indoor locations on campus.

Respondent 3 stated that "it was pretty obvious that [he and Student 10] liked each other." While at Proctor, Respondent 3 stated that he was not in a happy marriage, and he and Student 10 discussed their romantic interest in one another. Respondent 3 stated that he did not engage in any sexual contact with Student 10 while she was a student. Respondent 3 stated that he may

have hugged and held hands with Student 10 while she was a student, but that was the extent of their physical relationship. However, Respondent 3 acknowledged that “people might’ve assumed” that their relationship was sexual.

Respondent 3 stated that he divorced his wife shortly before leaving the school and Student 10 graduated. Respondent 3 said that his relationship with Student 10 was “one of the reasons why I decided I’d divorce my wife, since that wasn’t working very well. And then I wouldn’t feel like a slime ball when we dated after graduation.” Respondent 3 stated he began a sexual relationship with Student 10 within weeks of Student 10’s graduation.

c. Proctor’s Knowledge and Response

Based on the information gathered during the course of the investigation, the Investigators determined that it was widely known by faculty and administrators, at the time, that Respondent 3 had an inappropriate relationship with Student 10. Several former faculty members disclosed having knowledge of the inappropriate relationship between Respondent 3 and Student 10 and stated they reported the relationship to then-Head of School Fowler at the time.

Respondent 3 further stated that when he informed Fowler that he was leaving Proctor, Fowler asked him about his relationship with Student 10. Respondent 3 recalled that he told Fowler that he was divorcing his wife and that he cared for Student 10 “more than a teacher should care for a student.” Despite this conversation with Fowler, Respondent 3 stated he was not terminated from Proctor and received a positive letter of recommendation for graduate school from Fowler. Respondent 3 stated that he continued to teach after Proctor at the undergraduate level as well as at the grade school level.

A review of Respondent 3’s personnel file showed a positive letter of recommendation from Fowler for Respondent 3’s admission to a graduate program. In the letter, Fowler writes, “[Respondent 3] is one of our finest classroom teachers.” The file contained no record of Respondent 3’s relationship with Student 10 or any indication that Respondent 3 was disciplined or terminated.

From information received, the Investigators determined that Proctor was on notice of Respondent 3’s inappropriate relationship with Student 10 at the time. Though concerns about Respondent 3’s inappropriate relationship with Student 10 were appropriately relayed to Fowler, who apparently confirmed this with Respondent 3, there is no evidence that Proctor took appropriate steps to investigate or address the misconduct in any manner. Rather, the evidence supports that Respondent 3 left the school voluntarily and received a positive recommendation from Fowler.

5. Respondent 4

Respondent 4 was a faculty member at Proctor starting in the 1980s and ending in the 2000s. During the course of the investigation, Investigators received one firsthand account from a former

Proctor student that Respondent 4 told her that he had romantic feelings for her when she was a student in the 1990s.

Respondent 4 agreed to an interview as part of the investigation and admitted to the conduct.

a. Student 11's Report

Student 11, who graduated in the 1990s, stated that Respondent 4 was her coach, teacher, and advisor. Student 11 also said that she was close with Respondent 4's family and spent a lot of time with them. Student 11 stated:

My senior year, I was in the women's locker room and I was taking a shower, and when I came around the corner of the shower, [Respondent 4] was sitting on the bench in the women's locker room, and he asked me to sit down and he proceeded to tell me that he had been in love with me for a long time[.]

Student 11 further described that Respondent 4 told her that he and his wife "have been having trouble, and it's because [he] think[s] of [Student 11]. [He] can't stop thinking of [Student 11]." Student 11 explained that the locker room was empty at the time, so she was alone with Respondent 4 when he made these remarks. Student 11 stated that she "ran out of the locker room" because she "didn't know what to do except to get away from [Respondent 4] as fast as [she] could."

Student 11 recalled leaving the locker room to look for a Proctor employee to report what had happened. Student 11 said that Former Senior Administrator 1 was in her office, and Student 11 told her what Respondent 4 said in the locker room. Student 11 said that Former Senior Administrator 1 told Student 11 to go home and to "just ignore" Respondent 4 for the rest of the year. Student 11 stated that she did not know if Former Senior Administrator 1 told then-Head of School Fowler about the incident and no one else from Proctor ever talked with her again about it. Student 11 said she did not have any further contact with Respondent 4 after this incident.

b. Respondent 4's Response to Student 11's Report

Respondent 4 confirmed that he was Student 11's coach, teacher, and advisor. He further confirmed that one day after practice, during Student 11's senior year, he had a conversation with Student 11 in the "changing rooms" of the gymnasium. Respondent 4 acknowledged that at the time he was having romantic feelings for Student 11. Respondent 4 stated that he told Student 11 he "was having feelings for her." Respondent 4 said that no other student was present when he had this conversation with Student 11. Respondent 4 stated that he could not recall Student 11's reaction to his confession but assumed that Student 11 "was scared" by it. Respondent 4 said that after the incident, he did not have any further interaction with Student 11. Respondent 4 stated that "it was wrong" to have said those things to Student 11 and that he "regret[s] it." Respondent 4 stated that, other than this incident, which he admits occurred and was wrong, he

has never made any inappropriate overtures or engaged in any inappropriate relationships with students.

c. Proctor's Knowledge and Response

Based on the information gathered during the Investigation, the evidence supports that Student 11 contemporaneously reported Respondent 4's sexual misconduct to Proctor, specifically Former Senior Administrator 1. While Former Senior Administrator 1 did not specifically recall Student 11 reporting this incident to her or any actions she took in response, she did recall Respondent 4 having an "obsessiveness" with Student 11 and described Student 11 as Respondent 4's "midlife infatuation." Former Senior Administrator 1 also said that "it wouldn't surprise [her] at all that he tried to say this to [her]" and that, when confronted about it, Respondent 4 was "honest about owning" that he said this to Student 11. Former Senior Administrator 1 also said she is "sure" she would have said to Student 11 to stay away from Respondent 4 and that she did not have to be in his advisory group any longer.

For his part, Respondent 4 confirmed that Former Senior Administrator 1 "called [him] in and just told [him] [he] was nuts" for telling Student 11 he had romantic feelings for her. Respondent 4 stated that Fowler also spoke to him about his conduct toward Student 11, which he surmised had been relayed by Former Senior Administrator 1. Respondent 4 recalled that then-Head of School Fowler asked him "what are you doing" and mandated that he meet with the school counselor about it. Respondent 4 stated that the matter was "handled more as a therapeutic type thing" and he was not disciplined.

A review of Respondent 4's personnel records does not contain any reference to this incident involving Student 11 or any discipline for inappropriate conduct. Respondent 4 remained employed by Proctor and retired in the 2000s.

The evidence supports that Proctor took steps to address the undisputed misconduct by meeting with Respondent 4 and requiring him to go to counseling, as well as moving Student 11 out of Respondent 4's advisory group. Nevertheless, Investigators found that Proctor failed to discipline Respondent 4 for this misconduct and provide adequate support for Student 11.

6. Respondent 5

Respondent 5 was a faculty member at Proctor starting in the 1980s and ending in the 2020s. During the course of the investigation, Investigators received two firsthand accounts from former Proctor students of Respondent 5 making inappropriate sexualized comments and/or engaging in boundary-crossing behavior toward a student in the 1980s and a student in the 2010s. There was also evidence obtained in the investigation from Proctor employees and Respondent 5's personnel records that Respondent 5 had ongoing problems respecting female students' personal space and physical boundaries.

Respondent 5 was interviewed by Investigators and confirmed that he engaged in the reported boundary-crossing behaviors toward Student 12 and Student 13.

a. Student 12's Report

Student 12, who graduated in the 2010s, stated that the summer after she graduated Proctor, when she was 18 years old “[i]t was very trendy to take the photos on top of a mountain of you and your friends from your backs with no shirts on.” Student 12 explained that she took a photo where her back was to the camera, and she was not wearing a shirt, and posted it on her social media account. Student 12 recalled that Respondent 5, who was friends with her on social media, sent her a private message in which he wrote, “Are you going to turn around and then send me the photo?” Student 12 stated she did not respond to Respondent 5’s message which she found “very startling” and offensive. Student 12 said that she did not report Respondent 5’s conduct to anyone at Proctor.

b. Respondent 5's Response to Student 12's Report

Respondent 5 recalled Student 12 posting the above-mentioned photo online and sending a message to Student 12 stating “You gonna turn around and then send me the picture?” Respondent 5 explained that he sent that message because it “was very much not like [Student 12]” to post a picture like that and he was “surprised she would do that.” Respondent 5 stated he “shouldn’t have” sent that message.

c. Student 13's Report

Student 13, who graduated in the 1980s, stated that Respondent 5 would “say inappropriate things to [her], write [her] notes, and he was a problem.” Student 13 described Respondent 5 as “super creepy flirtatious, constantly” toward her and other female students. Student 13 also said that Respondent 5 would “star[e]” at her in a “hungry way” and “really made [her] life uncomfortable.” Student 13 clarified that Respondent 5 did not make any inappropriate physical or sexual contact with her.

d. Respondent 5's Response to Student 13's Report

Respondent 5 recalled Student 13 and stated that he “liked” Student 13. Respondent 5 described Student 13 as “outgoing, light, bubbly, fun [person]. [I]t was just interesting to be around with [Student 13].”

Respondent 5 recalled a time when Student 13 was “feeling very low and down” so he wrote her a note “telling her [he] thought she was awesome, trying to boost her up.” Respondent 5 said that after he sent the note to Student 13, Former Counselor 2 came to him and told him that Student 13 had taken the note as “a declaration of . . . love, of real depth of feeling that was personal to [Student 13], like [he] wanted a relationship.” Respondent 5 recalled telling Former Counselor 2, that he was “trying to support [Student 13], make her see her good sides and her bright sparkly sides, and stuff.” Respondent 5 said there was no follow up to his conversation with Former Counselor 2 and he was not disciplined.

Respondent 5 stated that he did not believe that his behavior toward Student 13 was “flirtatious” but acknowledged that it was “quite likely” he made comments about her appearance. Respondent 5 stated that he was attempting to “keep things friendly and light and . . . funny and humorous” with Student 13, not have a sexual or romantic relationship with her.

e. Proctor’s Knowledge and Response

A review of Respondent 5’s personnel records and interviews with administrators supports that Proctor had knowledge of Respondent 5 transgressing physical boundaries with female students, such as invading their personal space and hugging or touching their shoulders without permission. The evidence also supports that these concerns were documented and discussed with Respondent 5, and Respondent 5 was specifically instructed by senior administrators, including then-Head of School Wilkins, not to hug, engage in physical contact, or invade the personal space of students. It does not appear, however, from the available evidence and personnel records, that Respondent 5 was disciplined for this conduct. Respondent 5 remained employed by Proctor and retired in the 2020s.

7. Respondent 6

Respondent 6 was employed at Proctor in the 1980s. During the course of the investigation, Investigators received one firsthand account from a former Proctor student that a visiting teacher at Proctor, Respondent 6, made unwanted and forceful sexual contact with her in a classroom. The identity of this visiting teacher was not known and therefore Investigators were unable to contact him for an interview.

a. Student 14’s Report

Student 14, who graduated in the 1980s, stated that when she was 15 years old, she had a class with Respondent 6 who was a visiting teacher from another country. Student 14 said that prior to having him in class, she had no interactions with Respondent 6 and did not have a relationship with him beyond the teacher/student relationship. Student 14 recalled that one day after class, Respondent 6 came up behind her, grabbed her breasts, and put his hands up her dress against her will. Student 14 stated that Respondent 6 grabbed her “pretty hard” and reached down and “tried to get in her underwear” under her skirt, touching her genitalia over her clothes. Student 14 said “it was pretty forceful, so he ended up ripping [her] little stockings [she] was wearing and just messing [her] up[.]” Student 14 stated that she “yelled ‘no’ and then ran off.”

Student 14 stated that the next day she reported the incident to Former Faculty Member 3. She recalled that a meeting took place between Student 14, Respondent 12,¹² then-Head of School Fowler, and Former Faculty Member 3. Student 14 further recalled at this meeting Former Faculty Member 3, Respondent 12, and Fowler “all agreed that [the report] didn’t merit any kind of

¹² Respondent 12’s alleged conduct is summarized in Section C.

recognition or it wasn't important." Student 14 explained that "[t]hey tried to make it sound like [she] was overreacting to some flirtatious gesture" and told Student 14 "how much trouble [Respondent 6] would get in if they had to take this into some kind of formal complaint and that it would be [Student 14's] fault if [Respondent 6] got kicked out or fired[.]" Student 14 stated that she was told that she had to continue to attend class with Respondent 6 and no further action was taken to investigate the report or discipline Respondent 6. Student 14 stated that she also told her friend, Student 6, about the sexual misconduct shortly after it occurred. Student 6 corroborated that Student 14 told her about Respondent 6's sexual misconduct shortly after the incident. Student 6 also stated that Student 14 told her that she reported the incident to the faculty, and nothing was done to investigate the report.

b. Proctor's Knowledge and Response

As explained above, Student 14 stated that she reported the sexual misconduct to multiple faculty members and the Head of School Fowler, but they dismissed her report and required her to keep taking classes with Respondent 6. Former Faculty Member 3, Respondent 12, and Fowler are now deceased and therefore, the Investigators were unable to speak with them about their knowledge of Respondent 6's sexual misconduct. Additionally, Respondent 6's identity was not discovered through the investigation, no personnel file was located, and Investigators were unable to locate records pertaining to the reported incident. While Investigators found Student 14's account of Respondent 6's sexual misconduct to be credible and corroborated by Student 6, there was insufficient evidence to reach a determination regarding Proctor's knowledge and response to this incident due to the limited information available.

B. REPORTS OF STUDENT-ON-STUDENT SEXUAL MISCONDUCT

As discussed in the preface to this report, Aleta Law's investigation included student-on-student sexual misconduct for the purpose of evaluating Proctor's response to those reports. As such, Investigators did not investigate the underlying conduct to determine whether it occurred as reported or contact those former students who were reported to have engaged in sexual misconduct. The focus, instead, was on Proctor's handling of reported incidents of student-on-student sexual misconduct and whether the School's response was inadequate. Investigators received three (3) first-hand accounts regarding Proctor's handling of student-on-student sexual misconduct, as discussed below. Investigators also received one first-hand account regarding Proctor's handling of a student's report of sexual misconduct by an alum.

1. Male Student 1 And Male Student 2

a. Student 15's Report

Student 15, who attended Proctor in the 2000s, stated that during her freshman year, when she was 14 years old, she was "walking through one of the buildings [. . .] just trying to cut through because it was cold" when she saw Male Student 1 and Male Student 2 standing by the bathrooms. Student 15 stated she stopped to talk to them and Male Student 1 pulled her onto

his lap. Student 15 recalled that the boys then pushed her into a boy's bathroom that was approximately 10 feet away. Student 15 stated that Male Student 1 pushed in her inside a bathroom stall and started kissing her, touching her body and pushing her head down to his groin for her to perform oral sex. Student 15 said Male Student 1 told her, "You should really do this.... You were flirting with me, why wouldn't you follow through?" Student 15 said that she was able to physically resist Male Student 1 and get out of the stall. Student 15 said that Male Student 2 was in the outer area of the bathroom "making sure no one would come in" and told her she could not leave the bathroom and shoved the door closed. Student 15 stated that Male Student 2 eventually opened the door and allowed her to leave the bathroom.

Student 15 said that Proctor had told students that it had a "no tolerance" policy on sexual harassment/misconduct but the school did not appropriately handle her report. Specifically, Student 15 said that she reported the incident to then-Head of School Wilkins and "it seemed leaving that meeting like [she] had done the right thing and [Wilkins] was going to take [the report] seriously. And then nothing really happened." Student 15 stated that she also reported the incident to Former Faculty Member 4. Student 15 said she did not hear from the school after reporting the incident to Wilkins. Student 15 stated she thought that Male Student 1 and 2 were placed on academic probation for a semester, but both Male Student 1 and 2 were allowed to remain at, and graduate from, Proctor. Student 15 also described how she was the subject of sexualized rumors at the school following this incident and no action was taken by the school to stop this.

b. Proctor's Knowledge and Response

From the information gathered, the evidence supports that Proctor was aware of Male Student 1 and Male Student 2's conduct and failed to appropriately respond to Student 15's report of sexual misconduct at the time.

Former Faculty Member 4 recalled that Student 15 told her that Male Student 1 and 2 "pushed [Student 15] into a boy's bathroom[,] "pushed her against the wall or sinks [. . .] [and] tried to kiss [Student 15], or maybe did kiss her." Former Faculty Member 4 stated that she then went to Former Senior Administrator 1 and told her about the incident "assuming at that point, then that was their responsibility to follow through with anything that was going to be done." Former Faculty Member 4 stated that she did not hear of any follow up into the report but did believe that Male Student 2 had "received a major violation from the school" but was unsure if it was related to Student 15's report or other incidents. Former Faculty Member 4 further stated that both Male Student 1 and 2 graduated from Proctor.

Faculty Member 5 recalled that Male Student 1 came to him and told him that Male Student 1 "had messed up." Faculty Member 5 said that Male Student 1 did not "give [him] specifics about what [Male Student 1] had done" but recalled that it involved inappropriate conduct with Student 15. Faculty Member 5 recalled that he told Male Student 1 that he needed to "accept responsibility and listen carefully to what [Student 15 is] saying and what [he is] hearing, and any ramifications, any consequences from the school, [Male Student 1 should] own those, [he] should

accept those.” Faculty Member 5 said he could not recall the specific consequences Male Student 1 faced, but assumed that he would have “received[,] at minimum[,] a major violation[.]” Faculty Member 5 stated that Male Student 1 graduated from Proctor.

For his part, Wilkins stated that while he recalled Student 15, he had “no recollection” of Student 15 reporting sexual misconduct to him. Wilkins stated, however, that it was possible that Student 15 reported this incident to him, and that he did not “take it seriously enough,” which he regretted.

Proctor did not retain disciplinary records for Male Student 1 and 2 or any records of this incident. However, based on the accounts of the Proctor employees who had a specific recollection of this incident, the evidence supports that Proctor was on notice of the conduct, Male Student 1 admitted to wrongdoing involving Student 15, and Male Student 1 received a disciplinary response.¹³ Nevertheless, Investigators found Proctor’s response to be inadequate based on the lack of communications and support provided to Student 15, as well as the school’s failure to address ongoing sexual harassment experienced by Student 15. Further, it does not appear that Proctor made a required mandatory report to external authorities.

2. Male Student 3

a. Student 16’s Report

Student 16, who graduated in the 2010s, stated that during her junior year she “was sexually assaulted at [a senior] party” by Male Student 3. Student 16 said that she reported the sexual assault to her advisor, Faculty Member 6. Student 16 explained that when she reported the sexual assault to Faculty Member 6, Student 16 recalled that, in response, Faculty Member 6 suggested that they talk with Male Student 3 and Male Student 3’s advisor together to mediate the situation. Student 16 stated that she did not want to do this and relayed this to Faculty Member 6. Student 16 stated that no further action was taken by Faculty Member 6 or Proctor related to this report.

b. Proctor’s Knowledge and Response

Faculty Member 6 confirmed that Student 16 reported that she had a non-consensual sexual encounter with Male Student 3 at a senior party. Faculty Member 6 did not recall suggesting to Student 16 that they have a conversation with Male Student 3 and his advisor. Faculty Member 6 stated that she believed that she reported the incident to Student 16’s parents but did not recall reporting it to any employee in the administration.

The evidence supports that Faculty Member 6 received a report of sexual misconduct from Student 16 and did not properly follow internal and external reporting protocols. Faculty Member 6 failed to make Proctor administrators aware of the report of sexual misconduct and make a

¹³ It is not clear whether Male Student 2 received a disciplinary response related to this incident.

necessary mandatory report to external authorities. The information gathered establishes that Proctor's response was inadequate to investigate and respond to the reported sexual misconduct.

3. Male Student 4

a. Student 12's Report

Student 12, who graduated in the 2010s, stated that when she was under 18 years old and a senior, she was sexually assaulted by another Proctor student, Male Student 4. Student 12 stated that she reported the sexual assault to the administration at Proctor and the School made a report to law enforcement. Student 12 explained that "procedurally, [she thought] [Proctor] did everything that they were supposed to do." Student 12 said that Proctor also provided academic accommodations so that she and Male Student 4 were not in the same classes or the same academic building together for the rest of their time at Proctor. Student 12 said, "In terms of the actual process and how it was handled, [she is] grateful actually for how the faculty that were involved handled it."

Student 12 explained that while she believed the school's response to her report was adequate, she stated there were a few things that in hindsight she wished Proctor had done. Student 12 said that she felt that Proctor should have offered or suggested that she receive therapy. Student 12 also stated that it was also recommended to her that she not to speak to anyone about the sexual assault in the event that legal action was taken. Student 12 stated that she decided not to pursue legal action/criminal charges against Male Student 4. Student 12 stated that Proctor's recommendation that she not speak to anyone about the sexual assault "was damaging" to her because she did not seek out the support and help she needed at the time. Student 12 also highlighted the lack of sex-ed training at Proctor at that time and stated, "[T]he only time you hear about sex [at Proctor] is when it is penalized, which creates a really hard complex for kids." Student 12 also explained that while Proctor appropriately handled the external mandatory reporting, Proctor did not explain her options for Proctor investigating the report under its school policies and disciplinary procedures. As a result, Student 12 said that there did not seem to be an option whereby Male Student 4 could be disciplined and/or removed from the school outside of the law enforcement process.

b. Proctor's Knowledge and Response

Former Senior Administrator 1 confirmed that she received Student 12's report of sexual misconduct and made a report to law enforcement. Former Senior Administrator 1 stated that Student 12, along with her parents, opted not to pursue criminal charges against Male Student 4 or a school disciplinary investigation. Proctor provided accommodations to Student 12 in the form of academic assistance and a no-contact order. For her part, Student 12 described feeling the school handled the report appropriately from a procedural standpoint. Student 12 also remarked that the teachers and administrators who were involved in handling the report made her feel "incredibly safe" during the process. While Student 12 did not contend that Proctor failed to respond, or responded in an inappropriate manner, to her report, Investigators found that

Student 12 highlighted valid areas in which Proctor's handling of her report was insufficient at that time, including unclear messaging about internal versus external investigation options, failing to offer therapy/counseling, and lack of training/education for students around sex and consent.

4. Male Alum 1

Male Alum 1 graduated from Proctor in the 1960s and continued to be an active alum at Proctor. Student 3 stated that she knew Male Alum 1 through her family and Male Alum 1 helped her get accepted to Proctor in the 1980s. Student 3 said that during her junior year, when she was 16 or 17 years old, she attended a party at Proctor where students were drinking with alumni and faculty. Student 3 stated that Male Alum 1 danced with her at this party and then "started making out" with her.

Student 3 said that she felt "shocked and confused" about Male Alum 1's conduct and she reported the incident the next day to Former Faculty Member 7. Student 3 stated that Former Faculty Member 7 told her, "You cannot say a thing. [Male Alum 1] is very important, and you need to just keep your mouth shut." Student 3 recalled after reporting the incident to Former Faculty Member 7, she did not discuss it further with any other employees at Proctor. Former Faculty Member 7 is deceased and therefore, the Investigators were unable obtain his perspective about this reported disclosure of Male Alum 1's conduct. While Investigators found Student 3's account of Male Alum 1's sexual misconduct to be credible, there was insufficient evidence to reach a determination regarding Proctor's knowledge and response to this incident due to the limited information available.

C. UNSUBSTANTIATED REPORTS OF EMPLOYEE SEXUAL MISCONDUCT

Described below are those reports of sexual misconduct that Investigators received during the Investigation but were unable to substantiate by a preponderance of the evidence. As previously noted, finding that a report was unsubstantiated does not mean that the Investigators found that the report lacks credibility. Rather, there was a lack of first-hand and/or corroborating evidence to substantiate the report by a preponderance of the evidence. As noted above, in these instances where the conduct was not substantiated, the Investigators recognize that additional information may come to light after the publication of this report, including a first-hand account from a Survivor that may support a finding that the conduct occurred as reported.

1. Respondent 7

Respondent 7 was employed by Proctor in the 1960s. During the course of the investigation, the Investigators received one second-hand account from a Proctor alum about sexual misconduct by Respondent 7.

This alum, who graduated in the 1960s, recalled an evening where other Proctor students observed Respondent 7 "in his living room with two freshman students, boys [. . .] and they were in stages of undress." The alum explained that he did not personally witness Respondent 7 but

stated that other Proctor students had observed the incident and told him about it. According to the alum, Proctor students reported it to the Head of School, Lyle Farrell, and Respondent 7's employment with Proctor was terminated.

2. Respondent 8

Respondent 8 was employed at Proctor beginning in the 1970s and ending in the 1990s. During the course of the investigation, Investigators received second-hand reports of an inappropriate sexual relationship between Respondent 8 and Student 17.

Proctor alumni reported that Respondent 8 had an inappropriate or sexual relationship with Student 17. Those reports described seeing Respondent 8 and Student 17 "holding hands" and that it was generally known or rumored that Respondent 8 and Student 17's relationship was "more than" a typical teacher/student relationship. No report indicated that the inappropriate relationship was reported to an employee at Proctor. When asked about Respondent 8, no Proctor employee interviewed indicated they had any knowledge of inappropriate conduct by Respondent 8.

3. Respondent 9

Respondent 9 was employed at Proctor in the 1970s and 1980s. During the course of the investigation, the Investigators received one second-hand account of misconduct by Respondent 9, including sneaking into female student's dorm rooms.

Former Faculty Member 8 stated that she was a dorm parent and that Respondent 9 "was coming into [her] dorm at night. The girls were letting him in." Former Faculty Member 8 stated that she "spoke to [Respondent 9] and [she] spoke to the head of school[,] and it stopped." Former Faculty Member 8 said that Respondent 9 "did not last at the school" and she believed that the year she caught him going into the girl's dorm was his last year at Proctor, but she was unsure if his employment had been terminated.

4. Respondent 10

Respondent 10 was employed at Proctor in the 1980s. During the course of the investigation, the Investigators received second-hand accounts of misconduct by Respondent 10, including inappropriate sexual relationships with female and male students.

It was reported that Respondent 10 "was having or trying to have sexual relations with some of the freshman boys[.]" Reports also stated that Respondent 10 had a sexual relationship with a female student who had been "dating" one of Respondent 10's male dorm students. Reports indicated that Respondent 10 did not return to Proctor. No report indicated that the misconduct was reported to an employee at Proctor at the time. A review of Respondent 10's personnel file showed two positive letters of recommendation.

5. Respondent 11

Respondent 11 was employed by Proctor in the 1980s. Student 8 reported that Respondent 11 “was very flirtatious” and would look at, and make comments to, female students in an inappropriate way. Student 8 stated she did not report Respondent 11’s behavior to an employee at Proctor at the time.

6. Respondent 12

Respondent 12 was employed by Proctor in the 1980s. An alumna, who graduated in the 1980s, stated that Respondent 12 “was accused of having an affair” with a female student at Proctor. The alumna stated she did not report this to any Proctor employee at the time.

XI. CONCLUSION

The Investigators appreciate Proctor’s commitment in this process to seek the truth, no matter how difficult, to attempt to repair harm caused to Survivors and learn from past mistakes. The Investigators are grateful to the Survivors who shared their accounts and experiences of sexual misconduct, in some cases for the first time, even though doing so meant revisiting painful memories. By sharing their personal experiences through this process, they have shown a light on Proctor’s past handling of sexual misconduct in order to ensure a safer and healthier community for today’s students. It is the Investigators sincere hope that this process can bring healing on an individual and collective level to the Proctor community, both past and present.