

APPENDIX: PHILLIPS EXETER ACADEMY'S PRINCIPLES OF DISCLOSURE

Below are the principles of disclosure adopted by the Trustees of Phillips Exeter Academy. In defining these principles, the Trustees reviewed current best practices as well as the perspectives from sexual assault survivors, professionals in the sexual assault field, and legal counsel. The principles are meant to serve as a guide to the Academy in making decisions regarding the possible public disclosure of allegations of misconduct against former faculty and/or staff of the Academy.

- After a careful review of the available evidence, does the Academy have a good faith belief that an allegation of misconduct against a faculty or staff member is well-founded? **If the answer is yes, continue with the analysis.**
 - Is there an admission to the truth of the allegation by the alleged perpetrator of misconduct? **If the answer is yes, the Academy should consider making a public disclosure using factors one through seven, *infra*.**
 - If there is no admission to the truth of the allegation, has the alleged perpetrator been investigated and found guilty by a competent authority (for example, by court of law and/or state agency, employing the appropriate due process standards)? **If the answer is yes, the**

Academy should consider making a public disclosure using factors one through seven, *infra*.

- If there is no admission and no due process finding, the Academy may still consider making a disclosure. The most significant factor must be the reasonableness of the Academy's good-faith belief that an allegation is well-founded, as well as the harm sought to be alleviated. Additionally, the factors below must be considered and weighed in making a decision.

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

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