

PHILLIPS EXETER ACADEMY

SUPPLEMENTAL INFORMATION

This document provides additional information related to the Academy's ongoing work on sexual misconduct at Exeter, including:

- A description of the process we used when we received and investigated allegations.
- A summary of allegations of sexual misconduct by students against students.
- A description of recent and ongoing efforts to prevent and address sexual misconduct.

Our process for responding to allegations

Following our March 30, 2016 and March 2, 2017 communications encouraging those with information about misconduct to come forward. Alumni, current and former employees, and other community members stepped forward to report misconduct they experienced, witnessed or heard about; some reported anonymously, some reported rumors or second-hand information. The alleged misconduct ranged from inappropriate comments to forced acts and covered a 75-year span, from the late 1940s to 2015. There were duplicate reports of alleged incidents and multiple reports about alleged individual wrongdoers. The Academy contacted all known reporting parties to acknowledge receipt of the report and ascertain the nature of the allegations.

We reported every allegation to the Exeter Police Department (EPD) regardless of the nature or source of the allegation, and regardless of the extent of supporting proof. We reported every allegation to the New Hampshire Division of Children, Youth and Families (DCYF). We made these reports to comply with our reporting duties under the law and to support the well-being of the survivors who shared their stories.

While waiting for the EPD to complete investigations, we contacted the reporting parties to inform them that their allegation(s) had been reported and to emphasize our concern. We did not at that point begin our own investigations, as we needed to allow the EPD to investigate and interview witnesses first. We regret that this delay caused distress for many survivors. Ultimately, the EPD notified us that all cases involving historical abuse that we reported to them were closed. None resulted in criminal charges, except the matter involving former assistant admissions officer Arthur Peekel.

Once we learned that the EPD had closed a case (for example, because the statute of limitations had expired, the survivor had declined to press charges, or the alleged

perpetrator had died), we consulted with counsel to determine whether there was sufficient information to warrant a full investigation of our own. When we determined an investigation was warranted, we enlisted the help of external investigators.

In cases involving allegations of historical sexual misconduct by adults against students, we employed the law firm of Holland & Knight LLP (H&K). H&K's investigations were structured around alleged perpetrators; thus, one H&K investigation might be generated by one report of misconduct or by multiple reports involving multiple alleged victims. Generally, H&K was assigned an investigation if: (1) there was sufficient identifying information about the alleged victim, reporter, and/or alleged perpetrator; (2) the report alleged employee sexual misconduct; and (3) the allegation had not been fully investigated or addressed previously by the Academy or the police. For each investigation, H&K reviewed all relevant Academy documentation, including personnel and student files, policies and procedures, Dean of Students and Dean of Faculty files, and departmental files. H&K interviewed reporting parties, witnesses, and current and former employees, and came to campus when pertinent.

[This link](#) accesses the principles we use to determine whether or not to disclose names of those accused of sexual misconduct.

A summary of allegations of historical sexual misconduct by students against students

We received 20 reports of misconduct by students. Of those, 18 reports alleged sexual misconduct by students rather than by faculty or staff members and two reports alleged psychological abuse by a student against another student.¹ We also received one report alleging sexual abuse by a former student against another former student after both had graduated. The majority of reports involving student misconduct came from alumni who identified themselves as survivors. A few reports came from a friend or parent of the former student who was reported to have experienced sexual misconduct, and others were discovered in social media posts. In some instances, the reporting party identified the student who was alleged to have perpetrated the abuse; other reporting parties did not wish to do so. None of the reporting parties wished to have the Academy publicly identify the then-student perpetrator of their abuse.

The student misconduct reports we received ranged from breaches of personal boundaries to forced penetration. Over half of these reports contained allegations that had never been disclosed to the Academy or the police. The majority of the allegations that were reported to the Academy at the time were addressed through an Academy report to the police, an Academy communication with students' parents, and/or formal or informal disciplinary action against the perpetrator.

¹ One of these reports contained allegations that the student perpetrator had also physically assaulted other students.

Ultimately, the EPD notified us that all 20 cases involving historical student misconduct abuse that we reported to them were “closed.” None resulted in criminal charges. Once we learned that the EPD had closed a case, we consulted with counsel to determine whether there was sufficient information to allow for an investigation of our own. When we determined an investigation was possible, we enlisted the help of external investigators.

In cases involving allegations of historical sexual misconduct by then-minors against students, we employed our legal counsel at Nixon Peabody LLP (NP). Generally, NP was assigned to investigate a report if: (1) there was sufficient identifying information about the alleged victim, reporter and/or alleged perpetrator; (2) the report alleged historical student sexual misconduct; and (3) the allegation had not been fully investigated or addressed previously by the Academy or the police. For each report of historical student misconduct, NP reviewed relevant Academy documentation. This included student files, policies and procedures and administrative and departmental files, if they existed. NP interviewed reporting parties, witnesses (if any) and current and former employees.

The painful experiences shared by alumni survivors of student against student abuse highlighted failures in the Academy’s prevention and response to abuse. Survivors described the tremendous impact of peer abuse on their educational, social and emotional lives at PEA, effects that remained with them long after their graduations from PEA, well into adulthood. Survivors of peer abuse reported the lack of education about peer sexual abuse at the time, and their resulting inability to recognize the gravity of what had happened to them. A common theme raised by survivors was that they did not know where to go to make a report, or whom to turn to for assistance.

Some survivors of peer abuse -- whether they reported it at the time or not -- emphasized the fear associated with coming forward, and the sense that they would not be believed, would face negative repercussions from other students or adults, and/or would bear responsibility for disciplinary action taken against the other student. Some survivors who made reports felt insufficiently supported by the adults to whom they turned for help. At times, the student’s report was minimized and the adult to whom they reported asked the reporting student what they wanted the adult to do about the report and whether the reporter believed the other student deserved discipline. Such a response put pressure on the shoulders of vulnerable minors to determine the fate of the student perpetrator, and if it did not technically do so, communicated that the reporting student was responsible for the outcome. It also resulted in students remaining on campus who may have posed a threat of harm to other students.

Reports of peer abuse showed that the Academy sometimes failed to notify parents of students who had reported abuse. In addition, in some instances, the Academy did not report peer abuse that should have been reported to authorities (at times, in response to requests by students and/or parents not to do so); separated the reporting student and the other student if they lived in the same dorm; or did nothing in response to the report of abuse.

Some survivors reported abuse and believed they had received a sufficient response from the Academy and/or the police. Others did not report at the time and stated they did not fault the Academy in any manner. Generally, these survivors wanted to share their experiences in order to educate the Academy about the nature of peer sexual abuse at PEA, the tremendous impact such abuse has on its survivors, and the need to support both of the students involved in a peer abuse incident, while holding student abusers responsible. They did not want the Academy to lose sight of the responsibility to protect its students not only against abuse by adults, but also against peer abuse. Survivors stressed the importance of educating adults on campus to respond to peer abuse in a respectful, supportive, capable manner. Survivors also spoke of the need for off-campus resources where students could seek confidential assistance, such as counseling and survivor advocacy. Actions taken by the Academy related to these concerns are addressed below.

Ongoing efforts to prevent and address sexual misconduct

Research shows that survivors of sexual abuse experience harm that can last a lifetime. When sexual abuse occurs in adolescence, it can hinder normal social growth and cause ongoing guilt, shame, anger, dissociation, anxiety, depression, PTSD, hypervigilance, suicidal thoughts, substance abuse, and generally poor health. The painful stories of survivors in our community have revealed stark deficiencies in our past handling of sexual misconduct and helped us develop methods to better support students now and in the future.

Efforts at prevention. We have been working to promote a healthy and respectful campus culture in which sexual abuse is recognized, understood and abhorred. We are equipping students with a vocabulary that allows them to name sexual abuse when they see it and report it when it occurs; we are equipping them with tools for self-advocacy, so that they can report abuse to proctors, adults and authorities without fear of judgment or negative repercussions. We are working to help students define what healthy relationships look like. In the past few years, we have invited well-known speakers, authors, and performers to campus, including Debby Herbenick '94, Cindy Pierce, Byron Hurt, One Love Foundation, Catharsis Productions and The Arts Effect. We have worked for three years with Prevention Innovations Research Center (PIRC) at the University of New Hampshire, on a comprehensive sexual and relationship violence and stalking prevention program customized for PEA students. The student club Exonians Against Sexual Assault (EASA) has facilitated conversations with peers about intervention and prevention to create a respectful campus culture in which sexual harassment and sexual misconduct are not tolerated. Our health education curriculum addresses a wide range of topics related to well-being and aims to create developmentally appropriate environments in which students can speak openly about the complexities of sexual communication and decision-making.

Resources for students. We have been working to educate students about both on- and off-campus resources that provide confidential assistance and specialized support services, including counseling and survivor advocacy. We now have a Memorandum of Understanding (MOU) with HAVEN, New Hampshire's largest support agency for the prevention of relationship violence, which provides round-the-clock trauma services for victims of sexual assault, domestic violence, dating violence and stalking. HAVEN counselors familiar with PEA are always on call to assist students who have been victimized. Moreover, to supplement existing Dean of Students and Health Center resources, we have created the position of Director of Student Well-Being, designed to give students immediate access to someone trained to work with victims of sexual assault. This position, which has been replicated at peer schools, is filled at PEA by Christina Palmer, who is responsible for all matters related to student safety, including sexual misconduct, harassment and assault, and for sustaining a culture of care and concern for students' well-being.

Training for adults. The Academy takes full responsibility for our historical mishandling of sexual misconduct allegations. In the past, some administrators responded to allegations using the training and tools the Academy provided at the time, which were inadequate. To address that, we have implemented training to educate all adults at PEA to recognize signs and receive reports of sexual abuse, and to understand their obligation to notify administrators and state and local authorities. For instance, members of the English Department have been trained in how to respond when student's writing raises a suspicion of sexual misconduct or abuse. All faculty now participate annually in a mandated training by the EPD, the Rockingham County Attorney and HAVEN about sexual assault and reporting obligations. All employees receive training on appropriate boundaries and understanding sexual harassment. These trainings begin when employees are hired and are renewed regularly thereafter.

Changes in policy and procedure. We have revised Academy policies to underscore our commitment to student well-being. Our policies now encode our commitment to zero tolerance of sexual misconduct. Given privacy and other concerns, incidents of sexual misconduct are no longer addressed via the Academy's disciplinary process, but through the process of "Principal's Discretion." This process provides support for complainants, those accused of sexual misconduct, and families. Complainants are informed of their options to report to authorities and/or the Academy, or not to report at all; they are also informed of the Academy's obligation to report when required by law. Retaliation against students reporting sexual misconduct is prohibited and subject to discipline. Employees are subject to discipline for failing to address reports of sexual misconduct made to them. Employee files are centrally stored in the Human Resources department. Department heads and other managers have received and will continue to receive training on proper documentation and record-keeping, and in particular, proper documentation of personnel concerns. All employees receive training on mandatory reporting, and are provided several options for making mandated reports to the proper authorities.

We are currently working on a comprehensive document describing the policies and protocols we have in place and continue to develop for responding to reports of sexual misconduct, which we will share later this year. It will serve as a critical resource for students, parents, advisers and faculty members. To learn more about these changes, as well as the programs and initiatives we've implemented, please visit the "[Our Commitment to Safety & Well-being](#)" page on PEA's website.