



January 5, 2018

To the Nichols Community,

Last May, two Nichols School alumnae wrote us letters revealing a sexual relationship one of them had with a teacher while a student at Nichols. Shortly after receiving these letters, our Board of Trustees commissioned an independent investigation into these allegations and any other inappropriate faculty student relationships at Nichols over the decades.

After vetting several expert law firms, we retained a national authority with no Nichols connections, Laurel Pyke Malson, and her colleagues at Crowell & Moring LLP in Washington, D.C., and charged them with conducting an objective, thorough investigation. We directed that it could go in any direction they chose, and we asked them to take as much time as they felt they needed to do their job fully and properly.

At that time, we announced the investigation and invited members of the community to contact Crowell. We committed to you “that board and school leaders will treat these reports [to investigators] sensitively and with due respect and that we will move quickly and transparently to do what is right. We want to assure you that we are committed to an honest self-examination of any issues that arise through this process. We also will continue to ensure that Nichols provides a safe, nurturing, and attentive environment where each student feels heard and protected, in addition to being challenged to grow.”

Crowell submitted its Report to a special board committee created to examine the findings and make recommendations to the Board of Trustees. Subsequently, the special committee shared Crowell’s findings and the committee’s recommendations with the full Board of Trustees. Ms. Malson and her colleagues conducted 110 interviews with 76 individuals. Their findings covered instances of sexual misconduct and inappropriate emotional relationships between faculty and students spanning several decades.

We express sincere admiration and respect for the two alumnae who first contacted our school and for all of those who shared their painful experiences with Crowell. On behalf of our school, we apologize to all victims of misconduct at Nichols, be it sexual or emotional. Victims in this report did not receive the protection, support, guidance or understanding they should have from our school.

By openly and fully acknowledging what occurred, we seek to provide these victims with validation for their courage to speak. We hope and trust that these efforts, and the findings in the Crowell Report, will provide an open, reinforcing invitation to anyone else who decides to come forward and report sexual misconduct or other inappropriate relationships to the school or Crowell.

We also wish to reassure the Nichols community that our school today is committed to ideals, behaviors and training that ensure a safe and healthy learning environment for our current and future students, families, faculty and staff.

Report methodology

Today, we are releasing Crowell's Report, which has been edited by Ms. Malson to protect victim confidentiality and anonymity for this public posting. www.nicholsschool.org/CrowellReport. As stated in the Preface to the Public Report, however, this Public Report tracks the Report submitted to the Board in all material respects, albeit in more summary form with respect to certain incidents and findings. The edits were intended to address the heightened concerns for confidentiality and anonymity of participating students, necessitated by any public posting of such information. We want to emphasize that we have done and will do everything we can in this Report, and all communications about it, to protect the identities of innocent alumni -- whether victims or reporters -- who have not authorized public disclosure of the information provided to the investigators. We also believe it is appropriate to note that the Report contains material that is not intended for children.

We want to be very clear about the process that led up to the preparation and release of this Report today. The Board retained Crowell and Ms. Malson and, as such, Ms. Malson prepared her findings for the Board. Those findings did not identify victims or reporters by name or Class Year, but did provide supporting details and evidence that could have unintentionally revealed victims' identities. The Board committee designated to review and discuss Crowell's findings met multiple times, and unanimously recommended releasing Crowell's findings to the school community and the public. It set the condition that doing so should not disclose the identity, or compromise the anonymity of, any victim whose information is included in Crowell's findings to the Board -- whether they participated in the investigation or not.

We then asked Ms. Malson to re-contact those who participated in the investigation to ascertain their willingness to have information that they provided during the investigation included in a written public report. As Ms. Malson writes in the Preface to the Report being released today, she edited her findings, consistent with her discussions with those who participated in the investigation, to further protect the identities and personal information of victims and reporters by removing references, including the decade in which events took place, that could potentially disclose a victim's identity to a knowing reader. In addition, as noted in the Preface, where the substantiating evidence provided in the report to the Board could not reasonably be segregated from detail that could expose a student's identity, only limited summaries or conclusory findings were included in this Public Report. Finally, out of concern for those who chose not to participate in the investigation, Ms. Malson removed most details and circumstances involving such victims when editing the Report for publication. These steps were necessary to protect the privacy and preferences of those victims who participated in the investigation and those who did not participate but whose involvement was reported by others. The full Board then unanimously recommended the release of this Report.

As the investigators explained in detail in their Report, they adopted two evidentiary thresholds to reach the findings contained in their Report. To be reported, all findings had to meet a standard of credibility akin to the "preponderance of the evidence" standard. However, before names of faculty who were reported to have engaged in misconduct with their students or administrators who failed to take appropriate action were disclosed, the investigators required that the corresponding findings meet a more compelling threshold, akin to the higher "clear and convincing evidence" standard.

Finally, we note that the investigators decided independently to interview only those alumni— whether victims or reporters – who contacted them after hearing of the investigation. If an account was reported second-hand through a classmate, friend or relative, it was investigated and assessed without reaching out to the victim. If a victim did not wish to speak with the investigators, that decision was accepted and respected.

Findings

The Crowell Report makes several findings. Notably, the Report cites ten total former teachers for engaging either in sexual misconduct or other improper relationships with students. The investigators identified four former faculty members for whom the evidence of misconduct with students was sufficiently compelling, *i.e.*, “clear and convincing,” that they are identified by name in the Report. The investigators found that the conduct of six other teachers met the “preponderance of the evidence” standard and reported the alleged conduct but did not disclose their names. The most recent incident in the Report is more than a dozen years ago.

The investigators also concluded that over this period three administrators were told about sexual misconduct or other inappropriate relationships between a faculty member and a student, or should have known of such inappropriate conduct by the faculty member, and failed to take appropriate action to address the conduct. The investigators found that no teacher was fired for sexual misconduct, or for improper relationships with a student, during the period reviewed by the Report.

We know of no one currently at Nichols who was cited in the Crowell Report as either engaging in sexual misconduct or engaging in any other improper relationship, or who is a present danger to anyone at Nichols. No administrators named in the Crowell Report are currently working at Nichols. Further, we know of no such teacher from Nichols who is teaching at another school.

Despite the failures recounted in the Crowell Report, the investigators found that lapses over the years were not “systemic.” The Report concludes that, apart from those individuals and circumstances referenced in the Report, no member of the faculty or administration had actual knowledge, or acknowledged awareness of, misconduct by faculty with students, and chose to stay silent, at the expense of the well-being of individual students.

The Report also addresses the school’s culture in the recent decades. According to the investigators, changes in training, perspective and values since the 2000s have combined to make Nichols a very different place – and, much-improved, in this context – for our students and faculty. We discuss these improvements in more detail in sections that follow, “Nichols today” and “Our work continues.”

Nichols today

We believe that discussions the Crowell Report prompts will make the Nichols community stronger. We expect the report will drive all of us to revisit and recommit to our school’s core values. We are confident that strong leadership, with outside professional guidance and adherence to newly articulated national best practices, will make Nichols a better school from all points of view.

Nationally, we have all seen in the last few months that conversations about sexual misconduct in our society have exploded. In the educational context, media reports in the last two years from other schools, especially

New England boarding schools, supplied some of the original letter writers' motivation for bringing their experiences to the attention of current school leadership and seeking an investigation at Nichols to make sure current students are safe. Awareness prompts action.

To that end, we drew guidance from a taskforce formed earlier this year by the National Association of Independent Schools and The Association of Boarding Schools [NAIS/TABS]. The taskforce released a draft report in August detailing best practices schools can follow, many of which were already implemented at our school. <https://www.nais.org/articles/pages/independent-school-task-force-on-educator-sexual-misconduct/>

As our updates over the past months have noted, we continue to work with experts from McLane Middleton of Manchester, N.H., the law firm we retained that specializes in showing schools best practices for faculty, staff and students in this realm. They continue to concentrate on enhancing and bolstering Nichols' policies and procedures. We are determined to do everything possible to make sure Nichols is a healthy place to learn and work. We firmly believe that Nichols is such a place today. Specifically, and for more than a decade, we refined school policies and improved the training for our faculty and staff to keep student safety our top priority. Here are some procedures we currently have in place:

Since 2013, we have had an on-campus Licensed Mental Health Counselor tasked with helping our students with any challenges they may face. We have a five-teacher Core Group, a non-disciplinary group for students, parents and faculty that offers resources on wellness and mental health. The five teachers associated with the Core Group report to the full-time counselor and have been trained in adolescent early intervention, health and mental wellness through Freedom from Chemical Dependency and the school's Licensed Mental Health Counselor.

The Nichols Core Group is frequently referenced in advisory meetings, all-school meetings and during students' wellness classes. The Core Group also offers a place for students to talk anonymously (or not, if they choose) about health, wellness or substance-abuse issues.

In addition, the Stanley H. King Counseling Institute's experts came to campus this fall and trained faculty, staff and deans about active listening, communication skills and how to better serve our students as mentors and advisors. Many of our deans have attended extensive external training seminars through the Stanley H. King Institute.

The school has formal, mandatory wellness classes for grades five through nine. Wellness classes also cover relationship topics. As early as grade five, students are taught about healthy relationships and friendships. Grades eight and nine cover consent, boundaries and healthy and unhealthy relationships. Students learn about power dynamics of teachers, coaches and students. Seniors have also gone through a wellness refresh, covering sexual education, consent and healthy relationship training. All students are reminded that if you see something, say something.

All students are assigned to an advisory group that meets weekly and students meet with their class-level dean twice a week. Our deans, the head of Upper School and mental health counselor meet each week with one another to discuss any student issues. In recent years, the breadth of the topics discussed has expanded substantially to include student safety and overall well-being. Deans' offices are also physically located in the locker areas where students convene, to ensure that adults are nearby and available.

For many years, Human Resources has performed criminal background checks on employees and interns, and conducted reference checks. At the time of their hiring, employees are oriented to model integrity, in addition to responsibility and respect for all persons. The school counselor also addresses faculty and staff at the start of each school year about their obligations to maintain professional relationships with students; to report any concerns regarding harassment or misconduct through appropriate school channels; and to report directly to the state when appropriate. We perform annual employee and volunteer training on reporting and boundaries. This past August, McLane Middleton's experts provided extensive training to faculty and staff in all areas of student wellness and proper student-adult relationships.

Each year, for the past six years, the school's mental health counselor has provided a mandated reporting training to faculty and staff before the start of each school year. The counselor covers topics of recognizing abuse, when to call Child Protective Services or the State, and when to turn over issues to a professional. The counselor reminds faculty and staff of the proper channels to report. The counselor supports the students, and if needed, brings administrative issues to the heads of school. The counselor serves as the liaison between parents, therapists, hospitals and treatment centers if needed.

For four years, Nichols has worked with the It Happened to Alexa Foundation, and most recently with the Teal Project, which educates on sexual assault awareness. <https://www.thetealproject.org/> Teal representatives speak to students in the fall and again in the spring.

Further, Nichols recently established a relationship and is set to work with the One Love Foundation, an organization focused on dating and domestic violence. The One Love Foundation www.joinonelove.org works to ensure everyone understands the difference between healthy and unhealthy relationships. Representatives will come in to Nichols to work with grades 9-12 and train students in small groups.

Our work continues

We know, however, that we can learn more from the Crowell Report, NAIS/TABS report, from our outside experts and from other independent schools. Listed below are action steps that other schools have considered and/or implemented that Nichols is evaluating and may consider implementing in the future.

- Continue comprehensive annual employee and volunteer training on reporting, boundaries;
- Expand criminal background checks to include volunteers;
- More comprehensive reference checks on all prospective employees and volunteers;
- Annual programming for students, families and trustees on reporting and boundaries;
- Augment resources and training for appropriate personnel on campus (i.e. counselor, wellness coordinator);
- Make additional resources (including personnel) available on campus or virtually to discuss wellness, healthy boundaries;
- Establish an anonymous hotline for reporting;
- Augment internal reporting (including to Board of Trustees), external reporting, written policies and codes of conduct for all employees and volunteers;
- Establish student, board and alumnae safety committee(s);
- Review physical spaces (buildings, offices) to minimize opportunities for sexual misconduct;
- Partner with outside agencies/organizations that dedicate resources and have expertise with sexual misconduct.

Thank you

This investigation and release of the Crowell Report is a demonstration of Nichols' commitment to its students, its community and the victims of misconduct. We expect to make solid judgments on follow-up activities and offerings for our school and community.

For now, we wish to thank everyone involved in this difficult process: Nichols' survivors, for their honor and courage, exemplifying the best aspects of what Nichols teaches; alumni and Board members, for their support, hard work and input; staff, administrators and teachers, for their confidence and commitment in making Nichols the place it is today; and our current families, for their patience, support and understanding. All helped drive our resolve to do what is right.

Sincerely,



Jeff Meyer
Board Chair



Bill Clough
Head of School