

# *Nichols School*

## **REPORT OF INDEPENDENT INVESTIGATION OF CERTAIN MISCONDUCT BY FACULTY WITH STUDENTS\***

The content of this report is sensitive  
and personal and is not intended for  
children. Reader discretion is advised.

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**\* This Report, prepared for public release, has been modified from the Report of Independent Investigation submitted to the Nichols School Board of Trustees, to further anonymize student reporters and victims referenced in the original Report.**

## **Preface to Public Report**

This Report is a modified version of the detailed Report of Independent Investigation of Certain Misconduct by Faculty with Students submitted to the Nichols School Board of Trustees (the “Report” or “Report to the Board”) in Fall, 2017. After reviewing the full Report, the Board of Trustees determined to release the results of the investigation, including our findings and other information gathered during the investigation and referenced in the Report, to the entire Nichols community. However, given the small size of, and familiarity within, the School community – and the level of detail included in the Report – both we and the Board had concerns that publication of the Report in full, without modification to further anonymize certain accounts, could compromise the identities of certain students. We also had concerns regarding the impact of the Report on victims who did not participate in this investigation.

Although students – both victims and reporters – were anonymized in the Report to the Board, as described below, we have prepared this “public” version of that Report to further protect them from identification by others who may have been in the School community at the time the incidents reflected in the Report occurred. 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.

In the Report to the Board, we sought to anonymize student reporters and victims by identifying them by letters and numbers only, and referring only to their decade at Nichols rather than their Class year. In addition, except where obvious from the context of the incident reported, we did not reference a student’s gender. To address the concerns regarding potential identification in a public report and the further victimization of some students, we have, in this

Public Report, taken additional steps to remove some details in our recounting of incidents, which we believe might allow for identification of specific students.

In modifying the Report to the Board to create this Public Report, we have endeavored to maintain the integrity of our findings and conclusions, despite the removal of some of the supporting evidence, while balancing the strong interest in protecting the privacy of those students whose stories are told here – both those who participated in this investigation and those who did not. To that end, in this Public Report, we have removed most references from the original Report to the decades when events took place, as well as to other details that could expose the identities of students. Further, in a few instances, we have provided only limited summaries or conclusory findings, where the substantiating evidence could not reasonably be segregated from detail that could expose a student’s identity to classmates or others in the Nichols community. Additionally, in preparing this Public Report, we have removed some details regarding students that are sensitive and personal in nature, and were included in the Report to the Board, but are not material to our analysis or conclusions. Finally, out of concern for those who chose not to participate in this investigation, we have omitted from this Public Report most details and circumstances involving such victims, as well as certain information provided by those who did participate but expressed concern that even an anonymized presentation, because of the nature of what was reported, could disclose their identities. The removal of such information from this “public” version of the Report, however, does not alter the fact that, in each case, the evidentiary standards set forth below for inclusion in the Report were met.

These modifications, for the most part, are confined to Section II. The sections describing the nature and scope of our investigation, as well as our reflections on the “cultural”

issues identified by the two alumnae whose letters initiated this investigation, appear in this Public Report virtually the same as they do in the Report to the Board.

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## Introduction

In May of 2017, Head of School Bill Clough received a letter from a Nichols School (“Nichols” or “the School”) alumna from the early 1990s, alleging that during her senior year, a teacher “began an intimate, sexual relationship with [her] that lasted throughout [her] senior year at Nichols and several years after [she had] graduated.” This letter was followed by a second letter from an alumna from the same class, who, referencing the first correspondent, wrote that, while at Nichols, she had become aware of her friend’s “‘abnormal’ relationship” with the teacher and was “uncomfortable and worried about their unusual closeness.”<sup>1</sup> She further communicated that, at her parents’ urging, she had expressed her concerns about the relationship on three occasions to senior administrators at the School. She wrote that, in response, she was told “to be patient,” and to “be quiet,” and that she ultimately felt “dismiss[ed].”

By all accounts, no action was taken by the School in the 1990s to investigate the concerns raised by the second correspondent, or otherwise to intervene. The senior administrators identified in the Alumna Letters today report that they were – at the time, and up until this investigation – unaware of the sexual relationship between the student and faculty member.

Both correspondents expressed the view, based on their contacts with former schoolmates, that their experiences were not “isolated incident[s]” and that “in addition to faculty members who engaged with students in sexual misconduct, there was a systemic culture within Nichols structured around keeping this problematic behavior from coming to light and damaging the school’s reputation [-] which tacitly supported the victimization of students at the [S]chool.”

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<sup>1</sup> Copies of both letters also were sent to Jerry Jacobs, ’81, (then) Chair of the Nichols School Board of Trustees. The first letter noted that it also was being sent to the teacher whose conduct was described in the letter.

They requested that the School “seriously examine its hidden culture around abuse” and provide “an opportunity for those victimized by Nichols [ ] to be heard in a meaningful and open way.”

Shortly after receiving the letters, the School retained Laurel Pyke Malson, Esq., of the law firm of Crowell & Moring LLP in Washington, D.C., to investigate the allegations outlined in the letters. Additionally, Clough met with the first correspondent, and Jacobs and other Trustees met with both correspondents, to acknowledge their letters, and to discuss their concerns.

On June 14, 2017, Clough and Jacobs published a Letter to the Nichols Community informing the community that: 1) the School had received allegations “detail[ing] a sexual relationship between [a Nichols student] and a Nichols teacher in the early 1990s;” 2) the School had received “a second letter from a Nichols alumna in the same class supporting the events detailed in the first;” 3) the faculty member in question had left Nichols more than a decade prior to receipt of the letters; and 4) the School “took the letters seriously and [had] moved quickly to open an independent investigation.”<sup>2</sup> Clough and Jacobs asked that anyone in the community with knowledge of inappropriate past or present faculty-student relationships contact Ms. Malson, and provided Ms. Malson’s contact information.

A Supplemental Letter was sent on August 25, 2017, updating the School community on the investigation’s progress and advising that the School had retained consultants to “enhanc[e] . . . Nichols’ policies and procedures and [to] train faculty and staff in all areas of student

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<sup>2</sup> The letter was sent via electronic mail to alumni, parents of alumni and enrolled students, current and former faculty members, Trustees, and others with connections to the School, for whom Nichols had an email address.

wellness and proper student-adult relationships prior to resumption of the school year.”<sup>3</sup> The letter closed with (current) Board Chair Jeff Meyer and Clough asking the recipients “to continue to hold current school leadership and the board to the highest standards of behavior and action.” What follows is our report on this investigation.<sup>4</sup>

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<sup>3</sup> The Supplemental Letter, which included a link to the June 14, 2017 letter, was sent to a broader distribution list than the first after the School became aware that the earlier letter had not been sent to all intended recipients. Additionally, the School undertook a U.S. mailing of the Supplemental Letter to those members of the community for whom it had no email addresses but did have U.S. mail addresses.

<sup>4</sup> Ms. Malson was assisted in this investigation by Rebecca L. Springer, Esq., a colleague from her law firm, Crowell & Moring LLP.

## I. Nature and Scope of the Investigation

We understood the scope of our investigation to include the specific allegations in the two Alumna Letters referenced above, any other instances of inappropriate faculty-student relationships uncovered in the course of our investigation, and the School’s knowledge of, and response to, any such misconduct. We have defined “inappropriate faculty-student relationship” broadly to include sexual misconduct – both verbal harassment and physical touching (whether or not “consensual”<sup>5</sup>) – and emotional relationships in which a teacher crosses appropriate professional boundaries in his or her conduct with a student. Such conduct by a faculty member – where what should be a “bright line” is breached – can be extremely damaging to a student. This is due in part to the imbalance of power in the relationship, and the difficulties students often face in resisting requests from a teacher, or otherwise enforcing appropriate boundaries against a trusted mentor.

In assessing the School’s knowledge of, and response to, faculty misconduct at the time, we considered whether the conduct was known by adults within the School community who could have taken steps to intervene (*i.e.*, other faculty and administrators), and if so, what actions were taken in response. Finally, in light of the correspondents’ reference to the School’s “hidden culture around abuse” – a characterization that we heard from other former students and faculty members during the course of our investigation<sup>6</sup> – we have tried to identify factors within the

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<sup>5</sup> The inherent power differential in the relationship between a teacher and a student effectively nullifies the student’s capacity to “consent,” rendering the purportedly “consensual” relationships described in this Report predatory, abusive, or otherwise inappropriate.

<sup>6</sup> This quality was described to us, variously, as “ignoring things in plain sight,” a “network of silence,” “willing to turn a blind eye,” “keeping dirty open secrets,” “quietly dismissing things,” and “sweep[ing] [it] under the rug,” to explain Nichols’ failures to act in the face of possible misconduct of the type addressed in this investigation. One student said simply that Nichols in the 1980s had a “culture of non-interventi[on]” by teachers and administrators. One administrator observed that it “wasn’t so much ‘sweeping things under a rug,’ as [that we] weren’t equipped.”

School culture that contributed to the ability of certain faculty members to cross appropriate professional boundaries with students without intervention by School officials.

The purpose of this retrospective review was both to understand the context of the reports of faculty misconduct that we received, and to address the “cultural” issues raised by the two correspondents. To that end, after detailing specific incidents of misconduct in Section II, we identify in Section III factors which may have permitted the alleged misconduct to occur and, in some cases, to go unacknowledged – or otherwise unredressed – by School officials. Our hope is that this review will enable Nichols to address any such factors that may remain operative in the School’s current culture, and position the School to move forward, having acknowledged its past and provided “an opportunity for those victimized by Nichols [ ] to be heard in a meaningful and open way.” Alumna Letter (May 2017).

#### **A. Process**

Over the course of six months, we conducted 110 interviews of 76 individuals,<sup>7</sup> including the two alumnae who wrote the Letters that gave rise to this investigation. Aside from the two correspondents and their immediate family members, we did not initiate contact with any former Nichols students or their families, out of respect for their privacy. Thus, our “first-hand” reports are limited to those made by victims who chose to contact us, or the faculty member involved who confirmed the conduct. We are aware that many alumni with relevant information, including those who were victims of faculty misconduct, may not have contacted us by the time this Report is completed – some, because the past is too painful and they do not wish to relive it; some, because they do not trust this investigation process, or its independence; some, because they fear their stories or identities will be publicly disclosed; and some, because they have lost

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<sup>7</sup> After submitting the Report to the Board, we conducted one additional interview, as a follow-up with an individual previously interviewed.

touch with the School and former schoolmates, and are simply unaware of this investigation.<sup>8</sup>

While we have made our best efforts to gather and report all of the credible information that we received, we believe that this Report likely underreports the incidence of faculty misconduct with students during the 1960s through the 2000s.

We interviewed 33 former students who attended Nichols between the 1960s and 1990s. We also spoke with 18 current or former Nichols faculty members, 13 current or former staff or administrators, three former Trustees of the School, and five parents of former Nichols students.<sup>9</sup> In addition, we spoke with two spouses of individuals who had reported information to us, to confirm some of what the individuals had reported. We also spoke with officials from three other schools with potentially relevant information regarding certain Nichols faculty members and one other individual who had information relevant to this investigation. Finally, we interviewed multiple times the faculty member referenced in the two Alumna Letters. In short, we interviewed every person who contacted us – and some faculty and administrators with whom we initiated contact – who was willing to speak to us about what they knew or had experienced.<sup>10</sup> We also interviewed a number of these individuals multiple times to clarify and confirm facts.

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<sup>8</sup> We do not know how many living alumni, former parents, and former faculty/staff/administrators may have had relevant information to contribute but, despite the School’s substantial efforts to reach the Nichols community, were simply unaware of this investigation.

<sup>9</sup> Some of those who contacted us communicated their experiences at Nichols via email, offering to speak with us if it would be helpful. We responded to most such communications with an invitation to talk further. Those with whom we spoke are included in the “interview numbers” reflected above.

<sup>10</sup> Several individuals contacted us via email or telephone but did not respond when we replied asking to arrange a time to speak. In addition, several individuals with whom we spoke reported incidents that were outside of the scope of this investigation, *e.g.*, student-on-student sexual harassment; faculty-staff or faculty-faculty sexual relationships; student-on-student bullying. We have not included this information in this Report as it is outside the scope of our investigation.

In addition, we reviewed thousands of pages of documents, including the available personnel files of 29 current and former Nichols teachers and administrators, educational files of several students, yearbooks, a history of the School, and other documents forwarded to us by the School and others with whom we spoke. Given the passage of time, and varying recordkeeping practices over the decades, some of the files and the reported accounts of incidents were, not surprisingly, incomplete. We endeavored to fill in dates, positions, and other information from various oral history sources, or anecdotal reports, where possible.

Finally, outside of the School community, we spoke with representatives from three schools where certain Nichols faculty taught prior to, or following, their time at Nichols, regarding reports received of misconduct by those faculty members.

## **B. Methodology**

We have not identified in this Report any former students – whether reporters or victims – by name or class year, in order to protect their privacy. We have instead used distinct letters and numbers to refer to the victims, and have identified others as simply “reporters” or “students.” Likewise, we have not referred to faculty and administrators by name, except where we have credible evidence that: 1) they engaged in inappropriate conduct with a student or students; or 2) they were aware – or reasonably should have been aware – of such misconduct and failed to take appropriate action to address it.<sup>11</sup> To further protect the identities of such individuals, we refer to both current and former faculty and administrators as simply “faculty” or “administrator.”

The decision to identify by name a teacher whom we believe engaged in inappropriate conduct with a student was not taken lightly – either with respect to those we name in Section

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<sup>11</sup> We do refer by name to certain individuals who served as senior administrators during relevant periods, solely to provide context, and do not intend to imply culpability on their parts by use of their names.

II.A., or those whose conduct we describe in Section II.B., but do not name. We believe that the reports in both Sections are credible, that the teachers described in both Sections violated Nichols' and their students' trust in them, and that students were harmed as a result. But we also are aware of the need to balance the benefits to the victims and to the School community of holding wrongdoers publicly accountable, against the interests of individuals in not being publicly identified as a wrongdoer where we have less supporting evidence, or the conduct is less severe, than that attributed to the teachers whom we do name.

Thus we have identified teachers, and have attributed conduct to them by name, where we have a credible first-hand account of misconduct, supported by other extrinsic evidence, *or* a credible second-hand account supported by other factors, such as a first-hand report of similar behavior (*i.e.*, "pattern evidence"), combined with some other compelling factor, such as severity or harm caused. *See* II.A., below.

In Section II.B., below, we report credible accounts of misconduct attributed to faculty members whom we do *not* name, because, while we believe the reports are credible, they are almost all second-hand accounts, and lack the compelling support of those in Section II.A.<sup>12</sup> Nevertheless we have included these accounts here, without identifying the faculty members involved, because we believe they are true, and believe that schools generally benefit from acknowledging such conduct and learning from the circumstances that allowed it to occur.<sup>13</sup>

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<sup>12</sup> There are several first-hand accounts included in Section II.B., for which we do not identify the faculty member by name – which reflects our judgment regarding the severity of the conduct, and in some cases, our caution in naming where we did not receive a confirming report either of that conduct, or of similar conduct with a different student.

<sup>13</sup> In short, we have adopted a standard analogous to "clear and convincing" evidence for identifying teachers by name, and a standard similar to the lesser "preponderance of the evidence" to report misconduct without attribution to an identified teacher.

The third category of evidence that we received includes vague reports, and unsubstantiated rumors – accounts of misconduct as to which we were unable to speak with anyone who had specific knowledge of the incident referenced. Thus, we could not make any factual assessment as to whether the incident had occurred, and therefore have not included any of this information in this Report.

In Section III, we offer some observations on the issue raised by the two alumnae correspondents, and a number of others – both teachers and students – with whom we spoke, regarding alleged faculty misconduct about which “everyone knew,” but which no action was taken to address. In some cases, teachers and administrators failed to recognize particular conduct of which they were aware as “red flags” or other indicators of possible misconduct. In many cases, however, our investigation revealed that, while some students “knew,” faculty members and administrators only “suspected” or had “heard rumors of” the offensive conduct. This dynamic nevertheless raised for us a question of why, if adults in the school community “suspected” or “heard rumors” that a student was involved in a potentially harmful relationship or situation with a faculty member, they did not, either themselves or through appropriate administrative channels, try to determine whether the suspicions or rumors were true and, if so, take steps to address the situation. The question is all the more salient here because, as we now know, some of the rumors turned out to be true.

Finally, as charged by the School and Board of Trustees at the time we were retained, we acted as independent investigators. By that, we mean that Nichols School and its Board of Trustees did not oversee or direct the course of this investigation. Our charge was to gather as much information as possible, evaluate its credibility as fairly as possible, and report our findings

back to the School.<sup>14</sup> We are grateful to the School and the Board of Trustees for the trust extended to us in this regard. We are equally grateful to the students who entrusted their stories to us, and shared them with courage and forthrightness.

Before moving on to our findings, we feel it important to state that we believe Nichols School today to be a very different school from that which we investigated and is reflected in this Report. We note that our investigation turned up no reports of faculty misconduct with students after the mid-2000s. We attribute much of this to the School's ongoing efforts to educate Nichols students, faculty, and administrators regarding appropriate teacher-student boundaries and an enhanced awareness of issues surrounding these boundaries, as well as greater efforts toward prevention and early intervention.

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<sup>14</sup> As referenced in the Preface above, the findings reported back to the School include more supporting detail than those reflected in this Public Report. We have removed certain details out of concern for the privacy of student reporters and victims whose stories are reflected in this Report.

## II. Our Findings

As noted above, our charge was to investigate the particular allegations reported in the two Alumna Letters received by Clough and Jacobs in May 2017, as well as any other instances of inappropriate faculty-student relationships uncovered through our investigation. In assessing the “inappropriateness” of a reported relationship between a faculty member and student, we looked not only at sexualized physical contact with, or comments to, a student, but also examined conduct reflecting emotional attachments. In the context of the clear power differential between a teacher and a student, emotional attachments can breach the boundaries of appropriate student-teacher interaction, and cause harm to students, whether or not intended.<sup>15</sup>

Such attachments, characterized by overly familiar or highly inappropriate personal interactions, are distinguished from healthy student-teacher relationships in that they may cause students discomfort, fulfill the student’s and adult’s disparate emotional needs inappropriately, serve to “groom” a student for a possible future sexual relationship, or otherwise normalize potentially predatory behavior. This conduct frequently is used by the adult authority figure to gain the victim’s confidence, isolate the victim from his or her peers, and lower the victim’s resistance to sexualized touching designed to appear “innocent.” Through manipulation and

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<sup>15</sup> We recognize that in a school such as Nichols, where close and “life-long” relationships between faculty and students are encouraged and valued, the line between healthy and unhealthy student-teacher relationships may at times be a fine one. However, we spoke with many Nichols faculty members who described for us a clear understanding of the boundary between mentoring and healthy engagement with students on the one hand, and the unhealthy sharing of intimacies and one’s own needs with a student on the other.

One teacher, for example, observed: “It is easy for kids to get crushes on people they respect, or think are cool or have a lot of knowledge [and it can be] difficult to navigate those waters. I always avoid being their confessor. It is often the mistake that faculty make.” And again: “Having strong relationships with students is a good thing but something should kick in when it is uncomfortable. It needs to come from the adults – kids are dealing with too many other things.”

guilt, the adult is able to maintain control over the “relationship” and the victim, and thereby minimize the likelihood of the victim reporting or exposing the adult’s conduct.<sup>16</sup>

We also attempted to ascertain the extent of the School’s knowledge of the conduct reported to us, and examined its responses to that conduct. In assessing culpability, we examined the level of knowledge of these individuals, and their position at the School and authority to take action to address the conduct.

We received credible reports of sexual misconduct or inappropriate emotional relationships with students involving 10 former Nichols faculty members, over a period ranging from the 1960s to the mid-2000s. As indicated above, we have divided the reported incidents into two groupings based on the degree of credibility of the evidence we were able to find to support each account. The teachers for whom the evidence of misconduct is strongest are named in II.A., below; those for whom the reports of misconduct are credible, but the evidence is not as strong, are described in II.B., below, without identifying the teacher by name.<sup>17</sup> For each report, we also address the School’s level of awareness of the cited conduct and its response.

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<sup>16</sup> The dynamics of “grooming” behavior have been documented over many decades. *See, e.g.*, Jim Tanner & Stephen Brake, *Exploring Sex Offender Grooming* (2013), available at <http://www.stephenbrakeassociates.com/Exploring%20Sex%20Offender%20Grooming.pdf>; Carol Shakeshaft, *Know the Warning Signs of Educator Sexual Misconduct* (2013), available at <https://www.scouting.org/filestore/nyps/2013/pdf/Shakeshaft-Kappan20138.full.pdf>; U.S. Department of Education, *Educator Sexual Misconduct: A Synthesis of Existing Literature*, Doc. No. 2004-09 (2004), available at <https://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>; Reuben A. Lang & Roy R. Frenzel, *How Sex Offenders Lure Children*, *Annals of Sex Research* 1 (1988).

<sup>17</sup> Some of the teachers identified in Section II.A. are also the subjects of inappropriate conduct described in Section II.B.

### **A. Credible Evidence of Inappropriate Conduct by Specific Faculty Members**

We obtained what we believe to be credible first-hand or second-hand reports, supported by extrinsic evidence or other compelling factors, of inappropriate conduct with students by the following former faculty members:

Arthur Budington  
E. Webster Dann  
Julie Jones  
Donna Armistead

#### **Arthur Budington**

Budington was the teacher identified in the Alumna Letters. Budington was hired in the early 1970s, and briefly taught sixth and seventh grade math before moving to the Upper School to teach various science courses, primarily AP Physics. He served as the Chair of Nichols' Science Department at various times throughout his Nichols tenure, until his retirement from Nichols in 2006.

Budington left Nichols at the end of the 2005-2006 school year, moving to Phillips Exeter Academy in Exeter, New Hampshire, where his wife had accepted a teaching position.<sup>18</sup> Although there is some variation in the details reported to us, it seems clear that Budington left Nichols after concerns were raised regarding Budington's "sexualized" conduct with a female

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<sup>18</sup> Although he was not formally appointed to the Phillips Exeter faculty, Budington and his wife served as "house parents" in a girls' dormitory, and he reported that he also filled in as a substitute teacher, when needed.

student. A letter<sup>19</sup> from Headmaster Richard Bryan indicates that Budington was to be placed on probationary status during his last year at Nichols, following which he retired from the School.<sup>20</sup>

We interviewed Budington on two occasions. In those interviews, Budington admitted that while a teacher at Nichols, he had sexual relationships with two 17-year-old female students at the School. Budington reported that the sexual relationship with one student continued for a period of months, and that the sexual relationship with the other student (the alumna who wrote the first Alumna Letter) continued for several years. He further reported that the “close relationship” he had with each was carried on openly around the school campus, although he did not believe that any other faculty or administrators were aware that the relationships included sexual intercourse.

Budington lived on a farm outside of the city, where certain students visited him regularly and engaged in building, woodworking, or farm-related projects with him. During the period of the two relationships, Budington was not married and described his social life as “student-centered.” With respect to both sexual relationships, Budington began by developing a familiarity with each student outside of the classroom and then progressed to sexual intercourse with her. Notably, the unusual closeness between him and each student was noted by, and discussed among, that student’s peers, as well as some faculty members, at the time. His close relationship with the student who wrote the first Alumna Letter was raised on several occasions with at least two administrators.

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<sup>19</sup> The Report to the Board referred to this letter as a “draft letter.” We have since been provided a copy of this letter which was signed by Bryan and initialed by Budington.

<sup>20</sup> We were not been able to confirm whether the letter advising Budington that he would be on probation for the 2005-2006 school year was actually implemented. Neither Budington nor the Head of the Upper School at the time had any knowledge of Budington’s probationary status during the 2005-2006 school year. Bryan recalled only that he had told Budington (in August 2005) that he “was going to put him on a probationary contract or [ ] would let him go,” and that Budington had responded that “he was going to retire instead.”

In addition to the two students with whom he carried on sexual relationships, Budington also crossed appropriate professional boundaries with at least two other female students for whom we have credible first-hand accounts from the victim and/or from Budington. In one instance, he repeatedly invited conversation with the student about the intimate details of her life, and shared his own, as a way of building emotional intimacy and a “special friendship.” In the other, Budington acknowledged making comments to the student and touching her shoulders, in a manner that caused her discomfort. Budington acknowledged to us that these, or similar, incidents occurred, but his view was that he was simply “helping” the female students in question, and that his actions were misconstrued by them. With hindsight, however, Budington observed that some of his conduct with female students at Nichols was “horribly unprofessional” – but he attempted to “contextualize” it by citing to a School culture that he characterized as “loosey-goosey,” and which he perceived as having a “laxness [that] put male faculty at risk.”<sup>21</sup>

Finally, although the following accounts have no specific “victims,” we include them because they provide some background and context for assessing Budington’s conduct with the female students identified as “AB Victims.” First, Budington maintained in his office a wall of photos of current and former (mostly) female students, which generated attention and discussion

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<sup>21</sup> Additionally, we received two second-hand accounts of similar conduct by Budington, with different female students. In the first, a faculty member reported to us that a female student had confided in him/her that she was uncomfortable completing make-up work for Budington’s class because he would invite her in alone and “press[ ] up behind her, put[ting] arms on either side, breath[e] on her[, and make] remarks that she found unwelcome.” The faculty member told us that s/he reported this student’s concern to a member of the school administration. The faculty member believes the administrator resolved the matter with Budington, as that faculty member heard nothing further from the student.

Another account came from a student in Budington’s class, who recalled “the girls in [the] class being exceedingly uncomfortable with Mr. Budington,” and “a classroom demeanor that was clearly off: notably ‘flirty’ with the girls . . . and positioning himself physically too close to girls during conversations . . . . [It was] significant enough that the girls in our . . . class did not want to be alone in a room with him . . . . [T]he girls would usually wait outside the room until [the boys] got there. I also recall a number of occasions when one of my classmates needed to see Mr. Budington for extra help and came to find me during a break period to accompany her to his room and remain present . . . . [I]t [was] common knowledge that ‘Mr. Budington [wa]s sketchy.’”

among both students and faculty/administrators.<sup>22</sup> According to Bryan, shortly after he became Headmaster in 1994, a faculty member told him about this photo wall. He confronted Budington and ordered him to remove the photos from his office.<sup>23</sup> However, Budington’s performance evaluation for the 1995-1996 school year references “troubl[ing] pictures of female students all over his office.” If the photos were in fact removed (sometime between 1994-1997),<sup>24</sup> they had been posted again by 2005, and were the subject of a reprimand of Budington by Bryan at the end of the 2004-2005 school year. A contemporaneous note of a meeting with Bryan, Budington, and other administrators reflects that Budington “did not deny that he had photos of female students hanging in his office; he did deny that he had photos of female students in his classroom. He did admit to having photos of [female] students on his computer.”

Further, two faculty members reported that Budington had made comments to them about female students’ body parts “with overt expression[s] of lust,” and speculated about the students’ underwear, which troubled them. We located in Nichols’ files<sup>25</sup> a letter written by one of these faculty members to a senior administrator outlining Budington’s offensive remarks, and also reporting comments overheard in the classroom from Nichols seniors “recount[ing] various incidents of [alleged] sexual misconduct – grabbing girls around the wa[ist] from behind; giving certain female students his cellular phone number; referring to only certain female students as

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<sup>22</sup> One faculty member referred to the wall display as a “Shrine to American Girlhood.”

<sup>23</sup> Memories of events of so long ago, not surprisingly, are hazy – but the multiple reports received by us reflect that the photos were both noteworthy and objectionable to some members of the School community. In addition to the faculty member reports to Bryan, an administrator also recalled going with Bryan to Budington’s office, during this same time frame, to ask him to remove the photos.

<sup>24</sup> A member of the Nichols community during the 1996-1997 school year recalled the photos from that year as “only girls[, which] made the whole thing unusual” and “made people uncomfortable.”

<sup>25</sup> The letter was not in Budington’s personnel file, but with other documents that we believe came from disciplinary files kept by Bryan in the Headmaster’s Office.

‘beautiful,’ and posting photographs of certain female students he finds particularly attractive.” The senior administrator had no specific recollection of receiving this letter, but noted that it “wouldn’t [be] surpris[ing] if anyone had come forward saying they were uncomfortable with [Budington]’s behavior toward them.” It was shortly after this, however, that Budington was disciplined by the School for “sexualized” conduct with a female student, and soon after, retired from Nichols. The other faculty member, who had heard Budington make inappropriate comments several years earlier, did not report Budington’s comments to anyone, and described “feel[ing] that there was [no]one in the administration I could go to” to talk about this.

We have outlined below the relevant conduct regarding each of Budington’s victims.

### **AB Victim 1**

AB Victim 1 was a female student at Nichols. AB Victim 1 did not contact us, and, consistent with our practice, we did not attempt to interview her. Our information regarding her comes from Budington – who admitted to sexual contact, which he characterized as “consensual” – and from witnesses who told us that they knew of the relationship between Budington and AB Victim 1 at the time that it was going on.

Because AB Victim 1 did not participate in this investigation, we have not included in this Public Report detailed accounts of Budington’s conduct with AB Victim 1, which were included in our Report to the Board. Likewise, we have removed those parts of the School’s Knowledge and Response regarding AB Victim 1 that were not reasonably segregable from potentially identifying information.

*The School's Knowledge and Response – AB Victim 1*

Interviews with classmates of AB Victim 1 and faculty members revealed that numerous students and at least one faculty member knew about, or suspected, an inappropriate relationship between Budington and AB Victim 1 at the time that it was going on. Different students reported seeing Budington and AB Victim 1 together often at School, and occasionally off campus, commenting that their unusual closeness was “readily apparent,” very “open and known,” and “common knowledge.” One faculty member questioned Budington about the nature of his relationship with AB Victim 1, and received a benign response. Although the faculty member doubted Budington’s response, s/he did not pursue this further or bring it to the attention of any administrators.<sup>26</sup>

Although at least one faculty member speculated about a possible relationship, and numerous students either “suspected” or knew that Budington was engaged in a sexual relationship with AB Victim 1, we did not find any knowledge of, or further inquiry about, this relationship on the part of the School administration. Numerous students from that era said that the relationship was “open” or “obvious,” but no student reported talking to faculty or the School administration about it, and no teacher reported informing the administration about any concerns. The administrators of that era with whom we spoke denied any contemporaneous knowledge of,<sup>27</sup> or reason to look further into, the relationship between Budington and AB Victim 1.

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<sup>26</sup> This faculty member, in describing his/her thinking about further inquiry into the Budington relationship and others, observed that “it is kind of a given for a lot of private schools that relationships went on.”

<sup>27</sup> One student reported raising the topic of Budington’s relationship with AB Victim 1 many years later with a senior administrator from AB Victim 1’s era at Nichols. The administrator’s response suggested that s/he had been aware of it at the time that the relationship was going on, but was not sure “what to do about [it].” When questioned about this by us, that administrator did not recall that comment specifically but noted that s/he at some point had become aware of a “closeness” between Budington and AB Victim 1 but that, at the time s/he learned of it, s/he did not view their closeness as cause for any concern.

Although we cannot say with certainty that the School administration was aware of the *sexual* nature of Budington’s relationship with AB Victim 1 at the time that it was going on, we believe that there was a broad awareness of factors which should have raised enough “red flags” for faculty and/or administrators to inquire of Budington and/or AB Victim 1 about the nature of their relationship.

### **AB Victim 2**

AB Victim 2 was a female student who wrote the letter that prompted this investigation. She reported to us, and Budington acknowledged, that he began a sexual relationship with her in the Fall of her senior year while she was a student in his class. She was 17 years old at the time, and he was 48 years old. The relationship, by both accounts,<sup>28</sup> was intense, emotionally charged, manipulative, and all-consuming – and lasted throughout her senior year, and for several years after her graduation from Nichols.

The relationship began as a friendship, and then quickly progressed to a sexual relationship by late Fall. During her senior year at Nichols, AB Victim 2 regularly spent extra hours in Budington’s classroom and office, both before and after school, and frequently visited him at his farm on weekends, sometimes with her parents’ knowledge and sometimes without. AB Victim 2 reported that she spent a significant amount of time in Budington’s office with the door closed. She and Budington both reported that they had sexual encounters in Budington’s office at the School, and at his farm. As discussed further below, Budington also developed at

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<sup>28</sup> AB Victim 2, in hindsight, also described the relationship as “abusive” – “emotionally, verbally and . . . physically . . .” Budington denied such characterization. In her Letter, AB Victim 2 described “the manipulation, the lies, the gaslighting, the isolation from my family and friends, and the vacillation between seductive sweet-talk and threatening aggression that was at times physically menacing to me [as] the most lastingly damaging aspect of our relationship.”

the same time an inappropriate, though not sexual, relationship with AB Victim 2's sister (referred to in this Report as AB Victim 3), creating an emotional triangle among the three of them.<sup>29</sup>

### *The School's Knowledge and Response – AB Victim 2*

Many students, and some faculty members, were aware of the particularly close relationship between AB Victim 2 and Budington. Students and faculty also noticed that AB Victim 2 and her sister spent as much free time as possible with Budington during the school day. AB Victim 2 reported that one faculty member commented to Budington, in front of her, that Budington was “infatuated with” her; another told her that Budington “is enamored with you;” and another, still, told her about rumors that she had keys to Budington's office. Some faculty members with whom we spoke described hearing rumors related to the amount of time AB Victim 2 and Budington spent together in his lab, but dismissed them as “rumors.”

Several of AB Victim 2's fellow classmates reported that Budington seemed unusually close to AB Victim 2 during class. They said that there seemed to be a “comfort level that was beyond a typical teacher-student relationship,” and a closeness that “just didn't feel right,” and made her classmates wonder what was going on between Budington and AB Victim 2.<sup>30</sup> For example, AB Victim 3 described an instance where, to explain a physics concept, Budington drew pictures on the blackboard of her and AB Victim 2 riding tractors at his farm. Another classmate, arriving in Budington's office for a meeting s/he had scheduled to discuss his/her

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<sup>29</sup> See AB Victim 3, below.

<sup>30</sup> One classmate, after describing to us a “closeness . . . beyond the typical teacher-student relationship,” recalled hearing “rumors and whispers among students that they were in fact having a relationship in private . . . . [I]t seemed to be somewhat of an ‘open secret.’”

grade, found AB Victim 2 *also* sitting in the office. AB Victim 2 did not leave on her own, and Budington did not ask her to leave. The student reported to us that both Budington and AB Victim 2 seemed to find it normal for her to participate in the conversation about his/her grade. Finally, several of AB Victim 2's friends heard her mention "weekends" spent at the farm with Budington and became increasingly concerned about "what was going on."

Budington, who told us that he felt "flattered" by AB Victim 2's interest in him, stated that they "weren't overly secretive about it. [It] didn't seem like it was wrong. No one other than [AB Reporter]<sup>31</sup> seemed to be bothered about it." However, both Budington and AB Victim 2 appear to have taken steps to hide the sexual nature of their relationship. Budington said that he did not discuss their sexual relationship with other faculty or adults around the School, and AB Victim 2, despite her frequent references in conversation to "weekend" time spent at his farm, tried to conceal from her friends and family the sexual nature of the relationship. She described feeling worried at the time that AB Reporter actually knew "what was going on" and was talking to others about it.

As noted above, a group of AB Victim 2's classmates grew increasingly "concerned," and talked among themselves about AB Victim 2's relationship with Budington and what, if anything, they should do, to protect her. The concern escalated as AB Victim 2 talked about spending time at Budington's farm – and as her sister, AB Victim 3, became increasingly agitated and depressed.<sup>32</sup> One classmate, AB Reporter, grew alarmed after she received phone calls from AB Victim 3 that led her to believe that AB Victim 3 was emotionally distressed and might harm herself. That classmate believed that AB Victim 3's emotional condition was related

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<sup>31</sup> See references below to AB Reporter.

<sup>32</sup> According to AB Reporter and AB Victim 3, AB Victim 3 competed with AB Victim 2 for Budington's attention and became agitated and depressed when she felt that Budington had "chosen" AB Victim 2 over her.

to Budington's relationship with her sister. AB Reporter stated that she "couldn't have even imagined that [AB Victim 2] was having sex with [Budington]," yet she "knew something was going on with [Budington] and [AB Victim 2], but didn't know what to do."

According to AB Reporter, after talking with her parents one evening about her escalating concerns, at their suggestion, AB Reporter called Head of Upper School Bryan at his home. She told him that she was "worried about AB Victim 3," that AB Victim 3 was "going to hurt herself," and that her condition was caused by AB Victim 2 "having an inappropriate relationship with" Budington. AB Reporter recalled trying to convey to Bryan that "things had gotten out of control," her fear that AB Victim 3 was emotionally unstable, and that it all was related to AB Victim 2 spending "weekends" or "Saturdays" at Budington's home. She further told Bryan that she was "too young to help and [that she] needed [Bryan] to help them." AB Reporter reported that Bryan said that she "had done the right thing" in telling him and that "he would take care of it."

Some time later, having seen no change with either AB Victim 2 or AB Victim 3, AB Reporter went to Bryan's office to follow up, reiterating her worries about AB Victim 2 and AB Victim 3. She reported that Bryan acknowledged the seriousness of her concerns, said that he had not dealt with something like this before and would need to seek advice, and asked her to be "patient."

When we spoke with Bryan, he had no specific recollection of AB Reporter calling him at home, or of her stopping by his office to raise a concern about AB Victim 2 or AB Victim 3, but allowed that "it [wa]s very possible, and that [he] would trust [AB Reporter's] recollection." Noting that it would have been "very unusual" for a student to call him at home, he later speculated that he "th[ought] [her] parents could have said 'give Mr. Bryan a call,' [and, he]

probably would have said let's talk about it in a meeting; I'm sure I would have listened.”<sup>33</sup>

Regarding the office meeting, Bryan noted that AB Reporter “would march into [his] office with issues; [she] had one crusade after another,” but told us that had the reference been “explicit about sex,” he believes he would have taken the lead in responding.<sup>34</sup> Otherwise, he would have “pushed [the matter] over to [Senior Dean Mary Rockwell].”

Approximately one month later, as the friend group continued to “chatter” about Budington and their concerns that AB Victims 2 and 3 were in danger, AB Reporter gathered a small group of girls and went to the Senior Dean, Mary Rockwell. AB Reporter recalls taking two to five girls to meet with Rockwell. Two former students who were likely participants contacted us and recalled the group planning to raise their concerns with Rockwell. One also recalled discussing the meeting after it had happened. However, neither could say with “100 percent certainty” that she had participated in the meeting.

AB Reporter reported that she and the group told Rockwell that they were “worried about” AB Victims 2 and 3, and that Budington “spends a lot of time with [AB Victim 2].” AB Reporter also told us that she is sure that she communicated to Rockwell that AB Victim 2 was going to Budington’s home to visit “on Saturdays” or “on weekends,” because that fact is what

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<sup>33</sup> We, too, thought such a call would have been unusual, when AB Reporter first reported it to us, and asked her parents about it. While they recalled discussions with AB Reporter and her very serious concerns about AB Victims 2 and 3, they had no specific recollection of her calling Bryan at home. They agreed, however, that their strong ties to the School may have led them to suggest that AB Reporter place the call to Bryan, and to Bryan’s willingness to accept such a call from AB Reporter. For his part, Bryan stated that he knew the entire family and that he “knew the parents well, and [that] the father was [in a leadership position at the School].”

<sup>34</sup> Bryan also said that “nothing in the 1990s was giving me concerns about Budington,” and denied hearing any concerns about AB Victim 2 “spending weekends” with Budington. He told us that he “would have to believe that even back then [he] would have acted if [he had been told] they were spending weekends.” We know from Bryan, however, that he had concerns in the mid-1990s about Budington’s wall of photos of female students. And, while it is possible that AB Reporter’s attempts to convey that AB Victim 2 was spending time on the “weekends” or “Saturdays” at Budington’s home were not understood by him as communicating a sexual relationship, we believe that AB Reporter’s communications with him were sufficient to have raised a concern that Bryan should have investigated.

led this group of friends to believe that AB Victim 2's "crush" on Budington was being reciprocated in a sexual way. AB Reporter described the group as "uncomfortable," and "hemming and hawing" about mentioning "sex" explicitly. At some point, she finally said, "Mrs. Rockwell, what we are trying to say is . . ." but was cut off by Rockwell who told her "we already know what you think. Please be quiet."

When we spoke with her, Rockwell said that she had no memory of AB Reporter coming to her with concerns about the well-being of a classmate, concerns of a student's relationship with a member of the faculty, or concerns about teachers at all. Nor did she have a memory of AB Reporter coming to her office with a group of female classmates to talk to her about their worries regarding AB Victims 2 and 3. She denied specifically any memory of AB Reporter coming to speak with her about Budington and AB Victim 2.

AB Reporter was not the only person who raised concerns about Budington's conduct with School administrators. A faculty member who overheard some of the "chatter" among the friend group of AB Victims 2 and 3, told us that s/he went to Bryan with concerns about Budington. According to this faculty member, s/he heard AB Reporter and other students talking about Budington having sex with a student in his office. The faculty member chastised them for "spreading rumors" without first finding out the facts, but then was "shamed" by AB Reporter into going to Bryan to discuss it. S/he told Bryan that "people are talking openly about Art Budington . . . that there are rumors about Art having sex with students." The teacher did not mention AB Victim 2's name but, in response to questioning from Bryan, did identify AB Reporter as the source of the rumors that s/he was hearing. Bryan responded "you tell [AB Reporter] that nothing is going on in Art's office, [there is] no sex." The teacher reported that this conversation with Bryan left him/her feeling as though s/he and AB Reporter were "the

problem” rather than Budington, and that s/he needed to hush up the rumors rather than investigate or tell others. S/he did not raise the issue further with anyone else at the School.

Bryan told us that he had no recollection of this conversation, “or of anyone talk[ing] to [him] about Budington,” during that time period. Bryan, who was transitioning from Head of Upper School to Headmaster at the time, described being “so overwhelmed” during this period, that even where he may have given the impression to someone that he understood the seriousness of the concerns raised with him, he may have failed to follow-up. He reported relying on Rockwell to handle many of the matters brought to him during this transition period.

Both Rockwell and Bryan did recall hearing “concerns” about AB Victims 2 and 3 “spending a lot of time in [Budington’s] room,” and Bryan recalled comments from within his “Deans’ group” on “that issue,” *i.e.*, the amount of time Budington and AB Victims 2 and 3 spent together. Bryan noted that there was “no question that [AB Victims 2 and 3] were linked with Budington, . . . it was widely known that they spent a lot of time with him [but] no one thought there was anything inappropriate going on.”

Rockwell similarly recalled that one of the two sisters was in Budington’s lab “all the time,” noting that “[it] just struck [her] because [AB Victim 2] was always there” – however, Rockwell “didn’t think about asking about it because [she] thought [physics] was [AB Victim 2’s] interest.” Rockwell stated her belief that the time Budington and AB Victim 2 spent together was explained by AB Victim 2’s “love of physics”: it “wasn’t weird that a kid who liked physics [would be] in Budington’s classroom; I didn’t think about asking about it because I thought that was her interest.”

Rockwell did recall hearing a question raised by another teacher about “whether [AB Victim 2] was spending too much time with [Budington]”<sup>35</sup> and told us that “there was probably some gossip that [AB Victim 2] spent a lot of time in the physics lab. Could be that they thought she was there too much, meaning that they were getting close and maybe that was too much,” but Rockwell dismissed this as “faculty gossip.” And, she “d[id] not recall ever talking to [Budington, AB Victim 2, or AB Victim 3] about it.” She said “the girls didn’t have a relationship with me that was particularly close – did not stop by my office.”<sup>36</sup>

Finally, the mother of AB Victims 2 and 3 reported that sometime in the late winter or early spring of that year, she was called to come in and meet with Bryan and Rockwell to discuss the School’s concerns regarding AB Victim 3’s emotional state. She did not recall whether Bryan or Rockwell had called to ask for the meeting.<sup>37</sup> When the mother arrived, she was surprised to find that Budington also was present, but believed that he may have been present as a “mentor” for AB Victim 3.<sup>38</sup> She described Budington’s role at the meeting as very limited, recalling that he said nothing beyond that “both [the daughters] were doing well in [class].”

The mother recalled that Bryan led the meeting, which began with a discussion of AB Victim 3’s emotional state but soon moved to Bryan and Rockwell expressing concern about

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<sup>35</sup> When asked again, nearly three months after our first interview, Rockwell stated that she did not “recall any faculty talking about [AB Victims 2 and 3];” nor did she recall discussing either of the two students with Bryan. She noted that their senior year had been a very “emotional year,” because of a serious and unrelated incident involving a different student, and there was “lots of talking about students and their emotional issues.”

<sup>36</sup> In a subsequent interview, Rockwell stated that she “never heard anything about [AB Victim 2] spending time with Budington;” that she never asked Budington about “why they were spending so much time together;” and that she had no concerns about Budington and AB Victim 2.

<sup>37</sup> Although Bryan had no specific recollection of this meeting when we spoke with him, he speculated that Rockwell, as Senior Dean, “would have called the meeting, . . . been in touch with the parents, and . . . set it up.”

<sup>38</sup> The mother of AB Victims 2 and 3 told us that she viewed Budington as a “mentor” to her daughters, and did not have any knowledge, while AB Victim 2 was in high school, of the sexual relationship between Budington and AB Victim 2.

“the girls spending too much time with [Budington].” She stated to us that, at the time, she did not see how this latter concern related to AB Victim 3’s emotional state; nor did she understand why Bryan and Rockwell expressed concern that “the girls were spending too much time with [Budington].” Confused about the source of the “too much time” concern and why it was being raised with her, the mother told the group that if Budington “did not want them to hang out with [him] before and after school, then just tell them; he is the teacher so he should tell them not to come.” She told us that she felt “ignored” and “brushed off,” and after no one responded, she said that she would “speak to the girls about not hanging out with Budington as much and [that] they [all] seemed fine with that.” The meeting ended after about 40 minutes and the “too much time” issue was never raised with the mother again.

Rockwell, Bryan, and Budington have no recollection of this meeting, although Bryan told us that “it very easily could have happened. If [the mother] thinks it happened then it happened; it doesn’t seem unusual to me that it would have happened,” and Bryan later observed “it is all very plausible but I don’t remember it.” When asked specifically about this family meeting, Rockwell was similarly equivocal, noting that she did not “remember any meeting with them. Doesn’t mean it didn’t happen . . . cannot speculate whether it happened or not.” Although only the mother recalls, with any specificity, such a meeting, Bryan and Rockwell each told us that it may have happened and, as described, would not have been unusual. We believe that the meeting very likely occurred, both because of the mother’s specific recall of detail, and because such a meeting would have been a reasonable response to any concerns the School may have had about AB Victim 3’s mental health. *See* discussion of AB Victim 3, below. In short, the “family” meeting with Bryan, Rockwell, and Budington, as recalled by the mother, would make sense as a response to the various reports we believe Bryan and Rockwell received

regarding AB Victims 2 and 3 spending “too much time” with Budington, AB Victim 3’s emotional state, and the “closeness” between Budington and AB Victim 2 observed by so many.<sup>39</sup>

Although the passage of more than two decades understandably has dimmed memories, and the significance of the information communicated to them may not have been fully grasped by Bryan and Rockwell at the time, we find credible the accounts by AB Reporter and the faculty member as to what they reported to Bryan and Rockwell. Both reported to us, on multiple occasions, their interactions described above with Bryan and Rockwell, with specific and materially the same detail in each recounting. Further, the faculty member’s spouse reported that s/he was told about the conversation with Bryan at the time it occurred. Additionally, with respect to Rockwell, AB Reporter’s mother recalls that when she picked AB Reporter up from school the day AB Reporter met with Rockwell and attempted to raise her concerns regarding AB Victims 2 and 3, she told her mother that she felt “dismissed” or “blown off” by Rockwell. Finally, although we were not contacted by any classmate who specifically recalled participating in the meeting with AB Reporter and Rockwell, we did speak with two classmates who recalled the planning discussions prior to the meeting, one of whom also believes that she went to the meeting but could not be “100 percent sure,” but did recall discussing the meeting with the group of concerned classmates *after* it had occurred.

When we spoke with them, both Bryan and Rockwell disavowed knowing – or having been told by AB Reporter or the faculty member – that Budington was engaged in a sexual relationship with AB Victim 2. As noted, AB Reporter does not say that she told either *explicitly*

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<sup>39</sup> If, however, as we believe, the “family” meeting was called by Bryan and/or Rockwell to discuss AB Victim 3’s emotional condition and the rumors that both AB Victims 2 and 3 were spending “too much time” with Budington, there appears to have been no attempt to inquire as to the *nature* of the time spent by Budington with the two students.

that Budington was engaged in a sexual relationship with AB Victim 2. The concern expressed to Rockwell, according to AB Reporter, was the amount of time AB Victim 2 and Budington were spending together, including time at his home on “Saturdays” or on “weekends,” and the effect it was having on both AB Victim 2 and AB Victim 3. The concerns expressed to Bryan regarding Budington and AB Victim 2 centered around the amount of time they spent together and AB Reporter’s belief that the relationship was “inappropriate” in nature, as well as the faculty member’s concern regarding rumors s/he was hearing from AB Reporter of Budington having a sexual relationship with a student.

We believe these concerns should have been sufficient to raise a question for Head of Upper School Bryan and Senior Dean Rockwell as to the nature of the relationship, and to cause them to probe further into Budington’s conduct and AB Victim 2’s well-being – particularly given their acknowledged awareness that AB Victim 2 and Budington were spending a noteworthy, and perhaps concerning, amount of time together. To be clear, while we have no indication that Bryan or Rockwell knew with certainty of Budington’s sexual involvement with AB Victim 2 and “covered it up,” it is difficult to understand how two administrators working closely together, one of whom was described time and again by students with whom we spoke as having “ears to the ground” and an ability to ferret out misconduct “both on and off campus” involving students,<sup>40</sup> would not have recognized and acted on the warning signs regarding

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<sup>40</sup> We were told by many students that Bryan was “very visible” around the School “and involved with the School community on a day-to-day basis” and that it “would be surprising [if] he didn’t have an inkling that something was amiss [with Budington];” and further, of how Bryan, in particular, heard about and held students accountable for drinking, drug use, stealing, or other misconduct whether on or off campus, or on weekdays or weekends. One student also described the Upper School as small enough that “everyone knew everything,” including teachers and administrators, *e.g.*, students would hang out in teachers’ offices, the senior lounge was right outside of Bryan’s office, both Bryan and teachers frequently would join the students’ conversations. This student described an atmosphere where there was a “blurring of lines outside of class between teachers and students . . . a lot of co-mingling.”

Budington's misconduct.<sup>41</sup> Nonetheless, because neither appears to have addressed the issue directly by any further inquiry, Budington was able to continue his sexual predation unimpeded by the School, while AB Victim 2 remained isolated within the School community.

### **AB Victim 3**

AB Victim 3 was AB Victim 2's sister. As reported above, starting in the Fall of their senior year, Budington began paying special attention to AB Victims 2 and 3, both in class and outside of class. Examples of such attention provided to us by AB Victim 3 include: spending hours of time with them in his classroom; keeping special coffee mugs for them to use in his classroom; taking them out for pizza or a movie; hosting them often on his farm on weekends; gathering with them at his farm at Christmas to open Christmas gifts that he had gotten for them; and giving them other special gifts, including Valentine's Day presents and cards. Budington's description to us of his interactions with AB Victim 3 is consistent with AB Victim 3's description of their relationship.

AB Victim 3 described her relationship with Budington as "an inappropriate friendship with him that was not physical." She reported that he would "dig into [her] life and [her] secrets in a way that no figure of authority should." He "wanted to know intimate details of [her] life that he had no business knowing . . . would always say 'I know' [to encourage more disclosures on her part] and would dig in more;" he "played this role as a friend who knew everything." She said that Budington "engendered intimacy with the constant sharing of his own personal life," and made her feel special because of the attention he gave her.

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<sup>41</sup> At least with respect to the concerns raised by AB Reporter, one teacher speculated that AB Reporter might have been ignored by Bryan and Rockwell because AB Reporter "was always challenging people . . . took issue with a lot of stuff. Maybe [*i.e.*, Budington's conduct] was seen as one more thing [she] was taking issue with."

AB Victim 3 also suffered from depression and anxiety during her senior year at Nichols, which she, her family, and Budington all told us they believe was exacerbated by her feelings of competition with her sister for Budington's attention. She reported that Budington "played us off [against] each other," and that she was "screaming for help" her senior year, as she struggled with mood swings, manic anxiety attacks, and depression.

AB Victim 3 reported staying in regular touch with Budington for at least one year following her graduation from Nichols. Shortly thereafter, AB Victim 3 sought mental health treatment and broke off contact with Budington. AB Victim 3 reported that it was through treatment at this time that she first came to understand that Budington's relationships with her and her sister were "terribly wrong" and tremendously damaging to them both.

### *The School's Knowledge and Response – AB Victim 3*

AB Victim 3's increasingly anxious and erratic behavior over the winter of her senior year aroused concern on the part of some of her friends that she was in danger – particularly AB Reporter – which paralleled their concern for AB Victim 2 because of her relationship with Budington. As discussed above, AB Reporter told Bryan of her concern about AB Victim 3's mental state and Budington's role on two occasions, and told Rockwell once.<sup>42</sup>

Additionally, according to the sisters' mother, AB Victim 3 was found wandering on the sidewalk near the school in late winter or early spring, distraught and without appropriate outerwear, which resulted in the mother being called to a meeting at the school with Bryan and

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<sup>42</sup> AB Reporter told us that she expressed her concern for AB Victim 3 by saying that AB Victim 3 "was going to hurt herself," if something were not done to help her. Bryan has no specific recollection of having been told that AB Victim 3 was suicidal or going to hurt herself, but stated that, had he received such a report, he would have asked Rockwell, as Senior Dean, to take "point" and "oversee" the issue.

Rockwell.<sup>43</sup> *See* description of meeting under AB Victim 2, above. After a discussion of AB Victim 3’s possible depression and a recommendation by the School that she see a psychologist, the meeting soon “morphed into spending too much time with [Budington],” which, as noted above, left the mother confused as to the nature of the School’s concern.

When prompted by our questioning, both Bryan and Rockwell reported a vague recollection that AB Victim 3 might have experienced “emotional difficulties” her senior year, but neither had a specific recollection of AB Victim 3’s emotional difficulties. When pushed for more specifics, they noted simply that if a child had mental health issues, the School’s usual practice would have been to recommend that the parents seek professional counseling for the student.

During this same time period, AB Victim 3 also remembers talking to Rockwell privately, in her office, about her (AB Victim 3’s) emotional state, the professional counseling that her parents had arranged for her,<sup>44</sup> and an aspect of her “friendship and intimacy” with Budington. AB Victim 3 recalled telling Rockwell that Budington knew about her emotional distress and that he would often talk to her. She explained the “intimate friendship” to Rockwell as follows: “If [either one of us is] having a bad day, one of us can help but if both of us are having a hard day it is going to be a disaster.” Later that same day, AB Victim 3 overheard (from around a corner, near a stairwell) Rockwell telling Budington that AB Victim 3 had extremely “low self-esteem,” which AB Victim 3 interpreted as a request by Rockwell for

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<sup>43</sup> AB Victim 3 confirms that she was “manic” at this time, and engaged frequently in erratic “pacing” behavior outside on the school campus, as a way of managing the anxiety.

<sup>44</sup> AB Victim 3 recalled in vivid detail telling Rockwell that she was not afraid to “talk about herself” with the mental health counselor because it reminded her of talking with the college counselor. Equally vivid was her account of telling Rockwell some of the thoughts associated with her emotional condition, and Rockwell’s very thoughtful response back to her. The relevance of this exchange is the vivid and detailed recollection, not the substance, which, because of its sensitivity, is not recounted here.

Budington to “help her out.” AB Victim 3 also reported that later that spring, because “rumors [about her, Budington, and her sister] were spiraling out of control,” she stopped by Bryan’s office to tell him that she knew that “people are talking about me and [my sister] and [Budington], and it is just fine.” AB Victim 3 described her motives as, among others, “not want[ing] people to get involved in this.” Neither Rockwell nor Bryan recalled these conversations.

As reflected above, we believe that Rockwell and Bryan each were told that AB Victim 2 was spending “too much time” with Budington, including time at his home on the weekends, and that they each had *some* awareness that both AB Victims 2 and 3 spent significant amounts of time with Budington. We also believe that AB Victim 3’s emotional difficulties were “common knowledge” within at least certain segments of, if not the entire, Upper School,<sup>45</sup> and that Bryan and Rockwell were told, at least by AB Reporter, of a concern that AB Victim 3’s condition was related to Budington. It also seems clear to us that this awareness did not lead either of them to inquire further regarding a possible sexual relationship by Budington with AB Victim 2, or an inappropriate emotional relationship with AB Victim 3, or a connection between AB Victim 3’s emotional difficulties and Budington’s inappropriate relationships with her and her sister. Both Bryan and Rockwell told us that had they known of Budington’s inappropriate relationships with AB Victims 2 and 3, they would have intervened – but neither believed they had been told of any inappropriate conduct, or had been given enough information to raise a “red flag” or otherwise to warrant investigation or other action by the School.

Although emotional issues in adolescence can have many causes and contributing factors, it is difficult to understand Bryan’s and Rockwell’s failure to look further into Budington’s role

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<sup>45</sup> We heard from several classmates that AB Victim 3’s emotional “acting out” during her senior year was well-known and discussed by many within the School community.

in contributing to AB Victim 3’s emotional turmoil, given the information available to them. As noted above, Bryan’s and Rockwell’s failure to understand the significance of what they were told or were in a position to observe, may be attributable to their attention being focused more on the leadership transition occurring at the School at the time than student concerns that were not clearly defined for them. It may also reflect a lack of understanding of the potentially damaging effects on students of conduct like Budington’s of which they were made aware. Both suggested that had they known of AB Victim 3’s problems they would have recommended help to the family – and, by AB Victim 3’s mother’s account, Bryan and Rockwell did. What they did not do, however, is heed the information we believe they were given regarding Budington’s role in exacerbating AB Victim 3’s emotional condition – and make further inquiry regarding his conduct from there.

#### **AB Victim 4**

AB Victim 4 was a female student in one of Budington’s classes. AB Victim 4 did not contact us, and, consistent with our practice, we did not attempt to interview her. According to an administrator with whom we spoke, the School received a report that Budington had made “inappropriate” comments to and about AB Victim 4, singled her out in class, and put his arm on her shoulder. Budington confirmed much of this account, while disavowing any “harassing” intent.

Because AB Victim 4 did not participate in this investigation, we have not included in this Public Report detailed accounts of Budington’s conduct with AB Victim 4 which were included in the Report to the Board. Likewise, we have removed those parts of the School’s

Knowledge and Response which were not reasonably segregable from potentially identifying information.

*The School's Knowledge and Response – AB Victim 4*

Contemporaneous notes reflect that, upon receiving the report of Budington's conduct, Bryan gathered information from various sources about the allegations, and about Budington's comportment in class generally, particularly with female students. Letters from fellow students reviewed by Bryan at the time corroborated some of these allegations, and noted generally that Budington "acted a little too friendly with girls" in the class<sup>46</sup> and that he "favored the female students over the male" students in class.

Several months later, Bryan met with Budington, told him of the allegations, and presented him with a letter that concluded that Budington had "violated the professional standards of the school, overstepp[ed] [his] boundaries with students, and sexualized a relationship with a female student, which resulted in the sexual harassment of that student." He directed Budington to stop all such conduct, including photographing students "and displaying them in [his] office or classroom . . . [and] meet[ing] with any female student alone in [his] room or office." He also directed Budington to remove "all pictures of female Nichols students . . . from display in [his] office or classroom." He also required Budington to design a personal professional development plan to change his behavior, "includ[ing] professional counseling or workshops," and to present the plan to Bryan several days hence, at which time further sanctions and steps would be outlined.

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<sup>46</sup> This student wrote: "There was never any inappropriate touching or anything of that nature, but he would give them shoulder rubs and hugs and things that are seemingly innocent but were too frequent."

According to contemporaneous notes from meetings between Bryan and Budington, Budington acknowledged that much of the alleged conduct with AB Victim 4 had occurred. By way of explanation, Budington referenced Nichols faculty's close relationships with students generally, and commented on the "'fine line' between 'family' and these types of charges." The contemporaneous notes also reflect that Budington stated that his conduct with AB Victim 4 had been misinterpreted and that he was being treated unfairly, noting that there were "other males on the faculty worse than [him], and [that] the two wors[t] offenders on the faculty were women." At that follow-up meeting, contemporaneous notes suggest that Bryan:

1) recommended that Budington "undertake a professional assessment of [his] behavior," and suggested names of professionals which Budington might contact; 2) placed him on probation and required a further performance evaluation for the following school year; and 3) advised him that if both professional assessments were satisfactory, he would "expunge [his] personnel file of any letters pertaining to this series of conversations."

We could not confirm that Budington was in fact placed on probationary status, or whether there were further evaluations or assessments of him during that year. We do know that Budington subsequently "retired" from Nichols, and followed his wife to Phillips Exeter Academy, where she had accepted a teaching position. We found an unsigned "Recommendation Letter for Art Budington" in Budington's personnel file, which noted that it was "written at [Budington]'s request in case he decides to act on the urge [to teach again]." The unsigned signature block was for Bryan. The letter was positive and there was no mention of Budington's conduct with AB Victim 4 – or any other misconduct – in the letter.

When we asked about the letter, Budington did not recall having requested the letter, and neither Bryan nor Budington recalled writing, receiving, or sending the letter to any other

institution.<sup>47</sup> Budington reported that he was not on the faculty at Phillips Exeter, although he and his wife served as “dorm parents” and he occasionally substituted for an absent science teacher. We did speak with Phillips Exeter, which advised that it had no record of a recommendation letter from Bryan in Budington’s file.<sup>48</sup>

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<sup>47</sup> Although Bryan reported no current recollection regarding the letter, he noted that he “was willing to have Budington retire. [He] was willing to do whatever [it took] to get him out of [Nichols], including writing a recommendation for him.”

<sup>48</sup> Bryan told us that approximately one year after Budington had left Nichols, he received a call from Phillips Exeter asking whether Nichols had ever had a problem with Budington and female students. Bryan said that he responded by saying that Budington had “retired after an incident that [had] involved a female student. [I] didn’t describe it as sexual misconduct. I said there had been an incident . . . that involved inappropriate behavior with a student in his class that led to his retirement.” We were not able to confirm this conversation with Phillips Exeter.

### **E. Webster Dann**

E. Webster (“Web”) Dann was a graduate of Nichols School and part of a prominent Buffalo family with many ties to the School. Several individuals pointed out to us that the Nichols School ice hockey rink is named for the Dann family. Dann was a Middle School math teacher, hockey and soccer coach, and, for much of his 1977-2001 tenure at Nichols, the Eighth Grade Dean. Dann came to Nichols from The Park School of Buffalo, where he taught from the early 1970s until 1977, preceded by a lengthy tenure teaching at The Governor’s Academy. Although some of the conduct reported below began while Dann was still at The Park School, much of it took place on Nichols’ campus and continued into his tenure on the Nichols faculty.

We received what we determined to be a credible report of sexual misconduct by Dann with three students. We also received multiple reports of emotional manipulation and “grooming” by him. Dann was well-known within the Nichols community and was viewed as a trusted and respected adult by many in the School’s leadership and parent population, which helps to explain his ability to “groom” some students in and around the campus openly, and host them on excursions around town and at his home, some with their parents’ knowledge.

Dann was described by one victim as a “powerful, well-liked teacher, [who was] exciting” to be around, and whose invitation to his home and to spend time together were accepted willingly by that student. Students with whom we spoke recalled Dann’s various collections (art, coins, historical memorabilia, antiques, old safes, cars) as well as a “toy room” in a spare room in his house, set up with games, a new television set, and toy cars which caught their attention and caused some to want to spend time with him. Dann also had a dog, Wick, who was well-known in the School community, and with whom boys would go to Dann’s home to play. Although all of the students who reported spending time with Dann at his house were

male, at least one female student also reported having a “special friendship” with Dann, which made her “feel seen and . . . loved,” before she experienced the relationship as manipulative and abusive. After commencing this investigation, we were notified by The Governor’s Academy that it recently had received a report that Dann had engaged in sexual misconduct with a student during his tenure at the Academy. Dann passed away in early 2017 and thus, we were unable to interview him as part of this investigation.

### **WD Victim 1**

WD Victim 1 met Dann at a summer day camp which took place on the Nichols campus. WD Victim 1 met Dann when Dann began coming to a swimming class at the camp.<sup>49</sup> According to WD Victim 1, and several other individuals with whom we spoke, the boys would swim naked in an indoor pool during the camp, and WD Victim 1 reported that he felt that Dann was watching him.<sup>50</sup> WD Victim 1 also noted that Dann brought his dog to campus, and that he would play with Wick both at the School and at Dann’s home.

WD Victim 1 began a friendship with Dann when WD Victim 1 was 12 years old. The “friendship” became sexual shortly thereafter,<sup>51</sup> and lasted until WD Victim 1 turned 16 or 17.

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<sup>49</sup> Dann’s role at the camp during this period is unclear. WD Victim 1 told us that he later found out that Dann “wasn’t even supposed to be [at the camp] much of the time,” but explained that Dann was well-known to the Nichols community and was on campus frequently.

<sup>50</sup> We received an anonymous note from an individual who also stated that he had been a Nichols “summer camper,” and described his “awful” “first experience” at the camp as a “swim class in which all campers were expected to swim naked in front of all the camp assistants and counselors.” The letter noted that “[t]his was the first indication of an environment fraught with the perils of predatory individuals[,]” and that the experience had “provided [him] with nightmares and anguish[ed] moments.” The notewriter declined multiple invitations from us to speak, so that we might learn more about his allegations and the identities of counselors and any teachers involved. Nevertheless, because of the similarity to the conduct alleged by WD Victim 1 (albeit without any specific reference to Dann), we believe this provides useful background and context to understand WD Victim 1’s account.

<sup>51</sup> WD Victim 1 noted that Dann called their relationship a “friendship,” even after it became sexual.

The sexual relationship began one afternoon when WD Victim 1 was visiting Dann at his home. WD Victim 1 reported that, during a conversation with Dann that day, Dann mentioned another boy who had apparently misbehaved and said to WD Victim 1 “guys who don’t do what they’re told to do get hit by a wooden spoon.” WD Victim 1 responded that no one in his family hit him. Dann responded “well I’m just tellin’ you that guys who don’t do what they’re told get hit.” Dann then asked WD Victim 1 if he knew what Courvoisier was, told him “it makes you happy,” and gave him shots of the drink. WD Victim 1 got drunk and Dann took him to his bed and performed a sexual act on him. Throughout the sexual encounter, Dann kept telling WD Victim 1 that “it is going to be alright.” Dann then drove him home and WD Victim 1 threw up in the back of Dann’s station wagon. WD Victim 1 did not tell anyone about this incident at the time.

WD Victim 1 continued to spend time with Dann for the next several years and went to his home frequently. He reported that “whenever we got together privately something [sexual] would happen.” The sexual contact occurred at Dann’s house, at a “shed” on Nichols’ campus to which Dann had a key, and at a “boathouse-type place” at a nearby lake.

Neither WD Victim 1 nor, as recounted by WD Victim 1, Dann, tried to conceal the fact that WD Victim 1 spent time with Dann at his home or elsewhere. In fact, according to several individuals with whom we spoke, it was well-known throughout the Nichols community that Dann spent time with students outside of school, frequently pursuing “shared interests,” such as cars, scavenging flea markets for memorabilia, or ice hockey. However, Dann told WD Victim 1 that “what they did in their private time was secret,” and he should not tell anyone about that. When WD Victim 1 was about to graduate from high school, he went to Dann’s home one day and found another boy there. That boy got angry that WD Victim 1 was there and told him to

stay away from Dann. WD Victim 1 told Dann about the encounter and Dann said “maybe you shouldn’t come here anymore.” WD Victim 1 stopped spending time with Dann after that.

WD Victim 1 reported that he saw Dann at a car show several years later and Dann told him “You really turned out to be good . . . I taught you about L.L. Bean and Brooks Brothers . . . . You shouldn’t be mad at me, you just aged out. Guys turn 16 every day; you shouldn’t be offended by that.” WD Victim 1 did not tell anyone of his relationship with Dann until he was 16 or 17 – when he and two friends discussed Dann.

We have no indication that Nichols administrators knew of Dann’s conduct with WD Victim 1 in particular, although some faculty and students from the late 1970s and 1980s reported hearing rumors that Dann previously had been dismissed from The Park School for sexual misconduct with male students. However, as discussed below, faculty and administrators had some level of awareness of Dann’s “grooming” and/or manipulative conduct with certain students at Nichols. *See School’s Knowledge and Response – WD Victims 1-6*, below.

### **WD Victims 2 and 3**

We received a report of similar misconduct by Dann with two other students, both of whom are now deceased, and neither of whom were we able to interview.<sup>52</sup> Because WD Victims 2 and 3 did not participate in this investigation, we have not included in this Public Report the detailed accounts of Dann’s conduct with them that were included in our Report to the Board. Likewise, we have removed those parts of the School’s Knowledge and Response which

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<sup>52</sup> Although these accounts differ from others where we have attributed specific conduct to a named faculty member in that they are not “first-hand” accounts, we are persuaded in this case that they should be reported and attributed here to Dann because of the credibility of the accounts, the severity of the conduct, the existence of credible reports of similar conduct at a prior institution, and the strikingly similar pattern of conduct perpetrated by Dann with respect to all three victims.

were not reasonably segregable from potentially identifying information regarding WD Victims 2 and 3.

#### **WD Victim 4**

WD Victim 4 was a male student who developed a close relationship with Dann during his eighth grade year. WD Victim 4 described coming to school early frequently to spend time with Dann in his office. He recalled that early in his eighth grade year, Dann took an interest in him, and “took [him] into his confidence . . . sharing with [him] knowledge about the school and faculty that he shouldn’t have.” He reported that Dann also purchased alcohol for him and drank with him, and bought him pornography. He visited Dann in his home three to five times that year, during which, their activities included watching movies, ordering pizza, and looking at Dann’s “old safes” collection. WD Victim 4 described one afternoon at Dann’s home when he got drunk, and Dann drove him back to his neighborhood and dropped him off near his home.<sup>53</sup> WD Victim 4 said that Dann never tried to touch him sexually, although “there was inappropriate sexual talk about [WD Victim 4’s] going through puberty.”<sup>54</sup>

WD Victim 4 described Dann as a “big collector of historical memorabilia, [who] would take [WD Victim 4] to flea markets,” and on other outings involving their “shared interests.” According to WD Victim 4, he went with Dann on approximately three to five “outings” during his eighth grade year, in pursuit of their “shared interests.” He also said they went to a store

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<sup>53</sup> This was the only instance of drinking alcohol at Dann’s home that WD Victim 4 recalled. He did recall several other instances when Dann bought alcohol and left it outside of his house for WD Victim 4 to retrieve and take to a friend’s home.

<sup>54</sup> WD Victim 4 stressed to us that Dann never tried to touch him, but said that Dann “took a real interest in [WD Victim 4’s] sexuality,” and shared his own “exploits, . . . [whether] fictional or not,” from his college years, and “tried to determine if [WD Victim 4] had been with girls.”

together, Dann bought pornography for him, they looked at it together, and then he “got to take it home.”

At the time, WD Victim 4 did not tell anyone other than one friend<sup>55</sup> about the conversations, alcohol, or pornography, for fear that the relationship would reflect poorly on him.<sup>56</sup> He recalled hearing jokes from other students’ older brothers “sort of insinuating that [Dann] had inappropriate sexual relationships with kids,” and “felt deep shame and embarrassment about [his] relationship with [Dann, both afterwards] in high school, and while it was happening.”

WD Victim 4 began to pull away from Dann in ninth grade. He reported that, when this happened, Dann began “calling [him] and sending [him] letters [saying] ‘you’re ignoring me.’” WD Victim 4 reported feeling “awful,” “disloyal,” that he “had abandoned [Dann], after all he had done for [him],” and that he “was a bad person.” The letters and calls eventually stopped after several months.

### **WD Victim 5**

WD Victim 5 was a female student at Nichols, and described herself as one of the students Dann “took under his wing.” She reported that she and a male classmate were Dann’s “special” group in their eighth grade year. Dann showed them special favor by, for example, letting her leave her bag in his room during the school day – and leaving special notes in it for her – and allowing them to “hang out in his office whenever [they] wanted.” With hindsight, WD Victim 5 believes that Dann used her friendship with the male classmate to engage her in an

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<sup>55</sup> We spoke with this friend and s/he corroborated certain facts reported by WD Victim 4.

<sup>56</sup> WD Victim 4 reasoned: “I knew it was inappropriate, but I knew I wasn’t getting touched.”

inappropriate friendship with Dann, and to act as a “cover” for Dann’s interest in that male classmate.

WD Victim 5 reported that Dann showed her photos of other students who, in years past, had been his “special friends,” some of whom, he said, had named their children after him, which “ma[de her and her friend] feel like [they] were part of a club.” WD Victim 5 described her interactions with Dann as “centered around [the male classmate],” but she stated that Dann also “made [her] feel very special . . . gave [her] a lot of attention . . . [was] very charming, and . . . made [her] feel seen and . . . loved.”

WD Victim 5 did not tell anyone about the special attention Dann paid her, although she and the male classmate were friends, and both were aware of their “special friendship” with Dann. WD Victim 5 told us that she was afraid to tell anyone about the relationship because she feared that it would be viewed as her “fault.”<sup>57</sup> She stated that she received “about 100 notes” from Dann, after she no longer saw him in class every day.<sup>58</sup> Many of these notes asked her about, or otherwise referenced, the male classmate. However, the notes got progressively “weird and threatening” as she stopped writing back, pulled away from Dann, and began to “realize he was creepy.” The handwritten note<sup>59</sup> from Dann that we reviewed stated:

“Some assurance is needed – written<sup>60</sup> in a letter:

1. That we are good friends[.]

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<sup>57</sup> WD Victim 5 noted: “It was very clear that we were not supposed to be having the relationship that we were having. I think he told me to call him my ‘secret pal.’”

<sup>58</sup> Although most have been discarded, WD Victim 5 saved several and shared one with us.

<sup>59</sup> The note was written in Dann’s distinctive script, with a typed envelope. As explained to us by WD Victim 5, because her mother had begun to notice the frequency of letters arriving at her home from Dann, Dann began to type the envelopes to avoid detection.

<sup>60</sup> Underlined word in the original.

2. That we will continue to be good friends.
3. That you appreciate what I have tried to do for you this year, and that occasionally you might show some appreciation[.]
4. That you will make an active effort to keep in touch in the future.”

In hindsight, WD Victim 5 believes the letters were intended to intimidate or manipulate her so that she would not expose their relationship, or Dann’s interest in the male classmate, to the School. Not surprisingly, both WD Victims 4 and 5 described experiencing these emotional pulls by Dann as “uncomfortable” at the time, and, in hindsight, “extraordinarily manipulative,” “abusive,” and damaging.

#### **WD Victim 6**

WD Victim 6 was a male student and a close friend of the student (WD Reporter) who contacted us and reported Dann’s conduct regarding WD Victim 6.<sup>61</sup> According to WD Reporter, WD Victim 6 was a “special friend” of Dann’s who “got really close to Dann” and who Dann “was grooming,” when they were both approximately 11 or 12 years old. Because WD Victim 6 did not participate in this investigation, we have not included in this Public Report the detailed account of Dann’s conduct with WD Victim 6 that was included in the Report to the Board.

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<sup>61</sup> As with the accounts regarding WD Victims 2 and 3, this second-hand account is included here because it is supported by “pattern evidence,” *i.e.*, the boundary-crossing “fraternizing” conduct reported to us is strikingly similar to other first-hand reports that we received recounting Dann’s conduct.

*The School's Knowledge and Response – WD Victims 1-6*

We found no indication that teachers or administrators at the School had specific knowledge of the sexual misconduct by Dann with WD Victims 1, 2, or 3 or the emotional relationships between Dann and WD Victims 4, 5, and 6. Nor did we find any specific knowledge on the part of the School administration or faculty, while Dann was still at Nichols, of any prior sexual misconduct by Dann with students either at The Park School or The Governor's Academy. There were, however, persistent rumors among students and faculty during Dann's tenure at Nichols that Dann had been dismissed from The Park School because of sexual involvement with boys. We also heard many times the "common knowledge," passed down from older brother to younger brother, and parents to sons, that boys should be careful not to spend time alone with Dann.<sup>62</sup>

Numerous faculty members and School administrators told us that it was known that Dann spent a considerable amount of time outside the classroom with boys. Several commented that Dann spent a lot of time at hockey games with male students, which one described as "weird." Another said that he always had a group of boys in his classroom and that female students "felt he showed a distinct preference for the boys." Yet another said there were "some concerns that he was too close to kids and had no life outside of school," and others reported that Dann made some students "uncomfortable," "create[d] a cult of loyalty" among students, and "wrote letters to [former students after they moved to the Upper School] saying you don't care about me anymore." One faculty member described Dann as someone "who would rather be

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<sup>62</sup> It is possible that some of this "cautionary advice" reflects a cultural bias regarding never-married men of a certain age, rather than actual knowledge of predatory conduct by Dann. However, a similarly never-married male teacher whose time at Nichols overlapped with Dann's and also was thought to be homosexual, apparently did not elicit "stay away" advisories as with Dann.

around a bunch of young boys than adults . . . [a] creepy Peter Pan kind of thing,” whose “need to be loved” led him to exact “vow[s] of loyalty” from students.

Nevertheless, despite this “common knowledge” of (at best, potentially) manipulative conduct, we did not find any evidence that faculty or administrators at the School recognized Dann’s interactions with students as “red flags” warranting further scrutiny or questioning. Bryan, Head of the Upper School and then Headmaster during Dann’s tenure at the School, said that “there was banter about [Dann’s conduct]” but that he had no “direct knowledge of any inappropriate conduct . . . ; [he had] heard a lot of speculation of [Dann] spending time with Middle School boys . . . but no direct rumors about particular conduct . . . .” Nevertheless, Bryan did not follow-up on the “banter” or “speculation” about Dann’s conduct with students.<sup>63</sup>

Thus, through a combination of factors: 1) gaining and maintaining the trust of the School leadership and families; 2) cultivating a sense of “specialness” and loyalty among the students with whom he sought relationships so as to gain their trust and thereby deter any tendency they might have to expose the conduct; and 3) maintaining an appearance of “openness” in his public interactions with students he targeted, Dann was able to “normalize” his predatory behavior, and “groom” selected students to accept his overtures and “special attention,” all seemingly without arousing sufficient suspicion to trigger further scrutiny by the School.<sup>64</sup>

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<sup>63</sup> One teacher opined that Dann’s conduct went unchecked or uninvestigated because he was from a prominent family with long-standing ties to Nichols, *e.g.*, “it was allowed to continue because he was an old Buffalo name, the hockey rink was named after [his family].”

<sup>64</sup> One student told us: “Dann went after independent guys; guys who didn’t have to be home right away; whose parents were wealthy and busy. [Those boys] would be allowed to go to hockey games or to Dann’s house because the [parents] trusted him.”

We believe that Dann's ability to cross appropriate professional boundaries with students without intervention by the School was facilitated by a number of factors. First, faculty and administrators appeared to lack an awareness, or understanding, of the dynamics of "grooming." Thus, they did not recognize these warning signs and take steps to protect students from Dann's predatory conduct.<sup>65</sup> Second, we were not able to find any clear articulation by School leadership of the professional boundaries expected to be maintained by teachers with students until the mid-1990s, and even then, we do not believe the guidance referenced non-physical conduct.<sup>66</sup> Third, Nichols students, unsurprisingly, almost all voiced a respect for the authority exercised by the faculty, and an implicit trust that they would not be harmed by the acts of individual faculty members. This led them to "go along" with conduct initiated by Dann (and others) and, in some instances, to question their own judgments when they felt the conduct was inappropriate. This latter dynamic was especially helpful to Dann in enticing students who might otherwise have resisted or challenged his conduct with them.

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<sup>65</sup> One teacher reported that s/he did not think that Dann's involvement with students was sexual because Dann "did not try to hide his relationships with students, [so] I d[idn']t think anything was wrong."

<sup>66</sup> We heard again and again from faculty and administrators that they simply were to be guided by "common sense" in their interactions with students.

## **Julie Jones**

Julie Jones was an Upper School science teacher from 1981 to 1997. We received numerous credible reports that during her tenure, Jones engaged in behavior with students that crossed professional boundaries. Specifically, students and faculty members recounted incidents of Jones flirting repeatedly with male students, exhibiting unprofessional closeness with particular students, and engaging in “grooming” behavior with male students that included inviting them to her home for dinner, to party, and to drink alcohol. Jones’ contract to teach at Nichols was not renewed after 1997. We attempted to reach Jones to interview her, but she did not respond to our repeated telephone messages and letters.

We received reports from multiple students that Jones flirted with male students, both during and outside of class, and in a “very overt manner.” One student recounted a particular incident during a field trip in which Jones got very close to a boy with whom she often flirted, and they leaned into each other in a very intimate way and talked “flirtatiously.” This conduct was sufficiently different from other teacher-student interactions to which the student was accustomed that it left a lasting impression in this student’s mind, which the student recalled for us some 30 years later, when we interviewed him/her.

Another student recounted conduct by Jones that he identified as “grooming” of him and several other boys in his class. Early in the school year, Jones invited that student and three or four other boys to her home for dinner on several occasions. She served the boys alcohol, flirted with each of them, and “compliment[ed] and buil[t] up all of [them].” This student reported that there were several dinners in the first few months of the year until Jones “whittled it down and then it was just one guy,” and then she no longer invited the group of boys over for dinner. This account was confirmed by another student, who told us that Jones frequently hosted students at

her home and served alcohol to them. This student noted that the students who participated in these parties talked openly about them in the dining hall during lunch.

### *The School's Knowledge and Response*

Throughout Jones' tenure at Nichols, there were frequent discussions amongst both students and faculty about her overly friendly relationships with certain male students, as well as frequent rumors and speculation that the relationships went beyond flirting to something more sexual. Three teachers told us that they had heard persistent rumors about Jones' close relationships with certain male students, but did not have any first-hand evidence of improper conduct. One student reported being asked by a teacher, a few years after graduation, whether Jones had been involved with a particular student in his/her graduating class, because the teacher was concerned about the significant amount of attention that Jones was showing to another student. The student told us that s/he responded that s/he suspected that Jones had had a sexual relationship with the boy in his/her class, but did not have any first-hand knowledge to support that suspicion.

Bryan, who served as the Head of the Upper School and Headmaster during Jones' tenure, reported to us that he had concerns about Jones' "behavior with male students" during her time at Nichols. He told us that he had heard from his Deans that there were rumors that Jones had been involved in relationships "over a several year period with different boys" but he had no direct evidence of improper conduct. However, Bryan did not investigate the rumors about

Jones' relationships and neither he, nor the Deans with whom we spoke, followed up with any of the boys identified in the rumors.<sup>67</sup>

Instead, Bryan cited unrelated other concerns as the stated basis for his decision not to renew Jones' contract for the 1997-1998 school year. According to Bryan, when he told her she was not going to be renewed, he expressed concerns about alleged inappropriate conduct with male students, but told her the termination was due to the other unrelated issue. He reported that when he asked her about the rumors of having relationships with boys, "she denied it. She never asked me who I was talking about. She just said that it is not true."<sup>68</sup>

Rockwell told us that she also was involved in the decision not to renew Jones' contract, and participated in a meeting with Bryan and Jones to inform her that she would not be returning to Nichols the following school year. However, Rockwell reported that, to her knowledge, Jones was terminated based on performance grounds "and that there was [n]o suggestion of relationships with students."<sup>69</sup> Rockwell denied having any knowledge of Jones' alleged relationships or other misconduct with students, or that any such allegations were raised with Jones at the time of her termination.

A review of Jones' available personnel file indicates that, in her last year at Nichols, Bryan had several conversations with Jones about various performance issues. There were also

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<sup>67</sup> We spoke to two individuals who served as Deans during this period, and both said that they were unaware of such rumors, from either the Deans' meetings or from students. Bryan said that he did not know whether he had told Rockwell about Jones' "inappropriate behavior[, but] assumed she would know about it . . . . [S]he was a Dean back then and may have been in those Dean discussions."

<sup>68</sup> Bryan expressed regret for not having done more at the time to follow-up on the rumors about Jones, and said that, were he confronted with such a situation today, he would "talk to the boys and confront the teacher directly."

<sup>69</sup> We were not able to determine if Rockwell and Bryan were referencing the same meeting with Jones. If both of their accounts are accurate, Bryan would have had to have met with Jones on at least two separate occasions – one in which the "relationship" allegations were raised and another (with Rockwell), where only the performance-based reasons for termination were discussed. However, given that 20 years have passed since these events, the discrepancy could well reflect Bryan's and/or Rockwell's faded memories.

notes in Jones' file reflecting performance concerns that had been raised by both students and parents. However, there was no indication in the personnel file provided to us that anyone in the administration had concerns about possible inappropriate relationships or other misconduct with male students. Bryan put Jones on probation in November 1996 and informed her in a February 1997 letter that he would not be renewing her contract. The February 1997 letter did not identify the reasons for her termination and concluded with an offer to write a letter of recommendation for Jones to help her find another position.

## **Donna Armistead**

Donna Armistead was a dance teacher at Nichols in the 1980s. We received a credible first-hand report from a student (DA Victim) of a brief inappropriate relationship with Armistead while he was a student at Nichols. DA Victim's account was supported by a different report from a senior administrator, who told us that, a number of years after leaving Nichols – but well before this investigation began – he had learned of Armistead's conduct with DA Victim from DA Victim.

DA Victim requested that the information he provided regarding the conduct between him and Armistead not be included in a Public Report. Therefore, the details of Armistead's misconduct, and the bases for our findings, are not recounted here.

We contacted Armistead, described the reports of conduct that we had received involving her and DA Victim, and invited her to discuss them. She responded that she had “engaged in no inappropriate behavior with any students who were at Nichols” and then declined to speak further with us.

### *The School's Knowledge and Response*

We received no evidence that the School had any knowledge of Armistead's misconduct with DA Victim at the time that it occurred, or while he was still a Nichols student. Though one administrator reported that s/he learned of the relationship years later, we found no evidence that any administrator was aware of the conduct involving DA Victim while Armistead was teaching at Nichols.

**B. Other Credible Accounts of Inappropriate Conduct – Unnamed Faculty Members**

In addition to those credible accounts regarding specific faculty members reported above, we received other credible reports of misconduct that we do not attribute to any specific faculty member by name because, while credible and supported by extrinsic evidence, they are, for the most part, not first-hand accounts. Rather, they have been reported to us second or third-hand, or, if first-hand reports, are not supported by extrinsic evidence or by other compelling factors.<sup>70</sup>

Although we do not feel there is enough supporting evidence of these events to name the faculty member involved, these accounts are sufficiently credible that we believe our investigation would be incomplete without telling these stories. If nothing else, these stories, which we do believe are credible, provide background and context to the “systemic” issues raised by the original two correspondents. Thus, we recount them in an anonymized fashion to provide a window for the current School leadership into some of the background to the Alumna Letters, without harming the reputations of the faculty members involved. As with Section II.A., above, we ascertained whether each of the faculty members discussed below was alive and attempted to locate and speak with him or her directly. Where applicable, we have noted their responses below.

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<sup>70</sup> As noted above, some of the accounts in this section involve individuals who also were named in Section II.A. above, but the accounts or conduct did not meet the criteria that we articulated for attributing the conduct to a faculty member by name.

## **Faculty Member 1**

FM 1 was a female teacher who taught at Nichols in the 1980s and 1990s. who, by all accounts, was young, attractive, and well-liked by both male and female students. Several teachers and students provided us with second and third-hand accounts of FM 1's sexual relationships with male students over a number of years.

We attempted to contact FM 1 but she did not respond to our requests to interview her.

### **FM 1 Victims 1 and 2**

We received several credible second-hand accounts that two male students (FM 1 Victims 1 and 2) each had a sexual relationship with FM 1 while they were at Nichols. Neither FM 1 Victim 1 nor FM 1 Victim 2 contacted us, and, consistent with our practice, we did not attempt to interview either of them. Because neither FM Victim 1 nor FM Victim 2 participated in this investigation, we have not included in this Public Report the detailed accounts of FM 1's conduct with them that were included in the Report to the Board.

A classmate of one of the victims told us that that relationship “was so open and obvious,” that it had seemed “consensual” and that, because FM 1 was very “pretty” and “popular,” “all the guys wanted to be with her and all the girls wanted to be her.”<sup>71</sup> Another student told us that one of the victims told his friend group about the relationship when it was occurring and was “both embarrassed and bragging,” and seemed “confused” about how he should feel, given FM 1's role as a teacher. Further, a teacher identified one of the victims to us

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<sup>71</sup> Another student echoed this sentiment, telling us that “every boy was hoping that they would [be] picked by [FM 1],” and reported that one of his/her closest male friends during high school told him/her “If [FM 1] wanted to [have sex with me] then I would be elated.”

as a boy who had had a sexual relationship with FM 1, and told us that the relationship was “common knowledge” within the School at the time.

Yet another student told us that s/he had “pretty much first-hand knowledge that [FM 1] slept with [a particular student] because that student’s sibling was [his/her] best friend.” This reporter did not want to disclose any further details because s/he did not want to provide names or information about any victim who had not chosen to participate in the investigation.

We also heard from a student that male students talked about “babysitting” for FM 1, and that “‘babysat’ was clearly code for ‘went to her house and fooled around with her.’” This student said that by his/her junior and senior year, the relationships between FM 1 and the male students were “pretty open.”

Several students told us that they believed that FM 1 chose one male student to have a sexual relationship with each year for a period of time. One said “there was always a boy who hung out in her classroom and then he would graduate and another would come along.” Another said it “seemed to be that there was always one and then there would be the next chosen one.”<sup>72</sup> We also heard from other students of reports from classmates about FM 1 having relationships with boys in their classes. While not all of these were first or second-hand accounts involving specific victims, we have mentioned them here because of the volume of reports we received regarding FM 1 from students in multiple class years.

### *The School’s Knowledge and Response – FM 1 Victims 1 and 2*

We did not find any evidence that Nichols administrators had *actual* knowledge of FM 1 having sexual relationships with any students. The magnitude of the rumors regarding her

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<sup>72</sup> This student described this pattern as “not even remotely subtle . . . it was not hidden . . . went on for a number of years, until the [School] found a reason to [terminate] her.”

conduct, however – including among teachers and administrators – raises the question of why they did not act on the rumors to further investigate whether there was any truth to them. FM 1 was terminated for other reasons.

## **Faculty Member 2**

FM 2 taught at Nichols throughout the 1980s until he resigned. We received numerous reports about FM 2's alleged misconduct with students, including drinking and "going out" with small groups of students, breaching emotional boundaries, kissing two female students, and having a further sexual relationship with one of the girls he kissed.

We attempted to speak with FM 2 about the reports that we received regarding his conduct; a lawyer returned our phone call on his behalf and ultimately advised us that FM 2 would not speak with us.

### **FM 2 Victim 1**

We received multiple reports of FM 2's sexual involvement with FM 2 Victim 1, a female student at Nichols. FM 2 Victim 1 did not contact us, and, consistent with our practice, we did not attempt to interview FM 2 Victim 1. Because FM 2 Victim 1 did not participate in this investigation, we have not included in this Public Report the detailed accounts of FM 2's conduct with her that were included in the Report to the Board.

### **FM 2 Victim 2**

We received a first-hand report from a student that FM 2 went out drinking regularly with students (see more below) and a second-hand report that FM 2 kissed FM 2 Victim 2, a female student, on one of these outings. FM 2 Victim 2 did not contact us, and, consistent with our practice, we did not attempt to interview FM 2 Victim 2. Because FM 2 Victim 2 did not participate in this investigation, we have not included in this Public Report the details regarding FM 2's conduct with FM 2 Victim 2 that were included in the Report to the Board.

### *Fraternizing Conduct*

As referenced above, we received several reports that FM 2 frequently invited students to his home to drink or went out drinking with them. One student described FM 2 as “a friend to everybody.” This student told us that FM 2 regularly invited groups of students – generally “six, eight, ten; three or four from each year, a mix of boys and girls” – to his house, and “provided us all with alcohol, at very young ages . . . . We’d go to his house, and then he would go out with us on the weekends sometimes to bars, we all had fake IDs . . . .” This student also told us of his/her siblings who attended Nichols participating in these outings with FM 2 and visits to his home, where he provided alcohol to students.

In describing the perception of appropriate teacher-student boundaries at the time, with the advantage of hindsight and an adult perspective now, one student observed:

“A lot of us [Nichols students during the 1980s] came from families where there wasn’t a lot of supervision, so we were doing things that we probably shouldn’t have been doing, drinking at young ages . . . coming from homes that appeared wonderful on the outside [but] really weren’t behind closed doors . . . . We were all good students, . . . all going someplace, all drinking underage, most of us were having sex way too young . . . . We were coming from homes where there were no boundaries, no curfews, so this was all normal.”

Whether perceived by the students at the time as “normal,” FM 2’s fraternization with students and his facilitation of under-age drinking crossed appropriate professional boundaries of teacher-student relationships, in the 1980s, and now.

### *The School’s Knowledge and Response – FM 2 Victims 1 and 2 and Fraternizing Conduct*

It is difficult to determine with any specificity or certainty what the School knew about FM 2’s conduct with students, and when. One faculty member reported hearing “buzz” about FM 2 and sexual or romantic relationships with students, but we found no evidence that School

administrators were specifically aware of a particular relationship. Two faculty members reported hearing that FM 2 had students over to his house for beers, and that “he involved students in drinking episodes either at his home or elsewhere,” and another reported that FM 2 had gotten pulled over for a DUI with Nichols students and open containers of alcohol in the car. Another teacher told us that FM 2 was the “object of much speculation during his time at Nichols” – that there were “rumors among students” of a relationship with a specific female student and that teachers would say that “he had a reputation for inappropriate conduct with female students.”

However, neither Bryan, who became Head of the Upper School shortly after FM 2 arrived at Nichols, nor Peter Cobb, who was Headmaster at the time, said that he was aware of any inappropriate conduct by FM 2 with students while he was teaching at the School, or acknowledged hearing rumors to that effect sufficient to cause them to investigate further. And, despite the speculation on the part of some faculty regarding FM 2’s inappropriate conduct with students, we received no indication that the faculty members reported any of their speculations to the administration, or that the rumors or speculation were specifically communicated to Bryan or Cobb at the time.

### **Faculty Member 3**

FM 3 taught at Nichols from 1970 until at least 1990. We received a credible second-hand report of a sexual relationship with a student during his time at Nichols, as well as a written admission by FM 3 in his personnel file of having engaged in other inappropriate conduct with a female student while at Nichols. FM 3 is deceased, so we were unable to interview him.

### **FM 3 Victim**

We received a credible report that FM 3 had a sexual relationship with a female student (FM 3 Victim) during his tenure at Nichols. FM 3 Victim did not contact us, and, consistent with our practice, we did not try to interview her as part of this investigation. Because FM 3 Victim did not participate in this investigation, we have not included in this Public Report the detailed accounts of FM 3's conduct with FM 3 Victim that were included in the Report to the Board. Likewise, we have removed those parts of the School's Knowledge and Response which were not reasonably segregable from potentially identifying information.

We received an additional report, also second-hand (although much was confirmed by contemporaneous documentation, including a memorandum written by FM 3 which we found in his personnel file), that FM 3 engaged in other inappropriate conduct with FM 3 Victim.

### **The School's Knowledge and Response – FM 3 Victim**

We have no evidence that the School had specific knowledge of any sexual relationship between FM 3 and FM 3 Victim. The School was, however, made aware of FM 3's other inappropriate conduct with FM 3 Victim. However, despite Headmaster Cobb's view today that such conduct by FM 3 was, at the time, "totally inappropriate" and "sanction[able]," School

records indicate that he disciplined FM 3 for an unrelated offense involving the same series of events, but did not address the inappropriate conduct with the female student. When we spoke with Cobb, he had no specific recollection of this incident, now more than 30 years later. He did comment, however, that it would have been “totally inappropriate to have [acted as FM 3 acted] . . . [even] in the [ ] 1980s . . . [and he] would have been deeply suspicious [and] would never have sanctioned it as appropriate.”<sup>73</sup>

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<sup>73</sup> Cobb did not have a specific memory of this incident, or of speaking with the female student, but indicated that in such circumstances, where inappropriate conduct by a teacher had been alleged, he should have spoken to the alleged victim before taking any action to sanction or absolve the teacher.

#### **Faculty Member 4**

FM 4 was a female teacher at Nichols in the 1980s.

#### **FM 4 Victim**

A student reported to us that a classmate, FM 4 Victim, had told him/her, at the time, that he was involved in a sexual relationship with FM 4. FM 4 Victim did not contact us, and, consistent with our practice, we did not try to interview him as part of this investigation. Because FM 4 Victim did not participate in this investigation, we have not included in this Public Report the detailed accounts of FM 4's conduct with FM 4 Victim that were included in the Report to the Board.

Another student reported to us that s/he had heard that FM 4 "was sleeping with students during her time [at Nichols]," but did not have any first-hand knowledge about any of the students with whom she was allegedly involved.

We were able to contact FM 4, and spoke with her. She denied engaging in any sexual relationships with students while she was at Nichols.

#### **The School's Knowledge and Response – FM 4 Victim**

The individual who informed us of his/her classmate's relationship with FM 4 said that s/he did not know whether any Nichols teachers or administrators had knowledge of that relationship at the time it was going on. The administrators from that time period whom we

interviewed reported that they had no knowledge of FM 4 having any relationships with students during the time that she was at the school.<sup>74</sup>

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<sup>74</sup> One administrator reported that s/he had heard about a teacher in FM 4's discipline who "had relationships with boys" before the administrator began at the school, but s/he had no other knowledge about such relationships.

## **Faculty Member 5**

FM 5 was a male teacher in the 1980s. One student (FM 5 Victim) told us that FM 5 had engaged in inappropriate conduct with him while FM 5 was teaching at Nichols. We were able to speak with FM 5 and another teacher, also with first-hand knowledge of some of the events reported here, and have included their recollections here.

Four teachers whose Nichols tenures overlapped with FM 5's described him as "weird," "strange," "creepy," and "giving off strange vibes." There were no formal performance evaluations in FM 5's personnel file, but a note in his personnel file indicated that a senior administrator had spoken with FM 5 on more than one occasion about "various reports, rumors, etc. regarding inappropriate materials (pictures of naked girls?) which apparently could be seen in his room (boys only)." The note also commented on the administrator's lack of confidence in FM 5's judgment regarding "what [is] appropriate to say or do in different situations."

### **FM 5 Victim**

FM 5 Victim told us that FM 5 singled him out for favored treatment while he was a student, and that he believed that FM 5 was "grooming" him. He stated that FM 5 "showed real interest in me, liked me." Another student independently identified FM 5 Victim as a boy to whom FM 5 paid particular attention.

During his tenure at Nichols, FM 5 chaperoned various school trips for students. FM 5 Victim reported that on one of the trips chaperoned by FM 5, FM 5 pulled out a box of condoms, asked the students if they knew what they were, and then told them that they were "[slang word for condoms]" and that he kept them to use for "when [he] is having sex." According to FM 5 Victim, FM 5 did not say anything further about the condoms.

On another trip, FM 5 Victim reported that, one night during the trip, while he slept, FM 5 lay next to him, put his arm around FM 5 Victim's chest, snuggled up to him, and said "oh that's nice, you're like my teddy bear." FM 5 then began to push his groin against FM 5 Victim. According to FM 5 Victim, he "just kind of laid there petrified" for much of the night, though he did fall asleep at some point. FM 5 Victim reported that FM 5 never talked to him about the incident the next morning or at any time afterward, and did not treat him differently. FM 5 Victim also reported that, when FM 5 dropped him off at his home at the end of the trip, FM 5 gave him a hug, and then put his hands on FM 5 Victim's shoulders and said "thank you for that hug" in a manner that FM 5 Victim found "creepy." FM 5 Victim never told his parents, or any other student or teacher about what had happened on the trip.

When we interviewed FM 5, he acknowledged taking students on trips, including the trip described by FM 5 Victim. However, FM 5 denied ever "cuddling up" to a student. He also denied ever talking to students about condoms or showing them condoms.<sup>75</sup> The other teacher we interviewed, while reporting no awareness of the "cuddling" incident, did call into question FM 5's recounting of other aspects of the trip.

#### *The School's Knowledge and Response – FM 5 Victim*

While, as mentioned above, the senior administrator had raised a question about FM 5's judgment, we have no information to suggest that any of the School's administrators had any knowledge of the conduct reported by FM 5 Victim or knowledge of any other sexual misconduct by FM 5. FM 5 left Nichols before the next school year (after the trip) began, and

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<sup>75</sup> We have reason to question FM 5's credibility based on reports we received from two teachers that, years after FM 5 left Nichols, he applied for a position at the School and provided a resume that included a description of his previous time at Nichols that was, in their estimation, exaggerated if not totally fabricated.

his personnel file indicates that his contract was not renewed because of a “projected enrollment decline” in the School. FM 5 asked the Headmaster and the chair of his department to write letters of recommendation on his behalf during his last year at Nichols as he was applying for administrative positions at various schools, and both individuals did so.

## **Faculty Member 6**

FM 6 was a female teacher who taught at Nichols several decades ago. FM 6 passed away many years ago so we were unable to interview her for this Report.

### **FM 6 Victim**

Several teachers reported that FM 6 had relationships with one, and perhaps two, of her male students during her tenure at Nichols. Because none of the students contacted us, consistent with our practice of not contacting victims, we did not attempt to interview them for this investigation. We have not included in this Public Report the detailed accounts of FM 6's conduct with FM 6 Victim that were included in the Report to the Board.

### **The School's Knowledge and Response – FM 6 Victim**

According to one faculty member, Nichols offered full scholarships for her children if FM6 would resign her position. FM 6's personnel file that we reviewed had no reference to sexual misconduct. While one student recalled that FM 6 was "well known among faculty for indiscretions involving boy students," there is no reference in her personnel file to any inappropriate relationships with students and we were unable to confirm whether any administrators were aware of FM 6's conduct at the time of her resignation. Former Headmaster Wadsworth had no recollection of scholarships offered to FM 6 or of the circumstances surrounding her departure from the School.

## **Faculty Member 7**

FM 7 was a male teacher who taught at Nichols over several decades. According to multiple individuals with whom we spoke, FM 7 was a beloved teacher, who favored particular male students, whom he invited to his home for the weekend on a regular basis. He would put them to work doing chores, *e.g.*, chopping wood, which he reportedly often had them do without their shirts on. We received a first-hand report from a student who had spent several weekends at FM 7's home. He reported that FM 7 served him alcohol, drank with him, and that they discussed topics related to the subject that FM 7 taught. This student also acknowledged doing chores at FM 7's house, such as chopping wood. However, this student did not believe that any of FM 7's conduct was sexual or "grooming" in nature.

We heard from several individuals that FM 7 frequently brought pies that he had baked to the school, which he would then give to a small group of male students. One student related in great detail how s/he watched, from where s/he sat in the hallway outside his/her locker and FM 7's classroom, several boys arrive early to FM 7's classroom to eat the pie or other meals he had brought to the School to give to them. This student described the boys as "attractive" young men, who would come to FM 7's office, either alone or in pairs. While the door to the classroom was often closed when the boys were in the room (something that, in and of itself, this student thought at the time was "strange"), s/he could hear the conversations between FM 7 and the boys. S/he described the conversations as follows: FM 7 would tell the boys "that he made the food especially for them and would serve them portions of it. Then they would talk in intimate tones about time spent at [FM 7's] home. It was quite clear that these young men were frequently spending partial or full weekends at his house." S/he further described the interactions between FM 7 and the boys as having "a real intimacy" that made him/her

uncomfortable. Finally, s/he described the “awkwardness” of the boys as they went to the classroom and the discomfort they seemed to experience about the situation.

Many individuals reported that FM 7 had unusually close relationships with certain male students, which were described by some students as “creepy” or “gross.” It is important to note, however, that despite rumors and suspicions that some of these relationships were sexual, we received no credible reports of inappropriate physical contact between FM 7 and the boys. Rather, some of his conduct with the boys crossed professional boundaries in that, in addition to serving them alcohol, the emotional relationships – and intimacy – that he developed with the young men conflicted with his role as a teacher.

#### *The School’s Knowledge and Response*

Several students reported that other teachers knew that FM 7 identified “favorite” male students and that he hosted these boys at his home for the weekend, and brought pies that he had baked to school for them. One teacher reported that s/he knew that FM 7 invited boys to his home on the weekends, thought it was unusual, and wondered why he would bring the boys to his home, but s/he did not discuss this with other teachers or any administrators. Another teacher reported that s/he knew that FM 7 had “special” relationships with certain male students and would spend time with them outside of school, but s/he assumed simply that FM 7 and the boys were discussing the subject that he taught.

A senior administrator reported that s/he had no knowledge of FM 7 taking students to his home on the weekend and said s/he “would have been concerned” if s/he had known. Another senior administrator also reported having no knowledge of FM 7 spending time on the weekends with his students at his home. Bryan, who was Head of the Upper School for part of

FM 7's tenure, was aware that FM 7 had male students come to his home for the weekend but did not know, and did not inquire as to, what the boys were doing there. He also knew that FM 7 baked pies for certain students and would bring them to school for the students, but he did not believe any of FM 7's conduct raised any cause for concern. By the time Bryan assumed the position of Headmaster, FM 7 was elderly and Bryan considered him to be simply "a character," who was not harmful.

## **Faculty Member 8**

FM 8 was a teacher at Nichols from the 1950s through the 1970s. We received one first-hand account of inappropriate conduct by FM 8 which we believe to be credible, because of the clarity and consistency of the victim's multiple recountings to us, and the fact that s/he had told another individual of the incident some 30 years before this investigation – which we were able to confirm. FM 8 is deceased, so we were not able to interview him.

### **FM 8 Victim**

FM 8 Victim requested that his/her account not be included in a Public Report. Thus, the details of FM 8's misconduct, our findings, and the bases for those findings are not recounted here.

### **The School's Knowledge and Response – FM 8 Victim**

We received no evidence that the School had any knowledge of FM 8's misconduct with FM 8 Victim or any knowledge that FM 8 engaged in any inappropriate conduct with any other student. The administrators with whom we spoke reported no knowledge of FM 8's specific misconduct with FM 8 Victim, or of ever having received any reports of sexual misconduct by FM 8 or of hearing any rumors about such conduct.

### III. Reflections on Nichols' Culture

This Report recounts what we believe to be credible accounts of sexual misconduct and other inappropriate conduct by Nichols faculty with students, ranging over a period from the early 1960s to the mid-2000s. Given the passage of time and the associated dimming of memories, together with the unavailability of some reporters – through death, unwillingness to come forward, unawareness of this investigation, or other factors – we do not believe this Report to be an exhaustive accounting of all incidents of teacher-student misconduct that may have occurred at Nichols. Such is the nature of these investigations. Nevertheless, we learned – and have reported to the Board – enough to permit some observations regarding the issues raised by the two alumnae in their May 2017 Letters, of the “hidden” nature of this misconduct at Nichols, and the School’s “lack of transparen[cy]” about such misconduct in the past.

Each correspondent expressed the belief that her own experiences at the School were not “isolated,” and, that both the “abuse” and the “willful dismissal” or “being told to keep quiet about it” that they experienced were part of a “systemic culture within Nichols structured around keeping this problematic behavior from coming to light and damaging the [S]chool’s reputation.” In her own way, each expressed the hope that, by writing to the School, she might create an opportunity for alumni who were harmed or felt “silenced” during their time at Nichols to speak and to be heard, and to engage the School and the Nichols community in a forward-looking process “to change the culture [to] ensure the safety and well-being of all its current and future students.”

Thus, we approached this investigation in the spirit of addressing these “institutional” or “cultural” concerns, in addition to uncovering the facts of particular incidents of misconduct reported to us. Before sharing our general observations, however, we want to emphasize our

belief that the Nichols of today is a different school from that reflected in the incidents recounted in this Report – notably, we received no reports of inappropriate faculty conduct with students after the mid-2000s.

Additionally, despite the failures recounted in this Report on the parts of key faculty and administrators, we do not believe that these lapses were “systemic,” in the sense that faculty and administrators, over the past decades, consciously chose to stay silent in the face of faculty misconduct, at the expense of the well-being of individual students. To the contrary, we spoke to at least nine senior administrators from this period, and most credibly articulated their understandings of appropriate faculty-student boundaries – and, with the exceptions noted, we found no evidence that they were aware specifically of breaches and failed to act.

To summarize our findings on this point, we have divided the responses to faculty misconduct that was not addressed by the School into three categories:

- 1) Those administrators who knew of possible misconduct and failed to act appropriately;
- 2) Those teachers who “suspected” misconduct and took some action, or were deterred from raising their concerns with the administration; and
- 3) Those teachers who “heard rumors” of, or “wondered about,” possible misconduct and did not know how to respond.

1) Those who knew and failed to act appropriately:

- *Rick Bryan*
  - Bryan was told on several occasions of concerns about Budington’s ongoing inappropriate conduct with AB Victims 2 and 3 and failed to conduct any follow-up inquiry.
  - Although acting quickly to discipline Budington in response to concerns raised regarding AB Victim 4, Bryan offered to expunge from Budington’s

School records references to the circumstances surrounding AB Victim 4, if he completed the requisite professional evaluations and assessments.

- Bryan wrote a Letter of Recommendation for Budington following Budington's retirement from Nichols that failed to mention the incident involving AB Victim 4 (or the concerns raised regarding AB Victims 2 and 3, of which Bryan says he had no notice).<sup>76</sup>
  - Bryan heard rumors that Jones had engaged in inappropriate relationships with male students and failed to investigate her conduct or its impact on the students potentially involved.
  - Faced with the rumors, Bryan premised Jones' termination on other grounds rather than referencing any misconduct with students.
  - Although aware of the rumors of inappropriate relationships, Bryan offered to draft a letter of recommendation for Jones.
- *Mary Rockwell*
    - Rockwell, similarly, was told of concerns regarding Budington's inappropriate conduct with both AB Victims 2 and 3, and failed to investigate what she heard. We believe that the information communicated to, and observed by, Rockwell should have raised a red flag and caused her to make further inquiry regarding Budington's conduct and the well-being of AB Victims 2 and 3.
  - *Peter Cobb*
    - Cobb was aware that FM 3 had acted inappropriately with a female student, but concluded, without speaking to the student involved, that "no serious misconduct [had] occurred," and disciplined FM 3 for an unrelated offense.

2) Those who suspected and tried to act or report, or were deterred from reporting:

- One faculty member reported telling Bryan of rumors that Budington was engaged in an inappropriate relationship, and that Bryan dismissed his/her concerns and

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<sup>76</sup> As noted above, we found no evidence that the letter was ever sent by Bryan or Budington, or received by a prospective employer.

told him/her that “nothing” was going on. The teacher reported that s/he “backed off,” felt as though s/he was “the problem,” and needed to “stop the rumor.”

- Another faculty member suspected that something was going on between Budington and a student, and inquired of Budington about the situation, but accepted his benign explanation.
- A third faculty member told us of concerns about Budington following a conversation in which Budington discussed several Upper School girls, “describ[ing] their bodies and talk[ing] about their intimate sexual activities with boys . . . talking about the girls’ breasts . . . [and] overt[ly] expressi[ng] [ ] lust for what were teenage girls.” This teacher did not share his/her concerns with administrators because s/he “felt that the administration did not want to hear about . . . sexual misconduct . . . [and s/he] was intimidated by the administration.”

### 3) Those who “heard rumors” and “wondered:”

- One teacher suspected that “something was going on” with FM 1 and a student but “d[id]n’t recall talking to others about the relationship.”
- This same teacher, who was aware that Budington and a female student spent a large amount of time together, said: “Why didn’t I say anything? I didn’t know the extent of things. I just thought it was strange.”
- One teacher thought of Dann as “one of those people who would rather be around a bunch of young boys than adults . . . [a] creepy Peter Pan kind of thing” who “fe[lt] a need to have [his] students . . . take some sort of vow of loyalty to him,” but did not consider whether the inappropriate conduct went further than this.

- Most of the faculty with whom we spoke, to the extent they heard anything at all, heard only speculation. Some heard rumors from students or in the faculty lounge, or observed conduct that they found unusual, but did not know what to make of it. For example:
  - “I think people just kind of knew [about FM 6]. It was just becoming apparent that something was going on. Was a different time back then. A lot of people fooling around;”
  - “There was one young man who spent a lot of time with [FM 1] . . . . I must have been naïve because I never thought much of it;”
  - “To walk into his office and make a big deal [about photos in Budington’s office] didn’t seem right. I thought lots of others knew about it. The students knew about it;”
  - (Upon seeing Budington and a student “putting their shirts back on” after emerging from Budington’s office): “In my head I wondered if I should say anything to him;” and
  - “The rumor mill churned away among students about relationships with faculty but I tried not to give too much credence to it. I heard rumors about [Budington] and [AB Victim 2] but didn’t pay much attention . . . didn’t really know where to go with that.”
- Others found a way to rationalize what they had seen or heard so that it could be understood by them as benign. For example:
  - “Just struck me because she was always there [in Budington’s classroom], . . . [but] I think she loved physics . . . [and it] wasn’t that weird that a kid who liked physics was in Budington’s classroom;”
  - “He would have his special students . . . . I thought they were talking about [school subjects];” and
  - “[Dann] didn’t try to hide his relationships with students . . . that’s why I don’t think there was anything sexual.”

Over the five decades for which we received reports of misconduct, varying cultural factors, no doubt, contributed to how the School – its administrators, and other teachers –

perceived and responded to suspicions of faculty misconduct with students. We recognize that there has been a developing awareness over the years of the harmful effects on students of certain adult behaviors – and the dynamics, and implications, of the inherent power differential between teachers and students in their relationships. In each situation examined here, we have tried to assess whether the conduct reported would have been inappropriate at the time it occurred, rather than simply viewing the events of the past through the lens of present awareness of these issues. However, in virtually every case, the conduct reported here that we have identified as “inappropriate” crossed boundaries that were recognized at the time – and should have been recognized by those who crossed them. More importantly, the conduct was harmful to the students involved.

It is important to emphasize, however, that no administrator with whom we spoke *acknowledged being aware* of misconduct by Nichols faculty with students, and intentionally allowing it to continue. Indeed, although we have identified failures by Bryan and Rockwell to act when presented with what should have been red flags that particular conduct by a teacher posed a danger to a student’s well-being, they likely would explain their failures to act as disbelief that the conduct was occurring, or “naiveté” as to its possible harmful effects. However, because some of the misconduct appears to have been “widely known,” or carried out “in plain sight” – and they were experienced educators, charged with responsibility for the well-being of students in their charge – we have tried to understand what may have impeded these administrators, and other adults in the School community, from taking steps to investigate and stop some of the conduct that was harmful to students.

## **Contributing Factors**

In reflecting on what we found in this investigation, we have identified some factors which we believe contributed to the School’s failure to take steps to stop harmful conduct in which some faculty engaged.

First, we found that faculty and administrators lacked an understanding of predatory “grooming” behaviors, such that clear warning signs that a student may be in danger were ignored. As noted above, many reporters commented on the cautionary advice handed down from older boys to younger boys, and within families, to avoid being “alone with Mr. Dann.” We heard this caution again and again, and interviewed teachers and administrators who were aware that Dann exhibited a particular and oft-noted interest in male students. Yet no one inquired after the well-being of any of the students who were known to spend time with him, or of Dann himself, as to his activities and intentions.

Likewise, there were visible red flags regarding Budington’s interactions with several female students, including AB Victims 2 and 3, and faculty and administrators knew that these students were involved in close relationships with him and spent noticeably large amounts of time with him. However, these red flags were ignored or dismissed. The same failures to recognize red flags – and to investigate whether there was any truth to the rumors of inappropriate fraternization and sexualized conduct – allowed Jones to continue grooming male students. Indeed, Bryan, when asked about the rumors he had heard about Jones, acknowledged having “no concern for the boy or boys” at the time – and so he did not investigate to try to

ascertain whether the rumors were true.<sup>77</sup> Instead, he chose to terminate her employment based on the performance-related issues he had uncovered and documented in her file.

Second, beyond the specific gaps in understanding or awareness with respect to “grooming” dynamics, the School’s encouragement of “close” relationships between faculty and students was used by some faculty to shield, or rationalize, harmful conduct with students. Virtually all of the perpetrators referenced in this Report used the School’s hallmark, *i.e.*, a school where teachers become “mentors for life,” as a license to inappropriately fraternize, or to pursue inappropriate relationships, with students, and seemed unconcerned that School administrators would intervene or question them about appropriate professional boundaries.

We heard from a number of faculty that there was a high degree of “fraternization” with students at Nichols, particularly in the 1970s and 1980s,<sup>78</sup> and that the only “bright line” the School drew between appropriate and inappropriate relationships with students was the “physical” line of “sex.” However, as noted above, because of the inherent power differential in the teacher-student relationship, emotionally-charged “friendships” and conduct falling short of sexual contact nevertheless can be harmful to the student involved.

We in no way are suggesting that Nichols’ emphasis on faculty cultivating close relationships with students *caused* teachers to engage in misconduct – indeed we spoke with several teachers who readily articulated a clear understanding of the boundaries regarding healthy “close relationships” and when “close relationships” are bumping up against those boundaries and in danger of crossing them. Nor are we suggesting that Nichols discourage

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<sup>77</sup> Bryan candidly admitted that he was “naive . . . [and] didn’t realize what was involved with all of this,” which he distinguished from today, when he “would be concerned.”

<sup>78</sup> The “fraternization” described to us took the forms of drinking alcohol, parties at teachers’ homes, car rides together, and meals off-campus.

teachers from cultivating close relationships with students. We identify this issue simply to note that the dynamic of “close relationships” requires a heightened sensitivity on the part of both faculty and administrators to appropriate boundaries in such relationships.

Third, and related to the “fraternization” issue referenced above, we perceived there to be a failure on the part of the School during the time period investigated to articulate clearly the parameters of appropriate professional boundaries that teachers should observe with students – and to enforce them consistently. Prior to the mid-1990s, beyond the bright line of “no physical contact,” we were told that faculty understood their conduct to be guided by “common sense.”<sup>79</sup> And, while most exercised good judgment, some did not – and were not sanctioned for their actions.

Fourth, students *also* seemed uncertain about appropriate teacher-student boundaries, and some described feeling that they were not encouraged to report conduct by a teacher that made them feel uncomfortable. Nor did they feel supported if they did so.<sup>80</sup> For example, some of Dann’s victims knew that Dann’s conduct with them was inappropriate, but they were “too ashamed,” “embarrassed,” or otherwise fearful of being criticized or faulted, to speak up. Another victim felt “guilt” for what he “did,” even though he knew that he was a victim of others’ misconduct. Most importantly, AB Reporter sounded an alarm regarding what she observed with Budington and AB Victims 2 and 3, but could not get administrators to intervene or help.

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<sup>79</sup> In the mid-1990s, Bryan developed a written handbook that addressed faculty conduct – including “relationships with students” (which he believes may have addressed emotional boundary-crossing behavior as well as “physical boundary violations”). However, some faculty reported to us that this awareness – of appropriate teacher-student boundaries in the context of non-physical interactions – did not arise until the 2000s.

<sup>80</sup> We understand that until the mid-2000s when a “counselor” position was created by the School, many felt that the guidance counselor, advisor, and class dean roles were primarily academic, and not receptive to non-academic concerns of students. This “emotional” advisor role was carried out, informally, by individual teachers with whom particular students had built relationships.

A related aspect of their limited understanding of appropriate boundaries in student-teacher relationships was the inability of some students to appreciate that what may appear to be “consensual” on the part of a student nevertheless may be emotionally damaging to him or her. For example, one student reported that “kisses [by a teacher] didn’t seem that weird” at the time. Another suggested that expressions of romantic interest by a male teacher toward a female student were viewed by his/her peers as a sign that the female student was “desirable,” because the female students who garnered such attention were “the more popular and more attractive students.” Likewise, several students commented that many of the male students wanted to be “picked” by FM 1 for a sexual relationship. Some students told us that they viewed their classmates’ relationships with Budington as “consensual,” that the students were “adults” and about to leave Nichols for college, and therefore there was “nothing to report.” In the case of AB Victim 2, some felt that it would be a betrayal of their friendship with her to “rat” on her to the Senior Dean about her “choice” to have a relationship with Budington.<sup>81</sup>

And finally, there was a sense among some teachers with whom we spoke that they risked “retaliation” if they pointed out misconduct that could be embarrassing or damaging to the School’s reputation – and therefore misconduct that was potentially harmful to students was not brought to the attention of senior administrators. Several teachers reported to us a reluctance to disclose inappropriate conduct that they had observed or suspected for fear of retaliation by senior administrators, or because they had done so in the past and were made to feel like they were “the problem.” Others – both teachers and students – attributed their reluctance to come forward with potentially damning information involving teacher misconduct to a fear of not

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<sup>81</sup> A different student, who reported to us his/her knowledge of a relationship between FM 4 and a fellow student, said that s/he did not believe that the student was “troubled by” the relationship and that while their “social group thought it was odd,” they found a way to make sense of it.

being believed, or of possible adverse repercussions for questioning the conduct of certain faculty members. As a result, these individuals viewed the School's leadership, during the years covered by our investigation, as discouraging discussion, or reporting, of any such information.

As noted above, the two correspondents whose actions initiated this investigation would attribute this "discouragement of discussion," or "avoidance," to Nichols placing a higher value on its institutional reputation than on the well-being of its individual students. We heard a similar view expressed by a number of students and faculty members. Some characterized Nichols as a "close-knit community that protects its own" – and because, during much of the time period covered by this Report, the major stakeholders of the School (*e.g.*, Board, administrators, faculty, alumni, legacy families) were, in many cases, interrelated through familial or social connections, exposing one stakeholder as a wrongdoer could unravel, or have repercussions throughout, the entire community.

Beyond the particular factors suggested above, and the isolated incidents reported to us of students or other teachers either not reporting possible misconduct or feeling that their concerns were dismissed when they did report, we can only speculate as to why well-meaning educators – both teachers and administrators – did not act when faced with conduct by a faculty member that potentially threatened the well-being of students in their care. It is difficult, based on this investigation, to say with any certainty that the incidents of misconduct reported here went unaddressed because the School leadership "discouraged" or "avoided" reports of faculty misconduct in order to protect the School's reputation at that time. It is equally difficult to assess the level of "fear" felt by faculty and students in raising issues of faculty misconduct with the School's senior administrators, or the role that such fear may have played in failing to prevent or stop some of the misconduct recounted in this Report. Nevertheless, we believe it worthwhile

for the School to consider that fear of repercussions – whether unfounded or reasonable – kept some individuals from raising or pursuing concerns that might have enabled Nichols to prevent some of the misconduct reported here. Similarly, moving forward, we believe that the School would benefit from taking action to address the belief held by some in the Nichols community – whether well-founded or not – that the School was willing to protect its reputation at all costs, including ignoring conduct such as that reflected in this Report.

#### **IV. Conclusion**

In conclusion, we wish to acknowledge the courage, passion, thoughtfulness and care demonstrated by the many alumni who shared their stories with us. Many overcame significant obstacles – including fear, embarrassment, and shame – to speak with us, and we are grateful for their willingness to trust us with these very personal, and painful, stories. We believe that alumni who spoke with us did so to have their stories heard, and to contribute to what they hope will be an impetus for continued change at Nichols. Almost all conveyed a deep sense of connection to the School, and many expressed gratitude for the friendships and intellect nurtured during their time at Nichols, which continue to impact their lives today in very positive ways. And, all expressed a desire that Nichols learn from this experience and become a better, healthier, and more transparent environment in which future Nichols students are able to thrive.

We believe that the current Nichols School leadership shares these goals, and already has taken significant steps to ensure that the misconduct that took place in the past – and the School’s failures to address it – does not occur again. We also wish to commend the School and the Board of Trustees for allowing us to complete our work in the independent manner with which they charged us at the outset of this investigation, and to thank them, especially Head of School Bill Clough and Board Chairs Jerry Jacobs and Jeff Meyer, for their trust and the unstinting support and resources provided throughout this process. We hope that this Report is helpful to the entire Nichols School community as it moves forward.