

The content of this report is sensitive,
personal, and graphic. Reader discretion is advised.

Report to the Board of Trustees of The Thacher School

JUNE 2021

Hailyn Chen ▪ Robyn Bacon



Munger, Tolles & Olson LLP
350 South Grand Avenue
Los Angeles, CA 90071

www.mto.com

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. BACKGROUND ON SCHOOL POLICIES AND PRACTICES FOR HANDLING FACULTY AND STAFF MISCONDUCT	5
III. FACULTY SEXUAL MISCONDUCT	6
IV. OVERVIEW OF INVESTIGATION INTO THE SCHOOL’S HANDLING OF STUDENT SEXUAL MISCONDUCT	54
V. THE SCHOOL’S HANDLING OF STUDENT SEXUAL MISCONDUCT.....	57
VI. RECOMMENDATIONS FOR CORRECTIVE ACTIONS.....	82
VII. CONCLUSION.....	86

I. INTRODUCTION

A. The Special Committee's Launch and Scope of This Investigation

In the summer of 2020, The Thacher School received reports through a variety of sources of sexual misconduct by faculty, staff, and students at Thacher. In response to those reports, Thacher's Board of Trustees convened a Special Committee to take appropriate action. The Special Committee retained Munger, Tolles & Olson LLP ("MTO") to conduct an independent investigation of allegations of sexual misconduct experienced by Thacher students and recent Thacher alumni and to provide recommendations to the Special Committee for improving the School's prevention and handling of sexual misconduct.

On August 18, 2020, Daniel Yih, the Chair of the Board of Trustees, announced our independent investigation to members of the Thacher community. The letter encouraged anyone with relevant information to contact MTO directly through a hotline phone number or email address. To encourage reporting, the letter informed the community that, except where required by law, MTO would not disclose to the School or anyone else the identity of those who experienced sexual misconduct, unless given express permission to do so.

We were charged with investigating sexual misconduct against any Thacher student by Thacher faculty, administrators, and staff, and the School's response to such sexual misconduct. We also investigated the School's response to student-on-student sexual misconduct. With respect to student-on-student sexual misconduct, we did not investigate the sexual misconduct itself; we investigated only the School's handling of the misconduct once it became known, and if the misconduct was not reported at the time, we investigated the obstacles to reporting such misconduct to the School.

B. Independence of the Investigation

Our investigation was independent. Thacher gave us complete autonomy to conduct our investigation. No one at the School directed or constrained our investigation process or our decisions about what to include in this report.

MTO attorneys working on the investigation have not previously represented the School and have no direct ties with the School, its individual administrators, or the individual members of the Board of Trustees. MTO has not and will not in the future defend the School against any claims that may arise from the sexual misconduct that it investigated.

C. Our Investigation Process

We interviewed numerous former Thacher students and Thacher parents, as well as current and former faculty, staff, administrators, and Board members. Over the course of our investigation, we interviewed over 120 individuals, some multiple times. We generally did not reach out to a Thacher graduate who reportedly experienced sexual misconduct but who did not come forward to us or to the School, even if we received a report about that graduate from another source.

The School gave us unrestricted access to the School’s electronic and hard copy files. We reviewed more than 40,000 documents provided by the School and also by individuals whom we interviewed. Those records included emails and text messages, journal entries, personnel files, discipline records, Faculty Committee records, School administrator notes and memos, certain student and faculty files, Thacher yearbooks, Thacher Magazines, Board minutes and Board materials, and other records. We also reviewed copies of the Thacher Student/Parent Handbook, Faculty Handbook, and Employee Handbook from the past two decades. In some instances, we were unable to locate certain documents for various reasons: the documents were lost, destroyed, or deleted many years ago or were apparently never created in the first instance.

As part of our investigation, we reviewed posts shared on Instagram on the @rpecultureatthacher, @bipocatthacher, and @queeratthacher accounts, some of which contained specific allegations of sexual misconduct, and investigated those allegations that fell within the scope of our mandate, to the extent possible. Authors of certain posts on Instagram contacted us directly, as did witnesses who saw and wished to corroborate certain posts. We were not able to investigate all the sexual misconduct alleged in the Instagram posts.

Interviews with survivors and potential witnesses were a significant source of information throughout our investigation. We initiated and completed our investigation during the COVID-19 pandemic, which made in-person interviews unsafe. We conducted nearly all interviews by videoconference; in a few instances, due to technical difficulties or the preferences of interviewees, we conducted interviews by phone.

At every stage of our investigation, we sought to maintain confidentiality as to the identity of survivors¹ and witnesses who reported misconduct to the extent permitted by law. Certain survivors gave us express permission to use their names and identifying information with the Special Committee and Board of Trustees and in interviews with other potential witnesses; we do not include their names or any survivors’ or reporting witnesses’ names in this report.

D. Disclosure and Naming Principles

This report is not an exhaustive recounting of every report of sexual misconduct we received. For adult-on-student sexual misconduct, we describe the reports of sexual misconduct we found credible, based on a credible report, corroboration, and in some instances contemporaneous documentation. We use the term “sexual misconduct” here to encompass a range of acts, including rape, sexual assault, any form of unwanted sexual touching, and sexual harassment. Because many of these terms can mean different things to different people, wherever possible, we describe the specific conduct reported to us. We also describe reports we received of conduct that did not rise to the level of sexual misconduct, but that constituted a failure to maintain appropriate boundaries and that reportedly made students uncomfortable.

¹ We recognize there are varying opinions regarding how to refer to individuals who have experienced sexual misconduct. Some prefer the word “victim,” whereas others prefer the word “survivor.” We refer to these individuals as “survivors” in our report.

Our desire to preserve survivors' anonymity informed the level of detail we chose to disclose about each incident. We do not disclose the names of any survivors. We also omit certain identifying information about survivors from the report. Throughout the report, we refer to former students and others whom we are not naming using letter or number identifiers, such as "Student A" or "Student B" or "Student 1." In each section of the report, we restart the lettering and numbering convention. Thus, the "Student A" or "Student 1" in one section of the report is not the same person as the "Student A" or "Student 1" in a different section of the report. Similarly, the "Teacher A" or "Trustee A" in one section of the report is not the same person as the "Teacher A" or "Trustee A" in another section of the report.

In deciding whether to identify by name the Thacher faculty and staff members for whom we received reports of sexual misconduct, we weighed the following factors:

1. The strength of the evidence we received, including:
 - a. a credible firsthand report; and
 - b. corroboration, such as contemporaneous documentation or statements of other witnesses.
2. The number of reports made about any particular individual.
3. The severity of the alleged conduct.
4. Any ongoing risk to members of the Thacher community or others.
5. The effect on survivors of naming the Thacher faculty or staff member.

We do not identify by name every Thacher faculty or staff member for whom we received a credible report of sexual misconduct. In some instances, those credible reports did not meet our standard for naming, whether because of a lack of corroboration or based on a weighing of other factors such as the lack of severity of the alleged conduct and the lack of ongoing risk to the community. In those instances, we describe the reported sexual misconduct without identifying the faculty or staff member by name.

We also do not disclose the names of individuals who were students or very recent graduates of Thacher at the time they engaged in sexual misconduct. This decision is consistent with our mandate to investigate the School's response to sexual misconduct by students but not the student-on-student sexual misconduct itself. Because our investigation was focused on the School's response, we did not contact alleged perpetrators or try to determine whether the misconduct occurred; rather, we focused on understanding the School's response to the allegations of student-on-student sexual misconduct.

Pursuant to our principles of disclosure, we are naming four former Thacher faculty members and administrators for whom we received firsthand, credible reports of sexual misconduct against Thacher students or Thacher alumni in their first one or two years after graduation. The reported sexual misconduct took place approximately twenty years ago or more. Those reports concerned Timothy Regan, John Friborg, Willard "Bill" Wyman II, and Derick

Perry. We also are naming one former Thacher faculty member for whom we received credible firsthand reports of a failure to maintain appropriate boundaries with students and non-sexual touching that made students uncomfortable. Those reports concerned Rod “Jake” Jacobsen. We also received credible reports that former faculty member Dana Vancisin failed to maintain appropriate boundaries with a student and engaged in a romantic relationship with that student shortly after his graduation. We did not receive any reports of adult sexual misconduct by current Thacher employees toward current Thacher students.

In some instances, we received credible reports about certain individuals that did not satisfy the naming criteria described above. Two such accounts involving faculty members are included in Sections III.G and III.H and omit the names of the alleged perpetrators. Teacher 1 reportedly had a romantic relationship with a Thacher student in the late 1980s. Teacher 2 reportedly failed to maintain appropriate boundaries with students and made them uncomfortable by touching their shoulder or back, sitting close to them, or commenting on their clothing. We did not receive reports of any such conduct by Teacher 2 after the fall of 2015. We also received reports regarding faculty failing to maintain appropriate boundaries with students. Those did not satisfy the naming criteria discussed above and are included in Section III.I. We received reports regarding sexual misconduct and boundary crossing² by former staff members. Those reports did not satisfy the naming criteria described above and are discussed in Section III.J.

* * * * *

We appreciate the cooperation and full support of Thacher’s Board of Trustees, the Special Committee, and the Thacher administration throughout the course of our investigation. The School’s administration was highly responsive to our repeated requests for documents and information. Current administrators, faculty, and staff were generous with their time and energy while balancing the demands of an unusual school year, sitting for multiple interviews, searching through their files, and sharing documents with us. Thacher chose to take a hard look in the mirror and investigate past misconduct. We are hopeful that this independent evaluation of its past will help Thacher as it strives to ensure the safety and well-being of its community and to embody its values of honor, fairness, kindness, and truth.

We thank all of the members of the broader Thacher community who spoke with us. We particularly wish to thank the survivors who made the courageous decision to share their experiences. The survivors and survivors’ parents who came forward were all motivated by a desire to help Thacher better live up to its values and to prevent similar conduct from happening again. We hope this report will serve them well and help achieve that goal.

² We use “boundary crossing” to describe certain conduct that did not rise to the level of sexual misconduct, but which was nevertheless inappropriate.

II. BACKGROUND ON SCHOOL POLICIES AND PRACTICES FOR HANDLING FACULTY AND STAFF MISCONDUCT

School practices and policies provide important context to the incidents our report describes. The School publishes its policies on faculty conduct and oversight in several handbooks, and witnesses we spoke to filled in certain details not found in those documents.

A. Policies on Faculty and Staff Misconduct

Throughout most of the time period for which we received reports, Thacher’s published handbook policies did not separately and specifically address faculty sexual misconduct toward students and recent graduates. However, since at least 2000, the year of the earliest version of the handbooks we obtained, the Student/Parent Handbook and the Faculty Handbook have prohibited sexual misconduct between faculty, staff, and students through a general policy on “sexual harassment.” Under that policy, Thacher has consistently prohibited physical acts of sexual misconduct, such as groping and “sexual assault,” a term the handbooks do not further define. Thacher’s policy also prohibits verbal sexual harassment. At some point during the 2010s, the Employee Handbook began to reference this definition and separately affirmed that the School’s prohibition of sexual harassment applies to “all employees.”

In October 2016, the School adopted a policy on “Boundary Guidelines,” which addresses interactions between adults and students. This policy, framed as a series of broad standards rather than explicit rules, was made an Appendix to the Faculty Handbook. The policy highlights the need for a clear professional purpose to extended faculty-student interactions, counseling good judgment and common sense. Those with concerns about potential boundary violations are encouraged to report those concerns to “the Head of School, Assistant Head of School, Dean of Faculty, or another administrator.” At some point after 2017, the School removed a “sport of wrestling” exception to guidelines warning against physical contact with students and extended the entire policy to encompass interactions with alumni who are under the age of 21. With the pandemic in 2020, the School supplemented the policy with guidelines specific to online instructions, including a policy of logging virtual meetings. The Boundary Guidelines are not referenced in the Employee or Student/Parent Handbooks.

While the Faculty and Employee Handbooks do not specifically address internal reporting in cases of Faculty or Staff misconduct against students, our interviews with administrators shed some light on the typical procedure. Witnesses told us that reports of faculty misconduct involving students would go to the Head of School, the Dean of Students, and the administrator responsible for faculty oversight. Before the creation of the Dean of Faculty position, that role was encompassed by the Assistant Headmaster for Academic Affairs, who was involved in all significant issues regarding School faculty.

At some point in the 2010s, the School began including its policy on mandatory reporting requirements in its Employee Handbook. Employees are warned not to promise confidentiality to students in cases of sexual abuse; they must report abuse to the authorities, and are asked to also report abuse to the Head of School or Dean of Students. The Employee Handbook stresses that both the Head of School and Dean of Students should be aware of all reportable incidents.

B. The School's Administrative Structure

The Head of School hires faculty. The Dean of Faculty, now a rotating position held by a faculty member, also plays a role in engaging faculty, as does the Director of Studies, who oversees academic matters at the School. A senior administrator explained to us that the Dean of Faculty traditionally convenes committees that make hiring recommendations to the Head of School, and the Faculty Handbook confirms that the Head “consults widely in hiring, but the final decisions” belong to the Head of School.

While, as one administrator explained, there is no formal faculty review process at Thacher, three administrators are generally involved in oversight: the Head of School, the Dean of Faculty, and the Director of Studies. Where issues arise involving overlap between faculty and students, the Dean of Students is typically also involved. Thacher faculty are at-will employees, and the Head of School may unilaterally decide whether to renew their contract, according to a senior administrator.

III. FACULTY SEXUAL MISCONDUCT

A. Timothy Regan

Tim Regan came to Thacher in fall 1985 as an English teacher. During his tenure, Regan taught and directed drama, coached boys lacrosse and baseball, and served as a Dorm Head of Upper School, which housed junior and senior boys. Regan resigned in the late 1980s, during the fall term. Most recently, Regan worked in marketing.

1. Student A's Firsthand Account

We spoke to Student A, who attended Thacher in the 1980s. Student A described herself as “lost” and homesick during her freshman year. She told us that Regan, her English teacher, befriended her, and she would often take his dog for walks. After one of these walks, according to Student A, Regan kissed her and touched her body without her consent in the entryway to his house. Student A was 15 years old at the time. She told us that, prior to this, she had never had any sexual experience whatsoever.

Student A told us that, a few months later, when Student A was a 16-year-old sophomore and just before the fall camping trip at the start of the school year, Regan raped her. Student A told us that afterwards she was traumatized and bleeding. That night, according to Student A, she went to Student B for comfort. Though at the time she did not tell Student B exactly what happened, Student A felt that she scared Student B, who saw how traumatized and injured Student A was. We spoke with Student B, who remembered Student A's distress that night and told us that Student A revealed what happened years later.

According to Student A, her physical and emotional distress continued throughout the fall camping trip. A few years ago, before this investigation began, Student A described her experience with Regan in an unsent letter addressed to then-current Head of School Michael Mulligan and the Board of Trustees. While Student A never mailed the letter, her friend Student C, another Thacher graduate, emailed it to a School administrator in 2019. In that letter, Student A described her experience. She wrote that, “[d]uring my first weeklong camping trip of

sophomore year, I bled for an entire week after the first time I was raped. I was alone in the woods with my classmates with no comfort or support.”

Student A told us that Regan continued to sexually abuse her multiple times a week, including repeatedly raping her, throughout the rest of her sophomore year and into her junior year. Student A explained that, because Regan was her drama teacher and faculty could call students to their homes at any time, she could not avoid him. In her unsent letter to the School, Student A described how the sexual abuse continued despite her attempts to escape Regan:

When I tried to get away from him or showed any interest in a boy my age he would either tell me horrible lies about the person or he would try to publicly humiliate me in front of other students to remind me who was in charge. During Junior year he also became much more violent often hitting me, once throwing me across a room so hard that I ended up on the other side of the bed unconscious. He also pulled my girlfriends into his circle of “people” so that even if I did not want to go to his house all my friends did and I was left with nowhere to go or friends to be with unless I spent time with him. He introduced us all to drugs as a way of having control over us because “if anyone found out” we, not he, would be in big trouble. It was a horrible, scary, hopeless time. I destroyed my dorm room on multiple occasions but never had even the slightest reprimand. No sign that I was in trouble ever was addressed by the School. For me, there was no escape.

Student A told us that Regan was “very clear” in coaching Student A that they had a “love” relationship that was “good.” Student A also said Regan coached her to lie if she was ever asked about him and described feeling that bad things would happen if she told the truth. According to Student A, during this time, only one faculty member ever asked her directly about her interactions with Regan. Student A told us that her sophomore advisor came to her room once to ask her if there was anything going on between her and Regan. Student A told us that she denied it, out of fear of Regan, and she did not remember anyone following up with her any further. In her unsent letter to the School, Student A observed that, in responding to her advisor’s question, she responded “as would many victims in that situation” and her denial was “a textbook response.” Student A noted that any questioning should have been directed at Regan “as I was the victim in the situation and he was the perpetrator Adults need to recognize that because of the differences in power and role between adults and students, any type of sexual behavior toward young people creates in them tremendous conflict, embarrassment, and often silence.”

2. Other Witness Accounts

Other faculty members and students noticed the frequency and unusual nature of Regan’s interactions with Student A. Student A’s freshman advisor mentioned Student A’s “friendship” with Regan in her advisor letter. The advisor said that Student A seemed “reasonably happy” but that “her friendship with Mr. Regan accounted for some of her withdrawal from dormitory associations.” A former student told us that it was widely rumored among students that Regan and Student A were in a romantic relationship and described seeing Student A at Regan’s house

whenever Regan invited students over. Another former student described seeing Student A answer the door at Regan's home wearing a bathrobe; according to this former student, Student A said she was at Regan's house doing laundry. This former student said it was common knowledge on campus that Student A spent significant time alone with Regan and with Regan's adult male friend and that Student A and Regan were in a romantic relationship. Similarly, Student C told us that Student A would sign out to spend weekends with Regan and his adult friends at the beach. Two prefects from Student A's freshman dorm told us that Student A would routinely ask to be signed out during study hall to visit Regan's house and would often stay for the entire period, which caused them both concern. According to both prefects, when they tried denying Student A's requests, Regan wrote them notes saying that Student A needed to come to his house. Both prefects also told us that they often Regan they often saw Regan driving off campus with Student A and his adult male friend. One prefect told us she saw Regan outside Student A's dorm room window on a number of occasions talking with Student A through her window.

Both prefects shared their concerns with a faculty member, Teacher A. Teacher A told us that she was also uncomfortable with the relationship. According to Teacher A, she spoke to at least one senior faculty member about the situation, though she said she did not feel comfortable sharing her concerns with Head of School Willard "Bill" Wyman II. Teacher A was never told if there was any follow-up with Regan as a result of her report. The prefects told us that, after they raised their concerns, they felt Teacher A was completely supportive and tried to alert the School administration but that, from what they could see, nothing happened. Both shared with us that, looking back on the situation, they believed that Student A's interactions with Regan isolated her from her peers and, as a result, she did not have a normal freshman year experience.

Regan's performance review letter, written the summer between Student A's freshman and sophomore years, mentioned faculty concerns about Regan's conduct with Student A. In the letter, Peter Robinson, who at the time was the Assistant Headmaster for Academic Affairs (often referred to as Dean of Faculty), wrote, "I have no concerns that your conduct is anything but professional The fact remains, however, that a number of students and even some faculty have noticed the closeness and have made some adverse comments. You need to put some distance between her and you next year." Regan responded to this letter with apparent anger:

My friendship with [Student A] continues to be a hot item. Like many of my students, she demands a lot of my time and I enjoy listening to her. I am not pleased with having to try to build walls between students and me. Suffice to say that I will do my best to avoid "playing favorites." Should the question of my professionalism come under discussion, it will be time for me to depart the school.

Mulligan, who at the time was the Assistant Headmaster for Student Affairs (often referred to as Dean of Students), told us that he noticed that Regan and Student A were "very friendly" and became suspicious of the relationship, believing that "whenever there's smoke, there's fire." Mulligan recalled confronting Regan at some point and told us that Regan lost his temper, called himself a male role model for Student A, and said he was insulted by the suggestion that there

was anything inappropriate happening. Mulligan remembered telling Regan that he needed to establish “clear lines of separation.” Mulligan did not remember when this conversation occurred.

A few years later, Wyman, Robinson, and Mulligan signed a letter to file (“Letter to File”) summarizing “the events surrounding the discovery of the relationship of Tim Regan and [Student A].” The Letter to File noted that Robinson’s performance review letter to Regan “clearly indicates” that “the School had long been concerned about the propriety of the relationship between Tim and [Student A].” The Letter to File said that, during Student A’s sophomore year:

members of the administration had spoken to him several times about that relationship and he had assured us that he was acting properly. The Headmaster went so far as to call [Student A’s mother] and express his concern. [Student A’s mother] held that the relationship was a good one for her daughter and told the Headmaster not to be concerned. During that year [Student A’s mother] invited Tim with [Student A] to the family home on weekends. In the summer of [Student A’s sophomore year] she paid for [Student A]’s flight to visit Tim Regan while he was teaching in a summer program in the East. While the administration continued to be watchful, Tim, [Student A], and [Student A’s mother] assured us that nothing was amiss.

We interviewed Student A’s mother, who disputed this account. Student A’s mother told us that, before September of Student A’s junior year, she had no idea there was anything inappropriate or abusive about Regan’s relationship with her daughter. Student A’s mother denied inviting Regan to spend weekends with the family. She explained that Regan came to her house once for an event and did not stay overnight. Student A’s mother also explained that she allowed Student A to visit Regan over the summer because she believed that Student A was attending a chaperoned event. According to Student A’s mother, in the years after Student A graduated, she heard from another parent that it had been rumored she was “complicit” in the “relationship” between Regan and Student A. She described these rumors in a letter to the Board Chair regarding Wyman’s handling of Regan’s conduct with her daughter. In that letter, which Student A’s mother sent after Student A had graduated, Student A’s mother said that “anxious parents who were concerned enough to approach the headmaster and ask why Mr. Regan wasn’t prosecuted were told that I had fostered and promoted the relationship.” In interviews, Student A’s mother expressed ongoing anger and distress about these rumors.

3. Regan’s Resignation and Removal from Campus

Student A told us that, early in her junior year, she shared some information about Regan with her mother. She explained that she did not tell her mother “everything” at the time, but told her enough to raise some concern. Student A said that, because she continued to be scared of Regan, she asked her mother not to contact the School. Student A’s mother told us that, in September of Student A’s junior year, Student A told her that Regan had been interfering with her relationship with a boy in her class. Student A’s mother said the conversation triggered

alarm bells, and she then contacted the School to report her concerns. This is confirmed by both Student A's mother's letter to the Board and the Letter to File, which says that Student A's mother contacted Mulligan in September "over her deepening concerns about the relationship" and that she "wanted us to put a stop to it." Student A's mother described to us feeling extremely guilty and naïve for not realizing until then that there was anything wrong with Student A's relationship with Regan.

According to two letters to file written on September 30 and October 3 of Student A's junior year, after her mother contacted the School about Regan, Wyman arranged for Student A to meet with a psychologist, then consulted with the psychologist and also with a psychiatrist about the situation. The letter regarding Wyman's conversation with the psychologist noted that Student A "seems to feel it important that [Regan] not be" at the School. According to the Letter to File, during this same time period, the School "received several reports from students that Tim Regan was acting oddly, calling the dorm, asking for [Student A], making negative comments about one of the boys who was interested in [Student A], and so on."

According to witnesses and documents, on October 4, a night when Regan was off campus, Student A was removed from her dorm room and taken to see Robinson, who "spoke at considerable length" with her, according to the Letter to File. Witnesses agree that Student A's mother was not present and Student A did not have a support person with her when Robinson questioned her that evening.

In her interview and in her unsent letter, Student A described feeling uncomfortable during the interview with Robinson. Student A told us she had had no sexual experience before Regan sexually abused her, and talking about the sexual abuse with a male faculty member whom she considered to be "creepy" and "unkind," with no support person present, felt "awful" and deeply inappropriate. She told us that Robinson asked her to describe what happened with Regan and pressed her for specific details about Regan's sexual conduct with her, including asking about specific sex acts and whether she "enjoyed" it. Student A said she told Robinson that the sexual interactions began when she was 16 years old. She recalled that he did not specifically ask whether the interactions were consensual, and that she felt as though the questions were framed in the context of a "relationship," not abuse. Student A told us that she may have said "he made me do it" in reference to certain sexual acts. Because Regan had coached her to lie and because she was terrified of him, Student A told us that she may have told Robinson she had a romantic relationship with Regan. Student A acknowledged Robinson likely did not believe that the relationship was appropriate, which may have been a reason why she felt as though he was interrogating her.

Robinson told us that he never received any training on how to interview survivors of sexual abuse and he said that there were things about the interview with Student A that he now recognizes he should have done differently. In particular, he mentioned that it likely would have been "less threatening" if there had been two faculty members present, especially if the other faculty member was female. Robinson explained that his primary goal in the interview was to confirm his suspicion that Regan's relationship with Student A was inappropriate, so that the School could take action to protect Student A and "deal with" Regan, whom Robinson called a "stone-cold predator." He told us that he never asked whether the relationship was consensual because he did not think it was "a relevant question," as Student A was underage at the time.

Robinson did not remember asking Student A for details about sexual activity but said that, if he did, it was only in order to determine what had happened. Robinson denied asking Student A if she “enjoyed” the sexual activity, but he said he did ask her how she felt as part of his effort to be “sensitive and supportive” and to “open [Student A] up to having a conversation” about what happened. According to Robinson, it was “a teary conversation,” and Student A was noticeably upset, but he assumed that their conversation was “a small part of the issues she had to deal with.” He said that he felt that Student A expressed a lot of ambivalence about the relationship but did not try to hide anything and seemed ready to talk about the situation.

Student A told us that, after the interview with Robinson, she spent the night with the Mulligans. This is corroborated by the Letter to File. According to Student A, she was told that she had to stay with the Mulligans in case Regan wanted to kidnap her. Student A told us that the Mulligans did not ask her any questions about what had happened with Regan; she said that, instead, they put her in a room with some poetry to read. The next morning, Student A went home and remained there for the next five days.

That same day, on October 5, according to the Letter to File, Wyman, Mulligan and Robinson confronted Regan. Regan resigned and left campus that day. Both Mulligan and Robinson told us that Wyman would have been responsible for reporting the matter to the police; however, neither Mulligan nor Robinson remembered ever discussing with Wyman whether it should have been reported. Documents show that Wyman consulted with outside counsel regarding the School’s reporting obligations. We were unable to find any written evidence that anyone at Thacher reported Regan to the police. As described below, the police report states that Student A’s psychologist reported Regan to the police.

Student A told us that while she was at home, during her brief leave of absence from School, Regan called her and continued to manipulate her. Student A’s mother told us that when Student A was at home, she had to cut the phone cord to stop Regan from contacting her daughter. Student A said that Regan’s attempts to contact her continued even after she returned to School: she described him calling her dorm’s payphone and telling the student who answered that he was Student A’s father. She told us she would run to the payphone expecting to talk to her father only to find Regan on the phone.

4. Aftermath of Regan’s Departure

According to one faculty member, Wyman announced Regan’s departure to the faculty soon after he left campus, but offered no explanation. The faculty member told us that, because he was new that fall, he had to ask another teacher what was happening. Former students told us that the reason for Regan’s departure also was not explained to students. We were unable to find any evidence that the students were ever told why Regan left campus or that his resignation was due to his misconduct. We also were unable to find evidence that Wyman or the School offered any resources to help students better understand the situation. Mulligan described Regan’s departure as “traumatic” for many students because he was a very popular teacher, drama director and coach.

On October 7, two days after Student A and Regan left campus, Wyman wrote to Student A’s mother. In the letter, Wyman explained that “it might not be in [Student A’s] best interest”

for her to return to Thacher: “The truth is that despite everyone’s best effort, the majority of students seem to suspect that – at some level at least – the relationship between Tim and [Student A] had something to do with his departure.” Student A returned to School less than a week after she left. Student A told us she believes that Thacher never thought she was coming back and was completely unprepared for her return. Student A described feeling completely unsupported. She said she felt the School showed no remorse, ownership, or responsibility for what had happened to her and instead blamed her for the abuse. According to Student A, teachers retaliated against her and asked her questions like whether she loved Regan. In her unsent letter to the School, Student A wrote that she was told she could not be a prefect after what “she did” and that, in general, she felt as though she had to be “perfect” as a result, which she said put an enormous amount of pressure on her.

The School’s college recommendation letter for Student A included a mention of her “unfortunate involvement with a faculty member.” The letter, signed by Director of College Counseling John Friborg and another faculty member, described how, when the “involvement . . . came to light, [Student A] might have hidden from it, even withdrawn from school. Instead, she faced the situation and all its ramifications head on.” The letter went on to say that “[Student A’s] resilience rivals her sense of responsibility for our utmost admiration and respect.”

Student A told us that she felt that students blamed her for Regan’s departure and some students hated her because they loved Regan. Student A’s experience was corroborated by other former students who described witnessing how Student A was treated upon her return. According to a number of former students, to this day, many of their contemporaries do not understand that Regan “raped and abused” Student A. Student A told us that her experience continued even after Thacher, including at her five-year reunion, where teachers asked her if she was in touch with Regan or commented on his “great sense of humor.” We also spoke with a number of former students who were on campus in the late 1980s, many of whom talked about what they believed to be a consensual relationship between Student A and Regan.

5. Reporting Regan to the Ventura County Sheriff’s Department

After her return to Thacher, Student A told us that she continued seeing the psychologist Wyman had consulted in the days before Regan’s resignation. Although Student A was referred to the psychologist by the School, the psychologist was not affiliated with Thacher. According to a Ventura County Sheriff’s Department report, dated October 29 of Student A’s junior year, Student A’s psychologist notified the Sheriff’s Department of possible child abuse on October 27, three weeks after Regan resigned.

According to the Sheriff’s Department’s written report, the psychologist reported “that [Student A] had advised her of an affair she had at Thacher School with one of her teachers.” The report noted that Sheriff’s deputies tried to locate Student A on campus but found she was away on a horseback riding trip. The next day, Wyman brought her to the sheriff’s station to make her report. Student A’s mother, who lived nearby in Santa Barbara, was not with them. According to Student A’s mother, no one from the School told her that her daughter was speaking to the sheriffs. The report stated that Student A described the relationship as consensual and a “romantic love affair” that lasted for two years and included “totally voluntary & consensual” sexual intercourse. The report appears on a Sheriff’s Department form with

standardized fields for certain information. Under “Victim’s Activity at the Time of Offense,” the report stated: “Consensual Participation.” The report does not indicate that anyone from the School reported Regan to law enforcement.

Student A had not reviewed the Sheriff’s Department report until she requested it in late 2020 during the course of our investigation. Student A described her shock and distress in viewing the report, which contained statements that she explained were consistent with the lies that Regan had coached her to tell at the time – framing their relationship as a love affair rather than one of rape and abuse.

The Sheriff’s Department report indicates that the case was cleared; under “case dispo[sition],” the report noted, “Complainant refuses to participate.” Student A’s mother told us that Wyman pressured her not to pursue a criminal case against Regan and conditioned Student A’s return to Thacher on an agreement not “to sue the School or Regan or make a fuss.” Her recollection is corroborated by her letter to the Board Chair, in which she wrote that she was “advised by the School that [Student A’s] re-entry into the Thacher community would be jeopardized by any attempt on my part to prosecute, since the teacher had been very popular with the students.” Similarly, in a letter to Wyman sent after Student A graduated, Student A’s mother wrote that “we were encouraged not to press charges, for fear of jeopardizing [Student A]’s re-entry to the school community as well as concern for Thacher’s reputation.” Student A’s psychologist also wrote to Wyman after Student A’s graduation:

After [Student A] disclosed the sexual molestation, I reported the sexual abuse to the authorities in Ventura County. Although the sheriff came and interviewed [Student A], no further action was taken because neither the school nor [Student A]’s mother wished to press charges. Apparently, you and the school administration convinced her mother that it would be in [Student A]’s best interest not to press charges, as it would further isolate her from her peers and potentially increase the problem of reassimilation within her class due to the popularity of this teacher.

We were unable to find any written evidence that Regan’s resignation or the circumstances leading to it were discussed with the Board of Trustees at that time. According to two former Trustees, the matter was not raised to the Board until 1992, when Student A’s mother brought it to the attention of certain Board members during an investigation into alleged misconduct by Wyman. That investigation is discussed in greater detail in Section III.C of this report.

6. Regan’s Return to the Thacher Campus

According to emails, in the mid-2010s, a former Thacher student who had withdrawn before graduating asked Mulligan if he could invite Regan to campus to attend his diploma ceremony. Mulligan agreed. Emails show that Regan, his wife, and his parents attended the ceremony the following January. Afterwards, Regan thanked Mulligan for the invitation and for the personal tour of campus. Mulligan told us that it was a mistake to allow Regan on campus and he is sorry he agreed to the request.

7. Regan's Response

As part of this investigation, we contacted Regan to request an interview. Regan did not respond to our request. It appears from publicly available documents that Regan has been working for a number of years at a manufacturing company. We have not been able to confirm whether he continued to teach after leaving Thacher.

B. John Friborg

1. Background

John Friborg began working at Thacher in fall 1987 as Associate Director of Development and coach of the girls' varsity soccer team. In 1988, Friborg switched from development to college counseling and started coaching boys' varsity soccer as well. Friborg was the Director of College Counseling and coach of both soccer teams for the remainder of his tenure. Friborg was Dean of Students from 1992-1993, Dorm Head for the sophomore boys' dorm in 1994-1995, and an occasional history teacher. Friborg resigned in July 1997.

2. Friborg before Thacher

Before coming to Thacher, Friborg was a teacher and soccer coach at The Governor's Academy, a boarding school in Massachusetts, where he worked with future Thacher Head of School Michael Mulligan, who was also a teacher and coach. According to Mulligan, while at The Governor's Academy, Friborg had an inappropriate relationship with a senior on the girls' soccer team. Mulligan told us that he discovered the relationship when he noticed Friborg and the senior girl spending too much time together. Mulligan told us he then reported it to the school. During our investigation, Mulligan's attorney contacted the former headmaster at The Governor's Academy and interviewed him. According to Mulligan's attorney, the former headmaster confirmed that Mulligan reported Friborg to the school and said that Friborg was asked to leave at the end of the school year as a result of the relationship.

A few years later, in 1987, Friborg was hired at Thacher as Associate Director of Development and the girls' varsity soccer coach. Both Mulligan, who at the time was Assistant Headmaster for Student Affairs (often referred to as the Dean of Students), and another faculty member told us that Headmaster Willard "Bill" Wyman II knew about Friborg's inappropriate relationship at The Governor's Academy when he hired Friborg. During our investigation, Mulligan's attorney spoke to Friborg, including about his hiring and, according to the attorney, Friborg said that Wyman "fully explored the incident" in his interview. According to Mulligan's attorney, Friborg said he told Wyman that he did not have "sexual relations" with the student, but admitted "dating her," which Friborg said he acknowledged was inappropriate. Mulligan told us that he supported Friborg's hiring at the time because he knew that Friborg was a great soccer coach and it was "inconceivable" to him that Friborg would make the same mistake at Thacher that he had made before. Mulligan told us that he "regrets that he supported Friborg's hiring," and that understanding the great damage done by Friborg to the health and well-being of Thacher students, he wishes he had worked to prevent his hiring and "very much regrets" that he did not do so.

3. Friborg at Thacher

According to multiple faculty and students we interviewed, Friborg cultivated a “cult-like” atmosphere with the boys’ and girls’ soccer team. Witnesses described how Friborg gave soccer players nicknames and sometimes told players to address him as “Captain, my Captain.” One former player told us that Friborg would occasionally gather the girls’ soccer team in the gym at night to lead them in chants. Several witnesses, both faculty and student, told us that Friborg’s special relationship with soccer players carried over into his role as college counselor; many believed he favored soccer players in particular and athletes in general. According to many we spoke to, soccer players were very eager to please him, to the point of playing through serious injuries to avoid disappointing Friborg, who was a Christian Scientist and did not believe in medical treatment. One former student described Friborg as a “coach and college counselor who had a lot of power” and wanted students, especially girls, to “worship him, love him, and rely on him.”

In addition, several witnesses described instances of Friborg’s boundary-crossing³ behavior with female soccer players. Specifically:

- Several former soccer players told us that Friborg was known to have favorites among the female players, whom students referred to as “Fri’s girls.” According to these former players, Friborg paid special attention to these girls and developed close relationships with them, sometimes meeting with these students alone in his house. Two witnesses told us that Friborg would drive alone in his car with certain players.
- We spoke with a number of witnesses who told us that new varsity players were subject to an initiation ritual in which they were blindfolded and abducted by car to a secret location, where each player was given a special nickname. A former player described being required to drink “the nectar of the gods,” which she believes was mango juice. Another former player told us that, as part of the ritual, Friborg would ask the girls embarrassing personal questions about their bodies or who they were dating. One player said that Friborg “created such a culture and lure and secrecy about the team” and “everyone at the School was aware . . . and turned their back to what he was doing.”
- A former player told us that, in hindsight, Friborg’s conduct with the girls’ soccer team was “alarming” and she would be terrified if she were to learn that her own child were in that same situation. This witness is now a parent of a school-age child and had recently, as a parent, received training on recognizing signs of grooming.⁴

³ We use “boundary crossing” to describe certain conduct that did not rise to the level of sexual misconduct, but which was nevertheless inappropriate.

⁴ The Rape, Abuse and Incest National Network (RAINN) describes “grooming” as “manipulative behaviors that [an] abuser uses to gain access to a potential victim, coerce them to agree to the abuse, and reduce the risk of being caught.” Grooming may include efforts to isolate

She told us that this training on grooming made her think of Friberg's conduct. The training warned of situations where a coach separates a group of athletes from the rest of the team or frequently spends one-on-one time in a car with an athlete.

- Another former player told us that Friberg challenged players to a contest in which the prize was an off-campus dinner and movie with Friberg. She told us that one year she was the only player who won the contest and so she went out with Friberg alone. She told us that, although nothing inappropriate happened that evening, it “felt weird,” as though she were “on a date” with her soccer coach.
- A former soccer player described physical contact Friberg made with her and other soccer players when she was in high school, including patting girls on the butt and brushing girls' hair back from their faces while he was talking to them. According to this witness, Friberg often talked to her and other girls about personal topics, such as his rejected romantic advances on another Thacher employee, and asked students about whether he should keep love letters from his college girlfriend. She also described how Friberg engaged in flirtatious behavior, like commenting to a female student that she was wearing the same perfume his college girlfriend wore.

4. Students' Firsthand Accounts

We received firsthand reports of sexual misconduct by Friberg involving four then-current students and two students who had graduated less than a year before the misconduct. The misconduct spanned multiple years and ranged from grooming to giving students massages to sexual touching. We also spoke to two witnesses who reported that Friberg made unwanted sexual advances on them at their five-year reunions. Most of the conduct was not reported to the School at the time. All of the former students discussed below graduated from Thacher in the 1990s.

(a) Student A and Student B

Student A⁵ told us that Friberg never behaved inappropriately with her while she was in high school, but she said that he tried to take her “under his wing” in what she characterized as a “strange way,” including taking her off campus to his church. Student A told us that at her five-year reunion Friberg invited her to come to his house. While they were talking, Friberg tried to kiss her. Student A told us that she did not feel safe with Friberg and left.

Student B told us about a similar incident with Friberg at her five-year reunion. According to Student B, Friberg did not behave inappropriately with her while she was at Thacher, but in retrospect, their relationship became “more intense” than the typical relationship between a student and a coach. Student B told us that, at her reunion, Friberg sat noticeably

potential victims, develop trust by sharing secrets, and desensitize potential victims to touch or discussion of sexual topics.

⁵ As a reminder, in each section of the report, we restart our lettering convention.

close to her at dinner and paid her so much attention that other people at the table asked her what was going on. Student B told us that she believes that Friborg was hitting on her.

Neither Student A nor B reported their experiences to the School.

(b) Student C

According to Student C, she had an “intense” relationship with Friborg while she was a student. Student C told us that, in hindsight, Friborg treated her more like a friend than a student. Student C told us about going to Friborg’s house alone late one night to talk to him about something personal. According to Student C, Friborg was physically very close to her as they talked, sitting on the kitchen counter while she stood between his legs, with his legs touching her sides. Student C told us that she left his house shortly after.

Student C said that Friborg wrote notes and letters to her. Student C read us one letter in which Friborg wrote that Student C had “a cherished spot in my heart as a friend.” Student C also read to us from a letter Friborg wrote to her upon her graduation that said, “I can’t begin to tell you how much you have meant to me the last few years” and that she would “always have a place in his heart.” The letter was signed, “Love Fri.” Student C told us that, as a parent, she now views these letters as totally inappropriate. According to Student C, Friborg continued to contact her after graduation and tried to arrange a meeting with her a few months after she graduated. The meeting did not take place. Student C did not share her experiences with Friborg with any faculty or administrator at the School.

(c) Student D

According to Student D, Friborg built a very close relationship with her, and looking back, she believes that Friborg showed more interest in her than other girls and was “really good” at making her feel “special.” Student D told us that when she was in high school she wanted “to be perfect” for Friborg. According to Student D, when she needed to take an untimed ACT exam, Friborg arranged for her to take the exam at his house, where he served as her exam proctor.

According to Student D, during her senior year, she approached Friborg about dropping a class. She said that Friborg told her to come to his house that evening to discuss her options, as he said dropping the class could impact her college admission prospects. Student D told us that, as she approached Friborg’s house that evening, she noticed that the blinds were closed, which was unusual. According to Student D, Friborg told her if she dropped a class, he would have to inform the colleges she had applied to. She told us she started to cry and that Friborg hugged her, invited her to sit on the couch, and suggested that she needed a backrub. Student D told us she did not agree to a backrub but that Friborg started massaging her back. Student D said that during the massage, Friborg – who was sitting behind her – moved his hands to the front of her body and touched her breasts under her shirt without her consent. Student D said that she disassociated from what was happening at that point and does not remember what happened next.

In the weeks that followed, Student D said that she spent a lot of time at Friborg’s house, during which he gave her backrubs, touched her, and – on at least one occasion – lay on the floor

with her and kissed her bare arms. The last time this occurred was in the spring of her senior year when Friberg invited her to his house, saying he had “good news” for her. When Student D arrived at his house, she saw again that the blinds were closed. Student D told us that Friberg said that his “good news” was that there would be no consequences with colleges as a result of her dropped class. Student D told us that, looking back, she now believes that Friberg was using the dropped class issue to manipulate her.

That evening, after spending time in Friberg’s house, Friberg and Student D attended a campus event together. Student D said that Friberg allowed her to drive his car and put his hand on her thigh as she drove. Student D told us that they stayed in the car for some time after parking, though she does not remember what they did together. Student D also told us that, as they walked to the event, Friberg was very “affectionate” and held her hand and hugged her. According to Student D, other students and faculty saw them arrive together and saw she had driven his car; she believes that her driving Friberg’s car was seen as normal because she was one of “Fri’s girls.”

Student D never reported what happened. She told us that she was not close to any faculty members with whom she could have shared her experience, though she believes that had anyone paid more attention to her, they likely would have noticed that something was wrong, as her grades declined and her appearance changed. According to Student D, one faculty member asked her that spring whether anything was wrong after noticing that she “putting on a face” by dressing differently and wearing makeup. Student D explained that she told him nothing was wrong, but she now believes that had he “nudged” her a bit more, she likely would have told him what was happening. Student D told us that she did not feel comfortable reporting the incident to Mulligan, who at this point was Head of School, because he and Friberg were close friends and Mulligan was not an “accessible person” to her. Student D also noted that the School had a very strict honor code with zero-tolerance punishments, and she was afraid that if she came forward, she would be punished for lying if she was not believed. Student D did not talk about what happened with her classmates. She described separating herself from her classmates because she knew that the girls in her grade “loved” Friberg.

In 2016, Student D told two former classmates about her experience with Friberg. We interviewed both classmates, each of whom confirmed key details of Student D’s account. That same year, Student D also drafted a letter to Mulligan about what happened with Friberg, but did not mail it. Student D shared a copy of that unsent letter with us. In that letter, Student D wrote about the events she also described directly to us. She described craving Friberg’s approval so much that “when I was special to him I was able to ignore every part of my being that told me to run, to bolt, to fling open the door and run.” Student D wrote that, when she went to his house during study hall to talk about dropping a class:

I remember beginning to cry and him offering me tissue and to sit down. I remember him sitting down next to me, I remember him sliding behind me with his hands on my shoulders. I remember him saying it looks like you need a back rub. I remember him sliding his hands down my sides and his fingers reaching just around the front. I remember my arms squeezing down. I remember his saying in my ear it’s okay and pushing my arms up.

I remember the feeling to flee and feeling of being frozen and unable to move or react.

Student D also wrote about the effect Friborg's unwanted touching has had on her:

Thacher gave me so much, but one man took it all away. It has been [decades] since I graduated and I never shared what happened with anyone . . . until [recently]. At this point I often wonder why should I? It happened so long ago that surely I am over it but as I sit here and write tears stream down my face.

Student D wrote: "I wish I could share more stories from Thacher with my kids but I can't because I do not want them to want to go. I wish I could have shared with my classmates what happened but I felt so much responsibility for it and did not want to have to defend myself to them." She wrote: "I wish another teacher could have ask[ed] or seen and questioned what was going on?"

(d) *Student E*

Student E told us that, when she was in high school, she thought of Friborg as a mentor and advisor, someone whom she trusted and believed to be well intentioned. According to Student E, during her freshman year in college, she returned to Thacher for a visit. As she was talking to Friborg, he suggested that they have dinner in Ojai so that they could continue their conversation. Student E told us they drove to dinner together, but she did not think of it as a date. After dinner, Friborg invited her to his house to watch a movie. According to Student E, she was reluctant but eventually accepted the invitation. Student E told us that, while they were sitting together, Friborg offered her a back massage. Student E tried to decline the invitation, but Friborg insisted, assuring her that it was fine. Student E told us she wondered at the time if she was being "weird" for feeling uncomfortable. According to Student E, Friborg began massaging her back but then moved his hands to the front of her body where he touched her breasts over her shirt without her consent. Student E told us that she then said she had to go and left as quickly as possible. Student E told us that she never spoke to Friborg again and did not tell anyone about what happened until, as described below, she told Students G and H.

(e) *Student F*

Student F told us that Friborg was a constant part of her life during her senior year at Thacher. She spent a lot of time with Friborg and had numerous conversations with him. At first, these conversations were about her college admissions prospects, but over time, she began to have philosophical discussions with him and shared information about her family relationships with him as well. Student F said he often invited her over to his house by herself for ice cream and she often went to his house to talk. According to Student F, Friborg talked with her about his Christian Science faith and on a number of occasions took her to his church, driving off campus with her alone in his car. Student F said that, at some point during her senior year, she became interested in a boy and mentioned this to Friborg, who responded by talking about Christian Science. He quoted Christian Science founder Mary Baker Eddy, who said that chastity is the cement of civilization; he also talked to Student F about what a secret and

important thing it was to eventually share herself with another person through sex, once she was married. According to Student F, Friborg impressed upon her that sex was about marriage and commitment.

Student F told us that, during her senior year, Friborg also left notes, gifts, and flowers for her in her dorm room. We spoke with a classmate of Student F, who told us that, during their senior year, Student F and Friborg became friends and she saw them spending a lot of time together. Student F showed us a handwritten note from Friborg dated a few days after graduation in which he wrote: “As much as I will miss you around here . . . I am nevertheless excited that you are off to another adventure.” Friborg signed the note, “Lots of love, Fri.”

According to Student F, on the night of her graduation, Friborg made plans to attend a baseball game with her a few weeks later. At the baseball game, she and Friborg talked about Student F’s recent 18th birthday. Afterwards, Friborg invited Student F to visit him in Ojai. Student F showed us a handwritten letter from Friborg, sent to her two weeks after graduation. The letter ended, “We really should get together again . . . Maybe a movie?” Friborg signed the letter, “Lots of love, Fri.” Student F told us she made plans to visit him in Ojai. Friborg took Student F out to dinner in Ojai and then back to his house. According to Student F, when they returned to Friborg’s house, Friborg began kissing her. Student F told us that Friborg then led her into his bedroom, where he performed oral sex on her. She told us that, at some point, Friborg ejaculated into his boxers. Student F described feeling shock and confusion. She described her mind going blank during this encounter and being able to think only that what was happening was crazy and wondering what was going on. Student F told us she had had virtually no sexual experiences prior to this, and her inexperience contributed to her feeling of shock and confusion. She described feeling detached from her body, as if she were watching what was happening from above, waiting for it to be over and wondering what it meant. According to Student F, Friborg told her he wanted her to have this experience so that she could understand that men should pleasure her. Student F described feeling especially confused because Friborg had always told her sex was about marriage and commitment and had talked to her about how important her chastity was. Student F told us that she was filled with a wave of feeling that “this is not right” and nothing about the situation felt good or romantic. Student F told us she asked Friborg if he had ever done anything like this with other students, and Friborg said that, at his old school, he fell in love with a student and the two of them had a long-term relationship that was “beautiful” and “important” to him.

During the first few months of Student F’s freshman year in college, she returned to Thacher to visit some of her teachers, but had not planned to see Friborg. Friborg learned that she was on campus and asked her to meet him in Ventura. Student F told us that, when she met him, Friborg told her to get into his car so they could “find a place where we can have privacy.” Student F said that Friborg then drove to a number of motels along the 101 Freeway in an attempt to find an available room but was unable to find one. Student F told us that, at one motel, Friborg asked her, “You’re 18, right?” Student F described feeling that the situation was not romantic and not what she wanted. Student F said Friborg ultimately drove to a beach parking lot, where he kissed her and groped her and at some point ejaculated. Student F said she remembered feeling revulsion and that nothing about it felt right.

We spoke with Student F's classmate, who told us that at some point during the year after graduation, Student F told her about the two sexual encounters with Friborg. According to Student F's classmate, Student F told her that Friborg had performed oral sex on her; Student F shared her shock and confusion and the feeling that there was nothing good about what had happened. Student F never shared this experience with any faculty or administrators at the School.

(f) Student G

Student G told us that, during her first three years at Thacher, she saw Friborg as a "substitute parent." According to Student G, during her senior year, Friborg began to pay attention to her in a way that made her uncomfortable even as it made her feel special. Among other things, Student G described how Friborg often came into her dorm room to leave her notes and gifts. She also described waking from a nap one afternoon to find Friborg standing in her doorway, watching her sleep. Student G told us that, at the conclusion of a school trip, Friborg dropped off the rest of her class first and dropped Student G off at her dorm last. Student G said that, while Friborg was in the car alone with her, Friborg told her their relationship was special and that other people would not understand or approve of it. Student G told us that the conversation was "super weird" and that she wanted to get out of the car. Student G now views Friborg's conduct with her as "months of grooming, isolating, and gaslighting." She described him "exerting tiny, subtle, isolating, and cumulative pressures to separate me from my peers and be 'special' to him."

Student G said that one evening in the fall of her senior year Friborg invited her into his house, where he presented her with flowers in recognition of her performance in a play. She told us that at some point she ended up on the floor while he massaged her back and shoulders. Student G was clothed during the massage. She said that she "shut down and froze" in that moment and does not remember what happened afterwards.

(i) Conversation with Teacher A

After the massage, Student G told us that she began struggling in school even though she had been a "high performing" student before the incident. She told us that her advisor, Teacher A, offered her extra academic help, but did not ask her if she was alright or if anything was wrong. Student G said she and Teacher A then had a conversation about Friborg the night before Student G left for winter break, a few weeks after the massage.

We interviewed Teacher A, who told us that she noticed Friborg and Student G spending a lot of time alone together, including at Friborg's house and in his car, and became concerned about their relationship. According to Teacher A, she shared her concerns with Head of School Michael Mulligan, telling him that the relationship did not "look right." Teacher A told us that Mulligan directed her to talk to Friborg. Teacher A described herself as being relatively young and inexperienced at the time, and told us she was intimidated by the prospect of confronting Friborg, who was older and "revered" by many on campus. According to Teacher A, she told Friborg that she was worried that Student G might be in love with him and that she was concerned that Student G might believe that there was something going on between the two of them. Teacher A told us that Friborg seemed genuinely surprised and claimed that he was

helping Student G with a personal problem. Mulligan told us that he now regrets that he did not confront Friberg himself when Teacher A first raised a concern about Friberg and Student G.

According to Teacher A, after talking to Friberg, she spoke to Student G. Both Teacher A and Student G recalled that Teacher A said that faculty had noticed how much time Student G was spending with Friberg and that Teacher A asked if anything was going on between the two of them. According to Student G, she felt as though Teacher A was accusing her of doing something wrong. Teacher A acknowledged to us that, with the benefit of more experience, she might have handled the conversation differently. Both Teacher A and Student G told us that Student G grew angry and upset during the conversation. Student G explained to us she thought Teacher A was accusing her of wrongdoing and so she told Teacher A that Teacher A had it all wrong and that the situation was not what she thought it was. Student G also told us she tried to say that she felt overwhelmed and, as she described it, “out of her depth.” Teacher A told us she understood Student G to be denying that there was anything going on with Friberg. Both agree that Student G did not specifically mention that Friberg had given her a back massage. Teacher A told us that she reported to Mulligan that both Student G and Friberg had denied there was anything inappropriate about their relationship. Student G told us that, “in the face of being falsely accused of wanting or nurturing this tortured relationship to my coach, I was brave enough to tell the truth, no one showed up to help.”

According to Student G’s father, when Student G came home at winter break, she told her parents about what had happened with Friberg and about her conversation with Teacher A. Teacher A told us that after the break, Student G’s mother approached her at a sporting event. According to Teacher A, Student G’s mother was angry, suggested that Teacher A had been making accusations against Student G, and told Teacher A not to speak to Student G anymore. Teacher A told us that, after that, she informed Mulligan about Student G’s mother’s reaction and then she let the matter go.

(ii) Conversations with Mulligan

According to Student G, sometime after winter break, Friberg called her into his office to tell her that it was “really bad” that she reported him. Student G told us that no one from the School consulted with her before talking with Friberg, who, according to Student G, “called me in to his office to berate me.” Student G told us she apologized to Friberg and he said something in response to the effect of, “It’s all good.” Student G described her experience of feeling there was nowhere to turn for help. She said: “I continued to live with my harasser on campus, seeing him in the dining hall, the classroom, and in his office while I navigated the college application process. At 17 years old and away from my parents I had little to no capacity to understand the position I was in, change it, or protect myself.” Student G described feeling “unable to escape” from the “role [Friberg] ascribed to me,” which was “not mutual or consensual.”

Student G told us that, after talking to Friberg, she then met with Mulligan to tell him what had happened. According to Student G, Mulligan asked her for specific details about the incident in Friberg’s house, told her the School definitely needed to pay attention to it, and said he was glad she reported it. Student G told us that she nevertheless came away from the conversation unsure that anything would be done. Student G’s father told us that Student G spoke to her parents about her conversation with Mulligan, after which her parents spoke to

Mulligan about Friborg as well. Student G's father told us that he and Student G's mother called Mulligan during spring of Student G's senior year to complain about Friborg's "stalking" behavior toward Student G, including the massage. According to Student G's father, Mulligan said the situation was "being taken care of," but that the School needed to be careful because of the risk of false accusations and a potential libel suit. Both Student G and her father described feeling frustrated that there was no further response from the School and that their concerns did not seem to be taken seriously. Student G told us "nothing happened" in response to her meeting with Mulligan, and Friborg kept his job and continued to coach. Student G told us she was "completely and totally vulnerable to the misperception of everyone on campus" and that "Thacher faculty, administrators, and board members asked me to carry the burden of defending, advocating for, explaining and healing myself alone when I was 17 years old."

Sometime after Student G graduated, Student G's father talked to a friend, who was at that time a member of the Board of Trustees ("Trustee A") about his conversation with Mulligan. We spoke to Trustee A, who confirmed that Student G's father told her that he had spoken to Mulligan about Friborg. Student G's father told us that he talked to Trustee A in the hope that the Board would follow up with Mulligan about Friborg, but he said he never heard anything further from Trustee A or the School's administration. Trustee A told us that she did not speak to Mulligan about her conversation with Student G's father.

Mulligan told us that he does not remember Student G telling him during her senior year that Friborg had given her an unwanted back massage. According to Mulligan, if he had known that Friborg engaged in any inappropriate or unwanted physical contact with any student, he would have confronted Friborg immediately and removed him from campus, as he did years later. Mulligan told us that it is possible that Student G made a comment to him about Friborg, and he explained that he regrettably did not understand her to be reporting any sort of inappropriate physical contact. Mulligan said he apologizes to Student G for that lack of understanding. As he explained to us, he believes such conduct by a coach or teacher is plainly wrong and should be dealt with immediately.

5. Student G's Second Report to Mulligan, Together with Student E and Student H

While in college, Student G crossed paths with Students E and H. According to Student G, Students E and H shared with her their own experiences with Friborg, both of which occurred after Friborg gave Student G a back massage. Student H did not contact us for an interview. According to Student G, Student H shared that Friborg had groped her without her consent while she was still a student. Students E and G told us that, after learning of their common experience, they decided to speak to Mulligan together about Friborg. In the lead-up to the meeting with Mulligan, Student G spoke to two friends, both Thacher graduates, about her first conversation with Mulligan and her disappointment in the School's lack of response. We interviewed both friends, each of whom confirmed Student G's recollection. One told us that, in preparing for the second meeting, Student G said that she wanted Students E and H to come with her to talk to Mulligan because she felt that he would be more likely to listen and take her concerns seriously if she was not alone.

Students E, G, and H met with Mulligan in mid-June 1997. Both Students E and G told us they felt that Mulligan was primarily concerned with Student H's report because she had been a current student when Friberg touched her, and that Mulligan therefore called Student H's report a "silver bullet" or a "smoking gun." Student G also told us that she grew angry with Mulligan during the meeting and told him that if he had taken action when she first came to him during her senior year, the incidents with Students E and H would not have happened. Student E told us that she does not remember Student G referring to a prior meeting with Mulligan.

Student E told us that she distinctly remembers that when she told Mulligan about her own experience with Friberg, he explained that Friberg was lonely and confused. Student E told us that she remembered thinking that was "bullshit," and that Friberg should "go find another adult" and not be trying to find a "connection" with kids. Student G's father, who spoke with Student G after this meeting, said Student G told her Mulligan said there were two sides to each story and noted it could be lonely at the School for a single person. According to Student G's father, one of the girls responded to Mulligan with anger, saying that Friberg had a car and could drive into town if he was lonely.

In our interview, Mulligan confirmed he met with Students E, G, and H in June 1997, but his memory of the details differed. According to Mulligan, Student G said that Friberg gave her a foot massage when she was a student. Mulligan told us he did not remember Student E speaking and believed she was there to provide moral support. Mulligan told us that Student H reported nonconsensual sexual conduct that occurred while she was still a student. Mulligan did not recall Student G saying anything about how he should have acted sooner to prevent what happened to Students E and H. Mulligan told us that he was horrified when he learned about Friberg's conduct and was further horrified to learn about Friberg's additional conduct during this investigation.

According to Student G, after her initial attempts to report Friberg to the School while she was a student, the School "failed to protect other students by ignoring or minimizing my experience and efforts to tell the truth about who John Friberg was." She described the "rage and sorrow that engulfed" her when she learned that Friberg had touched other students and told us, "my sadness was that their experiences and suffering were avoidable."

6. Friberg's Resignation

Mulligan told us that after hearing Student H's allegations, he immediately confronted Friberg, and Friberg admitted they were true. According to Mulligan, he told Friberg that he had to resign and leave campus immediately. Mulligan told us that Friberg orally resigned on the spot and left campus the next day.

Friberg's letter of resignation was dated July 4, 1997. We were not able to find a written record of when Friberg left the Thacher campus, and there is some evidence that Friberg remained on campus between mid-June and July 4. A faculty member who was on campus on or around June 20, 1997, said they ran into Friberg in the main administration building. According to the faculty member, Friberg said he was "retiring" soon and would not be returning to Thacher in the fall.

Minutes of a Board of Trustees meeting on June 27, 1997, reflect that Friborg made a presentation to the Board on college admissions for the recent graduating class. The meeting minutes do not reflect any discussion of Friborg's leaving. We interviewed multiple former Trustees from that year, none of whom remember any discussion with the Board about Friborg's departure or the circumstances surrounding it. According to Trustee A, who learned from Student G's father about Friborg's conduct with Student G, Trustee A heard at some point that Friborg had left Thacher and so she believed the matter had been resolved.

According to Mulligan's attorney, Friborg said that when Mulligan confronted him, he was told to leave campus immediately and that, after moving off-campus, he went through a "few weeks of suicidal ideation" before writing his formal July 4 letter of resignation. In his letter, which was addressed to the Thacher community, Friborg did not mention any allegations of inappropriate behavior. Instead, he wrote:

Many months of quiet reflection have finally led me to leave Thacher effective this summer. . . . After ten years at this remarkable place, I am anxious now to move out into the world beyond boarding school life. My plans are to pursue a career in the healing ministry of my religion, Christian Science. . . . I will still be in Ojai when School opens in the fall so I'll see you again shortly, if perhaps briefly.

7. After Friborg's Resignation

We spoke to witnesses who recalled seeing Friborg on campus on more than one occasion after his resignation. A former student also described seeing Friborg at an off-campus Thacher soccer game in the late 1990s. Emails show that Friborg was on Thacher's campus in the mid-2010s. Emails also show that Friborg was invited to Bill Wyman's memorial service on campus in 2014, though we were not able to determine whether he attended. Friborg was mentioned in the Thacher magazine on four occasions after his resignation, most recently in 2010. After Friborg was included in the 2002 magazine, Mulligan wrote a letter to Students G and H to apologize. In the letter, Mulligan wrote that he was "embarrassed and disappointed" to see Friborg in the magazine and he assured them he would speak to the editorial staff to make sure that Friborg did not appear in future issues. Most recently, in October 2019, Friborg was lauded as a "hero" in a fundraising letter written by two former Thacher parents and sent to alumni by the School's Development Office. According to Mulligan and current Head of School Blossom Beatty Pidduck, upon seeing this, Mulligan contacted Pidduck about the reference to Friborg. Pidduck told us that she then directed the Development Office to create a list of individuals who should not appear in such communications in the future.

According to Mulligan, Friborg's conduct was reported to law enforcement, though Mulligan did not recall making the report himself. We were not able to find any record of when a report was made or to what agency, and no witnesses we interviewed recalled making a report themselves. We also were unable to find any written records showing what was reported to Friborg's future employers. It appears based on Internet searches that he continued to work at other independent schools, including at the Fox River Country Day School in Illinois, where he served as Head of School from 2003-2007, and the Boston University (BU) Academy, where he

was Director of Advancement from 2007-2016. According to witnesses, in the years immediately after he left Thacher, Friborg worked for the Christian Science Church.

Mulligan told us that he spoke with BU Academy when Friborg was applying for the job there and confirmed the reason for Friborg's departure from Thacher. This is consistent with an email in which Friborg asked Mulligan about a reference to a different school, which did not make him a job offer. In his email, Friborg asked Mulligan about "what you may have said or not regarding the reasons I left Thacher." Friborg explained in the email that, as he did at BU Academy, he intended to inform his prospective employer "before I 'signed' a contract to allow him to reconsider any offer he might make, but it helps me to know what he may already know." We did not find any record of Mulligan's response.

During our investigation, Mulligan's attorney interviewed the former Head of School of BU Academy, Jim Berkman, who also provided us with an affidavit. In that affidavit, Berkman said that he interviewed Friborg for the position of Director of Development at BU Academy in or around 2007. Berkman stated: "During that interview, he disclosed that he had been fired from his employment at the Thacher School for sexual improprieties with two students." Berkman stated that, although he does not recall the details that Friborg disclosed in the interview, he does recall that "the underlying conduct he described included his kissing a student and giving inappropriate massages." Berkman stated that Friborg provided Mulligan's name and Berkman spoke with Mulligan, who, according to Berkman, "confirmed that he fired Mr. Friborg from Thacher for sexual improprieties with two students." Berkman said that, while he does not recall the exact details of what Mulligan told him, "I recall that he did not urge me to hire Mr. Friborg." According to Berkman, "Mr. Mulligan did not 'sell' Mr. Friborg to me, so to speak. He was confirming information regarding Mr. Friborg's firing from Thacher. I did not consider it a recommendation or a reference." Berkman said he "decided that the disclosed information did not disqualify Mr. Friborg from the position at Boston University Academy because the position did not involve interaction with students and because it was my understanding that it had been approximately ten years since he left Thacher." Berkman stated, "I am not aware of any incidents of alleged inappropriate conduct by Mr. Friborg during his employment at Boston University Academy."

Student G described the effect on her of the School allowing Friborg to leave "quietly," "with no public reckoning" and while "maintaining the image that nothing inappropriate, illegal, or harmful had happened." Student G told us the School failed her by "casting shadows over my reputation by letting rumor and hearsay about John Friborg's dismissal stand, effectively asking me to choose between remaining silent or standing alone in the face of classmates, friends, and current students and parents to correct the record of what happened." Student G described feeling anger and humiliation when, in public settings, Thacher community members mentioned rumors about a student having an affair with Friborg in the mid-1990s. She also described losing her sense of belonging at Thacher, which had been her home and her community, and she described this loss of her connection with Thacher as being "equally as painful as the shame of being touched and sexualized by a trusted coach, teacher, and college counselor."

Student E told us she remembered thinking during the June 1997 meeting with Students G and H and Mulligan that the whole thing would be, in her words, "swept under the rug" even if Friborg left Thacher, because Mulligan and Friborg had been friends for a long time. Student E

told us that what happened after the meeting confirmed her thinking and explained that, in her view, no one really knew why Friborg left the School. Student E expressed significant frustration that Friborg was able to walk away from Thacher “unblemished” and get a job at another School.

8. Friborg’s Response

As part of this investigation, we contacted Friborg to request an interview. Although Friborg had agreed to speak to Mulligan’s attorney and did so, he declined our request by email and also provided the following statement:

I was rightfully fired for my transgression with [Student H], I have felt deep shame and regret ever since, and I have tried to rebuild and live my life with all the righteousness, purity, and humility my prayers can find in my effort for redemption. I have been very happily married for over 22 years, have a daughter in college, and live now in a quiet, simple retirement where the garden or a walk is generally the most exciting part of my days. That is enough.

C. Willard “Bill” Wyman

Willard “Bill” Wyman II was Headmaster of The Thacher School from 1975 to 1992. He resigned at the end of the school year in 1992 and took the title of Headmaster Emeritus. Wyman died in 2014. He was honored at a memorial service on campus.

The timing and terms of Wyman’s resignation were controversial and took place amid allegations that Wyman had sexually harassed female members of the School community. The situation was documented in Board minutes, memoranda, letters, and other records, which were collected and maintained by a former Board member, Trustee A⁶. Although it appears that the investigation of Wyman was known and discussed among members of the Board’s Executive Committee at that time, other witnesses we interviewed – including faculty, students, parents and administrators – were not familiar with these documents or with the details of the allegations against Wyman. In particular, they were not aware of reports that Wyman had sexually harassed students, both through verbal comments and touching, and it appears that the specific details of the investigation were not widely known.

1. Sexual Harassment Investigation

(a) 1992 Investigation Report

According to witnesses, in January 1992, a group of faculty and students approached a Board member and Thacher parent, Trustee B, with complaints about Wyman. After discussing the matter with the Board Chair, Trustee A and Trustee B retained outside counsel to investigate

⁶ As a reminder, in each section of the report, we restart our lettering convention. Thus, for example, the “Trustee A” in this section of the report is not the same Trustee A that appears in other sections of our report.

the complaints. The attorney who conducted the investigation was an employment lawyer at the firm that served as the School's general counsel. The attorney met with students and faculty members and summarized the interviews in a January 30, 1992, report ("Report").

The Report found "a pattern of offensive verbal conduct and improper touching" by Wyman, noting that Wyman had a long history of telling "extremely offensive sex jokes" to faculty, commenting on female faculty members' bodies (such as "I like your boobs"), and often touched adult women inappropriately. The Report also described 17 separate incidents of Wyman making inappropriate comments and/or touching students inappropriately, including the following:

- Wyman "deliberately" dropped his napkin at a formal dinner, then asked a female student to pick it up and "put it on my lap."
- Wyman asked two girls to be waitresses at a dinner party at his house for other students and told the two girls to wear "slinky" or "sexy" clothes. After Wyman made this request, the girls reported it to their faculty advisor. According to the Report, the incident became "widely known" on campus and Wyman eventually apologized at a faculty meeting, in what the Report characterizes as "vague terms."
- A scholarship student hurt her knee and when Wyman picked her up, according to witnesses, he placed his hand under her bottom and said, "I am so glad I got close to you, I've never held you like this before." Witnesses were "horrified" and the student was "extremely offended and upset." The student's friends said that she was afraid to come forward for fear of losing her scholarship.
- At a Halloween party, Wyman – who was dressed as a pirate – picked up a female student, spun her around, and told her that he was "capturing her and taking her away." The incident "upset the student to the point that she began crying." The Report notes that there was "a strong odor of alcohol on [Wyman's] breath."
- Wyman paid special attention to one female student, giving her notes and identifying himself as her "secret admirer." Wyman gave the student a shirt as a birthday present and told her "I can't wait to see you wear this."
- Wyman often made flattering but uncomfortable comments to female students about their appearance, such as telling them, "you have beautiful eyes." One student said that Wyman made comments like to her one-on-one as often as three times a week.
- A student reported that Wyman approached her and asked her to give a tour to visiting parents. He then placed his hand on her back and slid it "low enough" on her bottom that the student "was upset about it."

The Report concluded that Wyman's conduct was a "pervasive" problem discussed among students, sometimes in the presence of faculty. The Report said that "[t]he inference to be drawn is that the faculty members themselves are aware of the conduct and apparently believe that there is simply nothing to be done." The Report also noted that several faculty members had

tried to talk to Wyman about his behavior, but without success, and that Wyman’s “inability to permanently reform his behavior leaves those who have spoken up feeling frustrated, vulnerable, and in some cases, emotionally distressed.”

We did not re-investigate the allegations in the Report, nor did we try to identify the students. We did, however, speak to three of the former students described in the report, who contacted us: the girl who was asked to put a napkin on Wyman’s lap and the two girls told to wear something “slinky.” Each confirmed that the incidents occurred as described. In addition, several witnesses, both faculty and student, told us about the “slinky” comment, which corroborates the statement in the Report that the incident was well known on campus. According to one of the two girls involved, they reported the comment to a faculty member when it happened, after which – according to a letter Wyman wrote to then-Board Chair Reid Dennis on February 15, 1992 – Wyman apologized.

(b) February Board of Trustees Meetings

Trustee A told us that, after the initial interviews were conducted and it became clear that the Board was taking the allegations against Wyman seriously, “it broke the dam” and other faculty members came forward. Board minutes show that a Special Committee of the Board met with additional faculty on February 7, 1992. According to the minutes, at that meeting, the Special Committee “became aware of the fact that the behavior in question had taken place over an extended period of time without coming to the Board’s attention.” The minutes also state that a “broad contingent” of faculty expressed support for Wyman based on his “significant contributions to Thacher combined with a judgment that his behavior was either inadvertent or open to differing interpretations.” The minutes describe a second meeting that day, at which Wyman, who had received a summary version of the Report, addressed the Board members directly. The Board minutes state that Wyman was “contrite, and acknowledged that his behavior had been insensitive,” and asked for help “correcting his behavior.”

The Board minutes reflect that, the next day, the Board met in an Executive Session to discuss the investigation and its conclusions. The Board also considered a proposal to formally reprimand Wyman for his past conduct, conduct performance evaluations for the Head of School, and create a way for grievances to be reported directly to the Board when they were not addressed by the administration. According to the minutes, multiple Board members expressed concern about the investigation process, including concerns about fairness to Wyman. Trustees A and B told us they encountered substantial resistance from other Board members toward investigating the reported conduct by Wyman. We also spoke with Trustee C, one of Wyman’s supporters on the Board, who described having significant concerns at the time about how the investigation was handled, and in particular its impact on Wyman.

On February 11, 1992, the Board Chair sent a letter of reprimand to Wyman. The letter referred to “very serious allegations of sexual harassment,” namely, the perception that Wyman “demeans female teachers, faculty wives, and female students by commenting on their bodies, their clothes, and their physical attractiveness, by assuming greater familiarity with them than they feel is appropriate, and by sharing jokes which crudely portray women in sexual terms.” The letter directed Wyman to take prompt action to modify his behavior. It did not specifically

refer to any of the reports that Wyman had made unwanted and inappropriate physical contact with students.

That same day, a female former member of the Horse Department faculty filed a lawsuit against the School and Wyman for sexual harassment, gender discrimination, and wrongful termination. Among other things, the lawsuit alleged that Wyman made sexual comments to the plaintiff about her body, kissed her on the cheek, and without her consent, approached her from behind and put his hand down the back of her jeans. The lawsuit also alleged that Wyman refused to promote the former faculty member to Head of the Horse Department, telling her that he would never give the job to a woman. According to the Board members we interviewed, the lawsuit was not part of the Board investigation and the former faculty member's allegations were not part of the Board's discussion of Wyman's conduct.

(c) Wyman's Response

Wyman responded to the letter of reprimand in a February 15, 1992, letter to the Board Chair. In his letter, Wyman identified two separate issues – one being the reports that he had been “too familiar” with female students; the second, which he considered to be “more important to the health of the School,” were the complaints that, as an administrator, he intimidated faculty and staff members and stifled criticism and dissent. With respect to the specific allegations about his conduct with students, Wyman characterized them as “a series of stories – collected over some years – that could be called sexist, seriously so in some cases. They do not seem to me, on the other hand, actions that could be called sexually harassing. The intention was to make these young people feel better about themselves, not to threaten them or anyone else.”

2. Students' and Parents' Firsthand Accounts

In the weeks that followed the February Board meeting, numerous members of the Thacher community wrote letters to Trustee A, Trustee B, and the Board Chair. Some expressed support for Wyman; some expressed support for Wyman's resignation. Some letters were sent by former student providing firsthand accounts of Wyman's inappropriate behavior. For example, Student A, a graduate from the 1980s, wrote that during her freshman year, Wyman “patted [her] on the behind” during a lacrosse drill. She said the experience left her feeling “angry and embarrassed – too embarrassed to say anything directly to him.” According to Student A, during her junior year, Wyman asked her to give her mother a kiss for him and then kissed her. Student A wrote that, when she confronted him later about the kiss, Wyman apologized, saying he meant nothing by it. She then asked him about the incident freshman year. According to Student A, Wyman replied that he had not realized she was a girl with her lacrosse helmet on. Student A also wrote that Wyman “often treated female faculty members rather intimately too,” and described how he could be seen putting his arm around the waist of women who she said “seemed put off and uncomfortable.” According to Student A, “faculty members seemed uncomfortable when discussing Mr. Wyman. . . . I have since learned that many of them feared for their job security if they spoke out against him. . . . I wish to stress how much Mr. Wyman's behavior undermined the atmosphere of honesty and openness at the school.”

In a letter to the Board Chair, Student B, another graduate from the 1980s, described her experiences with Wyman while she was a student, including “his abuse of alcohol as well as

what I consider to be inappropriate sexual conduct.” Student B described how, when Wyman had been drinking, “he would sit next to me at dinner and stare at my breasts. This was not just a casual glance; it was both obvious and lingering.” Student B also wrote that Wyman would “pat and squeeze” her legs and knees under the table, sometimes leaving his hand on her thigh. Student B said that these actions made her uncomfortable, and she soon learned to sit elsewhere whenever possible. Other alumni also wrote about Wyman’s drinking, including a male graduate from the 1980s who described watching Wyman driving drunk on campus.

Neither Student A nor Student B contacted us for an interview. However, we heard similar accounts from several witnesses about Wyman’s behavior with students and faculty. For example, two mothers of former students told us independently that when they went to a dinner at Wyman’s house, he told them to put their coat on the guestroom bed “where I’d like you.” Multiple former students described Wyman as “lecherous” and a “creep.” One former student told us that Wyman would frequently invite female students to go on solo camping trips with him. The parent of another former student told us that, on camping trips, Wyman would encourage female students to put on bikini shows for the boys. Witnesses described Wyman’s drinking as well, including a former student who told us that she saw Wyman under the influence on numerous occasions, including at formal dinner. Other than what has been described above, none of these incidents was reported to the School.

Parent A, the mother of one of the two girls Wyman told to wear something “slinky” to dinner, also wrote to the Board Chair about Wyman during this time, saying “there is a reluctance to see this for what it is and a tendency to pass it off as a generational difference or personal style instead of the devastating and deep-rooted lack of respect that it is.” Parent A added that her concern was not only for Thatcher’s female students: “Watching this sort of aberrant behavior towards women be trivialized by going unpunished is a terrible example for the male students as well as the faculty.”

Mulligan told us that he was not familiar with the details of the investigation and had never seen the Report. According to Mulligan, Wyman was “old school, very controversial, and very charismatic.” Mulligan said that Wyman was inappropriate in some comments and behavior, but said that he never saw Wyman behaving inappropriately with female students. Mulligan denied that Wyman abused alcohol, telling us that, though he saw Wyman drinking, he never saw him drunk. Trustee C described Wyman as an “old school kind of guy,” and acknowledged that the allegations of misconduct by Wyman would be viewed differently today, but said that at the time, they seemed “weak.”

3. Wyman’s Resignation

The minutes of the March 6, 1992, Board meeting reflect that the Board Chair reported that he had received numerous phone calls and letters, some critical of Wyman. The Board Chair reported that “none . . . condoned the Headmaster’s alleged actions, [but] most have fallen short of recommending termination.” He noted however that the negative feedback was “strongly expressed and particularly disturbing.” Board minutes reflect that, at the same meeting, Trustee A reported receiving mostly negative feedback about Wyman, much of which he documented in a memo. In his memo, Trustee A wrote about his conversations with faculty and parents who believed that Wyman should resign, if not immediately, then at the end of the school year. He

also described his recent conversations with Wyman, who he said had obtained “medical help in understanding his relationships with faculty.” Trustee A added that Wyman remained unrepentant, and believed that “old grudges and gripes have been dusted off and brought forward in order to add weight to the criticisms.”

According to witnesses and Trustee A’s notes, the matter was finally resolved on April 15, 1992, when the Board held a special meeting in San Francisco. Both Trustee A and Trustee B remember that the meeting was contentious, and that there were many present who were “adamant” that Wyman should not lose his position. According to Trustee A and his notes from that meeting, a compromise was reached, under which Wyman would resign as Headmaster at the end of the school year, but would take the title Headmaster Emeritus and continue working on fundraising. Wyman would receive his full salary and benefits, and continue to live in Thacher housing, until he reached retirement age at 65. Trustee C told us that she participated in the negotiation and tried to make sure that the terms were favorable for Wyman, in part to avoid the risk of litigation, though Wyman had not threatened litigation. According to Trustee A and Trustee C, there was no specific discussion about whether to disclose the findings of the sexual harassment investigation to the community, as the belief was that once Wyman resigned, there would be nothing further to discuss. Both Trustee A and Trustee C told us that because the Board’s consideration of Wyman’s conduct was contentious, there was a tacit decision to just move on after Wyman resigned.

On April 20, 1992, Wyman’s resignation and transition to Headmaster Emeritus was announced to the Thacher community by letter. The letter did not refer to any of the allegations against Wyman or the reason for his resignation. We did not find any evidence that the Board or the School administration discussed with members of the Thacher community the reports of sexual harassment allegations by Wyman or the investigation and its conclusions.

Michael Mulligan became Acting Head of School in fall 1992 and Head of School in 1993. Many witnesses we interviewed told us that Mulligan’s tenure as Head of School marked a shift away from the Wyman era. Several witnesses mentioned that Mulligan barred alcohol from campus events at which students were present, and that Mulligan and his wife Joy opened their home to the entire student body every Saturday night as part of creating a more family-like atmosphere at the School. Mulligan and his wife Joy tried to create a more “warm, loving, open, and appropriate” atmosphere at Thacher during his tenure.

D. Derick Perry

Derick Perry graduated from Thacher in 1983. Perry returned to Thacher in 1995 as a teacher. During his time as a faculty member, he taught English, served as a Dorm Head for Middle School and Lower School (junior and senior boys and girls), and coached cross country, track and field, and girls’ basketball. Perry stopped teaching and joined the Alumni & Development Office in 2011 as Director of Annual Giving and Special Gifts. He became Director of Major Gifts in 2015 and served as an advisor to sophomore boys in the Los Padres dormitory.

Perry resigned in June 2021 and will no longer live on campus. The School has prohibited Perry from attending any School functions, being alone with any current students, excluding certain family members, or being present in any public spaces at the School.

1. Student A's Firsthand Account

Student A,⁷ who graduated from Thacher in the early 2000s, told us about sexual misconduct by Perry after she graduated from Thacher and about conduct while she was a student that she now believes was grooming⁸ her for later sexual misconduct.

Student A told us that, starting her sophomore year at Thacher, Perry developed a close relationship with her, by paying special attention to her and giving her emotional support. Student A said that, for significant periods of time, Perry spent every one of Student A's free periods sitting with her and talking to her on the Library patio. Student A told us that Perry pressed her for details on her personal and romantic life, and advised her on romantic relationships with other students. Student A said she felt at the time that her relationship with Perry was like a parent-child relationship. She explained that Perry often referred to himself as her "surrogate dad" and described her as "a daughter."

Student A said that, while on a camping trip led by Perry during her senior year, where Perry was the only adult, Perry asked her to walk at the back of the group of students. Perry told Student A she "looked like a hand holder," and then took Student A's hand and held it while they walked. According to Student A, later that night, Perry set up his sleeping bag right next to hers; Student A described feeling uncomfortable and was comforted by the fact that other students were sleeping on the other side of her. Student A said that, on the bus ride back to School, Perry asked Student A to sit next to him. Student A told us that all of this attention made her extremely uncomfortable.

We reviewed three photographs taken of Student A and Perry while she was a student. According to Student A, each was taken by either a faculty member or another student. Each photograph depicted Perry touching Student A in some way, exhibiting some degree of physical closeness.

Student A told us that, after she graduated, Perry emailed her during the fall of her freshman year in college to ask about her sexual fantasies and experiences. According to Student A, Perry asked for her "deepest, darkest secret" over email, and when asked for clarification, Perry explained that he wanted to hear about her sexual fantasies. Student A told us that Perry's emails detailed his own sexual fantasies and included explicit discussion of orgasms and

⁷ As a reminder, in each section of the report, we restart our lettering convention.

⁸ The Rape, Abuse and Incest National Network (RAINN) describes "grooming" as "manipulative behaviors that [an] abuser uses to gain access to a potential victim, coerce them to agree to the abuse, and reduce the risk of being caught." Grooming may include efforts to isolate potential victims, develop trust by sharing secrets, and desensitize potential victims to touch or discussion of sexual topics.

masturbation and that, over the course of that year, Perry also sent her numerous sexually explicit and inappropriate emails, all under the guise of mentoring her.

Student A no longer has access to her college email account, and we could not find any emails between Perry and Student A from when she was in college. We spoke with Student A's former Thacher roommate, who said that Student A told her in 2018 about the sexually explicit emails Perry sent her during her freshman year in college. According to Student A's former roommate, Student A said Perry always couched his exchanges with Student A as providing fatherly, mentoring advice to a mentee who at some point would become sexually active. We also reviewed an email Student A sent to another friend in 2018, in which she described Perry as "her most trusted teacher and coach," who during her first year in college was "transitioning from being her strongest source of emotional support to asking about her 'deepest, darkest fantasies.'"

Student A told us that, the summer after her freshman year, when she was 19 years old, Perry took her out to dinner with several of his Thacher classmates and gave her a substantial amount of alcohol. Student A told us this was her first experience with alcohol and she became quite intoxicated. According to Student A, at some point that evening, after returning to the home where she was staying for the summer, Perry pulled her onto his lap while he was sitting on a sofa and reached up her shirt to touch her breasts, after which she does not remember what happened because she blacked out. She recalled telling Perry that what they were doing was not okay because he was married, which was the only framework she knew at the time to explain why the experience was wrong. She told us that she knows that no sexual intercourse took place but that Perry slept next to her that night. Student A said that, when she asked Perry the next day about what happened, Perry told her, "I just love you" and explained that he had simply been "loving" her.

We reviewed a journal entry Student A made a few months after that incident after encountering Perry at a Thacher Alumni Day during her winter break from college. She wrote that Perry "wasn't unfriendly at alumni day but he was hesitant to talk" to her and she wondered if he "resents her for what happened." With respect to "what happened," she wrote that "one night we both got hammered and his hand went up the shirt. He kept hugging me and claims he doesn't remember anything after 2:30 a.m." She wrote that this incident caused her to "question who he is and for what he stands." She wrote: "I don't really want anything sexual at all, I just want to be special."

Student A's former Thacher roommate told us that, in 2018, Student A shared with her that she believed Perry had groomed her for later abuse – and, as noted above, that Perry had sent inappropriate, sexually explicit emails to her during her freshman year in college – and that when Perry and she had drunk too much alcohol on one occasion, Perry had then wandered his hands all over her, and she had subsequently woken up on a couch with his arms around her.

Student A told us that, when she watched *The Tale*, a movie about the grooming of a child by her riding coach who later sexually abuses her, she recognized her relationship with Perry. Student A said she then began to understand the nature and effect of the relationship.

We reviewed emails Student A sent to two of her friends in 2018, as well as her former Thacher roommate, after watching *The Tale*. In one email, Student A wrote:

I watched the movie *The Tale* on HBO. It has a lot of parallels with my experience. I was not that young, and we did not have sex (which I now realize is because of how I reacted to his first physical interactions with me after getting me drunk – my first time drinking). So my story isn't nearly as bad, but there are so many parallels. And the grooming went on for two years before he plied me with alcohol and got under my clothes. I've been sick to my stomach for the past 4 weeks

He was my [] coach, and my English teacher, and my surrogate father, and called himself that. Until he wasn't. I'm sure he's proud of himself for waiting until I graduated, but it really just shows how long the grooming went on. I'm mad now, and this is the first time I've ever been mad. Until recently, like the protagonist in *The Tale*, I considered us to have had a relationship. It was not. It was abuse.

She wrote, "The long con under the guise of acting like a parental figure is really reprehensible."

In the email Student A sent to her former Thacher roommate in 2018 about *The Tale*, Student A wrote, "Obviously my situation was not nearly as bad [as the protagonist's in *The Tale*]. I was older, and the physical nature was not nearly as bad. . . . If you change the facts of the abuse, the emotions and circumstances could be mine. I so wanted to just be loved by the Perrys and incorporated into their world."

We also reviewed an email that Student A sent to another friend in 2018, in which she forwarded a draft letter she wrote to Perry but never sent. In that letter, Student A expressed her anger at Perry by referring to her hopes for his daughter, who was leaving for college. She wrote:

I hope her most trusted teacher or coach isn't transitioning from being her strongest source of emotional support to asking her about her 'deepest, darkest fantasies.' I hope that if he does, and she rebukes him, he doesn't ask again, leading her to believe that she has to engage to keep her relationship with him.

The letter goes on to describe Perry giving Student A the first alcohol she had ever consumed and then slipping his hands under her clothes.

Student A told us that, sometime in 2018, she confronted Perry about what had happened. According to Student A, Perry said he did not know what she was talking about and that he did not do anything wrong. Student A told us that Perry said something like, "we didn't have sex so I don't understand what is the big deal." Student A said Perry did acknowledge there was touching involved and explained it as, "I just love you."

2. Perry's Response

We confronted Perry with Student A's specific experiences, without revealing her name. In response, Perry identified Student A by name. Perry denied ever engaging in grooming behavior and said his conduct with current Thacher students always stayed within the bounds of appropriate conduct. Regarding the night he spent with Student A on a couch after dinner with her and some of his Thacher classmates, Perry said he had no memory of what happened because he had been "pretty drunk" and blacked out. Perry said that he did not think Student A had been drinking. He also said that he "believes the student." He told us he believed Student A to be a person of "the utmost integrity" and he would not refute what she believed happened.

Perry said that when Student A reached out to him about the incident a few years ago, he lied and told her that he remembered what had happened even though he actually did not, due to the amount of alcohol he consumed that night. Perry said he told Student A he remembered the incident "because it was embarrassing to her," because he did not want to have her "re-live the event," and he "didn't want to make the student feel bad."

During a second interview, Perry did not deny sending sexually explicit emails to female alums; he said it was "possible" that he emailed former female students such content but said "it certainly would have been in the realm of friendship, or being funny." When asked whether he had asked female alums to share their sexual fantasies with him, Perry responded, "I'm not saying no I didn't." Perry paused and then said, "This is something that I might send to a friend, or somebody I considered a friend. Someone who I had a relationship with that suggested that kind of exchange would be fine. I wouldn't randomly do it." Perry explained that, "it's possible that with someone I considered a friend, I would have conversations that certainly in hindsight appear inappropriate, but at the time felt like a confidence between friends."

Perry subsequently sent us a letter explaining his conduct and providing additional context for it. Perry also provided a long list of character witnesses. Perry said in this letter, "I believe it is important to break the analysis down into two separate time periods; the first being while the Complainant was a student and then after graduation. This delineation is important, because Thacher has always treated its graduates as adults soon after graduation." He said: "I also believe that it is very important to look at the whole picture of my involvement with Thacher, its students, and the Complainant. I do not want to attack her recollection; but I do want to make sure that the [Special Committee] recognizes that I have interacted with thousands of students and become close to any number of them."

With respect to Student A's time as a student, Perry wrote: "My actions were wholly within [sic] the boundaries of Thacher norms at the time." Perry said, "To be crystal clear, my interactions with the Complainant as a student were similar to my interactions with scores of students over the years. They reflected the norms of Thacher." Perry said that, while Student A was at Thacher, "the relationship was one of a mentor and teacher. There was never improper actions nor improper intent." He wrote: "While I (and my family) did take a special interest in the Complainant, it was wholly appropriate and endorsed by the School."

Perry did not directly address Student A's statement that he held her hand while walking on a camping trip. Perry wrote, however, "As taught by the School as what to do on camping

trips, I have helped students as needed. Walking with stragglers, shoring up confidence with whatever means necessary is what trip leaders do.” Perry denied ever sleeping in the same tent alone with a student. He did not address whether he had ever slept next to Student A during a camping trip.

Perry described that his relationship with Student A changed after graduation:

After graduation our relationship migrated, in my mind, to one of an adult friendship. Our interactions over the years evolved and definitely became between two mature adults, dealing with adult issues. Remember, I do not recall the specific incident that is the focus of all of this matter, and therefore I did not have all of the information to put what some of my communication may have triggered into context. For me, the emails were two adults very comfortable with the friendship delving into slightly taboo subjects.

In both his letter and his interview, Perry said that he did not remember sending sexually explicit emails to Student A and tried to put any sexually explicit emails in the context of an “adult” friendship. Perry wrote:

As stated earlier, without knowledge of the hurt I had caused, my emails, which I don’t recall sending, with the Complainant were, from my perspective, emails between adult friends that were very comfortable with each other. The contents of the emails certainly cause one to be taken aback, and they certainly cause me embarrassment and make me question why I would send them at all; however, I would never send an email of this nature to someone I did not consider a true friend nor would I send them without the context of a conversation with the person that alluded to the issues addressed.

Perry said that any salacious emails should be considered in the broader context of other emails and in the context of his relationship with Student A. He wrote: “My intent in all of these interactions were not nefarious nor amorous.”

Regarding the night he spent with Student A on a couch following the dinner with her and some of his Thacher classmates, Perry wrote: “As I stated, I have no recollection of the events later in the evening and a hazy recollection of the evening itself. After the dinner, I am fairly certain that the Complainant drove my car home and was involved in a minor fender bender. I would not have allowed her to drive my car if I had any indication that she was drunk.”

Perry continued:

When out with this particular group of friends at that time, it was not uncommon for us to drink to the point of being intoxicated. As I don’t recall the incident, all I can say is that I made a profound mistake (regardless of the extent of the interaction). My alleged

actions were a violation of my pact as a husband and certainly they took a toll on this woman. My alleged actions mortify me. When I was made aware, I apologized profusely and was saddened that I could behave in this manner. There has never been another similar physical interaction between us. Nor has there ever been another similar physical interaction with any other alumnae.

Perry then described his conversation with Student A, years later, about the incident: “Years later we had a polite productive conversation about how she experienced that evening in question. It was heart-rending to hear her talk about how she has felt over the years.” Perry also said in his letter: “I have been despondent the last few months as these allegations have roiled my life. Do I wish I had acted differently that evening? Absolutely. We would not be here without my actions.”

3. Additional Reports About Perry

An administrator told us that, sometime before 2011, while Perry was head of a girls’ dorm, a female student reported that Perry would drink alcohol and then walk around the dorm and enter into girls’ rooms while they were wearing only nightgowns. The student reported that this made her feel uncomfortable. According to this administrator, Perry was counseled by the School not to drink alcohol while engaged in School duties. Subsequently, Perry was moved to a boys’ dorm. A Thacher parent also told us that her daughters, who graduated in the late 1990s, had experiences studying in nightgowns in their dorm rooms and Perry coming into their rooms. The parent did not say that her daughters were made to feel uncomfortable by this conduct but the parent felt it was inappropriate. In addition, we received reports from former faculty and students about Perry drinking excessively at reunions and making inappropriate comments. One former student told us that Perry ran into the dorms to tell other alumni that girls were skinny dipping in the pool.

A former faculty member told us that Perry was “inappropriate” with female students including being “overly touchy and huggy” with them. We also received additional firsthand reports from Student B and Student C, both of whom are female alums who graduated in the 2000s. Student B told us that Perry was “handsy” and would put his hands on the small of girls’ backs, including her own, and around girls’ waists. She also told us that on multiple occasions she saw Perry when he seemed to be intoxicated, including when he was conducting dorm check-in.

Student C was a prefect when Perry was the Dorm Head of the junior girls’ dorm. Student C told us that Perry made the prefects feel “special.” According to Student C, once a week Perry would take his prefects out to a diner in town after check-in, where he would give the girls advice about boys, college, and college boys. She said the advice he gave was not “overtly sexual,” but included sexual innuendo and “edgy” comments about what boys do and do not like, and what the girls might need to do to keep a boyfriend. Student C told us that Perry asked the prefects for the latest gossip on who was dating whom at the time and advised the girls as to whom they should date. She also told us that Perry seemed to be intoxicated at check-in and when he attended munchouts (in-dorm snack breaks hosted by prefects).

Student C told us that, after she graduated and was in college, Perry met her for lunch. At the time, Perry was not yet working in the Development Office. According to Student C, Perry told her that, when he saw her coming across the restaurant, he thought “wow, who is that?” Student C told us she felt the tenor of the lunch was that Student C was now an adult and could be friends with Perry. According to Student C, when she later heard Perry talking about the lunch at a Thacher event, she felt as if he came close to describing the lunch as a date with her. We also found emails showing Perry tried to meet with at least one other former student at a bar while she was in college.

E. Dana Vancisin

Dana Vancisin Schryver joined the Thacher horse faculty in the early 2010s. She was in her early 20s at the time. During her tenure at Thacher, Vancisin was horse faculty, an art teacher and a student advisor. Vancisin left Thacher in 2020. Vancisin’s departure was unrelated to the conduct discussed here in our report.

1. Relationship with Student A

Multiple witnesses reported to us that, early in her career at Thacher, Vancisin had, in their view, a boundary-crossing⁹ relationship with Student A,¹⁰ a senior boy. A faculty member told us that she reported the relationship to an administrator after Student A’s mother complained to her about Vancisin’s flirtatious behavior with her son. The faculty member told us that she confronted Vancisin about the relationship as well. A staff member who lived on campus at the time told us that she saw Student A going to Vancisin’s apartment in the evening and that “everybody knew about the relationship,” including students. Student A did not contact us for an interview. In an email, Student A wrote to Head of School Michael Mulligan a few years after graduating that he had formed “an emotional connection” with Vancisin while in School, but that they “did not engage in any inappropriate physical behavior” and he was “was never placed in a threatening or uncomfortable situation while in her company.”

The boundary-crossing nature of the relationship is corroborated by a letter of reprimand in Vancisin’s employee file, which documents three meetings between Vancisin and an administrator during the spring term of Student A’s senior year in response to reports of “flirtatious behavior” and late night visits, and a fourth meeting after the spring term ended with the administrator and Mulligan, who was the Head of School at the time. According to the letter, at the first meeting in late March, the administrator and Vancisin discussed strategies for establishing boundaries and guidelines for appropriate behavior. The letter states that, at the second meeting that spring, Vancisin and the administrator discussed “the fact that the behavior had not ceased.” We found an email from Vancisin to Student A that corroborates that the flirtatious behavior had not ceased. According to the letter of reprimand, at the second meeting,

⁹ We use “boundary crossing” to describe certain conduct that did not rise to the level of sexual misconduct, but which was nevertheless inappropriate.

¹⁰ As a reminder, in each section of the report, we restart our lettering convention.

Vancisin was told that Student A’s mother had expressed concern about the relationship and that she was not “under any circumstances, to be alone with this boy.”

According to the letter of reprimand, after this second meeting, Student A was seen going into Vancisin’s home during wandering hours. The letter states that this prompted a third meeting with Vancisin on May 31, at which Vancisin admitted allowing Student A into her home late at night and on weekends, and acknowledged that she had been told before not to be alone with him. Finally, on June 2, Vancisin met with the administrator and Mulligan. According to the letter, at that final meeting, Vancisin admitted she was “fully cognizant” that her conduct with Student A “was unprofessional and inappropriate.” Vancisin was also told that if she were to “engage in a similar relationship in the future or to cross any clear lines for inappropriate student-teacher behavior,” she would be dismissed. We were unable to find any written evidence that Vancisin was subject to any other discipline. A few years after Student A graduated, Vancisin was appointed Assistant Director of the Horse Program.

According to Mulligan, Vancisin and Student A told Mulligan a few years later that they began a romantic relationship after Student A’s graduation. Mulligan told us that, in his view, the situation did not have a “predatory feel,” but he also acknowledged that, “as I look back on that, I would handle it differently today.”

2. Vancisin’s Response

As part of this investigation, we contacted Vancisin to request an interview. We met with Vancisin’s attorney by videoconference and presented the attorney with the reported conduct. Through her attorney, Vancisin denied engaging in any sexual misconduct and declined our request for an interview.

F. Rod “Jake” Jacobsen

Rod “Jake” Jacobsen joined the Thacher faculty in 1991 and retired in June 2020. During his tenure, Jacobsen taught English, ethics, and public speaking. Jacobsen was Chair of the English Department from 2003 to 2014 and Dean of Faculty from 2004 to 2007. He also directed 27 dramatic productions at the School. Jacobsen advised sophomore girls for most of his time at Thacher. He advised junior boys during his final year at the School.

The allegations against Jacobsen are of a different nature than certain incidents described in previous sections of this report and do not involve touching of the erogenous zones.

1. Firsthand Student Accounts

We spoke to multiple former students who told us about incidents with Jacobsen in the 2000s and 2010s, none of which were reported to the School at the time.

Student A,¹¹ a female student, told us that when Jacobsen was her English teacher he gave her shoulder rubs that made her uncomfortable. Student A said that when she returned to campus, while she was in college, she ran into Jacobsen and he greeted her by hugging her and trying to kiss her. According to Student A, she thought the kiss was aimed at her cheek, but was concerned it was going to miss and that Jacobsen was going to kiss her on the mouth, so she turned away. According to Student B, Jacobsen was known to be physically affectionate with female students and rub female students' shoulders. Student C also reported that Jacobsen rubbed female students' shoulders, though she told us that he did not rub her shoulders. Student D told us that Jacobsen was always rubbing female students' shoulders and placed his hand on their backs. Student J told us that Jacobsen singled her out for special treatment and said that he hugged her, touched her on her shoulders and on her torso, and was very complimentary of her, using language she thought was borderline inappropriate, such as comments related to her "smarts."

We also heard from multiple witnesses about Jacobsen walking through the freshman girls' dorm when the girls were showering, behavior which began at least by the 1990s. A former administrator told us that there were multiple incidents of what the administrator called "boundary crossing behavior" by Jacobsen, such as reports that he entered the freshman girls' dormitory unannounced when girls were showering and that he wore a bathrobe when students were in his home. The faculty witness told us none of these reported incidents were "actionable." According to Student C, female students would run into Jacobsen while walking back to their rooms from the bathroom covered only in towels, and Jacobsen would be there even when he was not on dorm duty. A current student reported similar conduct on Instagram about a "male senior faculty member" who was an advisor in the sophomore girls' dorm, which Jacobsen was. According to the Instagram post, this male faculty member walked into girls' rooms when they were changing. According to the post, in one incident, the faculty member joked about slapping a student, who attempted to play it off by saying "haha ok," to which the faculty member replied "you're kinky, aren't you?" The writer of the post did not contact us, but the behavior described was similar to firsthand accounts we received. Witnesses who contacted us said they saw this particular Instagram post and identified Jacobsen as the subject of the post.

We also spoke to witnesses who expressed surprise and disbelief about these allegations. One former student, who attended Thacher in the early 1990s, told us that she never experienced or heard any inkling of inappropriate behavior by Jacobsen. She posited that the complaints could simply be the results of generational differences, with students today reacting differently to conduct that students in a previous generation simply accepted. A former faculty member told us that when she heard allegations that Jacobsen was making students uncomfortable in the late 2010s, she was shocked. In addition, according to longtime Dean of Students Sabina McMahon, for many years Jacobsen was a popular choice of advisor among sophomore girls.

¹¹ As a reminder, in each section of the report, we restart our lettering convention.

2. Reported Incidents of Inappropriate Conduct

Through our interviews with faculty and our review of documents and email, we learned that a number of students and faculty made complaints about Jacobsen in the years leading up to his retirement. None of the students who made these complaints contacted us for an interview.

(a) Reports in the mid-2010s

In the mid-2010s, a student wrote in a course evaluation that Jacobsen had “a weird intimacy with certain female students in the class” that was “unsettling.” Jacobsen addressed the comment in an email to the School administration, writing that it was in reference to a former advisee “with whom I am indeed close.” Jacobsen explained that the student had the habit of initiating hugs with him, adding “[p]erhaps these gestures of greeting and affection were a mistake, but they were always in public and always brief. I know she would be appalled that a classmate called attention to these gestures of appreciation and closeness.”

According to witnesses, the same school year, Student E, who had been cast in a dramatic production Jacobsen was directing, complained that Jacobsen was standing too close to her during rehearsals and gave her preferential treatment, making her uncomfortable. According to witnesses, two School administrators – Blossom Beatty Pidduck, who was the Director of Studies at the time, and Jeff Hooper, who was the Dean of Faculty – spoke to Jacobsen about his behavior and put in place guidelines regarding his engagement with Student E.

In this same time period, faculty reported concerns as well. One faculty witness told us that he was concerned that Jacobsen should not advise sophomore girls because there was “just enough stuff that creeped people out,” including placing his hands on girls’ shoulders. According to that faculty witness, he told McMahan about his concerns, but she continued to assign Jacobsen to advise girls. A second faculty witness told us that he made “several” reports regarding Jacobsen’s inappropriate behavior to McMahan, but he was told that “Jake had been talked to” or “would be talked to,” and never heard about any further follow-up.

(b) Reports in the late 2010s

According to McMahan, a student complained to her that Jacobsen had “personal space issues” and touched girls’ shoulders, making them feel uncomfortable. According to McMahan, after receiving this report, she and Jason Carney, the Dean of Faculty, told Jacobsen that he needed to be thoughtful about these issues and should not touch students. Afterwards, Jacobsen wrote an email to both, thanking them for the “sensitive and supportive way you dealt with the issue of my physical contact with students” and agreeing to “make the changes as we discussed.” We could not find evidence that there was any follow-up with Jacobsen after this incident to ensure his compliance with these guidelines.

That same month, according to McMahan, a different female student reported that Jacobsen touched students during class and made sexist and racist comments. According to McMahan, other students also mentioned an incident in which Jacobsen commented on the attractiveness of a female character in a movie they watched in class and asked students from different ethnic backgrounds to represent their ethnicity in class. Students also complained that

Jacobsen gave female students preferential treatment. According to McMahon, there were discussions within the administration about how to best respond to Jacobsen's conduct.

(c) Conduct Reported by Student F

According to McMahon, around the same time, Student F complained that she felt "weird" about being treated with favoritism by Jacobsen. According to McMahon and as confirmed by her notes, Student F reported that Jacobsen came up to her out of class and asked her why she was withdrawn, telling her "[y]ou used to tease me," to which Student F responded saying that was not appropriate. According to McMahon, Student F also said that Jacobsen asked her why she did not want to read a passage in class, asking "[i]s it because it's sexy?" According to a faculty witness, Student F also complained to Pidduck, who by this point was the Head of School, that Jacobsen would stand behind her, placing his hand on her shoulders.

After the end of the school year, McMahon and Carney confronted Jacobsen about Student F's complaints. According to McMahon, they waited until the summer break because Student F complained toward the end of the school year and Student F did not want to be removed from Jacobsen's class. McMahon's notes indicate that, during the meeting with Jacobsen, she and Carney shared concerns about "comments made in the classroom that made students feel uncomfortable" and gave Jacobsen specific examples. According to McMahon, at that meeting, Jacobsen was told he would no longer advise sophomore girls and would instead advise junior boys. McMahon described Jacobsen as less open than in their previous meeting, as it was, in her view, tough for him to hear the same complaints again. McMahon later emailed Jacobsen and confirmed that he must avoid "[m]aking comments perceived as sexist" and "physical touches to the shoulder/neck . . . and not [being] aware of personal space." McMahon told us Jacobsen may also have been asked to take some professional development training. We were unable to find evidence of additional training or additional measures implemented to ensure that Jacobsen's behavior followed these guidelines.

(d) Conduct Reported by Student G

McMahon told us and her notes confirm that in fall of the following school year, Student G reported to her that Jacobsen gave her extra attention for her college essay, including an invitation to work on it at his house, which made Student G uncomfortable, as, according to Student G, a male student who asked for Jacobsen's help with his college essay was told to email it to him. According to McMahon's notes, Student G also said that Jacobsen told her that her parents had purchased an auction item for her to spend weekend time with Jacobsen at a show or at the beach, but her parents told her they did not purchase the item. According to McMahon, because this occurred earlier in the semester, Student G was removed from Jacobsen's English class and placed into an independent study. According to witnesses, after the incident with Student G, Pidduck and Hooper, who was now Assistant Head of School, met with Jacobsen. At the meeting, they told him their expectations regarding his conduct and informed him that he would be retiring at the end of the year. Hooper told us that Jacobsen would have been asked to leave if he did not agree to retire. Jacobsen was given a farewell send-off into retirement without mention of the circumstances leading to his retirement.

3. Jacobsen's Response

As part of this investigation, we contacted Jacobsen to request an interview. Jacobsen told us he would provide us information in writing only if we provided him with the allegations against him in writing. We offered instead to meet with him to discuss the reports we received, and he declined. He then provided a written statement, which – aside from steps taken to preserve the anonymity of certain individuals – we provide in full:

In my twenty-nine-year career at Thacher and indeed in other secondary schools in California and abroad (Kenya) for the fifteen years prior to my appointment at Thacher, I gained a reputation as a teacher who saw the interests and welfare of students as my primary concern. Indeed, my colleagues and administrators have complimented me for this trait, most recently during the various testimonials marking my retirement last spring. I still take heart from their words. I took my primary jobs as English and drama teacher, coach, and riding instructor seriously, of course, but I also worked hard to become a trusted advisor and mentor to students outside the classroom. I often sought the counsel of fellow teachers, dorm heads, deans, and heads of school when dealing with the challenging problems that students were addressing in their lives at school and at home. In my early years at Thacher, I felt that I needed to seek more advanced professional training in responding to students' increasingly complex emotional needs and so attended the Stanley King Counseling Institute at The Fountain Valley School in Colorado Springs. This training helped me to become a better listener and provided me with important counseling techniques that I have employed over the years.

The dorm heads [] under whom I worked will attest, I think, to my dedication to my advisees and to the dorm residents in general, and I will always value our collaboration and friendship. Both before and since my retirement, I have been visited by, and still hear from, former students who wish to seek my advice, ask for recommendations, or merely keep me informed of their present lives. Parents of former students have also expressed gratitude through the years for my dedication to their children's well-being. I am proud to have maintained scores of relationships which started at Thacher and will no doubt continue.

Thacher has been a great school for many years, and one of the reasons I wanted to join the faculty in 1991 was my attraction to the small-school, family-oriented atmosphere I immediately recognized when I interviewed. Indeed, we have always been encouraged to be active participants in students' lives well beyond our classroom relationships. It was always natural for me to express my affection, support, encouragement, empathy, and

solace—when the situation called for such responses—to students I knew well. Indeed, many students also show affection to me and their other teachers in a variety of casual and formal circumstances: returning from vacations, sharing good news, expressing thanks, accepting awards, etc. What I refer to here are such gestures as a hand on a shoulder or a hug. Such brief and public gestures of support, verbal and physical, came naturally to me, especially in the context of a campus environment marked by openness and affection. Nevertheless, in recent years the faculty has been put on guard that standards of physical contact and adherence to boundaries have evolved, and I am truly sorry that some students were made uncomfortable when my actions were received in ways far different from my intentions. Upon much reflection, I realize that I might have bestowed what I regarded as positive attention to some students who did not want it and preferred to maintain personal boundaries. Once again, these actions may have been errors of judgment, but they originated from a caring component of my character rather than any untoward or salacious motivation.

It is important also for me to state that several administrators at Thacher acted appropriately when bringing my attention to such important issues. On three occasions, I believe, Ms. Blossom Pidduck (when she was Dean), Ms. Sabina McMahan, Mr. Jason Carney, and Mr. Jeff Hooper appropriately honored students' complaints, but also showed their understanding when I expressed confusion or even defensiveness about those students' interpretation of my actions. In other words, although their primary motive was clearly to support students, they also revealed a degree of empathy when seeing me try to come to terms with the difference between good intentions and harmful effects. I will always respect them for their professionalism and sensitivity. They did their jobs exceptionally well.

This inquiry on the larger scale has obviously been emotionally threatening and damaging to some who have given years of their lives to the enhancement of this community. I humbly hope that my devotion to Thacher students and to the institution as a whole, devotion which has contributed to a reputation lauded by many students and colleagues through the years—may in some way compensate for any innocent mistakes I made which I truly believe originated from positive values of affection, empathy, support, and encouragement.

G. Teacher 1

We received reports of conduct by two other faculty members that did not meet the naming criteria set forth in our principles for disclosure. Teacher 1 joined the Thacher faculty in mid-1980s and left Thacher in the late 1980s.

1. Alleged Conduct and the School's Response

According to both former and current faculty, in the late 1980s, Teacher 1 had a romantic relationship with Student A,¹² a female senior. Former students told us that the relationship was discussed among students as well. Many suspected the relationship was sexual. Student A did not contact us for an interview and we do not have a firsthand account of the relationship, which among other considerations is why we are not disclosing Teacher 1's name.

Witnesses told us two different accounts regarding School administrators' discovery of the relationship. Michael Mulligan, who was Assistant Headmaster for Student Affairs (often referred to as Dean of Students) at the time, told us that the School did not learn about the relationship until after both Teacher 1 and Student A had left. Mulligan explained that, at that point, there was nothing to be done about it, especially as Student A was 18 years old at the time of the relationship, which was believed to be consensual. Another administrator from that era had a different recollection. He told us that he and Mulligan learned about the relationship before the end of the school year. That witness told us that, upon learning of the relationship, he and Mulligan confronted Teacher 1 and told him to leave at the end of the school year and not to teach at a boarding school again. According to this witness, Teacher 1 agreed and resigned at the end of the school year. We have been unable to locate a resignation letter.

We were unable to find any written evidence that the relationship was investigated or that anyone at the School contacted Student A or her parents about it. We also were unable to find written evidence that the School reported the relationship to Teacher 1's next school, which was a day school, or to law enforcement. It appears that the School did not tell other faculty members why Teacher 1 left, as two former long-time Thacher faculty members with whom we spoke said they were unaware of Teacher 1 being involved in any misconduct.

Teacher 1 is currently a teacher at a boarding school. We have been unable to determine whether anyone at Thacher provided a reference or letter of recommendation for Teacher 1 for any teaching job. As part of this investigation, Thacher notified Teacher 1's current school about the report of his relationship with Student A.

2. Teacher 1's Response

As part of this investigation, we contacted Teacher 1 to request an interview. Teacher 1 declined to be interviewed, but did respond to our request. In his response, Teacher 1 neither

¹² As a reminder, in each section of the report, we restart our lettering convention.

admitted nor denied the allegations against him, but he told us in part that, during his time at Thacher:

campus life was very different than I suspect it is today. The boundaries between adults and students were often blurred in ways unlikely now. Both individual teachers, administrators and staff could have and should have done better at maintaining the proper distance with students and the school could have and should have done better as an institution to monitor and guide adult and student interactions outside of class. There was no mentoring system for new teachers, especially those who were new to boarding school life. . . . The investigation you are running will no doubt reveal many of these deficiencies and institutional self-examination is important and useful.

H. Teacher 2

Teacher 2 joined the Thacher faculty in the mid-2000s. He served as a teacher, a coach, an advisor, and was also head of a boys' dorm. Teacher 2 resigned from Thacher for reasons unrelated to this investigation in 2021. He will be teaching at another high school, a day school. As part of this investigation, Thacher notified Teacher 2's current school about the allegations against him.

At the start of the 2020-2021 school year, Teacher 2 was expressly prohibited from commenting on students' attire or appearance, physical contact with students, and one-on-one meetings with students. Teacher 2 has agreed that these prohibitions survive his resignation.

The reports we received regarding conduct by Teacher 2 are of a different nature than certain incidents described above. They involve conduct that could be characterized as boundary crossing¹³ and do not involve touching of erogenous zones. All of the conduct that we became aware of during the course of our investigation occurred before the fall of 2015. We found no evidence of boundary crossing conduct that occurred after the fall of 2015. We also did not find evidence that the conduct was motivated by any prurient interest. None of the conduct described here was reported to the School, and we did not find any evidence that Teacher 2 was ever counseled or warned about his conduct, or that he was ever told that his behavior made certain students uncomfortable. When we confronted Teacher 2 with the reports of boundary crossing conduct, he expressed in our view genuine regret and remorse that his conduct had made students uncomfortable. In our numerous meetings with Teacher 2, we found him to be open, forthright, and willing to reflect on the effect his conduct had on students.

The decision not to name Teacher 2 was based on a weighing of the factors set forth in our principles of disclosure. While we received a number of firsthand, credible reports from students who told us Teacher 2's conduct made them uncomfortable, we did not name Teacher 2 because we found no evidence the conduct was motivated by prurient interest, we received no

¹³ We use "boundary crossing" to describe certain conduct that did not rise to the level of sexual misconduct, but which was nevertheless inappropriate.

reports of such conduct continuing after 2015, and Teacher 2 was forthright, remorseful, and unequivocal in his commitment to not engage in any offending conduct going forward.

1. Student Firsthand Accounts

(a) Student A

We interviewed Student A,¹⁴ a female student who graduated in the 2010s, who reported instances of inappropriate behavior by Teacher 2. Student A told us that Teacher 2 often commented on girls' attire. According to Student A, if a girl remarked that it was cold, Teacher 2 would say that she would not be cold if she were not wearing such a tiny dress. Student A also told us that Teacher 2 would look girl students in the eye and tell them that they looked "really nice" if they were wearing a skirt or a dress.

Student A also reported that Teacher 2 would touch girls on their shoulders or their backs while they were taking a quiz or doing classwork. Student A told us that, in her experience, the touching was sometimes on her bare skin and lasted long enough to feel uncomfortable. She also told us that, on one occasion in the dining hall, Teacher 2 came up behind her, put his hands on her shoulders, and spoke into her ear "extremely closely." Student A told us that she never asked Teacher 2 to stop and never pulled away from him because she was afraid it would impact her grades. Student A also said that if any of the girls in her class needed extra help during study hall, they had to meet with Teacher 2 in the common room of the boys' dorm where Teacher 2 was Dorm Head and that Teacher 2 would then sit uncomfortably close to them. According to Student A, as a result, the girls in her class would meet with Teacher 2 only if more than one of them were available to participate. Student A told us that Teacher 2 favored girls in class and was "softer" on girls, whereas he would "snap" at boys who were struggling. Student A did not report Teacher 2's conduct to anyone at the School.

(b) Other student accounts

We also interviewed Student B and Student C, both graduates from the 2010s. Student B told us that Teacher 2 would massage her shoulders when talking to her and, on one occasion, invited her to his house for tea alone. Student B said that she declined his offer because it felt "unsafe." Student B also told us that students believed Teacher 2 favored girls in class. Student C reported that Teacher 2 frequently invited girls to his home at night. Student C said that Teacher 2's wife was often there and that the invitations did not have a "creepy" vibe, but that it still felt like it probably crossed a boundary. Students B and C also did not report Teacher 2's conduct to anyone at the School.

(c) Student D

Student D alleged on the rpecultureatthacher Instagram account that Teacher 2 engaged in a pattern of inappropriate behavior with her when she was his student. Student D did not contact us for an interview. According to the Instagram post, when Student D was a sophomore

¹⁴ As a reminder, in each section of the report, we restart our lettering convention.

and feeling insecure, Teacher 2 paid her a lot of attention and made her feel “special.” The post said that when Student D was a senior, Teacher 2 asked her to his house “multiple times,” telling her that his wife would not be home. Student D also wrote that Teacher 2 commented on a dress she was wearing, “remarking that I ‘hadn’t worn much that day’” and he put his arm on her shoulder and then touched her waist. Student D wrote: “I remember being so confused that I couldn’t say anything.” She also wrote that he sent her an email on graduation day, “asking me to meet him somewhere so he could ‘see my impish smile one last time.’” We were unable to find this email and due to its age we believe it is no longer saved on the Thacher email server. We were also unable to find any evidence that Student D reported Teacher 2’s conduct to anyone at the School.

2. Teacher 2’s Response

We interviewed Teacher 2 and confronted him with these reports. Teacher 2 was cooperative and agreed to multiple interviews. With respect to Student D, Teacher 2 told us he thought he recognized the student who wrote the Instagram post and he believes that this student misinterpreted some of his behavior. According to Teacher 2, Student D was struggling her sophomore year and he tried to help her when he saw that she did not have many close relationships with the adults on campus. Teacher 2 said that they had had a strong relationship when she was a sophomore and explained that he tried to help Student D again when she had a difficult senior year. Teacher 2 said that he realizes now that his intentions were misinterpreted. Regarding the email Student D described in her social media post, Teacher 2 said he did not remember writing it, but admitted that it sounded like something he might have written, adding that he would have used the word impish to mean “mischievous” or “pesky” and that he never thought that it would be taken as inappropriate.

Teacher 2 acknowledged that before the pandemic he would invite students over to his house for help, but denied telling anyone – including Student D – to come over when his wife was not home. According to Teacher 2, teachers frequently invited students into their homes (before the pandemic). Teacher 2 said that, before he was married, he would bring students to his home in groups and now always makes a point of saying “my wife will be home” when he invites students to his home. He suggested that perhaps Student D misheard him.

Teacher 2 also denied making a comment to Student D about her dress. However, he acknowledged commenting on students’ clothing generally. He said that he has responded to complaints about the temperature, for example, with remarks like, “wear a sweatshirt.” He also said he may have responded with remarks he characterized as “more thoughtless,” such as, “you should wear more clothing.” Teacher 2 admitted that what he might perceive as positive or innocuous comments could still be inappropriate, particularly if a student was already wary of him. Teacher 2 said that, in light of his current understanding of how such comments have impacted students, he would, going forward, refrain from making comments of any kind on students’ clothing.

Teacher 2 acknowledged that he had a practice of touching students on the forearm and the top of the shoulder, adding that, at the boarding school where he worked before coming to Thacher, he attended a classroom management session in which the instructor specifically encouraged this kind of physical contact as a way to help build relationships. Teacher 2 denied

putting his arm around Student D's or any student's waist or touching students on the front of the shoulder or on the small of the back. Teacher 2 said that, while physical touches of all kinds are suspended because of COVID-19 restrictions, he would not again, in the future, touch students in any way in light of his current understanding of how such touching has affected students. With respect to the allegation that he favored girls in class, Teacher 2 denied it, saying that, if anything, he had stronger connections with male students through his coaching and dorm responsibilities.

Teacher 2 told us that his central goal as a teacher "has always been to provide a safe learning environment where students feel supported and encouraged towards becoming their best selves." He said that, now that he has learned that students felt uncomfortable due to his words or actions, he is "horrified." Teacher 2 asked us to share, "to those students who felt that way, I express my profound regret for failing you and for causing you to undergo that sort of an experience. I wish that I had known better and done better, so that I could have provided you with the supportive, safe, and positive classroom tone that every student deserves." Teacher 2 said, "I will work to come to terms with my failure in these instances, and I will confront this matter and improve as an educator and as a person, as I humbly strive to learn and grow."

I. Other Faculty Conduct

Former students and faculty told us about a number of instances of faculty conduct that did not rise to the level of sexual harassment or sexual assault but that nonetheless crossed appropriate boundaries with students or, at the very least, made students feel uncomfortable.

1. Closeness with Certain Individual Students

A number of witnesses we spoke to told us that a male faculty member who taught at Thacher during the 2010s was overly familiar with certain students, taking an inappropriate interest in one female student's relationship with another student, and spending time with and texting one-on-one with another female student. One girl was reportedly seen going alone to the faculty member's home while crying. A short time later, the girl's prefects also arrived at the faculty member's home to check in on her. This incident was reported to the School administration, and the faculty member was counseled on the importance of maintaining appropriate boundaries. Administrators told us that, after the meeting, they believed the faculty member adjusted his behavior and they did not have further concerns after that point.

The School adopted formal faculty-student boundary guidelines in 2016. The guidelines advise caution when engaging in repeated one-on-one interactions with individual students: "Repeated interactions should always reflect a clear professional purpose and good judgment may require that a professional colleague know of the interactions."

2. Non-Sexual Physical Contact with Students

We heard from some former students that some faculty members engaged in non-sexual touching that they nevertheless found uncomfortable or off-putting. Students specifically mentioned some male faculty and administrators rubbing students' shoulders, both boys and girls, and linking arms with students. Witnesses described these gestures as apparent attempts by the faculty and administrators to express closeness, playfulness, or friendliness with students.

The witnesses we spoke with did not believe these actions were motivated by any sexual interest but said they were nonetheless uncomfortable with the physical contact.

Thacher's boundary guidelines caution faculty to be "mindful" that students might not feel able to "express their discomfort" regarding physical contact. The guidelines provide: "Our work invariably and appropriately brings us into physical contact with students. However, adults must approach such contact mindful of the fact that students might not feel empowered to express their discomfort with a given degree of contact. Specifically, adults should avoid extended hugs, tickling, playful wrestling, and other such intimate contact."

3. Other Conduct

We were contacted by Student A,¹⁵ who graduated from Thacher in the 2000s. Student A told us that, during his senior year, a male faculty member suggested that Student A join him naked in a hot tub at his home on campus. Student A told us he laughed nervously in response, made an excuse, and left. He told us that he did not report the incident at the time or tell anyone at the time what happened. The faculty member resigned from Thacher not long after this incident occurred.

A number of students told us about other conduct that did not rise to the level of sexual misconduct but that nevertheless made those students feel uncomfortable.

We received a number of reports from former students that some faculty members, particularly older, male faculty members, sometimes commented on female students' attire or attractiveness, most frequently around formal dinner. Former students said these comments made them feel uncomfortable. Some described feeling "slut shamed" for wearing something that faculty members thought was too revealing, in violation of the dress code. A number of former students told us that faculty members commented on girls' attire far more often than they commented on boys' attire.

A number of former students told us they felt that some faculty members were overly interested in catching students engaged in intimate activity during the 9:30-10:00 p.m. Social Hour. We did not find evidence that this perceived intensity in focus on catching students was motivated by any prurient interest; it appears that faculty members were motivated by an interest in vigorously enforcing School rules. Former students also reported feeling uncomfortable knowing that faculty members would watch students as they ran naked across campus during Buck Runs, an informal tradition that appears to have ended in 2016, following repeated efforts by the School administration to stop it.

We heard from a few witnesses who reported feeling uncomfortable about the practice of students, including female students, going to male faculty members' homes alone at night to receive extra academic help and otherwise. We also found documents showing that parents complained about a small group of students being invited to watch the Super Bowl at a faculty home in the 2010s. The practice of students going to faculty homes to receive extra help was

¹⁵ As a reminder, in each section of the report, we restart our lettering convention.

suspended in March 2020 due to COVID-19 protocols; once that protocol ends, the School will prohibit faculty who are home alone from having individual students to their homes.

A number of former students told us that they believed some male faculty members did not adequately respect the privacy of girl students in their dorm rooms. In addition to the incidents discussed with respect to specific faculty members named earlier in this report, we also received a report that male faculty assigned as dorm heads for girls' dorms in the 1980s and 1990s would enter girls' rooms while they were wearing only their nightgowns. No other inappropriate conduct was reported to have occurred during these incidents.

We also learned from a number of witnesses that, in the 1980s and early 1990s some faculty members would take one-on-one camping trips with individual students. We did not find any evidence that any inappropriate conduct occurred in these contexts. Required one-on-one camping trips have not occurred in over 20 years, though certain voluntary advanced camping trips are still taken one-on-one.

We spoke with former students and former and current faculty who described the longstanding practice at Thacher of certain faculty and students bathing or swimming naked while on sailing or backcountry camping trips. We heard from numerous witnesses that this practice arose in part out of necessity – on backcountry camping trips, it was the only way to stay clean and maintain some degree of personal hygiene – and was also a way to enjoy a sense of freedom in the outdoors. This practice began while Thacher was an all-boys School and continued after Thacher became co-educational in the late 1970s. We did not find any evidence that the practice was motivated by any prurient interest.

We also heard that a senior administrator on camping trips often encouraged students, both boys and girls, to take the opportunity to swim or bathe naked while making clear to the girls that he would stay in a separate location to give them privacy. We spoke to three former students who told us that, as freshman girls, this suggestion made them uncomfortable. In 2015, after a few male students complained, the senior administrator and certain other faculty members committed to stopping their practice of swimming or bathing naked and encouraging students to do so. Today, the School requires that faculty follow a strict protocol when bathing on camping trips, ensuring privacy for any person who wishes to bathe during a camping trip.

We also spoke with a former student who told us that, after she graduated from Thacher, she agreed to housesit for a former administrator and take care of the dog while the administrator and his wife were out of town for the weekend. She told us that, as the administrator showed her where everything was in the house, he commented that the hot tub was located where nobody would see her and that, while she was housesitting and everyone was away for the weekend, she could go in naked if she wanted to. The student told us she found this comment creepy. The same student told us that the senior administrator told her she could come over the night before he was scheduled to leave and that his wife would not be there at the time. The student told us she found this comment strange and did not know how to respond. The student declined to go to the house the night before, and her housesitting proceeded over the weekend without incident. We did not find any evidence to suggest that these comments were motivated by any prurient interest or that they were part of a pattern of similar conduct involving the senior administrator.

J. Sexual Misconduct by Non-Faculty Personnel

We learned of four instances of sexual misconduct by former Thacher staff members toward students or former students. All four incidents took place in the 2010s. The students and former students who experienced the sexual misconduct did not come forward to speak with us about these incidents. We spoke with current and former administrators and faculty and reviewed documents to understand how the School handled the reports of sexual misconduct. With respect to one staff member, we also spoke with a Trustee about the staff member's boundary-crossing¹⁶ behavior. None of the incidents below satisfied the criteria we applied for the naming of perpetrators. We describe their reported conduct below without identifying them by name.

In one incident, a recent graduate, Former Student 1, was hired for a staff position when he was on voluntary leave from college after facing discipline by that college for sexual misconduct. Michael Mulligan, who was Head of School at the time, told us he did not remember details regarding Former Student 1's return to Thacher, though, according to Mulligan, Former Student 1 could have been hired only with his approval. An email from Former Student 1's parents to Dean of Students Sabina McMahan stated that Former Student 1 shared with Mulligan "his story of his recent status with college," after which Mulligan agreed to let him work on campus. Around that time, Mulligan emailed Former Student 1 a link to a news article about strategies for combatting sexual assault allegations in college. According to McMahan and a former faculty member, McMahan was opposed to hiring Former Student 1, both because of his alleged conduct in college and because he was close in age to the students, but would not be subject to the same School rules. According to both McMahan and the former faculty member, upon hiring Former Student 1, the School placed restrictions on his conduct to prevent contact between Former Student 1 and current students. In particular, Former Student 1 was instructed not to have personal relationships with students. A number of witnesses including McMahan told us that, one month after he was hired, McMahan learned that Former Student 1 was in a romantic relationship with a junior girl. McMahan told Mulligan about the relationship and Mulligan fired Former Student 1 immediately. A few months later, Mulligan wrote Former Student 1 a recommendation when he re-applied to college. In the recommendation, Mulligan wrote that "I invited him to come work at the School He was a hard worker and conducted himself responsibly."

In a second incident, which also took place when Mulligan was Head of School, Student A¹⁷ reported to McMahan that, while at a campus event as an alum, a Thacher staff member suggested that if she "wanted to get together," he would be open to the idea. Before our investigation began, Student A wrote a letter to Head of School Blossom Beatty Pidduck describing what happened. In that letter, Student A wrote that the staff member also "snaked his hand down my back and grabbed my butt." The incident was first reported to McMahan, who interviewed other former students who attended the same event. McMahan reported the

¹⁶ We use "boundary crossing" to describe certain conduct that did not rise to the level of sexual misconduct, but which was nevertheless inappropriate.

¹⁷ As a reminder, in each section of the report, we restart our lettering convention.

complaint to Mulligan. Mulligan confronted the staff member with the allegations, and the staff member resigned. Mulligan also informed the Board Chair and the Chair of the Personnel Committee. Mulligan served as a reference for this staff member, who successfully sought employment at a university. Mulligan told us he had no recollection of a phone call with the university that hired the staff member and did not know what he told the university about the staff member's conduct. In her letter to Pidduck, Student A wrote that she did not learn of any discipline for the staff member after reporting the misconduct, and next heard only that the staff member had a job with the university. It appears that, in the absence of communication, Student A believed that Thacher had not taken any action in response to her report.

We also learned of two incidents involving contract workers. In the first, when Mulligan was Head of School, two students reported to the School administration that a long-time dining hall worker, who was employed by the School's food services vendor, inappropriately touched them without their consent over a period of time. As soon as Mulligan received the report, the vendor was informed and the staff person was removed from Thacher and barred from campus. The Board was informed the next day.

In a different incident, when Pidduck was Head of School, the School received a report that a staff member, who was employed by an outside vendor, singled out a student for attention and hugged her. It was also reported that the staff member had previously told the student he had had a sexual dream about her. Prior to that report, McMahon had spoken to the staff person twice about using inappropriate language with students and being overly familiar with them, including allowing students to call him by his first name. As soon as Pidduck received the report, the vendor was informed and the staff person was removed from Thacher and barred from campus.

IV. OVERVIEW OF INVESTIGATION INTO THE SCHOOL'S HANDLING OF STUDENT SEXUAL MISCONDUCT

We investigated how the School handled allegations of sexual misconduct by students or recent graduates. With respect to student-on-student sexual misconduct, we examined only the School's response to reports. We did not seek to investigate ourselves the underlying allegations of sexual misconduct. Because our investigation was focused on the School's response, we did not contact alleged perpetrators or try to determine whether the misconduct occurred; rather we focused on understanding the School's response.

In many instances, students and graduates never reported their experiences of sexual misconduct to the School. The individuals we interviewed told us about a number of actions or inactions by the School and of other circumstances, including societal or community pressure or cultural norms, that prevented or discouraged them from coming forward at the time the misconduct occurred. A number of students who *did* report their experiences to the School told us about issues that arose with the School's handling of those reports. We describe many of the reports we received in a somewhat vague and summary fashion to avoid compromising the privacy of the former students who participated in our investigation.

We discuss two particular incidents in greater detail than others. These were the two instances in which we received firsthand reports from former students who told us they reported

nonconsensual sexual touching to the School and then participated in the School’s investigation and discipline process. In both of these instances, former students described significant concerns about the School’s handling of their reports and told us about the lasting effect the School’s response has had on them and on their relationship with the School. In both instances, the existence of allegations of sexual misconduct were well-known to the students in the affected classes and the School’s response to those allegations have had a significant influence on students’ perceptions of how the School views sexual misconduct.

A. The School Administration’s Cooperation With Our Investigation

The Head of School, Assistant Head of School, Dean of Students, and Dorm Heads were important sources of information in our investigation into the School’s response to student sexual misconduct. As part of our investigation, we interviewed every living Head of School and Dean of Students since the mid-1980s, with the exception of John Friborg, who served as Dean of Students for one year, in 1992-1993. We also interviewed over a dozen Dorm Heads or former Dorm Heads. These individuals served as invaluable sources of information.

We thank in particular Dean of Students Sabina McMahon for her cooperation with and transparency during our investigation. We conducted numerous interviews with McMahon that lasted for a total of over 15 hours, and she agreed to every interview request we made. She turned over numerous relevant documents, including her own handwritten notes and files. We asked McMahon tough questions. Her participation was essential to this investigation, particularly for incidents that were reported to the School, often directly to her. During our interviews, she expressed profound regret that any of her actions or inactions failed to support students, whom she deeply cares about. McMahon asked that we provide together with our report a letter to the Thacher community. We include her letter as Appendix A to our report.

B. Background on the School’s Policies, Procedures and Practices

1. The School’s Administrative Structure

According to the Faculty Handbook,¹⁸ the Dean of Students¹⁹ is responsible for “overseeing all non-academic areas of student life,” including supervising “the dormitories, the advising system, counseling, student leadership, discipline, and permissions.” According to Sabina McMahon, the Dean of Students is also responsible for overseeing non-athletic extracurricular activities, the health center, the dining hall, and the School’s sexual education program, which, until the most recent academic year, was called Human Relations and Sexuality (“HR&S”). The Dean of Students is also responsible for updating the Student/Parent

¹⁸ All mentions of the School’s Faculty Handbook refer to the 2019-2020 version of the Faculty Handbook.

¹⁹ This role has been titled at various times as the Assistant Headmaster for Student Affairs, the Assistant Head of School for Student Life, the Dean of Student Life, and the Dean of Students. Regardless of the formal title, the responsibilities have largely remained the same since at least 2000.

Handbook.²⁰ While the responsibilities of the Dean of Students have expanded over time as the School's programs have grown in size and complexity, the Dean of Students' basic responsibilities have remained the same since at least 2000. During the 2020-2021 school year, in response to allegations that McMahan did not appropriately handle reports involving sexual misconduct, the School temporarily assigned the handling of reports of student sexual misconduct to other administrators, and McMahan did not handle such reports.

According to the Faculty Handbook, the Dean of Students reports directly to the Head of School. As described in the Faculty Handbook, the Head of School is "significantly involved in every part of the School's operation, both those aspects related to students and those related to support services" and "is knowledgeable about and responsible for every aspect of the School." According to the Deans of Students and Heads of School we interviewed, this delineation of roles and responsibilities has been in place since at least the mid-1980s.

2. Reporting Misconduct

With respect to reporting incidents of misconduct, the Student/Parent Handbook has consistently stated since at least 1997 that, "[a]ny student who feels victimized by, or is witness to, any form of hazing or harassment is urged to report it to a prefect, faculty member, school nurse, the Dean of Students, or the Head of School." According to McMahan, the School trains prefects to report potential incidents to their dorm heads. The Faculty Handbook directs faculty to take "[m]ore serious offenses" "for most social situations" to the Dean of Students. Thus, under School policy, all "more serious offenses" are reported to the Dean of Students, unless the incident is reported directly to the Head of School. The Faculty Handbook also directs faculty members to "report [sexual harassment] immediately to the Dean of Students, the Assistant Head, and the Head of School."

3. Investigation and Adjudication of Student Misconduct

According to the Student/Parent Handbook, discipline for incidents is "handled through the Office of the Dean of Students and is dealt with in a variety of ways, depending on the seriousness of the infraction." "Major infractions are channeled, at the discretion of the Head of School, either to the Judicial Council [] or to a Faculty Committee." The handbook also provides that a Faculty Committee should be selected "if there are aspects to the case that are confidential;" numerous witnesses told us that included all instances of sexual misconduct. It also provides that an incident is brought before a "Faculty Committee once it has been established that a rule violation has occurred." The Dean of Students then "interviews all people involved and presents the facts of the case to the . . . Faculty Committee," which provides a recommendation for the appropriate disciplinary response to the Head of School. According to both McMahan and a former Dean of Students, the Dean of Students always kept the Head of School apprised of the response to sexual misconduct at every step of the process. According to the Faculty Handbook, the "Head of School receives recommendations from these bodies; here, as in all disciplinary situations, he is ultimately responsible for the rules, their enforcement, and

²⁰ All mentions of the School's Student/Parent Handbook refer to the 2020-2021 version of the Student/Parent Handbook.

the subsequent punishments.” The Deans of Students and Heads of School we interviewed described this reporting structure as having been in place since at least the mid-1980s. Student/Parent Handbooks show that this delineation of roles and responsibilities has been in place since at least 2000.

4. The School’s Discipline Policies

Since at least 1997, the Student/Parent Handbook has prohibited sexual misconduct by students through its policy on “sexual harassment.” Under that policy, Thacher has consistently prohibited physical acts of sexual misconduct, such as groping and “sexual assault,” a term the handbook does not further define. Thacher’s policy also prohibits verbal sexual harassment, which has included harassment over social media since at least 2014.

The School also has a longstanding policy of prohibiting intimate conduct by students, even when such conduct is consensual. According to the Faculty Handbook, “[t]he School does not grant students the freedom for intimate sexual activity,” and students who “ignore this policy will meet with the dean of students, who will arrange a meeting or communication with the parents.” The Student/Parent Handbook notes that “[s]uspension or dismissal” are also possible outcomes; before 2016, such disciplinary consequences were tied only to repeat violations. In the summer of 2016, the School added to the Student/Parent Handbook the concept of affirmative consent to sexual activity, defined as “affirmative, conscious, and voluntary agreement to engage in sexual activity.” The handbook also notes that, in California, minors cannot consent to sexual intercourse.

In the Student/Parent Handbook, the School expressly disclaims jurisdiction over off-campus conduct while school is not in session. While the School expects students to abide by its essential values at all times, the handbook informs students they should not “expect[]” discipline for any rule-breaking conduct that occurs while in the care of their parents.

V. THE SCHOOL’S HANDLING OF STUDENT SEXUAL MISCONDUCT

A. Student Incident 1

The following describes the School’s handling of an incident of student-on-student sexual misconduct in which we received a firsthand report from a former student who told us she and another student reported nonconsensual sexual touching to the School and who then participated in the School’s investigation and discipline process. With respect to student-on-student sexual misconduct, we examined only the School’s response to reports of misconduct. We did not seek to investigate ourselves the underlying allegations of sexual misconduct. Because our investigation was focused on the School’s response to student-on-student misconduct, and not whether the student-on-student sexual misconduct occurred, we did not contact the alleged perpetrators or try to determine whether the misconduct occurred; rather we focused on understanding the School’s response.

In addition to that firsthand report, we also spoke to the parents of the former student and to a number of other students, faculty, and administrators who participated in or witnessed the School’s response to the incident. We reviewed the discipline file and other documents reflecting the School’s handling of the reported misconduct. The School gave us unrestricted

access to these documents. We interviewed then-Dean of Students John Lin, the former student's advisor, and Teacher X, who served on the Faculty Committee. Each agreed to every request we made and sat for numerous interviews about the School's response to the incident. We also interviewed then-Head of School Michael Mulligan about the incident and were provided additional information through his attorney.

1. Student A's Account of the Incident

Student A,²¹ a Thacher student who graduated in the 1990s, reported to us that she and another girl, Student B, were raped by two male classmates during the fall of their senior year. Student A told us that she and Student B were asleep in their dorm room after midnight when the two boys unexpectedly entered their room uninvited and unannounced, waking the girls up. According to Student A, the boys were drunk. Student A described the experience of having two very drunk boys come into their room and wake them up as shocking and extremely frightening.

Student A told us that she and Student B repeatedly asked the two boys who came into their room to leave, but the boys refused and would not leave. Student A described telling the boys multiple times, without success, to leave their room. Student A explained that she and Student B were prefects and took their responsibilities as role models for other students seriously. She explained that she and Student B were concerned that the boys being in their room was a violation of School rules prohibiting dorm visitation, which barred the girls from even having the boys in their room. Student A told us she and Student B repeatedly told the boys they needed to leave. According to Student A, she and Student B were friends with these two boys, and both had been at one time, romantically involved with one of the boys. According to Student A, she and Student B in their confusion initially thought the boys were just coming into their room to say "hi" and would then leave. Student A said that she did not want to get them into trouble or get in trouble herself. Student A said that at some point she learned that a third boy, also a senior, had been present with the two boys when they arrived at Student A and Student B's room, but this third boy did not come into their room.

According to Student A, the boys proceeded to guide the girls to their respective beds as the girls continued to tell the boys they needed to leave. Student A recalled that the boys pushed the girls down on their respective beds, and in doing so, attempted to make the whole encounter seem funny, joking, and playful. According to Student A, the girls did not think it was funny and repeatedly told the boys to leave the room. Student A told us that the boys persisted. Student A told us that one of the boys got on top of her and forced her down so she would submit to him, and then engaged in sexual intercourse with her without her consent and despite her telling the boy "no." She told us that, at the time, she thought saying "no" would be enough but, in her words, "it turns out it wasn't." Student A said the other boy engaged in sexual intercourse with Student B – as Student A understood it – without Student B's consent, getting on top Student B and forcing her down so she would submit. Student A described losing a sense of any ability to fight back and ultimately thinking to herself that she would just "get through this" and waited for

²¹ As a reminder, in each section of the report, we restart our lettering convention.

the encounter to end. According to Student A, afterward, the boys left, and the two girls discussed how frightened they were and how “no one could find out what happened.”

We interviewed Student A’s parents. Her mother told us that shortly after this incident, before Student A came home for Thanksgiving break, Student A called her and told her she had been raped, but did not describe the details of what happened. We also spoke with three classmates of Student A, each of whom reported that, around five years ago, before our investigation began, Student A told them that she had not consented to the sexual encounter and in fact had said “no.” Student B did not come forward to speak with us. We did not seek to speak with the two boys, as the scope of our investigation into student-on-student misconduct did not include the question of whether sexual misconduct occurred, but rather was focused on the School’s response to reports of sexual misconduct.

2. Student A’s Account of Her Attempt to Report the Incident

Student A told us that, a few days after the sexual assault, she and Student B learned that the boys were flaunting to other boys in the class that they had had sex with the girls, and the girls therefore believed the faculty inevitably would find out the boys had been in their room. Student A told us that she and Student B wanted to get ahead of whatever narrative would be circulating. According to Student A, the girls were worried they were going to get in trouble for having had boys in their room. According to Student A, the girls decided to report their experience directly to Michael Mulligan. Student A told us that she agreed with Student B’s suggestion that they approach Mulligan because she was a good athlete and as a result Mulligan had always liked her.

According to Student A, she and Student B told Mulligan “exactly” what happened, including that they did not want the boys to be in their room and that what happened was rape. Student A said that Mulligan reacted with surprise. According to Student A, it appeared he had not yet heard about the incident. According to Student A, Mulligan told the girls to “think long and hard” before using the word “rape” in connection with Thacher. Student A said that Mulligan told them that was not a road they would want to go down. According to Student A, Mulligan told the girls that they did not have a leg to stand on because they did not do enough to stop the boys and because at least one of them had had a prior romantic relationship with one of the boys. We spoke with Student A’s parents, who told us that, just before she came home for Thanksgiving break, she told them that she had spoken to Mulligan about what happened and that Mulligan told her and Student B to think “long and hard” before linking the Thacher School with rape. Student A told us that she had a clear memory of this meeting with Mulligan.

Student A told us she felt that Mulligan’s priority when he spoke with her and Student B was to protect the School’s reputation. Student A’s parents also told us their understanding from Student A at the time was that the whole thrust of the meeting with Mulligan was that Thacher’s reputation was paramount. They told us that their understanding from Student A at the time was that, in their words, Student A “would be in for something” if she tried to pursue her allegations. Student A’s mother remembered Student A saying that she and Student B felt like they were being threatened. We spoke with two of Student A’s classmates. Each told us that, around five years ago, Student A described what Mulligan told Student A and Student B. According to one former classmate, Student A described Mulligan telling the girls that they should think about

what an allegation of “rape” would mean for Thacher before saying anything. According to another former classmate, Student A described Mulligan telling the girls they were not use the words “rape” and “Thacher” together in the same sentence, and they should not imply they had been raped. These classmates told us that Student A felt she had experienced a “silencing.”

Student A told us she could not recall whether she and Student B told Mulligan the boys had been drinking. She said it was possible she did not disclose this fact, perhaps out of some desire to protect anyone else involved in the drinking. Student A and the faculty witnesses we spoke with described Mulligan as having a zero tolerance policy toward drinking. None of the discipline records from this matter mention drinking, and the Faculty Committee members and Dean of Students also do not recall any mention of drinking.

We were not able to locate any written record of Student A and Student B’s meeting with Mulligan.

(a) *Michael Mulligan’s Recollection*

Michael Mulligan told us that he did not meet with the girls before the disciplinary process began. Mulligan said he met with the girls both at the start of the disciplinary process and after the Faculty Committee recommended discipline. Mulligan said he had a clear memory of already knowing about the alleged incident when he met with the girls the first time because the third boy had already spoken with a faculty member and disclosed the incident.

Mulligan said that Students A and B never told him they were raped or characterized the sexual encounter with the boys as nonconsensual in any way. Mulligan told us that he adamantly believes that if any student used the word “rape” in describing what had happened to them, he would remember that conversation. Mulligan also told us that, “if I had heard either of the students say they were raped, I would have acted immediately and supported her in every way I could.” According to Mulligan, he would have acted swiftly to report the incident to the authorities if he understood the sexual encounter to be nonconsensual. Mulligan told us that he would always encourage students to tell him the truth, and it was his standard practice to use the phrase “think long and hard” about what happened before students shared sensitive information with him to encourage them to tell the truth. Mulligan also told us he gave the girls that admonition – to tell the truth – at the beginning of the discipline process, before the girls disclosed anything to him.

Mulligan questioned Student A’s memory of what happened. He told us that Student A “may have, given the passage of time and the effects of trauma, converted his cautions to a student, i.e., that the matter is serious and that it is vitally important that the student be honest and forthright, into some instruction to hide the existence of a sexual assault.” Mulligan acknowledged that it was possible Student A heard the words in a different way than he intended. He told us that his intent never would have been to silence a student. He said: “any time a Thacher student told me that he or she needed help, I did everything I could to help that student. That was my number one priority in dealing with students throughout my time at Thacher – and I feel the same way today.” Mulligan further stated: “I would never put the School before a student, or intentionally cause any student to suffer. I did not and would not ever attempt to silence a student from reporting any kind of abuse or nonconsensual act.”

According to Mulligan’s attorney, six former faculty members told him that Mulligan would never intentionally encourage a student to lie and, moreover, would have supported students over the School’s reputation. We spoke with a former faculty member about this incident who explained that, in the 1990s, schools and society were not as attuned to best practices for supporting survivors of sexual assault as they are today. This former faculty member told us that, given the views prevalent in society at the time, it’s plausible that Mulligan – motivated by a desire to help the girls think through the challenges inherent in proceeding with rape allegations – told the girls to think “long and hard” before alleging a rape. The former faculty member said that, knowing Mulligan, he would not have intended the statement as a threat, though it was plausible a student could hear it as such. The former faculty member explained that Mulligan would have said this only if he thought it was in the students’ best interests. Mulligan told us that, “I now understand that this former student is in pain and that she is suffering. I am surely very sorry for that.”

3. Student A’s Account of How She Described the Incident Afterward

Student A told us that the meeting with Mulligan, in her words, “got us to really question what happened.” Student A said that, after her meeting, she and Student B downplayed the incident, did not use the word “rape,” and did not tell anyone else at the School the truth of what had happened. According to Student A, she and Student B went along with whatever story of consensual sex was circulating in the Thacher community. According to Student A, the only truth she and Student B maintained was that the boys had entered their room uninvited and they had not wanted the boys to be in their room in the first place.

Student A’s mother told us that, at the time, she was worried that if Student A pursued her allegations, Student A would not have the support of the School, would not be believed, and would have her credibility and reputation undermined by what she perceived to be a powerful and wealthy Thacher board. Student A’s parents said that, at the time, they did not understand the lasting harm that staying silent would have on Student A. Student A told us that had an adult who knew, in her words, “the full truth” of what happened pushed her to follow through with her allegation that the sex was nonconsensual, she would have – but none did, and Student A told us she maintained silence as to the “full truth” of what happened.

The documents we reviewed and the witnesses we spoke with confirm that, after the incident, other faculty and students believed that the sexual encounter was consensual and that Student A and Student B maintained absolute silence about what Student A told us was “the truth of what happened.” For example, the Faculty Committee did not understand that the sexual encounter was not consensual. Student A and Student B’s advisor told us that Students A and B never told her that the encounter was not consensual. She told us that, “it could be, for whatever reason, the girls couldn’t talk about what actually happened.” And we spoke with a number of Students A and B’s classmates, all of whom believed that the encounter was consensual. As another example, the School required that one of the girls submit a psychological evaluation before returning to school following her suspension. According to Mulligan’s attorney, a former member of the Faculty Committee recalled reading this evaluation and said that it did not mention anything about the sexual encounter being nonconsensual.

We did not have access to any written records of counseling received by Students A and B and do not know whether Students A or B reported nonconsensual sex to any counselors or psychologists, who would have had a mandatory obligation to report that information to law enforcement. As described further below, law enforcement agencies were unable to locate records associated with the incident, and we could not determine whether any counselors or psychologist reported the incident to law enforcement.

4. Report to Law Enforcement

Mulligan consulted with outside counsel and reported the incident to law enforcement agencies. Mulligan told us he was a relatively new headmaster at the time and therefore sought the advice of counsel. Mulligan reported the incident to the Ventura County Sheriff's Department in Ojai on November 14 and to the Ventura County Child Protective Services on November 15. We located two form receipts from Ventura County Child Protective Services, dated November 15, which include Mulligan's name – one for Student A and one for Student B. Boxes are checked on the forms indicating that Child Protective Services "assessed the referral" and "a formal record of the allegation has been made." The forms do not indicate what was communicated to Child Protective Services regarding the incident, nor do they indicate what follow-up occurred, if any. Neither Child Protective Services nor the Ojai Sheriff's Department has been able to find any records related to this incident, and Mulligan told us he was not aware of any follow-up after he reported the incident.

According to Mulligan, he reported the incident to Child Protective Services and the Sheriff's Department because that was a "best practice" that he always followed. He also told us that, even though the sexual encounter was, as he understood it, consensual, he reported the incident because the girls had not consented to the boys entering their room and the boys had entered the room uninvited.

Student A told us that she did not go to the police herself in part because she was convinced to think "long and hard" if pursuing her allegations was something she wanted to do, and she thought about how challenging it would be to file a lawsuit and appear in court. According to both Student A and her parents, Student A's parents also discouraged her from going to the police in part because of the potential stigma associated with being a rape victim.

Student A did not know at the time that any report had been made to law enforcement and did not learn of this fact until we found the Child Protective Services receipts as part of our investigation. Student A told us that no one from either Child Protective Services or the Sheriff's Department ever contacted her about the incident. None of the faculty members we spoke with, including a member of the Faculty Committee, the Dean of Students, and Students A and B's advisor, were aware that the incident had been reported to law enforcement. Each of them told us that, had they been informed of such a report, they would have remembered it.

5. The Faculty Committee Process

Mulligan's attorney interviewed the former student who was the third boy, who according to Faculty Committee records, had been with the two boys when they planned to enter the girls' room but who did not himself enter the room and left shortly after the two boys

entered. According to Mulligan's attorney, the boy said that, after he was approached by a faculty member who had heard rumors about something happening, he confessed to being out after check-in and gave the names of the other students involved. According to Mulligan's attorney, the boy said that, after he shared this information, Students A and B were unhappy that he had told on them, as such disclosure would get them into trouble, and that students thought he was a "rat." Mulligan and one of the Faculty Committee members said they believed that the School discipline process began in response to this report from the third boy.

The Faculty Committee records state that the incident occurred on November 7, and the two boys spoke with their Dorm Head six days later, on the night of November 13. According to the Faculty Committee's written summary, the two boys "initially lied" to the Dorm Head and "said that no sex was involved in their meeting with the girls." The next day, November 14, Mulligan reported the incident to the police. There is no written record showing when the girls met with Mulligan or when Mulligan learned about the incident.

Documents reflect that, on November 16, a Faculty Committee considered disciplinary sanctions for Student A, Student B, and the two boys, as well as for the third boy. According to Mulligan, he convened the Committee, as was the School's policy and practice in student sexual misconduct matters, to recommend discipline for all five of the individuals involved. At the suggestion of Mulligan, we interviewed a former faculty member, Teacher X, who was a member of the three-person Faculty Committee that considered the incident. Teacher X had joined the Thacher faculty at the start of that school year and did not have a role in the residential life program. According to Mulligan, the head of the Faculty Committee was Teacher Y, who spoke with Mulligan's attorney but declined our request for an interview. In declining our request, Teacher Y told us that she did not remember much and that she had to be reminded by Mulligan's attorney who was in the room during the Faculty Committee process. We have been unable to identify the third member of the Faculty Committee.

According to Mulligan's attorney, Teacher Y said that Student A and Student B met separately with the Faculty Committee, which she said was also given written statements for each student, prepared by the Dean of Students. According to both Teacher X and Teacher Y, each student then met with the Committee individually. We were unable to find a copy of any written statements by the students or by the Dean of Students in the discipline file. The then Dean of Students told us that he did not remember speaking to the girls before the Committee met.

Student A also told us that she needed the support and encouragement of the adults she spoke with in order to tell the "full truth" of what happened. She explained that, after her meeting with Mulligan, the only "truth" that she and Student B maintained was that the boys entered their room uninvited and the girls had not wanted them there. Student A told us that she otherwise has no memory of the discipline process or what occurred in the Faculty Committee meeting and explained that she must have completely blocked out that part of her traumatic experience.

(a) *Entry into Students A and B's Room*

Documents uniformly show that the Faculty Committee understood that the boys entered Students A and B's room uninvited and unannounced while the girls were asleep and that the boys' visit had not been planned. For example, the Faculty Committee's written summary of the incident states: "There had been no prior arrangements made to meet with these girls that evening." The summary states that one of the two boys "entered the girls room without knocking and proceeded over to [Student B's] bed to wake her up" and then "woke up [Student A] at about the same time" the other boy entered the room. The Faculty Committee's written recommendation for discipline likewise notes that one of the boys "entered a dorm room uninvited where 2 people of the opposite sex were asleep." The School's discipline letter to one of the boys stated that he "made the decision to cross the boundaries of acceptable behavior – entering uninvited and unannounced into the girls' room late at night." There is no reference in the Faculty Committee records to the School's reporting of the incident to law enforcement.

When we interviewed Mulligan, he acknowledged that the "boys were not invited in." Teacher X told us that the Committee understood that the boys had not been invited and the girls had not planned for the boys to come into their rooms. But Teacher Y told Mulligan's attorney that Students A and B told the Faculty Committee the following: the boys knocked on their door that night sometime after 10 p.m., the girls had been asleep and had not invited the boys to come over that night, and the girls then "voluntarily" let the boys into their room. Had we been able to speak with Teacher Y, we would have explored with her why the Faculty Committee summary written at the time stated that the first boy "entered the girls room without knocking" and "entered a dorm room uninvited where 2 people of the opposite sex were asleep."

(b) *Sexual Conduct*

No one we spoke with recalled asking the girls if they wanted to participate in the sexual activity that followed the boys' unexpected and nonconsensual entry into their room while they were sleeping. Student A's parents told us that Student A said at the time that the Faculty Committee process felt like an "interrogation." According to Teacher X, the girls were never asked if the sexual conduct was consensual. According to Mulligan's attorney, Teacher Y did not remember asking the girls about whether they wanted to or agreed to participate in the sexual activity. It appears that, because the girls did not expressly describe the sexual encounter as nonconsensual and because they did not use words like "force," the Faculty Committee assumed the sexual encounter must have been consensual. And it appears that the Faculty Committee did not question whether it was plausible that the girls would have been consenting participants in sexual encounters that occurred immediately after they were surprised and woken up by two boys entering their room uninvited, unannounced, and in clear violation of School rules.

Teacher Y told Mulligan's attorney that, "at no point [during the Faculty Committee] meeting did the girls say that the sexual intercourse was nonconsensual." Teacher X told us that Students A and B described the events in a neutral manner, using phrases like "we had sex" and "there was not much discussion." Teacher X told us that the Faculty Committee did not consider whether the sexual conduct was nonconsensual because the girls did not use any language that might indicate the encounter was nonconsensual – words such as "attack," "force," or "assault." He told us that neither Student A nor Student B said "I was really looking forward to this," or

that they were “ok” with it, but they did not say the opposite either. He explained that the Committee did not make the leap to inferring the sexual encounter was nonconsensual from the fact that the boys entered the girls’ room uninvited. He described his belief that, if the girls had told the boys to stop, the boys would have stopped and “walked out the door.” He added that, if the girls had not wanted to participate in the sexual activity they “would have stopped in the moment and would talk to an adult right away.” According to Teacher X, if the girls had told the boys to leave their room when they arrived, the Faculty Committee would not have imposed any discipline.

The Faculty Committee members’ understanding of the sexual activity that took place apparently influenced their view of the incident. Teacher X told us that he understood that the sexual activity at issue was oral sex and that the boys traded partners, and that his understanding was based on what one of the girls told him during the Faculty Committee meeting. According to Mulligan’s attorney, Teacher Y said that the girls told the Faculty Committee they engaged in “sexual intercourse” – which included oral sex – and then traded partners, after which Student B then “had sexual intercourse” with the other boy, while Student A refused to have sex with the other boy, who respected her decision. We told Student A that at least two members of the Faculty Committee believed that Students A and B performed oral sex on the boys and then swapped partners. Student A told us those narratives were categorically not true. She told us there was no oral sex or partner swapping, and said, “I know for a fact that did not happen.” Student A told us she remembered “very clearly” that one of the boys had sexual intercourse with her without her consent and that it was “horrible.” Student A said she has no memory of what she told the Faculty Committee about the sexual encounter. Student A told us that the narrative about oral sex and partner swapping must have been the story the boys told and that it was possible that Student A and Student B went along with it as part of downplaying the incident. Student A also explained that she had been promiscuous in high school and probably was known for having been promiscuous. She said she believed her reputation with boys affected the way in which the School handled the incident.

Mulligan told us that, if the girls had reported the sexual encounters were nonconsensual, then the girls would have received “no punishment at all,” and according to Teacher X, if the girls had told the boys to leave their room when they arrived or if they were “forced,” the Faculty Committee would not have imposed any discipline. But neither Mulligan, Teacher X, nor the Dean of Students recalled anyone telling the girls that they would not be disciplined if the encounter was nonconsensual. In addition, two former administrators told us that the girls still could have been disciplined for intimate behavior if the girls did not do enough to say “no.” Teacher X told us that, in his view, the girls would not have been disciplined if they were “forced” into having sex but that anything short of that could have resulted in discipline. Student A told us that she understood at the time that the girls could still be subject to discipline even if the sexual encounters were nonconsensual.

The Faculty Committee recommendation on discipline for the girls “recognized that neither of these girls invited or planned this meeting with the boys.” The recommendation stated: “Though sound asleep when the boys first entered the room, both girls exhibited a profound lack of good sense and responsibility as prefects of their dorm, and sadly, a profound lack of self-respect and moral strength to stop the incident.”

(c) *Discipline Imposed*

The Faculty Committee determined that Students A and B had violated the School's dorm visitation policy and the intimate behavior policy. The Faculty Committee recommended a set of sanctions for Student A and Student B. These included suspension through the end of winter break, loss of prefectships and wandering privileges, and probation until the end of the school year. The Faculty Committee records also reflect that the girls were required to "seek counseling for the issues of self-esteem which may have contributed to this incident." With respect to Student B, the Faculty Committee expressed concern about her ability to make healthy decisions regarding intimate behavior and recommended that she submit the results of a psychological evaluation before returning.

With respect to the two boys, the Faculty Committee determined that they had violated School policies regarding wandering, dorm visitation, intimate behavior, and had committed a "Basic violation of the Honor Code: Integrity and respect for another's privacy." The Faculty Committee concluded each of the two boys had also "tried to cover up parts of the story with his dorm head" and that one of the two boys had stayed overnight in the third boy's dorm without the dorm head's permission. The Faculty Committee recommended expulsion for both of the boys. The third boy was found responsible for wandering, dorm visitation, and allowing a student to spend the night in his room without the Dorm Head's permission. The Faculty Committee recommended a suspension through the end of Thanksgiving break (which would begin in less than a week), loss of wandering privileges, and loss of his prefectship.

The recommended discipline was approved by Mulligan and imposed on Student A and Student B and the boys. Mulligan told us that he met with Student A's parents after discipline was imposed and that Student A's parents did not tell him that Student A was raped. Student A's father told us they probably spoke to Mulligan about the incident, but he had no memory of doing so and explained that large portions of what happened were erased in his mind, as it was such a traumatic experience. Student A's mother also did not have a clear memory of meeting with Mulligan. She told us that she never told anyone for years about Student A's experience. She described feeling worried at the time that, if Student A pursued her allegations, she would not be believed and her reputation would be attacked by "powerful people on the board" with "endless money." Student A's father told us that, at the time, he "didn't have a clue" what the long-term consequences to Student A would be by maintaining their silence, and deeply regrets not raising the issue at the time.

6. Reactions by the School Community and Effect on Student A

According to Student A, when she and Student B returned to campus after serving their suspension through winter break, it felt as if everyone had been told that Student A and Student B had the boys over to their room and had sex with them, and that was why the girls had been suspended and the boys had been expelled. Student A told us she believed that the School community viewed the boys as "really good guys" who had made a "stupid mistake," and that, as a result, students blamed Student A and Student B for getting the boys expelled. According to

Student A, students and faculty were not told and did not think that the sexual encounters were nonconsensual.

Consistent with the School's practice, the details of the conduct were not shared with the School community. One faculty member at the time told us he believed that all four students should have been expelled due to the "brazenness of that kind of rule breaking" and "sexual abandon." He said he thought that culpability for what took place was "pretty evenly shared." Student A's classmate told us that the perception on campus was that, while the girls did not plan for the boys to be there, the girls ultimately wanted the boys to be there because of their previous romantic relationships with one of them and that, as a result, the boys stayed and the sexual encounter took place. This classmate had not known that the girls were asleep when the boys came into their room and told us that would have changed her perception of the incident.

According to Student A, when she returned to Thacher after the suspension, she spent most of her time alone in her room. She told us that other students were upset that she and Student B had "gotten the boys expelled" and she felt that faculty members would not look her in the eye. She said that, "all of a sudden, I was a ghost and an evil person." She recalled "counting down the minutes" until graduation. Student A's parents told us that, before the incident Student A had been a leader on campus and on her sports teams and had lots of friends – but after she returned to School, Student A was ostracized by students who believed she and Student B caused the boys' expulsion. According to Student A's parents, Student A told them that going back to Thacher was the hardest thing she ever did. Student A's father told us that the School's response to the incident, in his words, "destroyed" Student A. Student A said she felt that what she experienced was an "institutional betrayal," and that the experience of "institutional betrayal" was worse than the sexual assault itself.

B. Student Incident 2

The following describes the School's handling of incidents of student-on-student sexual harassment and nonconsensual sexual touching by Student 1, a student who graduated in the last decade. We received three firsthand accounts from former students who, as students, reported to the School their experiences of sexual harassment, sexual assault, or physical assault by Student 1, two of whom then participated in the School's investigation and discipline process. With respect to student-on-student sexual misconduct, we examined only the School's response to reports of misconduct. We did not seek to investigate ourselves the underlying allegations of sexual misconduct. Because our investigation was focused on the School's response to student-on-student misconduct, and not whether the student-on-student sexual misconduct occurred, we did not contact the alleged perpetrator or try to determine whether the misconduct occurred; rather we focused on understanding the School's response.

In addition to those firsthand reports, we spoke to a parent of a different student who reported to the School a sexual assault by Student 1. We also talked to a number of other students, faculty, and administrators who participated in or witnessed the School's response to reports of misconduct by Student 1. And we reviewed emails, notes, and other documents reflecting the School's handling of the reported misconduct. The School gave us unrestricted access to these documents. Dean of Students Sabina McMahon sat for numerous interviews

about the School's response to reports of misconduct by Student 1 and provided us with her files on the topic, including all of her handwritten notes.

1. Student 1's Junior Year

Student 1 was named a Top Horseman before the start of his junior year, a fairly rare honor in the Horse Program and one not given every year. The honor traditionally is awarded to students who demonstrate an extraordinary level of horsemanship skills and leadership. Top Horsemen are given certain privileges and responsibilities held by Horse Program faculty, such as the responsibility for supervising certain aspects of trail rides and the ability to assign fields to riders. The School made Student 1 a riding instructor in the Horse Program during his junior and senior years, giving him authority over his own group of freshmen students each of those two school years. Current faculty and administrators told us that Student 1 was incorrectly referred to in Instagram posts as "Horse Faculty" and explained that Student 1 was not a member of the faculty – they explained that Student 1 did not, for example, attend faculty meetings. Students, however, had a different perception. We spoke with a number of former students who told us that they viewed Student 1 as a member of Horse Program faculty, with the power and authority of a faculty member. And it appears that Horse Program faculty at the time recognized that by making Student 1 a riding instructor for freshmen, the Horse Program effectively gave him faculty standing. In an email sent by a Horse Department faculty member to Cam Schryver, the Head of the Horse Department, the instructor noted, "we are entrusting [Student 1] in a great deal of responsibility as a standing member of the Horse Faculty." Schryver told us he did not give Student 1 any specific prohibitions on his interactions with students. Schryver said he told Student 1 about the ethos of the old cowboy, who always conducted himself respectfully toward horses and women.

During his junior year, concerns were raised by some faculty members regarding Student 1's interactions with freshman girls. Student 1 was reportedly seen chasing a group of freshman girls from the barns to the freshman girls' dorm. Student 1 also played a prank on a freshman girl, dumping a wheelbarrow of manure in the middle of her horse's stall, prompting members of the Horse Department to comment in emails that, to the extent this may have been Student 1's "way of flirting," it showed that Student 1's "mind and actions may not meet the standard that we would hold for ourselves" and therefore the Horse Department should "convey to him . . . that flirting with/dating freshmen, because of his position of responsibility . . . has got to be off limits, that this restriction comes with the territory of his unusual, elevated status within the department." We have not been able to identify any evidence that Student 1 was given this specific instruction. Later that school year, McMahon learned about a report by prefects that Student 1 was making sexual comments about the same freshman girl. McMahon told us she had a conversation with the freshman girl about her relationship with Student 1, in which McMahon told the freshman girl that Student 1's comments were not ok. McMahon also told us that either she or Head of School Michael Mulligan, who was Student 1's advisor at the time, had a conversation with Student 1 to convey that his behavior was disrespectful.

2. Student 1's Senior Year

Just before the start of Student 1's senior year, Mulligan received a letter from the sibling of a rising junior girl, whom we will call Student A,²² expressing concern about Student 1's conduct with Student A. The letter described abusive text messages that Student 1 sent to Student A and how Student 1 used his Top Horseman position to retaliate against her by restricting her riding activities. The letter also described Student 1 throwing a rake at Student A while she was in a stall with her horse. Student A's father told us that he and his wife also spoke to McMahon and Mulligan about Student 1's abusive behavior multiple times. Student A's father described trying to get the School to address what was happening as a "ground hog's day" experience and that the School had no protocol for how to handle the situation, which kept getting worse. McMahon told us that, in response to this letter, she facilitated a meeting between Student 1 and Student A to discuss expectations as to conduct. Mulligan told us that, in hindsight, he wishes he had appointed a Faculty Committee to look into the letter, but that at the time, he believed McMahon was handling the matter appropriately when she told him she was going to facilitate a meeting with the two students.

Student 1's position as a riding instructor remained unchanged, and he continued to serve as a riding instructor for a group of ninth graders. We spoke to two former students who told us Student 1 socialized with the "pretty girls" in the freshman class. Both told us they thought it was strange that, given Student 1's conduct with younger girls, he would be assigned to teach freshman girls.

In December of Student 1's senior year, McMahon received a secondhand report that Student 1 had "kissed and groped" a freshman girl, Student B, who was in the group that Student 1 was teaching. McMahon told us she did not follow up with Student B. McMahon told us she believed this was an instance of Student 1 trying to make another girl jealous.

(a) *Incident in the Upper School Dorm*

Documents show that, during the fall of Student 1's senior year, Student C, a junior boy, reported to McMahon that Student 1 sent him sexually suggestive text messages over the summer and that he was worried about being in the dorm with Student 1. Student C told us he reported to McMahon that Student 1 had made repeated, unwanted romantic advances toward him, including by text message. Student C told us that McMahon responded by saying she would speak with Student 1 but keep Student C's complaint anonymous. According to Student C, McMahon later told him that she had discussed the matter with Student 1, who said the allegations were completely fabricated, and because this was, in McMahon's words, a "he said-she said" situation, there was nothing more she could do. Documents show that McMahon did not view the text messages and Student C did not share them with her. McMahon told us she had not been aware of any issues between Student C and Student 1 until after the physical altercation described below. Student C told us that, after his complaint was shared with Student 1, Student 1

²² As a reminder, in each section of the report, we restart our lettering convention.

began making frequent homophobic comments in Student C's presence, such as, "If I was gay, I would kill myself."

Later, in January of Student 1's senior year, Student 1 got into a physical altercation with Student C and a senior prefect in the Upper School dorm. We spoke with two students who witnessed the altercation and reviewed the senior prefect's detailed written account of the event, which was emailed to McMahan the day after the incident. According to these witnesses, Student 1 made homophobic comments during a dorm gathering with his prefectees, including "gay people should kill themselves" and "all gay people should die." Student 1's comments angered and confused the others present, some of whom were openly gay and some of whom thought that Student 1 had in fact had intimate encounters with another male student. According to these witnesses, Student C and the senior prefect tried to get Student 1 to stop making his homophobic statements. They said Student 1 then threatened to kill Student C and the senior prefect, Student 1 took off his belt and tried to hit those two students with his belt, and Student 1 placed the senior prefect in a chokehold. The altercation left Student C and the senior prefect shaken and fearful for their physical safety. Student C told us he was so afraid for his own physical safety that he opted to spend that night in his dorm head's house rather than in his own dorm room.

In response to this incident, Mulligan and McMahan held a meeting with Student 1 and the two other boys and temporarily suspended Student 1's prefectship, but took no other action. Mulligan and McMahan both told us they believed Student 1 was provoked into the physical attack because the other two boys were trying to "out" Student 1 as gay. In their view, this perceived provocation mitigated the wrongfulness or seriousness of Student 1's conduct. Emails indicate that Mulligan viewed Student 1 as the victim in the situation: he wrote one faculty member that "honestly, it looks like [Student 1] was getting harassed as kids were trying to get him to say he was gay." Mulligan told us that Student 1 was punished for the incident and a decision was made to "move on."

Student C's advisor subsequently told McMahan and Mulligan (as well as Blossom Beatty Pidduck, who was Director of Studies at the time, and Jeff Hooper, who was Dean of Faculty at the time) that Student C "feels that he has been harassed sexually and emotionally by" Student 1 and "feels anxious and uncomfortable in his presence," especially after Student 1 threatened to kill him. The advisor noted that Student C "has received sexually harassing emails from [Student 1] and violent threats." Student C's Dorm Head similarly told Mulligan that Student C

told me he's still a bit 'on-edge' with respect to feeling safe around [Student 1]. As you know, this goes back to some conflict that arose between the two last year – [Student C] says that [Student 1] was very sexually inappropriate toward him – and he's now unnerved by what he sees as [Student 1's] unpredictability.

Student C showed some of these messages from Student 1 to a parent of one of his friends. The parent wrote in an email to Mulligan he believed the texts were "clear sexual harassment." The School took no further disciplinary action with Student 1 in connection with the Upper School incident or his conduct with Student C.

(b) *Three Freshman Girls Reported Sexual Misconduct to the School*

In April of Student 1's senior year, three freshman girls told McMahon they had experienced unwanted sexual conduct by Student 1. They reported conduct by Student 1 ranging from sexually offensive comments and sexual harassment to repeated, unwanted sexual touching.

McMahon interviewed the three complainants and investigated their allegations, including by interviewing Student 1. One of the girls, Student D, who was in Student 1's riding group, told us that she reported to McMahon that Student 1 had engaged in sexual touching without her consent and despite her repeatedly telling him that it was not a good idea and "this is stupid." Another of the girls, Student B, told us she reported that Student 1 also had engaged in sexual touching without her consent, during which she tried to leave the room where the conduct was occurring. Student B also told us that Student 1's conduct had begun early during her freshman year, when she was only 13 years old, and included sexually harassing comments and unwanted touching while she was in her stall with her horse. We did not interview the third complainant.

McMahon's notes from her initial interview with Student D and Student B reflect that Student D and Student B described the unwanted sexual touching they experienced and how Student 1 used his power over them to manipulate them, as they felt they had to flirt with him to get coaching for Gymkhana. According to Student D, Student B, as well as McMahon, McMahon said during her first interview with them that, at a minimum, "this is . . . sexual harassment." According to Student D, McMahon also used the term "sexual assault" when describing what happened to her. Student B recalled McMahon using both the terms "sexual harassment" and "sexual assault." McMahon's notes from the interview reflect that Student D and Student B told her they felt unsafe and that Student D shared she was having nightmares as a result of what happened. Later, at least one of the three freshman girls asked for a lock to be installed on her dorm room door. According to McMahon, the School provided locks to all three freshman girls.

Student D told us that McMahon interviewed her multiple times and that, during those interviews, McMahon repeatedly asked her to physically reenact her encounter with Student 1. Student D described feeling like McMahon was "gaslighting" her, asking her questions that suggested that Student D had given Student 1 the impression that the sexual conduct was wanted. Student D told us she had no idea how to respond, as an adult was telling her that she had no idea what happened. She also told us she felt there was no consideration given to the fact that she was a freshman, far away from home with no parents present to guide her, and that her assailant was someone who was revered as a horseman and whom the School had placed in a position of authority over her. Documents reflect that at least one of McMahon's follow up interviews of Student D was prompted by a subsequent report to McMahon regarding alleged misconduct involving Student 1 and another student, as described further below.

Sometime after she graduated from Thacher and shortly before we began our investigation, Student D emailed McMahon and Pidduck, who was now Head of School, and described her experience of McMahon's questioning. She described McMahon's interviews as "just as traumatizing as the assault itself" and said she "felt that Ms. McMahon had one goal – to

pick apart my story and discredit my experience.” She explained that, “as a fifteen year old child, I had no idea how to defend or properly express my story.”

After the three freshman girls complained about Student 1, Mulligan convened a Faculty Committee to determine what policy violations occurred and to recommend discipline for Student 1. Pursuant to the Faculty Committee’s typical practices, the Committee did not hear directly from the three complainants, either in person or through a written description of their experiences. Instead, McMahon presented the Committee with her summary of the information she gathered. McMahon’s characterized Student D as having stated “this is stupid” and then having acquiesced to the unwanted sexual touching. The summary stated that “Student 1 did not force himself. Student D went along with it.” McMahon’s summary also said that Student B stated she was “willing to give Student 1 the benefit of the doubt.” Consistent with the Faculty Committee’s typical practices, the Committee also met with the Student 1 and heard his version of events directly from him.

While the Faculty Committee was still convened, another freshman girl, Student E, reported to McMahon that Student 1 had sent her inappropriate text messages. McMahon asked Student E to meet with her and to bring her phone. According to McMahon’s notes, Student E gave her copies of the inappropriate texts and told her about inappropriate comments Student 1 made during a video chat conversation with Student E and Student D over break. McMahon then interviewed Student D again to ask her about the alleged interaction. During that interview, McMahon also asked Student D about how her interactions with Student 1 ended, apparently in response to a statement Student 1 made to the Faculty Committee. Student D told McMahon that she made an excuse to leave and that Student 1 told her not to tell anybody about what happened. McMahon also asked Student 1 to meet with her and to bring his phone. During that meeting McMahon asked Student 1 about the text messages and the video chat incident, and asked Student 1 again about how his encounters with Student D ended. Student 1 told McMahon that Student D had wanted him to stay and he tried to end the encounter. There is no evidence that the School further followed up on Student E’s report.

In an email to McMahon shortly after that interview of Student D, Student D’s mother wrote:

There is no confusion over the fact that [Student 1] engaged in sexual contact with [Student D], and that she did not want it to happen. [Student D] relayed that you asked her if there is a possibility that [Student 1] may have perceived that [Student D] was not opposed to his advances. His perception of her attitudes is not relevant. As we believe you have been teaching your students, unless consent is explicitly given, there is no consent. He is obviously much older than [Student D] (a virtual authority figure given his status in the riding department), and [Student D] understandably froze under his manipulations. Her lack of proactively leaving the room or of somehow stopping him is not an indication of consent. It is an indication of her being under his control.

(c) *The Four-Day Suspension and Additional Reports that Followed*

The Faculty Committee initially decided to impose a two-day suspension. McMahon pushed for a longer suspension of three to four days. The Committee ultimately recommended a four-day suspension, timed so that it would not interfere with Student 1's participation in Gymkhana. The Committee also recommended that Student 1 lose his Top Horseman and Gymkhana Captain status.

According to the witnesses we interviewed, and as reflected in emails, Mulligan accepted the Faculty Committee's recommendation. The School announced the four-day suspension to the student body by class and told students that Student 1 was found responsible for an abuse of his power – but did not mention sexual harassment. We spoke with a number of students at the time who said the administration informed them that Student 1 “used his position of power to gain leverage in his relationship with freshman girls,” and that administrators refused to say whether the conduct at issue was sexual harassment. The content of the administration's communication to the student body is also reflected in Instagram posts. McMahon and other administrators told us that, while the School typically shares policy violations and discipline with the student body, the School does not share information about sexual misconduct in order to protect the privacy of the students involved.

Students responded to the announced discipline with confusion, disbelief, and anger. One parent of a then-current student wrote in a letter to Mulligan describing the short suspension as “carefully sandwiched between Gymkhana events so that [Student 1]'s performance in the competition need not suffer,” and said: “I promise you, this sent a powerful message to the students that confirmed their belief that this individual was in a very special protected category.” One administrator described the student response to the four-day suspension announcement as an “uproar” that was unprecedented. Student D told us she went to her advisor expressing disbelief that Student 1 received only a short suspension for what she believe she had described as “sexual assault.” McMahon learned of this conversation and asked Pidduck, who was at that point Dean of Studies, to join her in a meeting with Student D. Student D said that McMahon and Pidduck asked her if what she experienced was sexual assault. Student D told us that, by that time, she was so exhausted from the repeated questioning about her experience that she told McMahon and Pidduck she did not want to talk. McMahon and Pidduck had similar recollections of the meeting.

After learning of the four-day suspension, students also responded by reporting numerous other incidents of sexual misconduct by Student 1, spanning all four years of Student 1's time at Thacher. Students reported conduct ranging from sexual assault (a term we use to encompass all forms of unwanted sexual touching), to indecent exposure and sexual harassment. Student A came forward to report that Student 1 had sexually assaulted her the prior year. Student A told Pidduck that Student 1 had pinned her down and touched her sexually without her consent, stopping only after she kned him in the chest and pushed him off her. Pidduck explained to us that Student A felt more comfortable speaking with her than McMahon based on a prior interaction Student A had had with McMahon. Upon receiving Student A's report, Pidduck immediately informed McMahon and Mulligan, and McMahon reported Student A's experience to the Ventura County Sheriff's Department. Mulligan told us that he directed McMahon to report Student 1 to law enforcement. McMahon explained to us that she always kept in close

communication with Mulligan about any reporting to law enforcement, and Mulligan was aware of what was and was not reported.

Emails reflect that a senior student, Student F, reported to a teacher that Student 1 had engaged in unwanted sexual conduct with him during their freshman year. The teacher immediately reported to Mulligan, McMahon, and Pidduck that a student “divulged that [Student 1] directly sexually assaulted them.” McMahon told us she followed up with Student F regarding this report and kept Mulligan apprised of what she learned. The School did not report this incident to law enforcement. McMahon told us that, because the incident involved two students in the same class and did not involve an older student engaged in sexual conduct with a much younger student, she did not think it was reportable. (McMahon did report to law enforcement a different incident involving similar unwanted sexual touching by a senior prefect while Student F was a freshman.) The School also did not report the incident with Student D to law enforcement. The School has now notified the Ventura County Sheriff’s Department of reported incidents of sexual misconduct involving Student 1 and Students D and F.

Shortly after receiving the additional reports of sexual misconduct, Mulligan decided that Student 1 had to leave campus. Mulligan told us that Student 1 was immediately removed from the dorms and separated from other students, and documents reflect that Student 1 left campus within days of the decision. The administration told the parents and students that Student 1 had “withdrawn” from Thacher. It appears that a number of students and even faculty believed that this meant Student 1 would not graduate from Thacher or receive a diploma. This understanding was incorrect. Student 1 finished his coursework remotely. Mulligan informed Student 1’s college that Student 1 had withdrawn from Thacher based on an allegation from Student A (whom Mulligan characterized as a former girlfriend of Student 1) regarding an interaction that “she said was aggressive and inappropriate,” and that Student 1 refuted the allegation. Mulligan did not mention any other students’ allegations against Student 1. Documents indicate that Mulligan also helped Student 1 draft a letter to his college explaining his withdrawal.

We spoke with a number of students and reviewed emails sent to the School administration by parents and students expressing concern and frustration with how the School handled Student 1’s conduct. Mulligan asked one complainant’s mother what might have been done to prevent what happened or improve how it was handled. The mother responded, “For me, three things rise to the top: enforce the honor code, listen when students express fear of another student, and support the victim.” Another parent emailed Mulligan expressing surprise and frustration that faculty at Thacher were “spread too thin” and therefore missed warning signs exhibited by Student 1 and failed to connect the dots. Mulligan responded that “[Student 1’s] situation had nothing to do with people spread thin. He was on our radar screen.” Mulligan urged compassion for Student 1: “If I could tell everyone every detail, the critics would not have a lot to talk about and they would also be a lot more compassionate about the real challenges [Student 1] is facing.” The following year, a student wrote Mulligan and McMahon articulating her frustration regarding the announcement of a five-day suspension of other students for academic dishonesty and comparing it to Student 1’s sanction of four days. She wrote:

This amazes me because I personally view sexual harassment as a much more serious issue concerning Thacher’s community and the well-being of the students. I understand that [Student 1’s] case

was not labeled as sexual harassment, which in a way justifies the small consequence, but this in turn seems extremely unjust. Thacher did not want to receive the same undesirable reputation as St Paul's or other similar schools, so to prevent this we let [Student 1] off the hook with a minuscule punishment, and refused to label it as what it really was: a serious case of sexual harassment. One day for each year that [Student 1] made female students feel uncomfortable: it has to be clear that there is something so wrong with that. Not to mention that although he left, he was still featured in the yearbook, and although I am not at all certain of the fact, I have heard that he still received a graduating diploma. This infuriates me.

Mulligan responded, “[Student 1] was sent home altogether. The recommendation by the faculty committee for suspension was rejected by me. He did not receive a diploma.” Student A's father sent a lengthy letter to the School outlining steps that could be taken to better address sexual assault. The School responded, but according to Student A's father, the response to the letter was “the most deflating” part of the process because nothing was done.

The fall after his freshman year in college, at Mulligan's direction, Student 1 received a Thacher diploma. Mulligan explained that it was his long-standing practice for students separated from the School late in their senior year to allow them to petition for a diploma after successfully completing a semester in college.

Regarding the School's handling of the incident, Mulligan told us that he “truly wishes” he had been “quicker to understand the gravity of the problem and the dreadful impact felt by students who had been victimized,” and he offered his apology to those affected.

During our interviews of McMahon about the School's handling of reports of sexual misconduct by Student 1, McMahon expressed what we viewed as sincere and profound regret and a realization that she should have done things differently. McMahon expressed particular sorrow for and regret about how she handled her interviews of Student D. And McMahon provided us with a letter to the Thacher community about her handling of this incident and other incidents of student sexual misconduct, which we provide as Appendix A to our report.

3. The Current Head of School's and Assistant Head of School's Involvement in the Handling of Reported Sexual Misconduct by Student 1

We conducted a specific review of current Head of School Blossom Beatty Pidduck's and current Assistant Head of School Jeff Hooper's involvement in the handling of reports of sexual misconduct by Student 1. Witness statements and documents confirm that Pidduck and Hooper played a limited and minimal role in the handling of misconduct by Student 1. During Student 1's time at Thacher, Pidduck was Dean of Faculty and subsequently Director of Studies. She did not take on the role of Assistant Head of School until after Student 1 had graduated. As Dean of Faculty, Pidduck had no role in student discipline. According to Pidduck and other faculty and administrators, while Student 1 was at Thacher, student discipline was handled almost entirely

by Dean of Students Sabina McMahon, with then-Head of School Michael Mulligan acting as the final decisionmaker. While Pidduck was Director of Studies, she played a role in student discipline only if it involved academic misconduct (such as cheating or plagiarizing). Pidduck explained to us that, until she became Head of School, she generally deferred to McMahon and Mulligan with respect to other issues of student conduct or student discipline. Documents and witnesses we interviewed confirm that Pidduck was not involved in the Faculty Committee's consideration of discipline for Student 1. Because Student 1's reported misconduct did not involve academic misconduct, Pidduck had very little knowledge of or interaction with the School's handling of the reports, except as already noted above and further described below.

Similarly, Jeff Hooper was a faculty member with no senior administrative appointment at the start of Student 1's time at Thacher and was Dean of Faculty for some portion of that time. As Dean of Faculty, he did not play a role in student discipline. Like Pidduck, he had very little knowledge of or interaction with the School's handling of the reports of misconduct by Student 1, except as already noted above and further described below.

In the winter of Student 1's senior year, Pidduck and Hooper received an email from Student C's advisor to McMahon and Mulligan, described previously, expressing concern that the School was not responding appropriately to an incident that left Student C in fear for his physical safety, especially given Student C's prior experiences of "sexual harassment" by Student 1. Pidduck and Hooper had no memory of reading this email. They explained that they were often included as recipients of emails on topics that were within the purview of McMahon and Mulligan, and that they generally "stayed in their swim lane" on student discipline issues and let McMahon and Mulligan handle those issues. Another teacher told us that she raised with Hooper her concerns about Student 1 sending sexually harassing text messages to Student C and that, in response, Hooper told her to talk to Mulligan. Hooper said it was possible the teacher talked to him about these concerns, but he had no memory of it.

After the four-day suspension of Student 1 was announced and Student D expressed surprise to her advisor that Student 1 received such light discipline, McMahon asked Pidduck to join her in a meeting with Student D. Pidduck recalled asking Student D if what she experienced was sexual assault and Student D saying she did not want to talk about it. Pidduck's recollection is consistent with Student D's and McMahon's. Pidduck explained to us that she did not know until our investigation what exactly Student D had reported to McMahon. She understood from McMahon that Student D had reported unwanted contact in the nature of a touch on the shoulder – and not conduct of the same nature or severity as that reported by Student A. As previously noted, Student A later came forward to Pidduck to describe her experience of unwanted sexual touching by Student 1. Pidduck was part of the decision to promptly report Student 1's sexual assault of Student A to law enforcement, and we find it credible that, had Pidduck understood that Student D reported the same or similar conduct, she also would have ensured Student D's experience was reported to law enforcement.

When another student, Student F, reported his experience of unwanted sexual touching by Student 1 to a teacher, that teacher emailed Mulligan and McMahon and Pidduck to say that a student divulged a "sexual assault" by Student 1. Pidduck remembered receiving this email. She explained she did not follow up on this report because she believed that Mulligan and McMahon were handling it, including any needed reporting to law enforcement.

Pidduck also participated in a meeting between Mulligan, Student 1, and Student 1's father to discuss Mulligan's decision that Student 1 had to leave campus. Pidduck and others have described her role in that meeting as that of an observer. As Director of Studies, at Mulligan's direction, Pidduck helped Student 1 coordinate with his teachers on completing his coursework after he left campus.

C. **Additional Reports Regarding The School's Handling of Student Sexual Misconduct**

In this section, we discuss the School's handling of other incidents of student-on-student misconduct and summarize the themes that emerge. First, we discuss the circumstances that prevented or discouraged students from reporting sexual misconduct to the School. Second, we discuss issues with the School's investigation and discipline of student-on-student sexual misconduct. Third, we discuss the School's post-discipline or post-withdrawal relationship with students alleged to have engaged in sexual misconduct.

1. **Barriers to Reporting**

Former students we spoke with identified circumstances that discouraged them from reporting sexual misconduct to the School. In many instances, these barriers prevented survivors from getting the help they needed and allowed sexual misconduct to go unaddressed. We received reports that described certain School policies, practices, and social and cultural constraints as presenting a barrier to the reporting of student-on-student sexual misconduct. We provide some examples below.

Students did not report sexual misconduct because the School's approach to communicating mandatory reporting obligations under the Child Abuse and Neglect Reporting Act discouraged students from disclosing all the facts. Faculty, administrators, and former students told us about incidents where students reported potential sexual misconduct in vague terms to faculty or administrators and were told that, if they provided more information about the incident, the School might have to report it to the police. Dean of Students Sabina McMahon explained that she and others have taken this approach out of a desire to give complainants some degree of agency and control over what happened in response to their report – recognizing that there was no way to control how law enforcement responded. Witnesses described how the prospect of mandatory reporting to law enforcement chilled students' willingness to be more detailed and frank in their disclosures to the School and how this prevented students from getting the help they needed. Faculty members told us they wanted improved training on how to talk to students about sexual misconduct and how to explain their mandatory reporting obligations in a way that encouraged reporting and supported survivors.

Students did not report sexual misconduct because they feared they would be subject to discipline for violating the School's intimacy policy or for violating other School discipline policies, such as the School's drugs and alcohol policy. For example, we received a firsthand report from Student A, who graduated in the early 2010s, who told us she was sexually assaulted

by her boyfriend, another Thacher student, Student 1²³, during the course of an abusive relationship. Student A told us that the School's intimacy policy made her feel as though School faculty and administrators would not be on her side if she reported the sexual assault. Student A explained that, because the School's strictly enforced intimacy policy prohibited any intimate contact, she would be subject to discipline if she told the School about her experience. We also spoke with students who graduated in the 2000s, and another student who was at Thacher more recently, who told us they did not want to report to School administrators their experiences of sexual misconduct in part because they were concerned they would face discipline under the School's intimacy policy. We also heard from former students who explained that the School's zero-tolerance policy against drugs and alcohol made it difficult, if not impossible, in their minds to report sexual misconduct that occurred in a context where drugs or alcohol were present. We also reviewed documents that showed that fear of discipline related to violations of other School discipline policies, such as dorm check-in, wandering, and dorm visitation, also discouraged reporting.

Students did not report sexual misconduct that occurred off-campus and during breaks because School policies exclude such conduct from its disciplinary jurisdiction. We heard from a number of students from the 1990s and 2010s who either were reluctant to or did not report to the School sexual misconduct that occurred off-campus or during breaks and who were unsure whether the School would do anything about the misconduct if it was reported. Faculty and administrators told us that the School's policy has been not to discipline off-campus sexual misconduct that occurs outside of official School events or activities. The Student/Parent Handbook for 2020-2021 provides that "The values expressed in the community rules are ones by which we hope students will live, on and off the campus. Behavior contrary to these expectations occurring anywhere is the concern of the School's, and though no disciplinary consequences should be expected when our rules are broken by students in the care of their parents, we do believe in addressing with students and their parents all of our concerns about a student's behavior." According to McMahon, when she has learned about off-campus sexual misconduct, she has told the student-survivor that the student could talk to family or a counselor, or could report the incident to law enforcement, and also has offered to speak to the alleged perpetrator. The handling of such incidents stands in contrast to the handling of sexual misconduct connected with off-campus partner programs such as Maine Coast Semester at Chewonki or School Year Abroad. For instance, after a Thacher student was disciplined by a partner program for sexual misconduct, the School placed conditions and restrictions on him when he returned to Thacher.

Students did not report sexual misconduct because of the perceived social cost of reporting sexual misconduct, especially by students viewed as having high social status. Thacher is a small community, and multiple students expressed how difficult it was to come forward because of community pressures. Numerous survivors told us that the lack of anonymous reporting options left students seeking to report misconduct feeling embarrassed,

²³ In this new section of the report, we have restarted our lettering and numbering convention. Therefore, by way of example, the Student A and Student 1 here are not the same Student A or Student 1 discussed in previous sections of this report.

judged, or scrutinized. We also heard from former students across a range of class years who told us they did not report sexual misconduct by students who were good athletes and who, as a result, enjoyed high social status. Student B, who graduated in the 1990s, told us that a popular athlete on campus touched her sexually without her consent. Student B told us part of the reason she did not tell anyone about the incident at the time is that athletes were treated as “golden boys” by School administrators, who had a “boys will be boys” attitude toward misconduct. Student C, who graduated in the 2010s, told us that she was sexually assaulted and told her friends what happened. She said her friends did not believe her. She described feeling that her assailant’s role in the community and reputation as a “good guy” influenced how her peers perceived her allegations. She did not report the incident to the School. Other former students told us of instances in the past ten years of students not wanting to report sexual misconduct they experienced because they were concerned about the social consequences of reporting misconduct by a popular athlete and did not want to be blamed for any discipline that might be imposed. We also heard from a faculty member who told us that, in the past ten years, her advisee did not want to report an incident of sexual misconduct because she feared the social consequences of doing so.

Students did not report their sexual assaults because they felt shame, lacked the vocabulary or education to understand or describe what happened to them, and feared the School would judge them and would not support them. We spoke with a number of former students and faculty who pointed to the lack of information and appropriate education about healthy sexuality as a barrier to reporting sexual assault. Numerous former students described how Thacher’s sex education curriculum did not provide them with the “vocabulary” to understand or describe their experiences, particularly with respect to nonconsensual sexual activity. Many also talked about the absence of sex education for freshmen and the failure to adequately teach both male and female students about the nature of consent. We also spoke with a number of former students from the 1990s, 2000s, and 2010s who told us they did not report their sexual assaults because they felt that cultural differences, their own race or the race of their assailant, their own sexual identity, or the sex of their assailant contributed to their unwillingness to report their sexual assaults to the School. These former students told us that they did not feel comfortable or safe talking about their experiences with faculty or administrators. We spoke with former students who described how the School’s response to incidents involving students of the same sex left those students feeling unsupported or that their concerns were not taken seriously, leaving them reluctant to report subsequent incidents. We also heard from some students who told us they did not want to report sexual misconduct to McMahan in particular, either because they believed that her view of them was affected by prior disciplinary incidents they were involved in, or because they wanted to attain student leadership positions, which McMahan was responsible for, and they were concerned that their reporting would negatively influence McMahan’s view of them.

Students did not report sexual misconduct because they believed the School would not take meaningful action. After graduating, Student A and another Thacher graduate, Student D, who had a similar experience with Student 1, wrote to School administrators describing their sexual assaults. In their letter, they explained that they did not speak up because they did not believe anyone would listen. Students A and D also noted that Thacher’s Honor Code does not identify sexual assault as subject to a one-strike policy, which applies when a student brings drugs or alcohol to the School and provides them to other students, and that sexual assault, unlike

drugs and alcohol, is not known among students to be subject to the harshest punishments on campus. Some students and faculty told us they perceived certain faculty and administrators, including McMahon and former Head of School Michael Mulligan, as favoring boys over girls and as responding to misconduct with a “boys will be boys” attitude; some former students told us that this made them reluctant to report misconduct, as they were concerned that nothing would be done to discipline boys. Former students also told us that in some instances they felt the School focused primarily on investigating and disciplining drug or alcohol violations that were part of an incident of sexual misconduct and did not apply the same vigor to investigating and disciplining the sexual misconduct.

Students did not report sexual misconduct to the administration because their assailant was the child of a School administrator and they felt nothing would be done in response to their report. We received two firsthand reports from survivors who told us that the role of their alleged assailant’s parent at the School was a barrier to reporting their experiences. According to Student C, part of the reason she did not report her sexual assault was because the respondent was the child of a senior administrator at the School, and Student C therefore was concerned she would not be believed. We also received a firsthand report from a student who was a faculty child over fifty years ago, Student E. Student E told us that, when he was twelve years old, he was raped on campus by the teenaged son of a Thacher senior administrator. Student E told us that, before the rape, he had experienced years of unrelenting and extreme bullying and physical assault by this son of a senior administrator. Student E understood that his father would not do anything about the situation because the senior administrator was his boss. Student E told us that, in part because of the shame and humiliation he experienced and in part because he knew his father felt powerless to intervene, Student E did not report the rape. Student E shared with us a letter to his Thacher classmates and a letter to the son of the senior administrator, both of which corroborate his account.

Regarding these barriers to students reporting sexual misconduct, McMahon extended her deepest apologies for creating a situation where a student did not feel listened to or cared for by her at any point in time. She told us she believed that Thacher will learn from this investigation and do things differently going forward. McMahon shared a letter to the Thacher community, which we attach to our report as Appendix A.

2. Issues with Investigation and Discipline of Student-on-Student Sexual Misconduct

Former students who did report sexual misconduct to the School expressed concerns to us about both the reporting process and follow-up that they felt did not adequately support complainants. Some told us they were not provided or directed to counseling resources, or felt that the counseling offered was a form of punishment.²⁴ Students also raised serious concerns about the confidentiality of those services and the stigma associated with accessing them. According to School records and witnesses, students who reported sexual misconduct to the School were not consistently offered or given counseling, access to support persons, protective

²⁴ According to the Faculty Handbook, “students may be referred for counseling by notifying the dean of students or the Health Center.”

measures that would prevent the complainant from unnecessarily encountering the respondent student, or academic or extracurricular accommodations. The fact that such protective measures were not consistently offered also dissuaded students from reporting incidents. For example, one former student from the 1990s who reported her experience of sexual assault to the School described receiving pushback from faculty and administrators when she requested time away from School activities to receive counseling or to attend to her emotional health. Other former students from the 2010s who reported their experiences of sexual assault told us they were not offered the opportunity to have a support person, such as a parent, prefect, or advisor, accompany them during investigatory interviews, which they found traumatic.

We also spoke with former students and former and current faculty and administrators who shared with us their concerns about the School's processes for investigating and disciplining student sexual misconduct. For example, former students described feeling re-traumatized by the investigation process, including questioning that made them feel disbelieved, shamed, or somehow complicit in their sexual assault. Faculty and administrators told us they wanted training on affirmative consent, how to better support survivors in the investigation and discipline process, and how to conduct trauma-informed interviews. We spoke with multiple witnesses who described certain incidents of sexual misconduct where multiple students were affected, but where the School focused the disciplinary process and supportive measures on only the most serious conduct, without taking other survivors' experiences into account.

According to both former students and faculty who participated in the School's Faculty Committee process for student sexual misconduct matters, complainants have not been provided with a way to address the Committee directly, such as through a written statement – resulting in a process that gave voice only to the respondent student. Dorm heads and advisors described limited involvement in the process and felt that a lack of information kept them from being able to adequately support complainants.

The School has had a longstanding practice of communicating to the School community the results of student discipline for non-sexual misconduct. With respect to sexual misconduct, however, the School typically has not provided the School community with meaningful or in some circumstances any information regarding student discipline in order to maintain the privacy of the individuals involved. This lack of information about discipline for sexual misconduct – and the contrasting high degree of transparency regarding discipline for other types of misconduct – has led many former students to believe that the School did not impose any discipline for student sexual misconduct and did not take sexual misconduct seriously. In some instances, this has also led to speculation by former students about the severity of the sexual misconduct reported to the School.

Recently, the School has revised some of its practices to provide for more fairness and support for complainant and respondent students involved in a sexual misconduct disciplinary process. For example, the School has engaged third-party investigators trained in sexual misconduct response and trauma-informed interviewing to investigate allegations of student sexual misconduct. Our section on corrective actions includes additional recommendations for improvements to the School's policies and processes.

Regarding the School's response to incidents of sexual misconduct, McMahon told us that after "deep reflection and profound sadness" she acknowledges that she "did not adequately handle student reports of sexual misconduct by faculty or other students." Srizthe offered her "heartfelt apologies to those students who felt harmed" by her handling of incidents when she was the Dean of Students.

3. The School's Post-Discipline Relationship with Student Respondents

We spoke with a number of former students and current faculty members who described their reactions to the way in which the School treated students who were disciplined for sexual misconduct or who left the School in connection with allegations of sexual misconduct. In some instances, students who left the School due to sexual misconduct allegations or discipline were allowed to complete their coursework and receive a diploma. In some instances, the School downplayed the nature of students' conduct to their subsequent educational institutions. And in some instances, the School has continued to invite such students to School reunions and events and has featured them in School publications. Former students described incidents of sexual misconduct that took place at their five-year and ten-year reunions and other School events. A number of former students and current faculty told us they felt that the School's continuing relationship with these students demonstrated a lack of understanding of the seriousness of sexual misconduct or a lack of care for the survivors.

For example, in the 2010s, Student 2 was disciplined for sexual misconduct that involved use of the Internet. Following the discipline process, the student was required to withdraw and complete their coursework remotely, and was not allowed to participate in graduation. The School wrote to Student 2's college, describing the incident in a way that did not reflect the seriousness of the trauma experienced by the affected students and that inaccurately suggested that the victim of the misconduct also engaged in problematic behavior. Emails show that, after receiving Student 2's first semester college grades, then-Head of School Michael Mulligan gave Student 2 a Thacher diploma and agreed to recommend him as an RA at his college.

VI. RECOMMENDATIONS FOR CORRECTIVE ACTIONS

A. Summary

In addition to investigating historical incidents of sexual misconduct, our mandate also included recommending corrective actions to protect student safety and improve the culture around sexual misconduct issues at Thacher. We recommend that the School implement six categories of corrective actions to protect the safety and well-being of students, prevent the occurrence of sexual misconduct, and ensure appropriate responses to sexual misconduct. Those categories are: (1) implementing measures to support students; (2) improving training and education; (3) revising policies and procedures for handling allegations of sexual misconduct by Thacher employees; (4) revising policies and procedures for handling allegations of sexual misconduct by Thacher students; (5) implementing general strategies to reduce the risk of sexual misconduct; and (6) strengthening Board training and oversight.

These recommendations are informed in part by the 2018 report of a joint task force of the National Association of Independent Schools (NAIS) and The Association of Boarding

Schools (TABS) setting forth best practices and recommendations for schools to follow regarding the prevention and response to educator sexual misconduct.

The School has already taken a number of significant steps to implement many of those recommendations. Some of our recommended actions would benefit from discussion with and input from various stakeholders in the Thacher community prior to implementation. For that subset of recommended actions, we recommend that the School create a task force that can seek that input and weigh various considerations before making further recommendations to the School administration on implementation.

B. Support for Students

We recommend the School take the following actions to improve the culture around sexual conduct, to encourage the reporting of sexual misconduct so that students can get the help they need and to better support students:

- Explore entering into a Memorandum of Understanding with a local rape crisis center, which can serve as a resource for students.
- Enhance and improve counseling resources and confidential access to counseling resources.
- Destigmatize the use of mental health services.
- Create a formal system for transitioning advisees from one advisor to another, to ensure continuity of knowledge and support.
- Establish a protocol for providing supportive measures for complainants (those who report sexual misconduct).
- Ensure a support network for complainants.
- Consider changes to student discipline policies, including possible adoption of an amnesty policy for students who report sexual misconduct.
- Consider changes to reporting channels for sexual misconduct, including possible options for anonymous reporting.
- Revise the student Social Hour to allow for opportunities for interactions outside of late night hours.

Some of these recommended corrective actions will benefit from further input from various stakeholders before implementation, and we recommend that the Task Force consider these items and make further recommendations, including efforts to encourage the use of mental health resources, changes to student discipline policies, and changes to reporting channels.

C. Improve Training and Education

We recommend that the School provide additional and improved training for faculty and staff, and provide additional education to students and parents to help prevent sexual misconduct.

For faculty and staff, we recommend that the School:

- Improve the content and format of boundary guidelines trainings.
- Improve mandatory reporter training.
- Provide trauma detection and, for certain faculty members and administrators, trauma-informed interviewing training.
- Provide training on addressing same-sex misconduct and sexual misconduct in LGBTQ+ relationships
- Provide specific training for faculty with residential life and advisor responsibilities

With respect to students and parents, we recommend that the School:

- Make significant changes to content and format of education for students on various topics related to sexual misconduct – including, for example, affirmative consent, healthy relationships, prevention and response to sexual harassment and sexual assault, and recognizing grooming behavior by adults.²⁵
- Provide training for students and parents on faculty boundary guidelines.
- Provide training for students and parents on mandatory reporting obligations.
- Provide education on the potential consequences and discipline process for sexual misconduct.

We understand that the School has implemented some of these changes already or will implement them by the start of the 2021-2022 school year. Certain details of these corrective actions should be left to the Task Force to consider and make further recommendations, including certain changes to the School's sex education program and training on the potential consequences for sexual misconduct.

²⁵ As to format, we recommend students no longer play a role in teaching sex education, that sex education classes be taught by faculty or experts with appropriate training and experience, and that students receive sex education in all four years at Thacher.

D. Responding to Allegations of Sexual Misconduct by Adults

We recommend the School take the following corrective actions, applicable to faculty and staff as well as to their adult family members living on campus:

- Adopt a comprehensive protocol for handling incidents of adult-on-student sexual misconduct, which would include, for example: providing appropriate support for and protection of complainants; fairness and equity for complainants and respondents; engaging a third-party investigator trained in trauma-informed interviewing, where appropriate; and setting clear expectations for mandatory reporting.
- Strengthen enforcement of boundary guidelines.
- Adopt policies excluding those credibly reported to have committed serious sexual misconduct from School events and activities.
- Adopt policy on communications to the Thacher community and to potential future employers regarding departing employees.
- Strengthen restrictions on hiring individuals reported to have engaged in sexual misconduct and on hiring “super seniors.”

We recommend that the Task Force consider what level of conduct merits excluding those credibly reported to have committed serious sexual misconduct from School events and activities.

E. Responding to Allegations of Sexual Misconduct By Thacher Students

We recommend that the School:

- Adopt a comprehensive protocol for handling incidents of student-on-student sexual misconduct, which would include, for example: providing appropriate support for and protection of complainants; fairness and equity for complainants and respondents; engaging a third-party investigator trained in trauma-informed interviewing, where appropriate; revisions to the Faculty Committee process; and setting clear expectations for mandatory reporting.
- Consider discipline for certain off-campus conduct, such as sexual misconduct, that results in harm to members of the School community.
- Establish formal agreements with partner programs such as the Maine Coast Semester at Chewonki and School Year Abroad, to enable the School to learn about sexual misconduct by Thacher students are participating in those programs.

- Adopt policies for handling students disciplined for serious sexual misconduct (or who have withdrawn or left campus as a result of such allegations) – to address issues including, for example, communication with a student’s subsequent schools or colleges, awarding of diplomas, and exclusion from School events and activities.

Some of these recommended corrective actions will benefit from further input from various stakeholders before implementation, and we recommend that the Task Force consider these items and make further recommendations, especially as to revisions to the Faculty Committee process, the handling of discipline for off-campus conduct, and the handling of students disciplined for sexual misconduct.

F. General Strategies to Reduce the Risk of Sexual Misconduct

We recommend that the School:

- Better integrate the School’s afternoon programs and residential life programs, to ensure the sharing of information about faculty and student conduct (and we understand this has already been implemented).
- Conduct periodic campus climate surveys to better understand students’ perceptions and experiences, identify strengths and areas for improvement, and measure progress on sexual misconduct prevention on response.

We understand that the School has implemented some of these changes already or will begin to implement them by the start of the 2021-2022 school year.

G. Strengthen Board Training and Oversight

We recommend that the School take three corrective actions to strengthen Board training and oversight:

- Provide the Board with regular, periodic training and education on sexual misconduct prevention and response.
- Increase Board oversight over sexual misconduct issues, including establishing a reporting expectation for the Head of School to the Board.
- Create a direct channel of reporting to the Board for misconduct involving Head of School, other senior administrators, or their family members.

VII. CONCLUSION

We appreciate the support and cooperation we received from Thacher and its current and former faculty, administrators, board members, and staff who shared their documents and recollections with us, many on multiple occasions while balancing the challenges of an ongoing pandemic. We thank in particular the numerous Thacher graduates who spoke with us –

especially those who made the difficult decision to share with us the sexual misconduct they experienced as students or recent graduates. We recognize that, for many, speaking with us brought up painful memories. These graduates showed tremendous courage and fortitude in participating in our process. Each told us they came forward to help Thacher better live up to its values and to prevent harm to other students. We hope this report will help achieve that goal.

APPENDIX A

June 2021

Dear Thacher Community,

I am thankful to have been a part of the Thacher community for the past 18 years. In over 30 years as an educator, my priority was always to support and care for students. So it is with deep reflection and profound sadness that I write as an administrator identified in MTO's report who did not adequately handle student reports of sexual misconduct by faculty or other students.

I offer heartfelt apologies to those students who felt harmed in my handling of student matters when I was in the role of dean of students. I understand that my apologies cannot erase the pain felt by survivors, their families, and their friends, but it is my sincere hope they will be accepted.

We as an adult community should have engaged in more thorough training for faculty and staff on the handling of sexual misconduct incidents and more up-to-date student education on affirmative consent. Our understanding of mandated reporting and how to navigate different situations should have been more effective and transparent to the community. Although any steps we took that had a negative impact on students were not intentional, missing these critical training and educational components meant we did not provide the care for students that we strive for at Thacher.

I now realize that I should have done things differently to demonstrate a better understanding of what a situation might mean emotionally and physically for a student in distress. As dean of students, I could have sought out better training to provide more substantial support for students. I again extend my deepest apologies for creating a situation where a student did not feel listened to or cared for by me at any point in time.

I believe Thacher will learn from this and do things differently to provide excellent support for our students, always. I am grateful that Thacher has taken these steps to truly understand what needs to be done to fully care for our students and to be part of a community that knows this is essential work and that we need to and must do better.

Warmly,

A handwritten signature in black ink, appearing to read "Sabina McMahon". The signature is fluid and cursive, with a long horizontal flourish at the end.

Sabina McMahon