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**SEMI-ANNUAL REPORT
on St. Paul's School**



I am pleased to provide the second semi-annual report pursuant to the terms of the Settlement Agreement between St. Paul's School and the New Hampshire Attorney General's Office. Included is summative data concerning the total number of externally reportable incidents involving St. Paul's School and the processes by which the School responds to such reports. This data includes all matters the School is required to report to outside agencies due to state statutes, or by agreement. This report and accompanying data are intended to promote

transparency regarding the number of reportable issues involving community members or brought to the School's attention and to examine the School's policies and practices.

Misconduct, in all forms, undermines the most fundamental values of an educational institution. A core responsibility of St. Paul's School is to ensure that students can learn and thrive in a safe and inclusive environment, free from harm. These words are easy to write and even easier to say. They exist in almost every after-action report, press release, or media report concerning misconduct in the school setting. Far more challenging are the actions required to develop a culture where student safety is first among all other concerns. This work is difficult and time-consuming. It requires institutional commitment and leadership. It also requires the development of a shared language and ethos, well-structured policies and intentionally implemented protocols and procedures. It requires collaboration internally and externally, commitment of resources, and the ability to make difficult and controversial decisions regarding individuals who may be beloved in the community. It requires an understanding that the harm a fourteen-year-old expresses manifests in ways that may not be immediately clear under policy or statute. Individually as educators and employees, to succeed in this work requires self-awareness, creating the time to personally reflect on one's interactions with students and colleagues, and challenging one's implicit bias. Above all, maintaining the highest standard of care requires supporting the individuals willing to uphold those standards against criticism, influence, and isolation. While it is easy to critique what goes undone one should also applaud and celebrate the proactive steps taken to prevent harm in the first place, which often go unnoticed but which lay the groundwork for meaningful and positive change.

In July 2019, a change in school leadership has introduced new and different perspectives to the community conversation on these efforts. Continued progress will require institutional and personal commitment to ongoing improvement – in community engagement, action, and assessment. This report identifies areas where additional policies and procedures may promote healthy school culture and strengthen the fabric of this diverse community.

My door remains open to your ideas, suggestions, and concerns. I look forward to working with you and exploring new and innovative ways to support a healthy campus culture for all of St. Paul's community members.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Maher". The signature is fluid and cursive.

Jeff Maher
Independent Compliance Overseer

Report Data




External Reports – 31 (July 1 – December 31, 2019)

	Present Day				Historical		
On Grounds				2			
		4	8	12	13		
	14	16	19	20	17	18	
Off Grounds	21	22	26	27	24	25	28
			6	7	1	3	5
			29	30	10	11	9
				15	23		
				31			

Scope

The terms of the settlement agreement between St. Paul's School (SPS) and the New Hampshire Attorney General's Office limit this semi-annual report to:

- Providing a numerical summary of sexual harassment and/or sexual or physical abuse incidents involving students
- Providing an assessment of the status of SPS policies related to sexual harassment and sexual and physical abuse

-  Incidents involving students enrolled full-time at SPS at time of incident.
-  Incidents known to law enforcement prior to SPS reporting of incident.
-  All other

Data Summary

The data presented here includes all reports made to external agencies by the School as required by law or agreement. While these statutes apply to all schools in New Hampshire, St. Paul's has agreed to broader reporting obligations than required by law. The data in this report is reflective of that. This data includes historical incidents shared by alumni and incidents that occur on the grounds but do not involve enrolled students. Reporting this information recognizes that incidents can be interrelated and entangled and impact the community even when community members are not directly involved.

It is difficult to draw anything but anecdotal information from the current reporting data available. That said, many reports concern events that occurred before the impacted individual was a matriculated SPS student, had already been reported to law enforcement, or occurred outside of school grounds or a school sponsored event.

- Less than half (n.14) of the total number of external reports involved enrolled SPS students at the time the incident occurred (excluding Advanced Study Program (ASP) students).
- The data suggests better alignment between the ASP program and the reporting protocols used throughout the standard academic year.
- Perhaps not surprisingly, the experiences shared by ASP students may reflect the disturbing regularity by which sexual misconduct occurs in communities throughout New Hampshire.

Reported Incidents

Reporting Person	Responding Person	Description of Complaint
1 ASP Student	Unknown	Student disclosed historical sexual assault
2 Non-Student	Non-Student	Sexual assault reported on grounds
3 ASP Student	Unidentified	Student disclosed historical sexual assault
4 Non-Student	Non-Student	Non-consensual sexual contact reported on grounds
5 ASP Student	Non-Student	Student disclosed historical sexual assault
6 ASP Student	Non-Student	Student disclosed information pertinent to a non-SPS related criminal investigation
7 ASP Student	Non-Student	Student disclosed information pertinent to a non-SPS related criminal investigation
8 Non-Student	Unknown	Report of possible drug activity on grounds
9 Alumna/us	Non-Student	Alumna/us disclosed non-consensual sexual contact post-graduation, off-grounds
10 Student	Non-Student	Student disclosed they experienced abuse prior to their affiliation with SPS
11 Student	Unidentified	Student disclosed sexual assault occurring while not affiliated with SPS
12 Student	N/A	Student found in possession of contraband not permitted under SPS policy
13 Student	Student	Sexual activity under age of consent
14 Student	Student	Sexual activity under age of consent
15 Student	Unidentified	Student reported historical physical assault
16 N/A	Student(s)	Contraband recovered from student rooms
17 Alumna/us	Non-student	Alumna/us disclosed historical sexual assault
18 Alumna/us	Non-student	Alumna/us disclosed historical incidents of sexual abuse
19 Student	Unknown	Theft
20 Student	Unknown	Unattended contraband recovered
21 Student	Unknown	Theft
22 N/A	Unknown	Theft
23 Student	Unknown	Student disclosed they witnessed hazing and other harm at previous school
24 Alumna/us	Unidentified	3rd party report that an alumna/us experienced hazing while a student
25 Alumna/us	Alumna/us	Alumna/us disclosed sexual assault that occurred on grounds while a student
26 Student	Student(s)	Contraband recovered from student rooms
27 Student	Unknown	Student was a victim of a computer-related offense
28 Student	Student	Student reported historical assault/hazing
29 Student	Unknown	Student was victim of assault
30 Student	Non-Student	Student possibly experienced abuse/neglect
31 Student	Non-Student	A third-party report that a student experienced a historical sexual assault

Reporting Person is used in place of terms such as victim, survivor, or complainant. Similarly, the term Responding Person refers to the accused, suspect, or respondent.

Response Mechanisms

Given the strong relationships and close interaction between faculty and students, it is exceptionally important to intervene at the earliest signs of boundary issues, bullying, or disrespect of others.

St. Paul's School is a complex residential campus where students and employees learn, teach, and live. When faced with an allegation of misconduct, the fully residential environment creates challenges not present at other institutions. Many students hail from states or countries where they cannot easily return home, or their parents/guardians cannot quickly come to Concord, New Hampshire. Similarly, faculty live with their families within a statutorily defined Safe School Zone.

Given the strong relationships and close interaction between faculty and students, it is exceptionally important to intervene at the earliest signs of boundary issues, bullying, or disrespect of others. This early intervention drives and aligns behavior with stated institutional values. The School routinely conducts or coordinates in-depth investigations into allegations of violations of policies contained in the Faculty, Staff and Student Handbooks. The thoroughness and breadth of the School's response, even on matters that some may consider minor, is commendable. This is especially true for matters involving student-based conduct.

As a private institution that does not accept federal funding, St. Paul's School has no general obligation to provide broad constitutional due process protections to either employees or students. However, the School is obligated to provide a fundamentally fair process and to follow the process outlined in its Handbooks. Any adjudication or grievance process, if administered inconsistently, with bias, lack of fairness or little transparency, can create an environment of distrust and drive unhealthy student or employee behavior underground. Thus, St. Paul's should support a response and resolution procedure which is fundamentally fair, procedurally sound, ensures accountability and objectivity, and is in support of promoting a healthy culture.

When the School receives an allegation of misconduct, its procedural mechanisms closely mirror the structures implemented at many Colleges and Universities in response to a heightened focus on Title IX. SPS generally uses either a Disciplinary Committee (DC) or Community Conduct Board (CCB) to address concerns around community conduct. The DC is primarily designed to provide a sanctioning and educational process for incidents involving students in which the harm caused does not extend beyond the Responding Person. Such conduct may include substance use, academic dishonesty, excessive unexcused absences, etc. The CCB responds to incidents where an individual or group faces discrimination, harassment, bullying, assault, or retaliation. This report will focus its attention on the CCB, with particular attention given to matters involving students.

Community Conduct Board

It is a challenge to adequately describe the variety and breadth of conduct the CCB must address. For instance, a physical assault between students at 10:30pm will generate a different response than that of gender discrimination in the workplace. Similarly, an allegation of a boundary crossing towards a student will generate a different response than a report of hazing. The CCB is the response mechanism for all these types of conduct. Creating policies and procedures to address such reports requires sufficient flexibility so as not to be constrained when addressing routine issues, while ensuring a process that is robust enough to endure public scrutiny for high impact, low frequency events.

The Community Conduct Board is position-based, and consists of:

- Director of Human Resources
- Director of Information Technology
- Vice Rector for School Life
- Dean of Students
- Vice Rector for Faculty

The Dean of Students is a direct report to the Vice Rector of School Life. While this has not created any difficulty, this arrangement may present the perception of a conflict of interest.

The same process exists for both student and employee concerns but the pathways by which reports are received often differ. When a community member learns that a student may have broken a school rule, this information is often relayed to the Dean-on-Duty. The nature of the institutional response is case-specific and dependent on the seriousness of the infraction and known facts. In almost every case, and pursuant to applicable Memorandums of Understanding (MOU's) and state law, the School's response is 'immediate.' As outlined by statute and as a fully residential school community, SPS does not have the luxury of delaying its response to a complaint.

For example, a report of aggressive or assaultive behavior between students in a dormitory compels a quick response. The School must immediately enact protective measures to ensure the behavior does not continue and that students are physically safe from harm. In doing so, the School provides constructive notice to the Responding Party and thus increases the risk of retaliation or interference with a subsequent internal or police investigation.

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Community Conduct Board

Similarly, in the event of suspected sexual activity between students, each student is brought to the health center. A limited interview, often in the presence of a counselor, may be conducted to assess available facts and evaluate external reporting obligations. If a reporting obligation exists, the required notifications are made regardless of the time of day. These notifications are extensive and may involve up to a dozen people. The need to share personal, highly sensitive information can have an adverse impact on both the Reporting and Responding Party and may shape the outcome of a subsequent investigation.

In accordance with applicable agreements and MOU's, SPS must then consult with the Concord Police Department and the Attorney General's Office. The School may undertake its own investigation, provided it does not impair any police investigation.

Members of the CCB will convene and determine if available facts warrant a formal investigation or if the matter can be resolved through informal means. SPS policy does not offer any guidance as to how this assessment is made although the Handbook refers to a "set of predetermined criteria." If a formal investigation is necessary, the School may conduct an internal investigation or retain the services of an external investigator. This decision is made upon the collective input of the CCB and is not based upon any written procedure. The School frequently utilizes respected and well-qualified external investigators but does not provide a manual or guide outlining a recommended investigatory process. The School relies on the discretion and competencies of the individual investigators. The CCB or external investigator will interview parties and collect documents and other evidence.

At times, the CCB will conduct its own investigation. The individuals involved have strong educational backgrounds and professional experience. The majority of the CCB members have received some training into the mechanics of conducting a proper investigation, mostly offered through law firms.

Upon completion of an investigation, a report is generated which may, or may not, recommend an outcome. Commonly, the CCB or external investigator will summarize their findings and make a recommendation as to an outcome and sanction (if applicable). The report of an external investigator is sometimes, but not always, shared with the CCB. The Rector will determine and administer the School response. There is no right to appeal. The recordkeeping associated with any investigation is generally kept separate from a central personnel or student file and is accessible on a need-to-know basis.

Analysis

A systematic, fair, competent investigation forms the foundation in ensuring that the finding will bear whatever level of scrutiny it attracts.

Responding to complaints of sexual misconduct, discrimination, or harassment should support the wellbeing of the individuals involved through supportive measures and transparent options for both informal and formal grievance proceedings. Formal proceedings should be benchmarked on providing a fundamentally fair process. Generally, this includes an impartial investigation of complaints and the opportunity for both parties to offer witnesses or produce other relevant evidence. The goal of any investigation is to complete a thorough fact-finding process which provides a decisionmaker reliable information on which to base a finding. A systematic, fair, competent investigation forms the foundation in ensuring that the finding will bear whatever level of scrutiny it attracts. A fair investigation should build confidence and trust in the grievance process.

As the School's understanding of these issues has evolved, so has the CCB. This position-based model, comprised of individuals with training and expertise in various disciplines, has grown from models that existed in years or decades past. The School's response to misconduct cannot be reliant on a single person. That the School has progressed here recognizes an institutional commitment to continuous improvement.

A small working group such as the CCB permits a respectful, personal approach to intensely intimate and traumatic incidents. Additionally, diffusing responsibility for these matters among individuals may support increased accountability. The School has recognized that these complaints require a systematic, dedicated and focused approach. Oftentimes, when the School seeks to respond to an allegation of misconduct, involving either students or employees, it faces significant pressure from internal and external parties. The CCB attenuates the mechanisms of power and influence that have historically sought to resolve these matters in ways that fall short of the highest duty of care required in a boarding school environment. The collaborative, yet specialized nature of the CCB helps to ensure succession planning and a consistency of practice. St. Paul's School should be commended for adopting this model.

Policy Review

Several opportunities exist for the School to enact procedural improvements. One can look further across the landscape of independent school and post-secondary institutions for helpful direction in adopting best-practice protocols suitable for this community. The tension points outlined in the following section are commonly experienced by many institutions and often attended to through policy. Addressing these elements by enacting well-defined and intentional procedural improvements may enrich the student and employee experience while simultaneously mitigating institutional vulnerabilities.

Terms and Definitions

The Student Handbook prohibits all forms of sex-based harassment including, “rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.”¹ Although these terms may seem self-explanatory, these terms are not defined. While the School correctly notes that it may apply stricter standards of behavior than provided by law, New Hampshire statutes have no corresponding offenses of sexual battery, sexual abuse, or sexual coercion. Thus, these terms remain subject to interpretation. Similarly, the School may wish to develop more developmentally appropriate definitions that highlight community standards and behavioral expectations and focus less on violations of criminal law.

Amnesty

St. Paul’s School does support provisions for ‘Whistleblower Protection’ in the Faculty and Staff Handbooks. The student handbook does not offer amnesty² for students who disclose violations of school rules that occur within the context of a misconduct report. The inclusion of such a provision will diminish any apprehension a student may have about coming forward and reduces barriers to reporting.

Notice

The processes described in the SPS handbooks are silent on the issue of providing notice. Being informed about an allegation allows an individual an opportunity to effectively respond to it. In the absence of clear policy and procedure, notice may be applied differently based upon whom is accused and their relationship to the School. This can undermine the very equity such processes are intended to ensure. Employees should receive timely written notice outlining the basis and nature of a complaint. For students, notice of an allegation should be delivered in a developmentally appropriate manner.

Standard of Proof

In matters of student discipline or civil rights investigations, a common standard of proof is a preponderance of the evidence. Namely, is it more likely than not that an act occurred. While it is the practice of SPS to apply this standard to CCB investigations, the only mention of this standard of proof concerns matters before a Disciplinary Committee (DC).

Use of Advisers

In the context of a student disciplinary matter, the presence of an adviser can often be beneficial to either the Reporting or Responding Party. The scope and role of an adviser should be clearly outlined. Questions such as can an attorney or parent serve as an adviser or to what extent an adviser can actively participate in an investigation can and do arise. SPS policy does not address the presence of advisers in CCB investigations.

Internal vs. External Investigation

The CCB has no written guidance regarding what circumstances compel an external investigation. It remains an entirely discretionary decision. When SPS requests an external investigation, it is coordinated through the School attorney. It is unclear the extent to which the School’s attorney directs or guides such an investigation or provides counsel regarding disciplinary decisions. In a 2018 report, TABS/NAIS recommends that the “school’s investigator should operate according to a coordinated investigative protocol that protects the integrity of the investigation.”³

1 Student Handbook. (p. 102)

2 Sanctuary is the term commonly used within the SPS community.

3 National Association of Independent Schools & The Association of Boarding Schools. 2018. Prevention and response: Recommendations for independent school leaders from the independent school task force on educator sexual misconduct. Retrieved from: www.nais.org/media/Nais/Articles/Documents/Prevention-and-Response-Task-Force-Report-2018.pdf. (p. 31)

Policy Review

Uncoupling Investigation and Adjudication

The CCB is charged with conducting investigations, making findings, and offering recommendations to the Rector.

This blends the investigatory and sanctioning process. An investigation should remain separate and distinct from an outcome or sanctioning process. An investigator should report the facts, identify the policies implicated by the conduct, and provide a framework by which a decisionmaker can analyze the information. If the investigator or investigative team recommends an outcome or finding, additional procedural steps are necessary to ensure adequate protections for all parties.

Access to and Retention of Investigatory Material

Investigations develop a variety of relevant and non-relevant information which is memorialized in notes, messages, emails, and oftentimes a written report. This information then forms the basis for rendering a decision regarding employment or educational status. The School should consistently determine to what extent an involved party may have access to investigative material or summative documents, if at all. TABS/NAIS notes that it is vitally important to maintain appropriate records in any investigation and supports the consistent and centralized documentation of information.⁴ While improvement has been demonstrated, the School struggles to retain documents and information in a manner which allows it to show that it responded appropriately to a complaint or that survives administrative or leadership transitions.

Appeal

Many schools offer grounds by which an appeal of an outcome can be raised. While SPS commonly receives appeals in disciplinary matters, it does not have any provisions or grounds for appeals in written policy. Allowing some appeals while denying others can invite a perception of inequity and unfairness.

Jurisdiction of the CCB

The scope of the CCB (harassment, hazing, assault, discrimination, and retaliation) can sometimes be a moving target. Moreover, SPS may receive complaints of conduct that trigger a Safe School Zone report but fall outside the stated role of the CCB. Such conduct may include employee theft, drug use or possession, or acts of interpersonal violence. Arguably, such conduct could have vital impacts on student safety and yet never be referred to the CCB. For these matters, documentation of the School's response often lives in various files – if at all. While SPS can and often does take appropriate corrective action in such matters, there are no written protocols for responding to such reports.

Authority of the CCB

The decision to implement a disciplinary response resides with the Rector “in consultation with the CCB.” It is easy to imagine a scenario where the Rector's decision does not comport with the CCB's collective recommendation. By clearly outlining roles and authority in written policy, the School can better resolve potential conflicts before they occur.

Communications

When disciplinary decisions are reached, the decision on how or what should be communicated to the larger community can have significant influence on the culture of a school. The information shared can either amplify or truncate the impact of the disciplinary decision. The School does not have a written policy that offers guidance on what circumstances would support the sharing of disciplinary decisions with faculty, staff or students.

⁴ National Association of Independent Schools & The Association of Boarding Schools. 2018. Prevention and response: Recommendations for independent school leaders from the independent school task force on educator sexual misconduct. Retrieved from: www.nais.org/media/Nais/Articles/Documents/Prevention-and-Response-Task-Force-Report-2018.pdf. (p. 23, 29)

Student Disclosures of Sexual Assault

The way a disclosure is received influences the pathway toward resolution of the incident and the long-term wellbeing of the individuals involved.

Any school response to sexual assault involving a community member must recognize the complexity of the issues that are presented while holding the well-being of the survivor as a principal concern. The way a disclosure is received influences the pathway toward resolution of the incident and the long-term wellbeing of the individuals involved. This considerable impact demands the most thoughtful and empathetic response from individuals trained in responding to trauma.

At SPS, a student is most likely to first share the details of their experience with a close friend. Given the small size of the community and an emphasis on bystander intervention, an account of this disclosure will likely be shared with an adult in short order. When this occurs, the student will be brought to the health center to meet with a counselor. Counselors are available 24/7 either by phone or in person.⁵ Local crisis center advocates are available to students through the health center.

Under New Hampshire state law, any person who receives a disclosure of sexual assault involving a minor is required to report that information to state authorities. In contrast to the variety of confidential measures available to adult survivors of sexual assault, no confidential space is available to a minor. This, along with other factors, has limited advocate engagement within the School community.

The Dean's office will be notified of the disclosure regardless of the time of day. The student will be informed of the schools reporting obligations and may be invited to discuss additional details. Even if the student chooses not to share information, this incident may result in a mandatory report to state agencies and the student's parents. For a student in distress, these required actions may have an adverse psychological effect. SPS does offer pamphlets from the local crisis center (CCCNH) but does not offer anything in writing outlining issues, processes, and important contact information for either students or parents.

There is no written protocol in either the student or faculty handbooks offering guidance in supporting students who experience sexual violence. The student handbook does not provide information about external community resources available to impacted students. Faculty generally demonstrate a shared and common understanding of what steps to take when receiving a disclosure from a current student, however.

If the student declines to provide additional information about what transpired, the School will investigate in an effort to determine if any school rules were broken and what, if any, supportive measures should be implemented. While this approach supports overall student safety, an investigation can produce additional anxiety or trauma for the individual(s) involved. As a result, students may not disclose information or do so in a manner that does not connect them with available adult support or community resources.

This limited information highlights both the complexities involved in supporting students who have experienced trauma and available opportunities to cultivate partnerships. This work requires a coordinated, trauma-informed approach delivered by well-trained individuals. While such occurrences are admittedly infrequent, the School and its students would be well served in ensuring that it can meet community expectations in such times of crisis.

⁵ Counselors are not available during the Advanced Studies Program (ASP). Clark House health center offers limited medical support during this time.

Conclusion

FUTURE REPORTS:

*Examination of the
hiring process*

*Compliance
check-up
and review*

*Prevention,
education,
and training efforts*

FEEDBACK WELCOME:

*Contact Jeff Maher
by e-mail at
jmaher@sps.edu,
or call at
603-229-4774*

Overall, SPS currently performs well in responding to, addressing, and sanctioning student or employee conduct that does not meet the high standards and expectations of conduct in this community. The School is also currently well positioned in supporting students who have experienced harm. This determination is based heavily on the skill and experience of individuals in various roles and not on underlying written policies and procedures that guide and support the School's efforts.

The complexities of living, working and learning in a residential community, along with the intricacies of mandatory reporting requirements, require clear written protocols to serve as a roadmap towards a comprehensive, supportive, and equitable response and resolution process. A strengthened safety net of policies and procedures will serve to more fully develop and balance roles and responsibilities. This in turn will allow individuals to fulfill their responsibilities to the School free of fear or influence while ensuring best practices across time.

This semi-annual report necessarily illuminates the negative experiences of community members. It is important to balance this perspective with recognition of the daily good that occurs at the School. The St. Paul's School community continues to speak with remarkable candor about both the challenges and the opportunities that the School faces. This honest reflection, authenticity, and courage gives hope that change is underway and sustainable over the long-term.