



William K. Rawson '71; P'08
Principal

September 25, 2020

Dear Julia, Ann, Valerie, and Larry,

I am responding to your letter of September 9, sent as members of PATH. We welcome the opportunity to resume our dialogue on the important issues discussed in our last meeting and raised in your letter.

First, I want to reiterate our gratitude for the willingness you and other survivors have shown to work with us to improve how the school addresses past incidents of sexual misconduct and how we support the health and well-being of current students. Our time spent in discussion with members of PATH and other survivors has helped inform every aspect of our work to support those who have been harmed, conduct a thorough discovery of past failures, and take corrective action.

We appreciate the recognition in your letter of the steps that the Academy has taken to comply with mandatory reporting obligations and to make the campus environment safer for our students. Over the last four years, we have changed almost everything we do on campus – our training, programming, policies and procedures – to prevent and investigate sexual misconduct. You and other survivors also have helped us strive to provide better, more trauma-informed support for survivors that avoids, to the extent possible, painful and traumatic secondary harm. We have more work to do, and we hope that you and other survivors understand how much we recognize and appreciate your role in helping us develop and implement many of these changes and improvements that have been made.

As I have previously acknowledged, there will be times when we disagree. I have said we will always strive for common understanding and will always strive to do what we believe is right, understanding that not everyone will necessarily agree with the actions we take in every instance.

An example is your renewed request that we repeat the investigation into past incidents of sexual misconduct conducted by Holland & Knight. Your letter suggests that you continue to believe the investigation was not truly independent. We have previously explained that the investigators did in fact have access to all materials and all witnesses that they requested. The investigation was independent. We do not believe there is any reason to repeat the Holland & Knight investigation.

You also renew your request that we take additional employment actions against deans who have failed to make mandatory reports or properly support survivors. We have previously described the work of an ad hoc committee charged with examining the school's handling of past incidents of sexual misconduct and determining the extent to which additional public or private sanctions would be appropriate for the individuals involved in addressing those matters. We have explained, and also discussed last February, that the information available in the Rockingham County files must be viewed with caution, as it is

necessarily incomplete. While we cannot be fully transparent in individual employment actions, we have explained our process and the criteria used to make individual decisions. Based on the more complete information in its possession, the ad hoc committee found that in those cases where adverse employment actions were taken to address past mishandling of cases of sexual misconduct, the actions that were taken were appropriate. The committee did not find that additional public consequences were warranted. This is explained more fully in our prior correspondence.

You request that two survivors be appointed as trustees. It is a sad reality that survivor experience and perspective are likely already represented among trustees and senior administrators on campus without appointing additional persons on that basis alone. All existing trustees are fully committed to taking and supporting such actions as are necessary to stand by our commitments to do all we reasonably can to maintain a teaching and learning environment free of sexual harassment and sexual misconduct in any form. We do not believe it is necessary to appoint specifically designated survivor representatives as trustees to fulfill these commitments.

You raise again your concern about reliance on statutes of limitation in mediations. We have stated in prior correspondence, and I want to be very clear again here, that we have and will continue to mediate claims that we consider time-barred. The mediation document that we developed and shared with you in May of 2018 expressly states, "No claim will be rejected from this process simply because the statute of limitations has run." Our intention in mediation is and has been to provide survivors a potential path to resolution that avoids having to relive the experience through the court system. Our goal in any mediation is to reach a fair resolution under all of the circumstances. We do reserve the right to assert all legal defenses if a case cannot be resolved in mediation and goes to court. If any survivor engaged in mediation with the school wishes to request the incorporation of specific restorative principles or actions into their own mediation, we would be happy to consider those requests on an individual basis.

Finally, I want to address your suggestion at the end of your letter that the school is putting its interests above the safety and well-being of students and alumni who have been harmed. I have stated in prior correspondence, and reiterate here, that at no point during my tenure as principal will the school take action designed to protect the school at the expense of victims, survivors, or anyone else, even the accused. We will engage in principled decision-making consistent with the values of the school, and endeavor to act with compassion, understanding and fundamental fairness. Protecting the safety and well-being of students and supporting alumni who have been harmed *are* fundamental interests of the school.

Thank you, as always, for your letter.

Sincerely,



William K. Rawson
Principal