

## Review of Prior Investigations by Nixon Peabody LLP

Four former employees were the subject of investigations outside of the Holland & Knight engagement. The matters had previously been investigated and addressed by PEA or were the subject of a criminal investigation. Nixon Peabody LLP reviewed these on behalf of PEA. The matters involved Lane Bateman (events in the 1980s and 1990s), Arthur Peekel (event in the 1970s), Henry Ploegstra (events in the 1960s and 1980s), and Thomas Wood (event in the 1960s). They are summarized below.

### Lane Bateman

Lane Bateman (“Bateman”) was a teacher of drama/theater at PEA from 1980 to 1992. In July 1992, Bateman was arrested and charged with possession and interstate distribution of child pornography. PEA records do not indicate any misconduct prior to his arrest. His employment at PEA was terminated immediately, and he never returned to the PEA campus. He was convicted of the charges by a jury and sentenced to five (5) years in federal prison. There was widespread media coverage at the time of Bateman’s arrest and trial.

In 2016, PEA received an allegation that Bateman had sexually abused a student in the 1980s. The allegation was investigated and determined to be founded. The survivor of the sexual abuse contacted PEA and entered into a settlement with the Academy. The survivor does not wish to have her/his identity or story of abuse by Bateman disclosed publicly.

Bateman died in 2013.

### Arthur Peekel

Arthur Peekel (“Peekel”) was hired by PEA in 1967 as an assistant admissions officer. His employment file reflects an unremarkable tenure through 1973.

In the 1970s, a student applied for admission to PEA. The student was 14 years old. The student was interviewed initially by Peekel, who invited the student to visit the PEA campus. In November, the student traveled to Exeter for a three-day visit. The first night, the student stayed with PEA students in a dormitory. The second night, Peekel told the student the dormitory was not available and that the student would need to stay in his apartment along with another student. That night, Peekel and the students ate pizza and watched a movie. Peekel placed cots on both sides of his bed, and the students retired.

Later, Peekel came into the room and got in his bed between the cots. During the night, Peekel assaulted the boy through sexual touching. The student later reported that he was terrified and pretended to be asleep. The next morning, Peekel asked the student how he had slept and acted as if nothing had happened. The student, who knew no one on campus, made his way to a pay phone and called his mother.

Within hours, family members of the student arrived on campus. Family members and the student met with Principal Richard Day of PEA and other administrators. The student was

questioned about the assault. The student was deeply embarrassed by the graphic nature of the questions and answering them caused him great anguish.

The student then left the PEA campus with his family. Peekel was confronted by school officials about the assault. Peekel denied the misconduct. Alternatively, he suggested that perhaps it had occurred while he was “sleepwalking.” Both Peekel and PEA retained legal counsel. Although one witness has some memory of police involvement, there is no record evidence that police or child social services were contacted.

After deliberations involving counsel, the school, Peekel and the student’s family, PEA informed Peekel that he would need to leave the school. He was allowed to request a leave of absence to “care for his aging parents” in Illinois. Principal Day accepted Peekel’s leave request. Several months later, Peekel resigned permanently from PEA. No reference to the assault or to the student appears in Peekel’s file. The file reflects only that Peekel left to care for his parents. The first page in the Peekel file contains the following notation: “For any additional information see the Principal.”

Peekel has remained in Illinois for substantially all of the period following his departure from PEA to the present. For several decades, he was a public school teacher, and was named Teacher of the Year in 1991-92 in Illinois. There is no evidence that PEA informed any subsequent employer of Peekel about the assault. PEA made no public statement about Peekel’s departure but permitted him to state that he was granted a leave to care for his parents, which became a permanent departure.

Subsequently, the student was admitted to PEA and achieved success academically and in extracurricular activities. The student reported that he was determined to prove that the abuse by Peekel had not deterred him.

In 2016, the student disclosed the abuse he had suffered publicly on Facebook and conventional media. In May 2016,\* Peekel was charged with the sexual assault of the student. In May 2017, Peekel pleaded guilty, admitting he had molested the student, and received a sentence including one-year probation, a ten (10) year term on the sexual offender registry, and a fine.

On the day of the sentencing, the student met with the Principal and Chair of the Trustees of PEA, who apologized to the student for the harm he had suffered and the Academy’s inadequate response. Thereafter, PEA entered into a settlement agreement with the student.

### Henry Ploegstra

Dr. Henry Ploegstra (“Ploegstra”) was a teacher of English at PEA from 1966 until he resigned in June 1980. Thereafter, Ploegstra taught at Trinity School in New York City and St.

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\* Although the crime occurred in the early 1970s, an exception to the statute of limitations applied because Peekel had left the State of New Hampshire, permitting his prosecution over 40 years later.

Mark's School in Dallas, Texas. There was nothing in Ploegstra's PEA file to indicate misconduct.

In the 1980s, a PEA student reported that Ploegstra had attempted to make sexual contact with him. The student resisted Ploegstra's advances. The student spoke to several administrators, who condemned the behavior and said they would deal with it appropriately. The student also heard that another student had similarly been the victim of a sexual advance by Ploegstra around the same time. Ploegstra denied the allegations.

Principal Stephen Kurtz decided that Ploegstra had to leave PEA. Ploegstra was permitted to resign. PEA agreed that it would limit its response to inquiries about his departure to "personal reasons." Principal Kurtz authorized favorable letters of recommendation for Ploegstra, praising his superior teaching skills. The letters, however, made no mention of the actual reason for Ploegstra's departure, his sexual advances on PEA students. Ploegstra was granted a year's severance upon his departure and there is no record evidence that police or child social services were contacted at the time.

In 2012, PEA heard from a graduate of PEA. The former student disclosed that he had been sexually assaulted through sexual touching by Ploegstra during PEA summer school before becoming a PEA student. The assault occurred in the 1960s, when the former student was 13 years old. He did not disclose the assault to any person for more than 40 years. Ploegstra was contacted about the allegations at the time and denied them. PEA reported the matter to the police.

The former student was deeply affected by the assault. He had no further contact with Ploegstra after that summer, and avoided his classes or other contact for the rest of his time at PEA. Being on the PEA campus was a source of anxiety for the student, and he attempted to spend as much time away – volunteering off campus, spending a year abroad – as possible. His academic performance suffered. The event – and the inability to disclose the event and seek healing – has led to a lifelong difficulty with closeness, trust and self-worth, and feelings of guilt for remaining silent, even though he – the abused child – bears no responsibility and is the survivor of a grave crime.

In 2013, PEA entered into a settlement agreement with the student. Also in 2013, PEA informed both Trinity School and St. Mark's School about the allegations against Ploegstra. Both schools indicated that they had not received any similar complaints about Ploegstra.

#### Thomas Wood

Thomas Wood ("Wood") was an admissions officer at PEA from 1965-1967. Wood left PEA voluntarily and there is nothing in Wood's records at PEA to suggest knowledge of any improper conduct. Wood died in 2007.

In 2013, a former student wrote to PEA to say that he had been sexually abused through sexual touching by Wood in the 1960s. The former student was 17 or 18 at the time of the abuse. The student did not disclose the abuse to PEA until 2013. The student shared that the abuse

resulted in confusion about his feelings for PEA and he felt that writing the school in 2013 was a way of healing. The disclosure was reported to the Department of Children Youth and Family and the Exeter Police Department. Additionally, in 2013, PEA disclosed the information to schools at which Wood was subsequently employed, Friends Academy in New York and Friends' Central School in Pennsylvania, and in a letter to its community. The Friends' Central School in Pennsylvania also publicly reported that it had received two allegations of abuse concerning Wood arising in the 1980s.