

**March 2, 2017**

Dear Academy Community,

**SINCE MARCH 2016**, Exeter has undergone an intensive self-examination following revelations of historical sexual misconduct. We have grieved as we learned that former students were harmed by some of the very people who were charged with the responsibility of keeping them safe. We faced the reality that even a much beloved and respected teacher can betray our trust and commit serious transgressions. We sincerely apologize to those who were harmed and deeply regret their suffering.

[We wrote to the Exeter community on March 30, 2016](#) to disclose that a former teacher, Rick Schubart, had admitted to sexual misconduct involving two students in the 1970s and 1980s.<sup>1</sup> At that time, PEA committed to the community to take actions to obtain information to answer your questions and guidance to address your concerns.

In the following few months, we took these steps: we offered to assist survivors in obtaining counseling, including reimbursing them for the cost incurred; we created a position, Director of Student Well-being, to ensure we were fully tending to the safety and well-being of our current students; the Academy hired the international law firm, Holland & Knight (“H&K”), to conduct an independent investigation into historical sexual abuse at Exeter; and the Trustees retained the law firm, Choate Hall & Stewart (“Choate Hall”), to review the Academy’s handling of the Rick Schubart matter.

#### **MARCH 2017: WHERE WE ARE NOW**

Over the past 11 months, a number of alumni, as well as other members of our community, have provided information and recollections. They have also offered helpful insights, advice and feedback, for which we are most grateful. Several alumni who were subjected to sexual abuse have come forward to seek support and, in some cases, have chosen to share their painful stories with H&K. We think it is important to tell you what we have learned thus far, and to describe what steps we are taking based on knowledge and insights we have acquired during this time.

In addition, Choate Hall has completed its work and this letter will include findings and steps being taken by the Trustees in light of this review.

We have learned that each survivor comes to a readiness to tell his or her story in their own time. That is why there will be no end date to PEA’s commitment to investigate allegations, whether or not H&K’s work is completed, and that is why we will continue to provide the resources necessary for survivors to obtain counseling, be it now or in the future. We encourage them to reach out to PEA at [SurvivorAdvocate@exeter.edu](mailto:SurvivorAdvocate@exeter.edu) for support resources, whether they want to report misconduct, seek counseling, or just wish to learn about the ways in which survivors can promote their healing.

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<sup>1</sup> Shortly after the March 30, 2016 letter was sent, we learned of—and publicly disclosed—two additional allegations of sexual misconduct: a former admissions officer, Arthur Peekel, is currently awaiting trial on charges of sexual assault of a minor in the 1970s, and a faculty member, Steve Lewis, was terminated after confessing to sexual misconduct with a student in the 1980s. The community was also notified in 2013 that a former teacher, Thomas Wood, had an allegation of sexual misconduct made against him by a former PEA student. Mr. Wood, who was a teacher at Exeter for two years in the 1960s, was also accused of misconduct by alumni of the Friends’ Central School in Pennsylvania, where he served as headmaster from 1971 – 1987.

#### HOLLAND & KNIGHT:

PEA asked H&K to investigate allegations we received of inappropriate sexual conduct by faculty or staff against students occurring at any time in our history. We have given H&K wide latitude and ample resources in planning and carrying out their work. They have pursued their task with diligence and with only those limitations created by the availability of evidence, which are beyond our control and theirs.

The H&K investigations remain a work in progress. We have received allegations on a broad spectrum of conduct ranging from insubstantial and unsubstantiated information, to serious and substantiated claims. We also reported all allegations to the appropriate authorities, including the Exeter Police Department. Survivors and witnesses have varied greatly in their response to the improper conduct and to the investigation itself. Some have declined to participate in the investigation because they felt “dredging up” the past would not be helpful to them. Others have agreed to share information on an anonymous basis. Still others have participated without restriction and feel that the exercise has been cathartic and helpful. We respect each individual’s response and, to the extent possible, H&K has accommodated them.

After much discussion over the past several months, the Trustees adopted principles to guide us in determining whether or not to disclose the identity of those implicated. These principles of disclosure, which are attached as an appendix to this letter, first require that this question be answered: *After a careful review of the available evidence, does the Academy have a good faith belief that an allegation of misconduct against a faculty or staff member is well-founded?* If the answer was yes, several other factors were then taken into consideration, including but not limited to an admission of culpability, an ongoing risk of harm to our community or the public, the potential for other unidentified victims, and/or multiple allegations received. We encourage you to read the principles of disclosure in full.

With that guidance—and in the hope that making this information known to our community will encourage any other survivors and witnesses to come forward—we are disclosing the names of four former faculty or staff members, whom we have reason to believe committed acts of sexual misconduct against students during their time at Exeter. We are so deeply sorry for the suffering our fellow Exonians have endured, and we pledge our full and enduring support to them. These former employees are:

- 1) Donald Foster. Mr. Foster was a teacher of anthropology at PEA from 1973 until 2011. PEA has received allegations that Mr. Foster engaged in inappropriate sexual behavior toward two students, once in the early 1980s and again several years later. Mr. Foster, through counsel, has declined to be interviewed by H&K. Effective today, Mr. Foster has been stripped of his faculty *emeritus* status and barred from the PEA campus.
- 2) George Mangan. Mr. Mangan was a teacher of English at PEA from 1976 until 2009. PEA has received allegations that Mr. Mangan engaged in inappropriate sexual behavior toward two students at an off-campus location in the 1980s. Mr. Mangan died in 2009.
- 3) Henry Ploegstra. Mr. Ploegstra was a teacher of English at PEA from 1962 until 1980. PEA has received allegations that Mr. Ploegstra engaged in inappropriate sexual behavior toward three students between 1966 and 1980. Mr. Ploegstra has denied the allegations. Mr. Ploegstra has been barred from the PEA campus.
- 4) Edleff Schwaab. Dr. Schwaab was employed as a psychologist at PEA from 1965 until 1976. PEA has received an allegation that Dr. Schwaab engaged in inappropriate sexual behavior toward a student in the early 1970s. Dr. Schwaab died in 2003.

We have also learned of a new allegation involving Lane Bateman, who was a teacher of drama/theater at PEA from 1980 until 1992. In July 1992, Mr. Bateman was arrested and charged with possession and interstate distribution of child pornography. His employment at PEA was terminated immediately, and he never returned to the PEA campus. He was convicted of the charges and sentenced to five years in federal prison. There was widespread media coverage at the time of Mr. Bateman's trial, which included reports that he secretly videotaped PEA students in dorm rooms and bathrooms. PEA received an allegation that Mr. Bateman sexually abused a student in the 1980s. Mr. Bateman died in 2013.

Inappropriate sexual conduct toward a minor by any adult is obviously a matter of great public concern. In decades past, social norms discouraged survivors from coming forward. This culture of silence wrongly preserved adult and institutional reputations at the expense of child safety. We are mindful that some of those we have identified are deceased and cannot respond, one living former employee has denied the allegations, and another declined to speak to the H&K investigators. Nevertheless—and, crucially, consistent with the attached principles of disclosure—we are making these names known so that other possible survivors can realize they are not alone and to encourage them to come forward if doing so would promote their healing and the well-being of the community.

Overall, the H&K investigations are yielding a substantial body of lessons from the past that now beneficially inform the way PEA prevents and responds to sexual misconduct allegations. These learnings have been and will be further incorporated into our policies and will be included in a letter sent when the H&K work is ultimately completed.

#### CHOATE, HALL & STEWART:

Choate Hall has completed its work, and we would like to provide you the action items identified by the Trustees.

Choate Hall was retained by the Trustees in April 2016 to review the process underlying the 2011 and 2015 decisions made regarding former faculty member Rick Schubart and his relationship with the PEA community after PEA learned of sexual misconduct on his part. In 2011, Mr. Schubart admitted that sexual misconduct occurred with a student in the 1970s. In 2015, he admitted sexual misconduct with another student in the 1980s. PEA reported these matters to the appropriate authorities, and, in each case, also undertook its own investigation of the conduct reported; however, it did not engage in any outreach to determine whether there were other past victims of Mr. Schubart and/or to encourage them to come forward. Although Mr. Schubart was required to retire from any teaching and administrative responsibilities and to leave campus housing in 2011, he continued to participate in aspects of school life until the second victim came forward in 2015. At that point, Mr. Schubart was stripped of his *emeritus* status and was completely barred from campus.

In response to the Schubart case, the Trustees formed a special committee comprised of three trustees elected through the electoral process of the General Alumni Association (“GAA”). Choate Hall communicated with this special committee throughout the course of its work. Choate Hall reviewed the decisions involving Mr. Schubart from a governance perspective and for the purpose of advising Trustees on steps going forward. The Trustees selected Choate Hall to conduct this assessment because of the firm's experience advising educational institutions in similar matters.

Choate Hall found that in the period from 2011 through the conclusion of its review, PEA did not have sufficiently robust governance processes in place to ensure that sexual misconduct, like the Schubart matter, would always be addressed appropriately. For example, there was no procedure to ensure that allegations relating to sexual misconduct that came to the attention of PEA's administration would be conveyed to the Trustees in a timely, complete and transparent manner. Moreover, the Trustees, all of whom knew Mr. Schubart either personally or by reputation, did not have the benefit of independent

voices providing perspective and input into their decision-making. There also was no established process in place for the Trustees to obtain the advice of individuals with expertise in sexual misconduct to inform their deliberations. In the course of its review, Choate Hall recommended that PEA evaluate the composition of the Trustees and, also, that it consider providing more education to Trustees on matters affecting student safety, including sexual misconduct. Finally, Choate Hall recommended that PEA review its website and student handbook to ensure that its policies concerning sexual misconduct are consistent and clear.

In response to Choate Hall's recommendations, the Trustees are undertaking the following steps:

- Establishing a Committee on Student Safety to exercise the Trustees' oversight responsibilities in connection with all allegations of misconduct affecting student safety. This Committee will work with PEA's new Director of Student Well-being.
- Creating a mechanism for the Trustees to enlist outside expertise (not from the PEA community) with specialized training and experience to participate in the Committee on Student Safety.
- Conducting a further governance review, via the Committee on Trustees, to research best practices in school governance and benchmark PEA against other institutions. Topics to be reviewed include the composition and culture of the Trustees, length of terms, ongoing Trustee education, and the structure and frequency of Trustee meetings. Actions taken as a result of this review will be shared with the community when completed.

The Trustees welcome any suggestions on these three steps, which are still under review while they are being implemented. Please write to the Chairs of the Student Safety Committee and the Committee on Trustees, respectively, at these addresses: [CSS@Exeter.edu](mailto:CSS@Exeter.edu) and [COT@Exeter.edu](mailto:COT@Exeter.edu).

Mr. Schubart's misconduct—and PEA's response to it—is a difficult chapter in the history of our school. We deeply regret the harm done to those who were subjected to his wrongdoing, and we applaud the courage of the two survivors who stepped forward; we can only imagine how difficult that must have been. The Trustees are committed to acting on lessons learned from Choate Hall's review and to taking the steps necessary to ensure that any future allegations of misconduct affecting student safety and well-being will be handled appropriately.

## **OUR WORK CONTINUES**

Since March 2016, we have worked steadily to improve our policies and processes and to further develop our education and training to ensure our students are safe. Our efforts are ongoing, but we'd like to share with you now our progress and initiatives thus far.

- We improved and clarified our policies on sexual misconduct. PEA's policies and rules are being reviewed regularly and updated as necessary; when there is a change, the *E Book* is promptly amended so that our students, faculty and staff understand the current expectations.
- Approximately 600 PEA faculty and staff—including those employed during the summer only—have received enhanced training on sexual abuse prevention and reporting.
- Trustees, as well as PEA administrators, have received training on the neuroscience of trauma.
- We signed a Memorandum of Understanding with HAVEN, which provides round-the-clock trauma services for victims of sexual assault, domestic violence, dating violence and stalking. The Academy and HAVEN share the goal of preventing these acts on PEA's campus, and Haven will be on call to assist students who have been victimized.
- We retained the Prevention Innovations Research Center (PIRC) at the University of New Hampshire. PIRC is developing strategies, customized specifically for PEA, for improving our

education, prevention services and survivor support in the areas of sexual relationships, sexual abuse and relationship violence. PIRC is a nationally recognized innovator in this field.

We are engaged in a consistent dialogue with our students and faculty on the importance of healthy relationships—in particular, we are training faculty and working with student leaders. Students have contributed in other ways as well—Exonians Against Sexual Assault is a student-run advocacy group that is working toward creating a safer campus and a more compassionate student body.

Updates and details of continued improvements on student well-being and safety are available on the [Academy website](#) and through *Communitas*, a new monthly publication dedicated to well-being at Exeter.

Just as our commitment to support our survivors continues, our work to ensure our students are safe and thriving is unceasing. By these actions, we honor the aspirations and values set forth in the Deed of Gift—to instill goodness and knowledge in our students.

In closing, we'd like to thank the Exeter community—especially the survivors—for your unflinching willingness to confront the dark corners of PEA's past and for your support as we come to terms with our school's fallibility. The Academy will be a stronger and more compassionate institution as a result, and future students for generations to come will be the beneficiaries of hard-won lessons.

Sincerely,  
Nicie Panetta '84  
President of the Trustees

Lisa MacFarlane '66 (Hon.); P'09, P'13  
Principal Instructor and Instructor in English

## APPENDIX: PHILLIPS EXETER ACADEMY'S PRINCIPLES OF DISCLOSURE

Below are the principles of disclosure adopted by the Trustees of Phillips Exeter Academy. In defining these principles, the Trustees reviewed current best practices as well as the perspectives from sexual assault survivors, professionals in the sexual assault field, and legal counsel. The principles are meant to serve as a guide to the Academy in making decisions regarding the possible public disclosure of allegations of misconduct against former faculty and/or staff of the Academy.

- After a careful review of the available evidence, does the Academy have a good faith belief that an allegation of misconduct against a faculty or staff member is well-founded? **If the answer is yes, continue with the analysis.**
  - Is there an admission to the truth of the allegation by the alleged perpetrator of misconduct? **If the answer is yes, the Academy should consider making a public disclosure using factors one through seven, *infra*.**
  - If there is no admission to the truth of the allegation, has the alleged perpetrator been investigated and found guilty by a competent authority (for example, by court of law and/or state agency, employing the appropriate due process standards)? **If the answer is yes, the**

**Academy should consider making a public disclosure using factors one through seven, *infra*.**

- If there is no admission and no due process finding, the Academy may still consider making a disclosure. The most significant factor must be the reasonableness of the Academy's good-faith belief that an allegation is well-founded, as well as the harm sought to be alleviated. Additionally, the factors below must be considered and weighed in making a decision.

***Affirmative answers to the questions listed below weigh in favor of making a public disclosure, though an affirmative answer to any one question standing alone may not merit a public disclosure. Instead, the totality of all the factors listed below should inform the decision about disclosure.***

1. Is the alleged perpetrator a current or ongoing risk to members of our community or the public?
2. Is there the potential for other unidentified victims of the alleged perpetrator?
3. Would the alleged misconduct, if committed today, violate the Academy's Faculty Handbook, Staff Handbook, or *E Book*?
4. Has the Academy commissioned a full and fair investigation of the alleged misconduct, the result of which was a finding that the alleged misconduct in fact occurred?
5. Has the Academy received multiple allegations of misconduct against the same perpetrator?
6. What effect will disclosure have on the Academy's former students?
7. Are the allegations raised against the perpetrator already in the public domain?