



VAN DERMYDEN MADDUX
Investigations Law Firm

**REPORT OF INDEPENDENT
INVESTIGATION**

***Claims of Sexual Misconduct
Presentation High School***

June 30, 2020

*The content of this communication is sensitive, graphic, and not intended for children.
Reader discretion is advised.*

TABLE OF CONTENTS

I.	Introduction	1
II.	Executive Summary.....	2
III.	Investigative Methodology	4
IV.	Allegations Of Sexual Abuse Or Sexual Misconduct Against Respondents.....	6
	A. John Fernandez	6
	B. Peggy Orozco.....	14
	C. Jeff House.....	16
	D. Kris White.....	18
	E. Jenna Roe	20
	F. Dave Garbo.....	23
V.	Allegations Of Sexual Abuse Or Sexual Misconduct Against Others.....	25
	A. Accused Staff Member A.....	25
	B. Accused Staff Member B.....	26
	C. Accused Staff Member C.....	28
	D. Accused Staff Member D.....	29
	E. Accused Staff Member E	29
	F. Accused Staff Member F	31
VI.	Additional Claims For Which Limited Information Was Available	32
VII.	Presentation High School’s Initial Response To The Press Accounts Of Misconduct	32
VIII.	Presentation High School’s Remediation Efforts Post-2018.....	33

I. Introduction

On September 23, 2019, Presentation High School (Pres) retained Van Dermyden Maddux Law Corporation (Firm) to conduct an independent investigation into allegations of sexual misconduct. Pres notified the community of the investigation by letter on September 26, 2019. In the letter, Pres broadly defined the scope of the investigation as “a thorough and impartial investigation into any reports of sexual abuse or misconduct by any Pres employee against any student throughout the history of the school.” Pres also requested we gather information regarding whether Pres became aware of the misconduct at any point in time, and, if so, whether its response was appropriate.

The investigation was undertaken to address a number of allegations which emerged in the media beginning in 2017. On October 20, 2017, the *Washington Post* published an op-ed wherein the author shared her experience of being abused by a high school teacher in 1990 and subsequently attempting to report the conduct. While the article did not identify the high school or the teacher, both became known because the author is a former Pres student. The article was followed by other reports of misconduct which surfaced on social media and other forums in subsequent months.¹

In the letter announcing the investigation, Pres President Holly Elkins described the goal of this review:²

[I]t is vitally important that we have a complete and accurate understanding of any employee misconduct that may have occurred in the past so that we can ensure this doesn't happen again and so we may best support and protect every former, current, and future member of this community.

Our charge was to investigate reports of sexual abuse or misconduct. Sexual abuse or misconduct refers to a range of behaviors which include verbal, visual or physical conduct which is sexual in nature and done without consent.³ In addition to obvious categories like rape, sexual abuse or molestation, such conduct can include more subtle behaviors – such as using the teacher/student relationship to groom for future sexual encounters, crossing boundaries, or unwanted attention related to sex.

The misconduct reported to us encompassed a wide variety of inappropriate acts, including sexual abuse, grooming students, touching, kissing, groping, inappropriate fraternization, and other

¹ Following the article, others reached out to the author and shared allegations of sexual misconduct at Pres. The author co-founded a website called “Make Pres Safe” (MPS) on January 11, 2018, as a forum for individuals to share their experiences.

² Since Pres opened in 1962, the school has been governed primarily by two Principals. Marian Stuckey served as Principal for a total of 16 years, between 1970 and 1977, and again between 1984 and 1993, at which time Stuckey was succeeded by Mary Miller. Miller served as Principal for the next 25 years. In July 2018, the school transitioned into a President/Principal model of governance. Miller was promoted to President, and Katherine Georgiev assumed the role of Principal. In September 2018, Miller resigned from her position. In July 2019, Elkins assumed the role of President, with Georgiev continuing to serve as Principal.

³ Some of the conduct was reported to be “consensual” at the time. Our conclusions factored in the age of the student, as well as the inherent imbalance in the power relationship between students and faculty or staff members.

boundary-crossing interactions with students. In this Report of Independent Investigation (Report), we do not draw legal conclusions or make findings regarding whether policies have been violated. Instead, we make factual findings regarding conduct which falls within the broad definition of sexual abuse or misconduct to assist Pres in determining whether policies were violated. We note that policies and practices have changed over time. For instance, Pres now has stricter policies regarding teacher/student interactions and communications. In this Report, we will reference those differences, when applicable.

Over the course of our review, we gathered a voluminous amount of information. We reviewed and assessed allegations of sexual abuse or misconduct which occurred over the course of 47 years—between 1970 and 2017.⁴ In this Report, we summarize the information gathered and our findings and conclusions. We also include relevant perspectives shared with us regarding Pres' response to the allegations.

II. Executive Summary

This Report summarizes the information gathered, and sets forth our findings and conclusions. We have endeavored to keep the Report as succinct as possible, while providing enough information to explain and support our findings and conclusions. Below, we provide an Executive Summary of key points.

- None of the individuals who we determined engaged in sexual misconduct or abuse are currently employed at Pres.
- We sustained allegations of sexual misconduct or abuse as to five former faculty members and one former coach, for conduct that took place from the early 1980s to 2013. These individuals are identified in this Report because we received sufficient information to form a good-faith belief the alleged conduct occurred, applying the standards outlined herein.
- This Report also details allegations against six additional Staff members, none of whom are currently employed at Pres. These individuals are not named because we received less supporting evidence for the claims, and/or after a full review of the information collected, we determined the conduct asserted, while in some cases inappropriate or unprofessional, did not meet the definition of sexual misconduct, as defined. For these, the Report details information we received regarding Pres' knowledge of and response to the claims. We also list additional claims for which, despite best efforts, we could not obtain enough information to meaningfully analyze or assess the allegations.
- Some of the conduct was reported to former Principals Marian Stuckey or Mary Miller or other Staff at the time, but no action – or ineffective action – was taken. In several instances, there was a concerning lack of curiosity about information which was shared, resulting in a failure to adequately investigate or act timely on information which may

⁴ We also heard allegations which did not involve misconduct of a sexual nature, and therefore fell outside the scope of this review and are not included as part of this Report. All reports of misconduct which did not fall within our purview were reported to Pres and may be the subject of subsequent reviews, as appropriate. In addition, allegations related to former Pres employee Jeff Hicks are outside the scope of our review as those issues were the subject of litigation.

have led to more immediate and effective responses. In other cases, the conduct was appropriately addressed by Pres. In some instances, the allegations were not known to the Principal or other Staff at the time.

- For some of the incidents, information about potential misconduct was not reported to Child Protective Services (CPS) or law enforcement. We heard many different rationales for not reporting, as detailed. Some said they believed others at Pres were reporting or managing the issue; some felt reporting was not within their role; still others said they believed they did not need to report if they had not heard the complaint first-hand, or there was not sufficient “proof” that something had occurred. None of these reasons are adequate justifications for not reporting suspected allegations of abuse. We recognize in some instances a determination was made that the issue was not within the definition of conduct which must be reported, and that this is oftentimes a subjective assessment. This Report notes instances where additional information might have helped those obligated to report make better-informed decisions. We also note many of these allegations occurred decades ago when the law, and school policies which conformed to the law, was different.
- Many shared widely differing – and emotional – perspectives about Pres’ response to the press accounts of sexual misconduct and abuse when they began to emerge in 2017. The majority of those who spoke with us felt the initial responses were harmful and not productive. A review of the statements issued by Miller and the Board of Directors display a defensive tone. We heard concerns about relationships between Board Members and others which created perceptions of conflicts; concerns about longstanding relationships and allegiances; and, a lack of clarity in Board policies and procedures which created uncertainty. However, the record did not reveal actual conflicts of interest, inappropriate ties which influenced decision-making, or other malfeasance. And, despite suggestions to the contrary, the record did not demonstrate Miller selectively withheld information or ultimately influenced the decisions of the Board.
- In the past two years, Pres has taken many steps to address, correct and prevent sexual harassment and misconduct, to create a healthy and safe environment for its students, and to ensure a culture of transparency and accountability. Importantly, Pres has made significant changes to Pres leadership, including hiring a new President, who has expressed her deep commitment to addressing, correcting and preventing sexual harassment, abuse, bullying, and other misconduct. The record demonstrates that since 2018, Pres has created the Office of Prevention of Student Bullying, Harassment & Abuse; launched a new app-based reporting program which allows students to easily report any concerns; enhanced and conducted mandatory reporting training for all staff; implemented new policies and procedures around bullying, harassment and abuse, and boundaries related to faculty and staff-student relationships; applied updates to the school’s Student Wellness Program to include student safety, focusing on healthy relationships, dating and how to spot abuse; and, hired General Counsel to provide legal advice and guidance.

III. Investigative Methodology

We conducted 86 interviews of 75 individuals, including administrators, faculty, staff, former students, Board Members, and other members of the Pres Community.⁵ Whenever feasible, we conducted interviews in person, with the remaining interviews conducted by videoconference or phone.

Witnesses were identified from the following sources:

- **Investigation Hotline.** The letter from Elkins announcing this investigation was sent to over 5,000 individuals, including current students, alumnae, current/past parents, Board of Directors, Board of Regents, and faculty and staff. In the letter, Elkins encouraged anyone with “any relevant information regarding any alleged sexual misconduct by any faculty or staff member” to contact the investigators directly by way of a dedicated hotline telephone number or by email.⁶ We received and pursued relevant information from every individual who made direct contact with the Firm.
- **Publicly Available Information.** We reviewed available statements and content available online from various sources, including newspaper articles, social media posts, and blogs. From those, we identified allegations and witnesses, and conducted interviews with those willing to participate in order to gather relevant information. To the extent we gathered allegations from published statements but were unable to interview witnesses regarding those claims, we weighed this when making credibility determinations.
- **Referrals.** Throughout our investigation, we asked witnesses with whom we spoke if they were aware of any individuals with relevant information. We asked them to contact those individuals to encourage their participation, share our contact information, and/or to request permission for the witness to share their contact information with us. Many participants reported they reached out to other potential participants to suggest they contact us.

We also reached out directly to some witnesses. These included current and former Pres faculty and staff who were identified as possibly having relevant information. We also reached out to Respondents and others accused of sexual misconduct in order to provide them with an opportunity to respond to the allegations. In certain instances, we reached out to former Pres students who were identified as having direct knowledge of the allegations.

We reached out to those identified as or believed to be students who had been subjected to sexual abuse or misconduct (“Affected Parties”). While many Affected Parties proactively reached out to us to participate in the investigation, there were many others who did not. With the

⁵ For purposes of this Report, and in order to preserve confidentiality to the greatest extent possible, with the exception of Miller and Stuckey, we refer to current and former administrators, counselors, faculty members and coaches as “Staff” or “Staff member” throughout this Report. Further, because no current students raised concerns or were identified as witnesses, we did not need to interview any current Pres students. The term “student” throughout this Report refers to past students.

⁶ Elkins sent a second letter to alumni and current employees on April 24, 2020, to again ask anyone with relevant information to contact the Firm.

exception of a few Affected Parties who specifically informed witnesses they did not want to participate or be contacted, we conducted a reach-out near the end of this process to ensure all Affected Parties who wished to speak with us had an opportunity to do so. We could not reach out to individuals who remained anonymous through this process, but asked witnesses to encourage them to contact us if they wanted to participate in the investigation.

In addition to witness interviews, we reviewed hundreds of pages of documents provided by Pres and witnesses. These included personnel files; faculty lists; prior complaints; police reports; CPS reports; Pres policies; handwritten notes; photographs; phone records; and, investigation files. We also reviewed and monitored on-going media coverage.

Pres allowed us discretion to conduct this investigation as we determined to be necessary. We did not seek or receive direction about how to conduct the interviews, whom to interview, or our findings and conclusions. Pres leadership fully cooperated in providing documents and other information to us in the course of our investigation.

To ensure anonymity and confidentiality, with few exceptions, this Report does not identify the individuals with whom we spoke. We have removed identifying information, such as class year or status as a “former” or “current” Pres student or employee. As for the exceptions, we identify two individuals who served in long-time leadership positions with the school during the timeframes of the majority of the claims discussed in this Report – former Principals Marian Stuckey and Mary Miller.⁷ In addition, we have included the names of five former faculty members and one coach for the reasons described in the following section.

As noted above, individuals who were subjected to alleged sexual misconduct are referred to as “Affected Parties” and are referred to using a numbering system correlating to the faculty member accused of misconduct.

Finally, some of the allegations raise issues regarding whether Pres administrators, counselors, faculty or staff members failed to report to law enforcement or CPS pursuant to mandated reporter obligations.⁸ We do not make findings about whether those obligations were breached, as those are legal conclusions. Instead, we detail the information gathered and present facts regarding each claim. We also note the law has evolved over time. As a result, Pres policies and practices regarding what triggers a reporting obligation is different today than it was at the time of some of the incidents detailed in this Report.

⁷ We name both former Principals because, between the two, they served at the helm of Pres for over four decades. The vast majority of the claims discussed in this Report occurred when Stuckey or Miller served in the key leadership position at the school.

⁸ This Report focuses on whether Pres reported alleged abuse by Pres Staff. We received four reports (1987, 1991, approximately 2002, and 2010) that a Pres Staff member did not report suspected abuse by a Non-Pres abuser, such as a family member. This is outside the scope our review, but any information we received has been shared with Pres for follow-up, as appropriate.

IV. Allegations Of Sexual Abuse Or Sexual Misconduct Against Respondents

In this section of the Report, we name five former faculty members and one coach who, for purposes of this Report, we have identified as Respondents. Before disclosing the identity of a Respondent, we carefully reviewed the available evidence to determine whether we received sufficient information to form a good-faith belief the alleged conduct occurred, applying the preponderance of the evidence standard, and based on recognized credibility factors.

“Preponderance of the evidence,” for purposes of this Report, means the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard. We utilized credibility factors such as corroborating or lack of corroborating evidence, plausibility of events, consistent and inconsistent evidence, material omissions, proximity in time, the motivations of parties and witnesses, and past record or patterns of behavior which tended to support the allegations. For some, there were multiple, credible first-hand accounts of misconduct. For others, we had evidence of an admission of culpability by the Respondent.

For each Respondent, we summarize the evidence gathered related to the claims of misconduct, including whether Pres had knowledge of the incident at any point in time, and whether Pres responded appropriately.

As noted above, the five faculty members and one coach named as Respondents are no longer employed at Pres.

A. John Fernandez

We begin with the allegations raised against John Fernandez, who was a Spanish and French teacher at Pres between 1982 and 2004. Fernandez was the teacher accused of misconduct in the *Washington Post* op-ed published in 2017, referenced earlier. During the investigation, we heard allegations of misconduct involving Fernandez and 14 Pres students. We interviewed 34 individuals related to these allegations, including eight of the Affected Parties. We were unable to interview Fernandez, as he passed away in 2015. We discuss the allegations as to each student next.

1. JF Affected Party 1

Incident dates 1983-1987: JF Affected Party 1 alleged Fernandez was “overly affectionate and inappropriate.” She told us Fernandez kissed her on her hand and cheeks; hugged her; rubbed her shoulders; put his arm around her waist in class; wrote her a note in her yearbook (which she provided a copy of) addressed to “mon chère” (“my dear”); and, gave her gifts, including chocolates, calligraphy pens, and a leather satchel bookbag. JF Affected Party 1 alleged her parents wrote a letter to then-Principal Marian Stuckey describing the inappropriate behavior and demanding that it stop.

Stuckey recalled JF Affected Party 1’s name, but had no recollection of any complaints involving her and Fernandez. Stuckey noted it would be “strange” for parents to write a letter instead of picking up the phone. Mary Miller, who was Vice Principal at the time, also did not recall hearing about this concern and said she first learned of it through more recent social media posts.

2. JF Affected Party 2

Incident dates 1984-1985: JF Affected Party 2 told us Fernandez, under the guise of teaching art, showed her images of naked women, which he had taken in Spain and France, five to seven times. JF Affected Party 2 shared that on one occasion, Fernandez superimposed the images onto JF Affected Party 2 using a projector as he sat in the back of the classroom. She stated that, at the time it occurred, she felt “embarrassed” but did not know why. Later, during college, as she thought of this incident, she came to believe Fernandez had been masturbating in the back of the classroom. JF Affected Party 2 further alleged that after she stopped spending time with Fernandez on extracurricular work, he began bullying her. JF Affected Party 2 provided us with copies of the images, which she took from Fernandez.

JF Affected Party 2 told us she reported the conduct to a Staff member during the winter of 1984. She then reported the conduct to Mary Miller and another Staff member the following school year, specifically reporting that Fernandez had superimposed the naked images onto her. JF Affected Party 2 also reported the incidents to her parents, who then met with Miller. During the meeting with Miller and her parents, JF Affected Party 2 said Miller accused her of having a bad attitude toward Fernandez and being jealous of his attention toward other students. Miller also allegedly told JF Affected Party 2 there was nothing wrong with the naked images, as Fernandez was attempting to teach her about art. JF Affected Party 2 said Miller began spreading lies about her, and JF Affected Party 2 was ultimately asked to leave Pres during her junior year.

Neither the two Staff members nor Miller recalled JF Affected Party 2 or her complaint. Of note, Staff 1 told us that if she had known about the complaint of projecting naked images, it would have been a reportable incident.

3. JF Affected Party 3

Incident date 1985: JF Affected Party 3 told us Fernandez inappropriately stopped by her house on multiple occasions, and physically touched her on one occasion in a way which made her uncomfortable. JF Affected Party 3 stated Fernandez was a good teacher, but had favorites. She felt Fernandez took a “liking” to her during her junior year. She recalled, “He [leaned] up against my desk with his fly down and another girl’s desk. I was uncomfortable. [...] [In hindsight] I don’t think it was accidental.” JF Affected Party 3 stated Fernandez began appearing at her house unannounced. She recalled it happening twice. Her father, whom we also interviewed (Witness 1), recalled it happening three times. She stated she was never home on these occasions, but that Fernandez would leave her affectionate notes in her mailbox in calligraphy. JF Affected Party 3 also told us that, on one occasion, Fernandez offered her a ride home in the rain after soccer practice. She said that during the ride, he put his hand on her left knee, which made her feel “extremely uncomfortable.”

JF Affected Party 3 said she did not report the conduct to anyone at Pres when she was a student. She raised her claims on social media in or after 2017.

4. JF Affected Party 4

Incident date 1990: On behalf of JF Affected Party 4, five witnesses told us Fernandez engaged in sexual misconduct towards JF Affected Party 4 during a Pres-sponsored trip in June 1990. JF Affected Party 4 did not participate in the investigation.⁹

After JF Affected Party 4 returned from the trip, her friend, Witness 2, observed that she seemed “different.” JF Affected Party 4 confided in Witness 2 and told her Fernandez touched her in a sexual manner and sexually assaulted her when she was on the school trip. JF Affected Party 4 did not want to report the incident at the time and asked Witness 2 to not tell anyone.

Witness 2 reached out to Staff 2 at the beginning of the 1990-1991 school year and asked her to talk to JF Affected Party 4. Witness 2 did not disclose the details of what JF Affected Party 4 told her about a sexual assault, but requested Staff 2 speak with JF Affected Party 4. Staff 2 approached JF Affected Party 4, who told her about an encounter with Fernandez. Staff 2 then reported the incident to Stuckey. It was Witness 2’s understanding JF Affected Party 4 then had a meeting with JF Affected Party 4’s mother and Stuckey, during which Stuckey told JF Affected Party 4 she dreamed the incident.

Approximately two months later, around Thanksgiving of 1990, Witness 2 convinced JF Affected Party 4 to report the incident again, this time to then-Vice Principal Miller. Per Witness 2, Miller’s response was to say:

You know [JF Affected Party 4], you have already done this to us once and so unless you are prepared to sit in a courtroom with Mr. Fernandez, and your family, and everyone in court and say out loud what he did to you, then you need to stop talking about this. Do you understand?

As she was leaving the meeting, Miller also allegedly told Witness 2, “And you know, [Witness 2], the walls have ears, so you better think about who and what you are saying to people.”

In a January 2018 statement we believe to be written by JF Affected Party 4, she wrote the following regarding her experiences in attempting to report Fernandez’s conduct (typed verbatim):

I really struggled to write a statement. When I left the vice principal's office that afternoon, I made a promise to myself to not speak about it again. The administrators had two different tactics. One that feigned kindness and compassion as a disguise for manipulation. The other that was stern, evil, and calculated. Two different tactics that had the same result: Silence.

Stuckey, Miller, and Staff 2 all acknowledged being generally aware of JF Affected Party 4’s concerns. They all provided explanations for why they did not report the conduct—namely, because they thought someone else was addressing the issue.

⁹ On multiple occasions, we asked individuals who know JF Affected Party 4 to encourage her to speak with us. She did not.

Stuckey remembered Staff 2 reaching out to her to share JF Affected Party 4's concerns. Stuckey told us:

Here is what I recall: [Staff 2] came to me and said, "I have a student in my office and I think something happened to her [on a school-sponsored trip.] Before I call CPS, I am really concerned it is a really strange story. I had to pull it out of her. Her friend [Witness 2] brought her in. It sounded like [Witness 2] kind of coached her through what she is saying. I wanted to tell you before I report it."

She [Staff 2] told me [JF Affected Party 4] said that they were [on a Pres-sponsored trip] and she was left home with John F. She went to sleep and he came into her room. She never opened her eyes (which is strange), but remembered his voice. I don't remember what she said he did— [Staff 2] can supply that piece. What I do remember exactly is what [JF Affected Party 4] said. [Staff 2] is the only one [JF Affected Party 4] told what happened. [JF Affected Party 4] told [Staff 2], "He told me he loved me and I told him I loved him and he left." I remember that. It was a strange part. [JF Affected Party 4] also told [Staff 2], "I am not sure if it was a dream or if it happened."

Stuckey said she did not tell JF Affected Party 4 she may have dreamed the incident. Instead, Stuckey said she asked her when they met, "Did something happen?" Stuckey recalled JF Affected Party 4 angrily replied, "Nothing happened." Stuckey said she referred JF Affected Party 4 to a Staff member, and was ultimately informed by the Staff member that there was nothing reportable. Stuckey said she never spoke with Witness 2 or Fernandez regarding the matter.

Staff 2 told us Witness 2 came to her saying her friend, JF Affected Party 4, was "in distress." Staff 2 spoke with both girls together. Per Staff 2, JF Affected Party 4 told her she was not sure if it was a dream or real, but that when she was on the school-sponsored trip, she "woke up and Mr. Fernandez was there." Staff 2 denied that JF Affected Party 4 provided any other details.¹⁰ Staff 2 stated she reported the matter to Stuckey because it was a "personnel issue."

Miller, who was Vice Principal at the time, stated she was generally aware "something happened on the [school-sponsored] trip," but denied being directly involved in this matter. She "vaguely" recalled meeting with Witness 2. Miller stated she told Witness 2 she was "not going to get involved." She added, "By implication, I think I was telling her [Witness 2] that was not my sphere of influence because I was not handling it, nor did I know the details of the particular case." Miller could not recall whether she referred Witness 2 to Stuckey, whom she understood to be handling the matter. Miller denied meeting with JF Affected Party 4 or learning any additional details regarding the allegations. Overall, she explained she did not report the conduct because she did not hear it "directly" from JF Affected Party 4.

During our investigation, five witnesses reported either JF Affected Party 4 or one of her family members told them, some in more detail than others, that Fernandez "sexually assaulted" JF Affected Party 4 on the trip. With one exception, witnesses said JF Affected Party 4 or a family member told them about the incident either shortly after the trip, or within a few years

¹⁰ Stuckey's and Staff 2's recollections differ. Stuckey recalled Staff 2 shared specific information, while Staff 2 recalled she only heard "something happened." We found Staff 2's inability to recall details to not be credible based on the entirety of the record.

thereafter. One witness, who was on the school trip with JF Affected Party 4 in 1990, said JF Affected Party 4 shared some information about Fernandez's conduct with her years later in 2017, and focused on her dissatisfaction with Pres' response to the concerns raised in 1990. JF Affected Party 4 told this student she felt pressured by the administration at the time to "drop the accusation."

5. JF Affected Party 5

Incident dates 1990-1991: JF Affected Party 5 alleged Fernandez engaged in inappropriate conduct toward her.¹¹ JF Affected Party 5 alleged Fernandez used sexual innuendo in and outside of the classroom; kissed her hand; took her hand and held it up to her breast; and, showed her a photograph of a naked woman.

JF Affected Party 5 shared that in approximately 1993, she spoke to JF Affected Party 4, who told her that Fernandez "assaulted" her. JF Affected Party 5 said she first reported Fernandez's conduct to Stuckey via letter in 1993. JF Affected Party 5 no longer has a copy of the letter, but she referenced it in a subsequent letter to Miller in 1994.

On February 9, 1994, JF Affected Party 5 wrote a letter to newly appointed Principal Miller, with copies to Staff 2 and Staff 3, again raising concerns against Fernandez. JF Affected Party 5 reported Fernandez engaged in "sexual innuendo in and outside the classroom," put his arm around her and kissed her hand, and showed her a photograph he had taken of his female companion who was only "wearing an open fur coat" and JF Affected Party 5 could see her exposed breasts and genital region. JF Affected Party 5 said Fernandez "smiled in a strange way" and put his finger to his lips to imply his conduct should be kept secret.

A week after receiving the letter, on February 16, 1994, Miller responded and asked for permission to share the letter with Fernandez. Miller also asked JF Affected Party 5 to communicate directly with Miller, and to leave Staff 2 and Staff 3 out of future communications. On February 19, 1994, JF Affected Party 5 responded, granting Miller explicit permission to share her letter with Fernandez.

Miller told us she met with Fernandez upon receiving JF Affected Party 5's permission. Miller could not recall when, exactly, she met with Fernandez, but recalled that "it was timely." She described their conversation as follows:

I called him into my office. I believe I showed him the letter or I explained the primary accusations. He expressed he had always been fond of [JF Affected Party 5]. My recollection is that he did not deny that he kissed her hand. He did offer an explanation in terms of context. He said he was preparing her for a Spanish poetry contest [...]. And it was a very passionately charged love poem. She [JF Affected Party 5] had to put some passion into the reading of it or it wasn't going to go well in the contest. By way of punctuating this, he took the role of the male

¹¹ On October 20, 2017, JF Affected Party 5 published the front-page op-ed in the *Washington Post* referenced earlier, entitled, "When the legal system fails sexual assault victims, we have to find our own closure." In her article, JF Affected Party 5 shared her experience in being abused by a teacher in 1990, and subsequently attempting to report the sexual assault.

and read the part and ended up kissing her hand to show the emotion. He did not deny doing it.

Miller also recalled discussing the photograph with Fernandez. She said Fernandez did not deny that he showed JF Affected Party 5 a nude photograph, but asserted it was “in the context of art.” Miller did not ask Fernandez if he took the photo; she did not ask Fernandez if the subject was his female companion; she did not ask to see a copy of the photograph; and, she did not ask him to describe the precise nature of the photo. In her interview, Miller agreed if she had known the photo was of his female companion or that it showed her genitals, “that would have caused me concern.”

Miller recalled she was “a bit perturbed” with Fernandez and told him it was “incredibly stupid” to touch a student. She searched his personnel file, but could not find any other concerns.¹² Ultimately, Miller did not report the conduct because she “used [her] professional judgment” to determine that she “did not have a reasonable suspicion.” Specifically, she stated, “I think there are degrees of differences between breaking boundaries between teachers and students and sexual abuse. I think he broke boundaries and that is why he was admonished. But I did not find he committed sexual abuse against [JF Affected Party 5].”

In 1996, JF Affected Party 5 learned through the alumni newsletter Fernandez was going to chaperone Pres students on a study-abroad trip. Given what she had heard from JF Affected Party 4, Fernandez’s chaperoning a trip with students concerned her. JF Affected Party 5 sent a letter to Miller dated May 10, 1996, and informed Miller she had filed a complaint with CPS in February 1994 and was considering reaching out to the media. On May 19, 1996, Miller responded by email noting she had not received any corroborating reports and wrote she was perplexed with JF Affected Party 5’s plans to go public. Miller noted, “I care very much about the truth, but I also care about the reputation and ‘life’ of a man who had served Presentation very well for almost 20 years.” Miller asked to meet with JF Affected Party 5 to discuss her concerns in person.¹³ Miller’s response prompted JF Affected Party 5 to file a report with the San Jose Police Department (SJPD).

Beginning in November of 1997, over the course of three months, JF Affected Party 5 met with Miller, and also sent her four additional follow-up emails as detailed below:

Date	Communication
November 1-4, 1997	November 1, 1997: JF Affected Party 5 met with Miller in Person. During the meeting, Miller allegedly told her these were “serious allegations against ‘the Teacher of the Year.’” ¹⁴ JF Affected Party 5 also described Miller as “visibly angry” that she had filed a police report. She provided Miller with the name of an affected party, JF Affected Party 10, who could corroborate JF Affected Party 5’s complaint. ¹⁵ As she was leaving, Miller allegedly warned her “to be careful with her public words so as not to face a libel suit.”

¹² As noted earlier, Miller was aware there had been prior concerns regarding Fernandez’s conduct towards JF Affected Party 4.

¹³ Miller also mailed JF Affected Party 5 a physical copy of the email on May 23, 1996.

¹⁴ Fernandez was nominated by students as Teacher of the Year for the 1995-1996 school year.

¹⁵ JF Affected Party 5 identified JF Affected Party 10 as someone who also saw the nude photograph, possibly at the same time as JF Affected Party 5 in 1991. During their meeting in 1997, JF Affected Party 5 told Miller that JF Affected Party 10 was a corroborating witness. JF Affected Party 10 did not participate in this investigation.

Date	Communication
	November 4, 1997: JF Affected Party 5 sent Miller an email in follow-up to their November 1 meeting. In her email, JF Affected Party 5 provided Miller the name of two affected parties— JF Affected Party 4 and JF Affected Party 10.
December 4-10, 1997	<p>December 4, 1997: JF Affected Party 5 sent Miller a follow-up email asking if she had contacted one of the affected parties (presumably, JF Affected Party 10); and if so, what the next steps were.</p> <p>December 8, 1997: Miller responded that she was still looking for an address. The same day, JF Affected Party 5 responded with potential contact information for the affected party.</p> <p>December 9, 1997: JF Affected Party 5 wrote again to Miller with confirmed contact information for the affected party, and again asked about next steps.</p> <p>December 10, 1997: Miller responded, “Thank you!”</p>
January 5-14, 1998	<p>January 5, 1998: JF Affected Party 5 wrote to Miller to ask if she had contacted the affected party, and again asked next steps.</p> <p>January 14, 1998: Miller responded, “If I have any news, I will contact you!”</p>

The record demonstrates that Miller did not follow up on JF Affected Party 5’s messages, or meaningfully respond to her about her concerns.

6. JF Affected Party 6

Incident dates 1987-1988: JF Affected Party 6 told us Fernandez, who also served in the role of assistant JV soccer coach, would make the athletes do “compromising stretches,” and then walk behind them and stare at them. JF Affected Party 6 said she and her teammates were made uncomfortable by Fernandez’s words and actions. She ultimately quit the Pres soccer team due to the conduct. In 1991, JF Affected Party 6 wrote a letter to Miller suggesting Fernandez was not a good fit as a coach.¹⁶ In her letter, she asked that Fernandez either be removed from his coaching duties, or that a female coach also be present.

7. JF Affected Party 7

Incident dates 1983-1984: JF Affected Party 7 told us Fernandez gave her and her sisters a ride home from school as a favor on one occasion. On their way, Fernandez stopped at his home to change his clothes. JF Affected Party 7 stated she and her sisters sat in the living room as Fernandez changed in his bedroom. When he walked out of his room, he was still tucking his shirt into pants that were unzipped and unbuttoned. JF Affected Party 7 recalled thinking, “That was odd.” She never mentioned this incident to anyone, including anyone at Pres. Overall, JF Affected Party 7 was surprised when she learned Fernandez was the subject of the *Washington Post* op-ed. She felt Fernandez was not inappropriate with her at school and she never heard concerns or rumors about him from other students.

8. JF Affected Party 8

Incident dates 1984-1986: JF Affected Party 8 told us Fernandez made her uncomfortable when she participated in poetry practice with Fernandez, during lunch or after school, for extra credit. These practice sessions were typically either alone or with only a few students. JF Affected Party 8

¹⁶ Neither JF Affected Party 6 nor Miller retained copies of this letter. Miller denied receiving the letter.

alleged Fernandez asked her to clutch her chest to demonstrate she was impassioned. She shared, “I remember thinking I didn’t want to do this with a button-up blouse. I remember thinking I wanted to do this with [a closed blouse] or wearing two layers. That’s a weird thing to be thinking.”¹⁷ JF Affected Party 8 said she did not report this conduct to anyone at Pres.

JF Affected Party 9. Incident date 1991: JF Affected Party 9 told us Fernandez showed her a picture “of a woman naked, except for fur.” Per JF Affected Party 9, Fernandez “waggled his eyebrows” as he showed her the photograph.

9. Other Allegations Against Fernandez

We received information related to five additional students. While we were unable to interview these students, we include the information we reviewed for sake of completeness.

JF Affected Party 10. Incident dates 1990-1991: We reviewed information that identified JF Affected Party 10 as someone who also saw the nude photograph, possibly at the same time as JF Affected Party 5 in 1991. During their meeting in 1997, JF Affected Party 5 told Miller that JF Affected Party 10 was a corroborating witness.

JF Affected Party 11. Incident date 1985: We reviewed a Facebook message from JF Affected Party 11 in which she alleged Fernandez touched, flirted with, and called her at home at night.

JF Affected Party 12. Incident date 1987: We reviewed a Facebook message from JF Affected Party 12 in which she alleged Fernandez engaged in grooming behaviors, including telling her she was beautiful and giving her a nickname which he used in class or on campus.

JF Affected Party 13. Incident date unspecified: JF Affected Party 5 identified JF Affected Party 13 as someone who raised a complaint against Fernandez to her through Facebook. Per JF Affected Party 5, JF Affected Party 13 alleged in a Facebook message that Fernandez engaged in grooming, hugging, kissing, giving rides home, putting his hand on JF Affected Party 13’s knee, and making inappropriate comments. JF Affected Party 5 did not have a copy of the Facebook message.

JF Affected Party 14. Incident date unspecified: We reviewed an undated Facebook comment in which JF Affected Party 14 alleged Fernandez touched her on the arm in an “unwelcome” manner. She wrote in her comment that she reported it, but nothing happened, and then JF Affected Party 14 received a poor grade from Fernandez on a Spanish project.

10. Conclusions

The record supports the following conclusions regarding the claims against John Fernandez and how they were handled by Pres:

- Fernandez engaged in inappropriate and unwanted sexual conduct, including:

¹⁷ We also spoke with JF Affected Party 8’s friend, Witness 3, who noted Fernandez “creeped her out.” She shared, “There was something about him that made the inner me go, ‘Just be careful.’ There was a certain look he would give that’s hard to explain.”

- Being overly affectionate, including kissing hands and cheek, rubbing shoulders, putting his arm around a student’s waist, forcing a student’s hand to her breast, writing notes and giving gifts, and engaging in inappropriate sexual touching.
 - Sharing photos he took of naked women to students, and on one occasion superimposing the images on a student.
 - Stopping by one student’s house repeatedly and unannounced.¹⁸
 - Giving rides to multiple students.¹⁹ On one occasion, Fernandez put his hand on a student’s knee while she was in his car. While giving rides was not prohibited by policy at the time, each of these students reported feeling uncomfortable.
- Several Pres Staff members were aware of some of the conduct, but failed to meaningfully investigate or respond. Using the JF-Affected-Party-4 incident as an example, while JF Affected Party 4 did not speak with us, her friend credibly described her reports to Pres. Stuckey, Staff 2, and Miller all acknowledged being generally aware of JF Affected Party 4’s concerns. Yet, they did not investigate the claims. Stuckey asserted she referred JF Affected Party 4 to a Staff member, yet admitted she never spoke with Witness 2 or Fernandez regarding the matter. Miller, who was Vice Principal, was aware “something happened,” yet did nothing further to investigate, asserting it was not her role. As another example, JF Affected Party 5 made several attempts to report Fernandez’s conduct towards her to Miller. Miller spoke with Fernandez, yet failed to ask him essential questions to understand what had occurred. Miller took no further action, despite the fact she was aware of prior concerns about Fernandez related to JF Affected Party 4.
 - There is no indication in the record that Pres reported any of Fernandez’s conduct to CPS or law enforcement.

B. Peggy Orozco

The earliest claim for which we received information related to Peggy Orozco, who was a Spanish teacher and substitute English teacher from approximately 1979 to 1983. We heard concerns that Orozco engaged in inappropriate grooming and relationships involving three students, at least one of which involved alleged sexual misconduct, in the early 1980s. One affected party participated in the investigation. The other two affected parties did not. Orozco did not respond to our requests for an interview.

1. PO Affected Party 1

Incident dates 1980-1981: PO Affected Party 1, who was a student in Orozco’s class, told us Orozco began “grooming” her using PO Affected Party 1’s love of books. The relationship evolved such that Orozco began giving rides to PO Affected Party 1, took her to San Francisco and other

¹⁸ Another Affected Party told us Fernandez went to her house because he had been invited for dinner.

¹⁹ Three students reported specific concerns about Fernandez giving them rides. One shared that her two sisters, who were also Pres students, were with her at the time.

social outings, invited her to visit Orozco's home during the summer, and introduced her to family members. PO Affected Party 1 said their interactions escalated to physical contact involving touching, kissing, and, on one occasion, non-consensual sexual contact in 1980-1981. She also alleged Orozco told her she masturbated about her in the shower, and that PO Affected Party 1 should do the same.

PO Affected Party 1's account of her interactions with Orozco was corroborated by one witness, Witness 4, who told us PO Affected Party 1 told her about the relationship with Orozco several years later, when both were in college. Witness 4 said PO Affected Party 1 did not share details of her interactions with Orozco at that time, but subsequently told her in 2019 that she "went to bed" with Orozco. Another witness, Witness 5, was not aware of the details of PO Affected Party 1's interactions with Orozco, but reported seeing her at Orozco's house. And, PO Affected Party 1's husband (Witness 6) corroborated that PO Affected Party 1 told him about Orozco's conduct when she was in college in the 1980s. In addition, two other witnesses discussed their perspectives that Orozco was believed to be in intimate relationships with other Pres students.

PO Affected Party 1 did not report any interactions with Orozco to Pres while she was a student. However, she believed Pres faculty knew or should have known about the relationship because they could see her leaving the school parking lot in Orozco's car, and PO Affected Party 1 regularly visited the teacher's lounge to bring Orozco lunch.

PO Affected Party 1 told us she later reported the conduct to Mary Miller in the 1990s, after Miller became Principal, when PO Affected Party 1 and Witness 6 met with Miller.²⁰ PO Affected Party 1 admitted she did not specifically identify Orozco, but felt she gave Miller "enough clues" to identify Orozco. PO Affected Party 1 described Miller "responded angrily" and "refused" to believe her. PO Affected Party 1 said, "She called me a liar."

Miller did not recall PO Affected Party 1 reporting any concerns to her about Orozco at any time. Miller, who was a teacher at the same time as Orozco, did not observe PO Affected Party 1 and Orozco together. Stuckey was not working at Pres during the alleged interactions between PO Affected Party 1 and Orozco in 1980-1981. Stuckey said she was not aware of any concerns regarding Orozco's conduct towards any student when Stuckey returned to the school in 1982 or thereafter.²¹ Three other witnesses affiliated with Pres were not aware of any sexual misconduct concerns on the part of Orozco.

2. PO Affected Party 2

Incident date approximately 1982: Four witnesses shared with us that PO Affected Party 2 and Orozco were in a consensual relationship while Orozco was a teacher and PO Affected Party 2 was a student. PO Affected Party 2 allegedly moved in with Orozco after graduating from Pres. One witness said it was "obvious they were a couple." Another witness said the relationship was "common knowledge" amongst their classmates.

²⁰ Witness 6 confirmed they met with Miller in the 1990s.

²¹ Stuckey rejoined the faculty in 1982 and began her second stint as Principal in 1984. We attempted to interview two other former Principals who served during the time frame Orozco was an employee, but were unable to do so.

Miller – a faculty member at the time – said she was aware of rumors PO Affected Party 2 and Orozco were “friendly” but that “nothing was brought” to her in a “formal way,” nor were there any suggestions the relationship was sexual in nature. None of the witnesses alleged, nor did we identify any evidence to suggest, PO Affected Party 2 or any other individual reported concerns to Pres during the relationship or thereafter.

3. PO Affected Party 3

Incident date approximately 1982: Orozco allegedly engaged in an intimate relationship with another student, PO Affected Party 3, in the early 1980s. PO Affected Party 3 did not participate in the investigation. Three witnesses believed PO Affected Party 3 and Orozco were in a relationship, based on discussions between students at the time. One witness reported Orozco was in a relationship with PO Affected Party 3 at the same time as PO Affected Party 2, and this caused “friction” between the students.

Miller – a faculty member at the time – knew PO Affected Party 2 and PO Affected Party 3 were good friends and played on a team together, but she did not hear any rumors about Orozco and PO Affected Party 3. None of the witnesses alleged, nor did we identify any evidence to suggest, PO Affected Party 3 or any other individual reported concerns to Pres during the alleged relationship or thereafter.

4. Conclusions

The record supports the following conclusions with respect to the claims against Peggy Orozco and whether Pres had notice:

- Orozco engaged in inappropriate grooming and relationships involving three students. One student credibly shared her experience, while several others corroborated the two additional accounts.
- Orozco engaged in sexual misconduct with at least one student.
- While it appears other Staff were aware Orozco was friendly with students, and there were rumors about Orozco’s behavior with certain students, we did not identify any information to suggest Pres leadership was aware of sexual misconduct.
- One student reported concerns about Orozco to Miller in the 1990s, but did not specifically identify Orozco or the nature of the concerns.

C. Jeff House

House was an English and Journalism teacher at Pres between 1999 and 2004. During the course of our investigation, we heard allegations of inappropriate grooming and relationships involving House and two Pres students. One of the allegations included non-consensual sexual misconduct. We interviewed seven individuals related to these allegations, including one of the two affected parties. House did not respond to our request for an interview.

1. JH Affected Party 1

Incident dates approximately 1998-2000: JH Affected Party 1 alleged House behaved inappropriately towards her during her sophomore year of high school. She told us he gave her A grades, regardless of what she turned in; he sent her personal emails on the weekend to the effect of, “I miss you,” “I really like you,” etc.; and, he wrote a long, inappropriate message in her yearbook. Specifically, he wrote (typed verbatim):

Okay, apparently nothing I think matters to you anyway, so have fun at that other place while I gaze wistfully at the desk only slightly to my right (heavy sigh here). Well, you could at least email [email address redacted] or call when you’re REALLY bored [phone number redacted]. Other than that... Ahh hell, I’m gonna miss you. Love, JH.

JH Affected Party 1 stated her mother learned about the interactions and convinced her to leave Pres. JH Affected Party 1 believed her mother met with Miller and advised Miller as to why she was pulling her, as well as monetary donations, from the school—namely, because House had crossed boundaries with her daughter. JH Affected Party 1 further alleged her mother told Miller about House’s emails and yearbook entry, but Miller did not ask for more information or request to see the emails or yearbook.

Miller denied being aware of any concerns involving JH Affected Party 1 and House. Miller did not recall meeting with JH Affected Party 1’s mother. Miller recalled JH Affected Party 1 left Pres due to unrelated reasons.

2. JH Affected Party 2

Incident dates approximately 2002-2003: Witness 7 alleged on behalf of JH Affected Party 2 that in 2002 or 2003, House invited JH Affected Party 2 over to his house, gave her alcohol and cannabis, and sexually assaulted her. JH Affected Party 2 was a freshman in college at the time. Witness 7 told us that following the incident, JH Affected Party 2 sent a “cautionary email” to Witness 7’s friend and classmate, Witness 8, in 2002 or 2003. In the email, JH Affected Party 2 described going to House’s home for dinner, being given alcohol and “pot brownies,” and then waking up naked on House’s couch when she saw him during a break from college.

Witness 7 stated she and Witness 8 immediately went to Miller’s office upon receiving the email. They “told her everything” and provided her with a copy of the email. Per Witness 7, Miller responded the matter “would be taken care of,” and that it was “unacceptable.” Witness 7 recalled House was not at school the next day.²²

Three witnesses stated they heard rumors that House dated his students.

Staff 4 stated she generally thought House was a “creep” and did not like him. As an example, she stated she once saw him having an “intimate” conversation with a student in the parking lot.

²² As noted below, House was employed through June 1, 2004.

Despite rumors about House's relationship with JH Affected Party 2, Staff 5 said Miller's response was that everyone "needed to shut up," and no one would report anything.

Miller said House left Pres due to reasons unrelated to JH Affected Party 2. Even so, Miller acknowledged being aware of a sexual relationship between JH Affected Party 2 and House, but asserted she learned about it from JH Affected Party 2, not Witness 7 or Witness 8, after JH Affected Party 2 had graduated. Miller did not recall meeting with Witness 7 or Witness 8 regarding JH Affected Party 2's email. Miller stated that initially, JH Affected Party 2 told Miller she and House had consensual sexual intercourse after JH Affected Party 2 turned 18 years old, after she graduated from Pres. JH Affected Party 2 came back some time later and the story had "morphed" to include drugs as well as lack of consent. Miller could not recall when, exactly, JH Affected Party 2 told her about her relationship with House, but Miller believed it was after House had already left Pres' employ. Miller stated she encouraged JH Affected Party 2 to file a police report because Miller would not report it regardless of whether it was consensual, based on JH Affected Party 2's age at the time of the alleged incident.

Miller acknowledged to us she "perhaps should have" conducted an investigation. She explained she did not report the incident because JH Affected Party 2 was already 18 years old at the time of the intercourse, and had "begged" Miller not to tell anyone.

3. Conclusions

The record supports the following conclusions regarding the claims against Jeff House and how they were handled by Pres:

- House exhibited favoritism towards a student, and wrote an inappropriate message in her yearbook giving her his contact information. Witnesses corroborated that House had inappropriate boundaries with students generally.
- House had a sexual relationship with a student shortly after graduation. We did not have any witness provide corroborating evidence, nor did we identify other evidence which could support a finding that House engaged in non-consensual sexual intercourse with JH Affected Party 2. The proximity in time of the relationship to JH Affected Party 2's time as a student, however, suggests, at a minimum, House likely engaged in grooming or other boundary-crossing conduct.
- Miller became aware of the sexual relationship after JH Affected Party 2 graduated, but did not conduct any investigation or report the conduct.

D. Kris White

Kris White was a religion teacher and Community Involvement Coordinator at Pres from 2001 to 2003. White left Pres at the end of the 2002-2003 school year. We received information that White directed romantic overtures towards KW Affected Party. KW Affected Party did not participate in the investigation. We contacted White to give him an opportunity to respond to the allegations. He declined to do so.

1. KW Affected Party

Incident date 2002: On or around December 12, 2002, White called KW Affected Party into his office and made romantic overtures towards her. This was corroborated by Witness 7, who KW Affected Party confided in immediately following the meeting. According to Witness 7, White called KW Affected Party into his office and told her he loved her, he had tried to stop being in love with her but could not, and he thought about her all of the time. In addition, White presented KW Affected Party with a handwritten note. In the note, which we reviewed, he wrote, among other things, “I’m obsessed with you,” “You’re the only reason I get up and go to work in the morning,” and, “I go out on dates but I don’t enjoy them because all I do is think about you.”

The conduct was reported to the school sometime between December 12 and December 16, 2002. Miller heard about it both from KW Affected Party and Staff 2.²³

On December 16, 2002, Miller and Staff 2 met with White, who acknowledged engaging in the conduct attributed to him by KW Affected Party. During the meeting, White shared some personal struggles. Miller placed White on paid administrative leave. After he was placed on administrative leave, White sought treatment for his personal struggles.

In January 2003, Miller spoke with KW Affected Party’s father, who expressed an “attitude of forgiveness” towards White. Miller also checked in with KW Affected Party, whom she described as “calm.” In February 2003, Miller spoke with White’s healthcare provider, who allegedly stated White was not a danger to students. In March 2003, Miller reinstated White.

In late March or early April 2003, KW Affected Party and her parents expressed discomfort with White’s presence on campus. Miller requested the family allow White to finish out the school year since there were only two months remaining.²⁴ Miller said the family “eventually” agreed. In May 2003, at the end of the school year, Miller informed White he would not be returning to teach.

On June 1, 2003, Staff 7 sent Miller a letter detailing her concerns about how the KW-Affected-Party matter was handled.²⁵ In it, she referenced a meeting between Miller, KW Affected Party, and White close in time to White’s reinstatement. Staff 7 understood that during the meeting, Miller allegedly asked White to read aloud parts of a personal note regarding a private health issue to KW Affected Party, a note that would necessarily place an emotional burden on KW Affected Party. Following White’s reading, Miller then asked KW Affected Party if White could

²³ According to one source, KW Affected Party initially reported the incident to Staff 6. Staff 6 did not report White’s conduct based on the belief that Staff was already handling the matter, and also pointed out KW Affected Party did not share anything about White touching her.

²⁴ KW Affected Party and White continued to interact through a club both were involved in on campus.

²⁵ On June 3, 2003, an email circulated among Pres faculty, staff, students, and parents. The email was composed and sent by a Pres alum and included information allegedly sourced from Staff 7. The email included allegations of misconduct against several male Staff, including White. In response to the letter, Miller retained the services of an independent investigator to review the allegations. According to Miller’s notes, the investigation “found no corroborative evidence that any serious accusations have any validity.” We made several requests to different sources, including the investigator, but were unable to obtain a copy of the report. Following the conclusion of the investigation on September 1, 2003, Miller sent a letter to the Pres community in which she wrote the administration is “working on additional training of the faculty with respect to student/faculty relations and appropriate boundaries between faculty and students.”

return to teach at Pres. KW Affected Party allegedly told Staff 7 the situation made her feel “backed into a corner.” While Miller recalled the meeting, she had no recollection of anyone reading a personal note from White.

The record reflects White’s conduct was not reported to law enforcement or CPS. Miller acknowledged that although White’s conduct was “completely inappropriate and absurdly childlike musings,” she did not believe “with reasonable certainty there was abuse.”

2. Conclusions

The record supports the following conclusions regarding the claims against Kris White and how they were handled by Pres:

- White expressed an inappropriate, romantic interest directly to KW Affected Party, a student at the time.
- While Miller promptly responded to the student’s reported concerns by meeting with the student, her parents, and White, Miller failed to appropriately address the conduct, or take steps to protect the student. Rather, Miller put undue pressure on the student by revealing information about White’s personal situation and requesting he be able to continue his employment.
- Miller did not report the conduct to CPS or law enforcement.

E. Jenna Roe

Roe was a Junior Varsity Assistant Water Polo Coach at Pres between 2011 and 2013. During the course of our investigation, we heard allegations of inappropriate grooming and a relationship, including non-consensual sexual misconduct, between Roe and one Pres student. JR Affected Party raised her allegations in varying degrees of detail in statements made to police officers on March 16, 2014; March 18, 2014; and, March 5, 2018, as well as in an interview with NBC Bay Area which aired on March 29, 2018.

The student declined to participate in this investigation and Roe did not respond to our request for an interview. We reviewed their statements made to law enforcement. We also reviewed JR Affected Party’s statement given in an interview with NBC Bay Area. In addition, we interviewed eight witnesses, including JR Affected Party’s mother (Witness 13), and reviewed hundreds of pages of documentary evidence. These included media coverage of the allegations, a timeline prepared by Pres Staff who handled the matter, police reports, phone records, and Roe’s personnel file. Any statements attributed to the parties in this Report, unless noted otherwise, came from those sources.

1. JR Affected Party

December 2013: On December 6, 2013, three students—Witnesses 9, 10, and 11²⁶—reported concerns about inappropriate interactions between JR Affected Party and Roe to Staff 8.²⁷

According to Staff 8's notes of the conversation, the students told Staff 8, in most relevant part:

- Roe asked JR Affected Party if she (Roe) could attend a sleepover with JR Affected Party at Witness 12 and Witness 9's house;
- In October 2013, Roe slept over at JR Affected Party's house after asking JR Affected Party's older sister if she could come over;
- Witness 12 saw a SnapChat from Roe to JR Affected Party which said, "Picturing us holding hands";
- Witness 12 heard Roe request hugs from JR Affected Party on numerous occasions;
- Roe and JR Affected Party frequently spoke privately for long periods of time on campus;
- Roe purchased JR Affected Party a sweater and told her not to tell anyone; and,
- Roe and JR Affected Party texted frequently. JR Affected Party deleted all text dialogues and SnapChat messages.

On December 7, 2013, according to the timeline prepared by Pres Staff, Staff 8 addressed the students' concerns with Roe, who admitted that "boundaries had broken." Roe asserted she texted JR Affected Party out of concern for JR Affected Party's welfare. Within days of her conversation with Roe, Staff 8 reported the students' allegations to Miller and Staff 4.

The week of December 9, 2013, Miller met with Roe, who acknowledged texting JR Affected Party, driving her around, and "grabb[ing] a bite after a game."²⁸ Miller outlined why this was an "egregious violation" of the professional boundary policy found within the faculty handbook. Miller also "made it clear she [Roe] was not to be involved in any facet of our water polo program and was not welcome on campus in any professional role." However, Miller did not speak with JR Affected Party, notify her parents, or otherwise delve deeper into the nature of JR Affected Party

²⁶ Through witnesses, we encouraged the three students who initially reported concerns to Staff 8 to contact us. They did not.

²⁷ We attempted to reach Staff 8, but she did not respond to our requests for an interview. We reviewed her notes, provided by Pres, regarding her involvement in this matter.

²⁸ We interviewed JR Affected Party's best friend at the time of the alleged incident, Witness 12. Witness 12 corroborated that Roe treated JR Affected Party differently than other students, and provided many examples. In October 2013, JR Affected Party told Witness 12 she had been in Roe's car and Roe tried to kiss her. Roe also touched her breasts under her shirt, and told JR Affected Party she (Roe) wanted to have sex with her (JR Affected Party). In late October or early November 2013, Roe sent JR Affected Party a SnapChat message of her vibrator. Witness 12 shared that Roe was "very flirty" in her messages, and JR Affected Party would always delete them so they were not traceable. And in mid-November 2013, when Witness 12, JR Affected Party, and Roe were sitting together underneath a blanket at a Varsity water polo game, Witness 12 saw the outline of Roe's hand on JR Affected Party's thigh underneath the blanket, and that Roe's hand began moving up JR Affected Party's leg toward her genital area. There is no indication that Witness 12 reported these details to anyone at Pres in the fall of 2013.

and Roe's relationship. Miller also did not report the students' concerns to law enforcement or CPS at the time. She explained she came to this decision in collaboration with Staff 9, Staff 4, and Staff 10:

I did not report. It was not a unilateral thought process. It was a discussion with [Staff 4, Staff 9, and Staff 10]—"Did it rise to the level of a reasonable suspicion?" Some of the girls who made the original report were prone to hyperbole. We saw this, we think. It was blatantly against the boundaries and against the code of conduct, but not anything more than that. Boundaries were blurred by [JR Affected Party's] family who invited [Roe] into their home.

During their investigative interviews, Staff 4 and Staff 10 denied being involved in the matter. Staff 4 stated she helped JR Affected Party with issues unrelated to the Roe matter. Similarly, Staff 10 recalled having a phone conversation with Witness 13 on March 16, 2014, but asserted she had not been involved in the matter before or after that phone call. Rather, she stated most of the communications with Witness 13 had been with Staff 10's supervisor at the time, Staff 9.²⁹

Early 2014: In the first few months of 2014, JR Affected Party had personal struggles which were evident to some Pres Staff. In mid-March, Witness 13 learned additional details of the relationship with Roe from JR Affected Party. JR Affected Party told her mother Roe had offered to buy JR Affected Party a vibrator, and had touched her breasts. Witness 13 immediately filed a report with the SJPD. A Detective came to their home and took both JR Affected Party's and her mother's statements the same day. Witness 13 also called Staff 10 the following day to inform her of the police report, and later met with Miller and Staff 9 to inform them of what she had learned.

In March and April of 2014, SJPD conducted its investigation. According to the police report, Roe admitted to texting JR Affected Party about sexual matters, including sending JR Affected Party a picture of her vibrator. Roe also acknowledged she may have told JR Affected Party she loved her; may have touched JR Affected Party on the leg; and, favored JR Affected Party on the team.³⁰

Per Staff 8's notes, Witness 13 called and confronted Staff 8 on May 12, 2014 about why Staff 8 did not report the students' concerns to the police in December 2013. Staff 8 told Witness 13 she immediately reported the allegations she was aware of to her supervisor when she heard them, and asserted they were investigated. Staff 8 told Witness 13 the investigation indicated Roe had broken boundaries, but Witness 13 was told that, based on the information provided, there was no evidence Roe engaged in "illegal activity." Staff 8 told Witness 13 she was not aware in 2013

²⁹ We also attempted to reach Staff 9, but she did not respond to our requests for an interview.

³⁰ After press accounts surfaced against Pres in 2017, SJPD re-opened its investigation into the JR-Affected-Party matter. SJPD interviewed JR Affected Party again as part of the re-opened investigation. During this interview, JR Affected Party revealed additional allegations against Roe, including in November 2013, she had been in the back seat of Roe's vehicle. Roe pushed her backward, laid on top of her, reached under JR Affected Party's shirt and touched her breast, and then put her hand under JR Affected Party's pants and underwear and penetrated her vagina with her fingers. JR Affected Party reported Roe used her other hand to cover JR Affected Party's mouth. JR Affected Party said she did not initially report this to the Detective in March 2014 because she felt it was her fault she was sexually assaulted. The police investigation has since been closed.

Roe had sent JR Affected Party a picture of a vibrator, and the record provides no indication otherwise.

In September 2014, JR Affected Party confided in Staff 11 that she and Roe had exchanged inappropriate texts. Staff 11 filed a CPS report.

2. Conclusion

The record supports the following conclusions regarding the claims against Jenna Roe and how they were handled by Pres:

- Roe acknowledged to the police she engaged in sexual misconduct towards JR Affected Party, including sending JR Affected Party a picture of her vibrator; possibly telling JR Affected Party she loved her; and, physically touching JR Affected Party on the knee. Further, the record supports a conclusion, based on multiple reports and corroborating information, Roe crossed professional coach-athlete relationship boundaries.
- While Pres took immediate action by not renewing Roe's contract, they failed to inform JR Affected Party's parents of what they had learned, and failed to meaningfully investigate what had actually occurred in 2013. By this inaction, they missed an opportunity to learn facts earlier that may have allowed them to be better informed about how to support the student, and may have saved the student and her family months of grief as additional facts came forward over time.
- Neither Staff 8 nor Miller notified law enforcement or CPS. In December of 2013, Staff 8 and Miller were not aware of much of the more egregious conduct which became known later in 2014. By the time those facts were shared with Pres, the conduct had already been reported. We note that Staff 11 immediately notified CPS upon learning of inappropriate text messages between Roe and JR Affected Party, even though she was not aware of any inappropriate touching.

F. Dave Garbo

Dave Garbo was an English teacher at Pres from 2006 to 2017. An alum asserted on behalf of her friend, DG Affected Party, that Garbo engaged in grooming which ultimately led to a sexual encounter with DG Affected Party after she graduated. We contacted Garbo to give him an opportunity to respond to the allegations. Through his counsel, Garbo declined to participate in the investigation.

1. DG Affected Party

Incident date 2012: On November 1, 2017, Witness 14 sent Staff 2 an email on behalf of her friend, DG Affected Party, alleging that in 2012, Garbo engaged in an inappropriate sexual encounter with DG Affected Party after she had graduated. Witness 14 explained she sent the email in response to the publication of the *Washington Post* op-ed in October 2017.

Staff 2 forwarded Witness 14's November 1, 2017 email to Miller. On November 6, 2017, DG Affected Party provided Miller a written document in which she described her allegations in detail. In this written statement, DG Affected Party wrote about her relationship with Garbo while she was a student, and he a teacher, at Pres:

We [DG Affected Party and her friends] spent most days, at lunch and before and after school in his classroom. We talked about life, school, books, movies, our love for the beat generation and Ken Kesey. We shared my copy of Howl. He was not our sports coach or jazz band leader; every aspect of our relationship started and grew in the classroom. The only time we interacted outside of campus was at my parents' house; my house-for my graduation party. There are still photos if you go back far enough on my facebook from that night. My dad thought he was great. He had to stay late and wait for the alcohol to wear off before he drove home. I remember thinking, along with some family members, that it was odd he drank so much at a casual, day-time, family & friends, high school graduation party.

In Witness 14's November 1, 2017 email to Staff 2, she described similar experiences with Garbo, corroborating that her friend group spent "every lunch" in Garbo's classroom and became very close with him over the four years at Pres. The student wrote, "Although at the time he seemed funny and cool, in hindsight, we realize a lot of the conversations, jokes, etc. were inappropriate for a teacher-student relationship." In this email, Witness 14 also noted that after graduation, the relationship between Garbo and DG Affected Party, one of her friends, "grew more personal."

In her written statement dated November 6, 2017, DG Affected Party detailed that one evening in March 2012, less than two years after she graduated, Garbo bought her drinks at a bar, kissed her, and took her back to his hotel, where the two continued to kiss and touch. She alleged Garbo digitally penetrated her. DG Affected Party alleged she was "too drunk" to consent to the conduct. At the time, DG Affected Party was 19 years old and Garbo was 38.

On November 6, 2017, Staff 12 reported the incident to the SJPD by phone.³¹ On November 6, 2017, Miller filed a Suspected Child Abuse Report.

On November 14, 2017, Miller and Staff 13 met with Garbo. Notes of the meeting prepared by Staff 13 corroborated DG Affected Party's account. The notes included Garbo's acknowledgment of engaging in the sexual activity with DG Affected Party, although he described the encounter as consensual. Garbo substantially admitted specifics of the evening, including purchasing alcoholic beverages for DG Affected Party, taking her back to his hotel room, and engaging in kissing and touching. Pres placed Garbo on paid leave the same day. Garbo is no longer a Pres employee.

2. Conclusion

The record supports the following conclusions regarding the claims against Dave Garbo and how they were handled by Pres:

³¹ According to text messages between Witness 14 and Staff 2, SJPD did not pursue the case because DG Affected Party declined to participate.

- Garbo developed a personal relationship with DG Affected Party while she was a student, and he a teacher, at Pres. Less than two years after graduation, as Garbo admitted, he purchased alcohol for DG Affected Party, when she was under the age of 21, and engaged in sexual activity with her.³²
- Pres responded promptly and appropriately. Within a week of receiving notice, and the same day as receiving the allegations from DG Affected Party, Pres reported the allegations to SJPD and filed a Suspected Child Abuse Report. They addressed the issue with Garbo, who no longer works at Pres.

V. Allegations Of Sexual Abuse Or Sexual Misconduct Against Others

In this section of the Report, we summarize additional allegations of misconduct on the part of six other Staff members who we do not identify. These individuals are not named because we received less supporting evidence for the claims, and/or after a full review of the information collected, we determined the conduct asserted, while inappropriate or unprofessional, did not meet the definition of sexual misconduct noted in this Report.

For each of these individuals, we summarize the evidence gathered related to the claims, including whether the allegations were reported, and whether Pres responded appropriately.

A. Accused Staff Member A

Information Gathered. Witness 15 alleged in a written statement on MPS that in 1977, Accused Staff Member A had a secret relationship with her 16- or 17-year-old friend and Pres student (Affected Party). Witness 15 wrote the relationship began in class. She wrote that Accused Staff Member A invited Affected Party on weekend outings, to non-school-related activities and to visits to Accused Staff Member A's house. Witness 15 "covered" for her friend throughout the relationship because it "was important to both [Accused Staff Member A] and my friend [...] that no one, especially my friend's parents, find out." Witness 15 perceived this to be grooming behaviors by Accused Staff Member A, and regrets participating in it. We attempted to contact Witness 15, but did not receive a reply.

According to Witness 15's written statement, she believes her friend's parents became suspicious of Accused Staff Member A and contacted the school, but nothing was done. There was no additional information provided to us, or acquired during the investigation, to suggest Pres was aware of the allegation against Accused Staff Member A prior to the report on the MPS website. During her investigative interview, Accused Staff Member A denied the allegations and asserted she only learned of the allegation after reading Witness 15's statement. Per Accused Staff Member A, the school never raised such allegations with her.

With respect to her relations with students generally, Accused Staff Member A denied ever inviting any student into her home for any reason, including school- or non-school-related

³² We do not make factual findings regarding whether the sexual encounter was consensual or non-consensual given our inability to speak with DG Affected Party.

activities, or to housesit. She denied going on weekend trips with any student or developing inappropriate relationships with students.

Over the course of this investigation, Witness 16 provided us with a handwritten letter she received from Accused Staff Member A in 1991. The two-page letter included intimate language wherein Accused Staff Member A reminisced on her “real friendship” with Witness 16. She wrote about how the two “shared their time together so much” over the years. An excerpt from the letter reads (typed verbatim):

How do you feel about calling me up every now and then when school is out? As a shy and “professional” teacher, I feel awkward calling even ex-students; Hence, I’m afraid you’ll have to take action here, at least for a while. And it is important to me that we stay in touch. [...]

When asked if she knew Witness 16, Accused Staff Member A said, “I taught her. That’s about it. She had a sassy sense of humor. I would not have considered myself close to her.” After we shared a copy of her handwritten letter, Accused Staff Member A acknowledged writing it and was “embarrassed” by it.

We reviewed documentary evidence and witness statements related to Accused Staff Member A, which were generally inconsistent with her assertion that she did not engage in outside activities with students or invite them, on occasion, to her home. We received credible corroborating information that Accused Staff Member A had students to her house, on occasion, including having at least one student housesit.

Conclusions. Given the passage of time and lack of corroborating information, the record does not support a finding that Accused Staff Member A had a relationship with an underage Pres student in 1977, and thus we cannot conclude she engaged in sexual abuse or sexual misconduct. However, the record does demonstrate Accused Staff Member A had inappropriate boundaries with students – evidenced by the inappropriate and unprofessional note to Witness 16, and accounts from others of her interactions with students.³³

B. Accused Staff Member B

Information Gathered – Affected Party 1. In a widely circulated email from a Pres alumna dated June 3, 2003, it was alleged Accused Staff Member B kept a picture of student Affected Party 1 in his bedroom to “make him happy.”

Miller was aware of the allegations as she had received a copy of the email. According to documents provided by Pres, Miller met with Accused Staff Member B on June 16, 2003 to discuss the allegations. Accused Staff Member B acknowledged having a picture of Affected Party 1, but explained it was because he was invited to her graduation party, and the invitation included her picture. Per the notes from the conversation, Accused Staff Member B denied ever saying the picture made him happy.

³³ An allegation regarding serving alcohol to minors is outside the scope of our review.

Miller told us the allegations involving Accused Staff Member B and Affected Party 1 were also part of a larger investigation conducted in 2003. According to Miller's notes, the investigation ultimately found "no corroborative evidence that any serious accusations have any validity." Even so, Miller met with Accused Staff Member B again on August 21, 2003 as part of a post-investigation conference. According to notes from the meeting, Miller emphasized to Accused Staff Member B that he should maintain professionalism and boundaries with his students.

Information Gathered – Affected Party 2. Witness 7 alleged on behalf of her friend and classmate, Affected Party 2, that after Affected Party 2 turned 18 years old, Accused Staff Member B gave her his phone number and sent her text messages. Witness 7 told us the messages included telling Affected Party 2 she was beautiful, and he admired her, and they could date when she got to college. This occurred in 2005.

During his investigative interview, Accused Staff Member B acknowledged texting Affected Party 2. He stated she told him the day of her graduation that she had a "crush" on him. She emailed him after graduation, which eventually turned into instant messaging, and then texting. Accused Staff Member B also told us the two got together four or five times after she graduated, for lunch or dinner. On one of those occasions, they met at a park. He said he approached it how he would other graduates, stating, "I do care about my former students and I want to make sure that they are doing well. And so if any of them were to ask me to go to lunch or dinner or something like that, I would say yes."

Accused Staff Member B asserted the interactions were not sexual or of a "dating" nature. However, when asked if he had been romantically interested in Affected Party 2, he said, "Yeah, I guess. It's hard for me to say that I wouldn't have been attracted to her. She's obviously very attractive. She had expressed interest in me. I'd be lying if I said no." Accused Staff Member B estimated they stopped keeping in regular contact around October of the year she graduated, after she started college.

We spoke with Affected Party 2, who said the two began communicating after graduation. She agreed the interactions were not sexual in nature, but were complimentary of her and she found it "flattering." Affected Party 2 said, "At the time, I enjoyed talking to him and he enjoyed talking to me. A lot of it was just talking to a friend [...] with maybe the possibility of us dating." Shortly into her freshman year in college, they lost contact. In retrospect, given the age difference, she finds it odd and said, "I don't know what that was."

This complaint was first reported as part of this investigation.

Conclusion. The record supports the conclusion that Accused Staff Member B entered into a non-sexual personal relationship with a student shortly after she graduated. This is concerning given the student had shared she had a crush on him, he found her attractive, and Accused Staff Member B had been warned about professional boundaries less than two years earlier. We did not learn of any similar conduct that occurred after 2005. We note the policy in place in 2005 did not prohibit staff from engaging in relationships with alum.

C. Accused Staff Member C

Information Gathered. Witness 17 reported that in 2007, Accused Staff Member C engaged in an inappropriate relationship with her friend and Pres student (Affected Party), shortly after Affected Party graduated. Witness 17 alleged Affected Party told her the two were having “sex” and “dating.” Affected Party was 18 years old at the time.

Staff 14 told us that while Affected Party was a student, in the fall of 2006, Staff 14 became aware that Affected Party had texted Accused Staff Member C at 2:00 a.m. and called him an endearing nickname. Staff 14 did not have knowledge of any sexual relationship at the time. Later, Staff 14 learned the relationship between the two continued and became sexual.

Staff 15 said she heard Accused Staff Member C was “fond of” a particular student and heard they dated. She did not remember how she heard of the relationship, but believes it was from a Staff member.

Miller said she heard rumors about a relationship between Affected Party and Accused Staff Member C in 2007. She heard the rumors from a Staff member, although she was not sure which one. She asked Affected Party about the rumors directly and Affected Party denied them, calling them “vicious rumormongering.” Miller did not conduct additional inquiries into the allegations and did not report the conduct to the police or CPS because “there was no substantial allegation.”

Staff 5 learned of the relationship in 2008 or 2009 (after Affected Party graduated). She learned about the relationship from Affected Party’s younger sister, who was bragging that her sister had dated Accused Staff Member C. Staff 5 said she reported this to Staff 16. Staff 16 did not recall a conversation with Staff 5 about Accused Staff Member C.

The allegation was ultimately investigated by the police in 2008. Affected Party spoke with the Detective on the case and denied the rumors. The case was ultimately closed.

After the *Washington Post* op-ed, Affected Party emailed Miller after Affected Party was contacted by an attorney representing MPS about the allegations involving Accused Staff Member C, inquiring whether Pres provided her contact information. Miller responded, “Nothing came from Pres. People being outed without permission – Just wrong. Follow your instincts about who you talk to [...]” Affected Party responded, “I have no interest in speaking with anyone investigating as there is nothing to tell in my opinion. That is unfortunate that people think it is their place to bring up these sorts of antiquated rumors. I’m glad to know nothing came from Pres.”

Conclusion. We did not obtain enough information to sustain a claim of sexual misconduct or sexual abuse, particularly given the Affected Party’s denial. Even so, the record reveals that several Pres Staff had information to suggest inappropriate interactions might be occurring while Affected Party was still a student, and did not meaningfully investigate the concerns. We note that asking a student about a relationship which the student might not fully understand at the time should not be the end of such an inquiry.

D. Accused Staff Member D

Information Gathered. We received allegations of inappropriate sexual innuendo and touching during instruction time involving Accused Staff Member D and two Pres students. The two affected parties did not participate in the investigation.

Both of the affected parties made substantially similar allegations in statements on MPS. Affected Party 1 alleged Accused Staff Member D “continuously sexually harassed” her classmates and her during the 2006-2007 school year. In a statement on MPS, she wrote that he handed out Hershey’s Kisses and made comments about “kissing” the girls. He also allegedly made comments about Affected Party 1’s hair and appearance, and told her he watched her walk to and from school. In her statement, Affected Party 1 wrote she reported the conduct to Staff 4. Per Affected Party 1, Staff 4 admitted Affected Party 1 was not the first person to raise complaints against Accused Staff Member D. Staff 4 also allegedly informed Affected Party 1 that Accused Staff Member D would not return the following year, but told Affected Party 1 to “keep that under [her] hat.”

Similarly, Affected Party 2 alleged Accused Staff Member D handed out Hershey’s Kisses and made comments about the Kisses with a “distinctly sexual undertone.” She also alleged Accused Staff Member D made numerous comments about her appearance and made attempts to hug her in the hallway. In her statement, Affected Party 2 wrote she reported the conduct to her parents, who, in turn, reported their concerns to the administration. Per Affected Party 2, her mother felt their concerns were dismissed and nothing was done to address Accused Staff Member D’s behavior.

Both Staff 4 and Miller denied being aware of any allegations against Accused Staff Member D at the time of the alleged incidents. During her investigative interview, Staff 4 stated she vaguely recalled Affected Party 1, but did not have a specific recollection of who she was. Staff 4 denied being aware of Affected Party 1’s allegations. Similarly, Miller denied being aware of any allegations against Accused Staff Member D until she read about them on MPS.

Conclusion. The two students had similar concerns regarding Accused Staff Member D, and both asserted they reported concerns to Pres. While neither student participated in this investigation, their detailed statements tend to corroborate one another. Although Miller and Staff 4 denied being aware of allegations involving Accused Staff Member D, it is more likely the students made some effort to report some level of concern as alleged. We draw this conclusion based on other instances where students reported similar attempts to report concerns that were seemingly dismissed or not pursued further.

E. Accused Staff Member E

Information Gathered. In September 2016, students reported Accused Staff Member E engaged in inappropriate conduct with a student to Staff 11, who reported it to Staff 15 and Staff 17. The conduct involved touching the student’s head and hair, asking for a photo of her in her attire for a school activity, and changing into an outfit in the bathroom of a hotel while the student was in the room. For context, Accused Staff Member E was traveling with students for a Pres event at the time. Staff 17 filed a CPS report on September 29, 2016.

Staff 17 met with Accused Staff Member E, who acknowledged the conduct, and spoke to the student's parent. Miller and Staff 17 met with Accused Staff Member E and instructed him not to be alone with students in hotel rooms, and provided additional expectations to him. Accused Staff Member E was remorseful. Miller was unaware that Staff 17 had filed a CPS report about the behaviors. Miller did not file a CPS report because she did not "have any substantial proof of any sexual misconduct at that time."

The following March, in 2017, a chaperone on another Pres-sponsored event reported similar concerns regarding Accused Staff Member E to Staff 13. Specifically, Accused Staff Member E was giving preferential treatment to the same student, including purchasing food for her and walking her back to her hotel room alone without other students. The concerns were forwarded to Miller and Staff 17. Yet another chaperone wrote to Miller, "Many of the girls came up to me during the tournament and told me various times they found [Accused Staff Member E] 'creepy' and didn't like how he talked to them or treated them" and that "a few of them mentioned where he inappropriately touched their hair or made them feel uncomfortable."

Staff 17 and Miller spoke with other chaperones, Pres employees, and the students. They then met a second time with Accused Staff Member E to discuss his behaviors. Accused Staff Member E was provided with a performance contract with provisions to be reviewed at the end of the first semester of the 2017-2018 school year.

In November 2017, after the *Washington Post* op-ed, two students reported new information to Pres relating to the September 2016 interactions between Affected Party and Accused Staff Member E. Specifically, one student reported Affected Party told her Accused Staff Member E had changed his clothes in front of her during the 2016 incident, as opposed to changing in the bathroom with the door closed.

At Miller's direction, Staff 12 and Staff 13 conducted an investigation related to the allegations. They interviewed 86 students. Accused Staff Member E was placed on administrative leave during the investigation. Students discussed the alleged incidents noted above as well as other inappropriate conduct, including personal text messages to students. The Staff members' overall conclusions noted a "casual" culture in Accused Staff Member E's program.

In correspondence to the staff on November 10, 2017, Miller wrote the following regarding the employee being placed on leave:

[...] A student was interviewed about an incident from 14 months ago that raised new questions that needed to be investigated further, so we placed that individual on leave, but this new story contradicted some of the details that had been repeatedly and consistently reported by the two parties involved.

On November 14, 2017, Miller filed a Suspected Child Abuse report with the SJPD, indicating on the form that Accused Staff Member E "was alone in a hotel room" with a student. In an accompanying email to the SJPD, Miller added Accused Staff Member E "stepped into the bathroom to change into sweats." Miller noted "there has never been any suggestion by the student of sexual conduct or lewd behavior. However, this conduct did violate a number of our boundary policies explicitly stated in our faculty handbook." She had not reported this conduct

the year prior. In the reports to SJPD, Miller did not include the new allegation that Accused Staff Member E had changed his clothes in front of the student.

Conclusions. Accused Staff Member E engaged in unprofessional and inappropriate conduct toward one student. Specifically, he touched her hair and head, gave her attention disproportionate to other students, and on one occasion changed in the bathroom of a hotel room with the door closed while the student was in the room. Concerningly, Accused Staff Member E continued with the behaviors after being counseled.

The claim that Accused Staff Member E changed in front of the student was not substantiated by an earlier internal investigation. We reviewed the investigative report and found its conclusion in this regard to be supported by the record.

It was a close call whether to place Accused Staff Member E in the Named Respondent category. Ultimately, we determined that while he exhibited boundary issues which clearly made the student uncomfortable, the conduct was not “related to sex” given the evidence which supports he did not change in front of the student.

When concerns regarding Accused Staff Member E’s conduct were reported in September 2016, Pres reviewed and addressed the concerns. When additional, similar concerns were reported to Pres administration in March 2017, Staff 17 and Miller conducted additional interviews with some relevant witnesses. Based on newly reported information in November 2017, Pres launched an extensive internal investigation. Although the reported information was not substantiated, Pres filed a CPS report based on the nature of the allegations. Accused Staff Member E is no longer employed at Pres.

F. Accused Staff Member F

Information Gathered. Accused Staff Member F allegedly sent inappropriate text messages to one Pres student in approximately 2010. We interviewed three witnesses related to the allegations. The Affected Party did not participate.

We reviewed an email sent anonymously to MPS by “A Very Concerned Citizen” dated February 22, 2018 alleging Accused Staff Member F engaged in inappropriate conduct. While the anonymous witness reached out to MPS and spoke with law enforcement, this person did not speak with us.

Through the course of our investigation, after speaking with other witnesses, we learned there were allegations Accused Staff Member F exchanged more than 400 text messages with Affected Party. One witness, Witness 18, shared during her interview that she was friends with Affected Party. Witness 18 saw the text messages between the two and recalled they were sexual in nature, such as, “Hey sexy,” and, “You look beautiful today.” Witness 18 stated Affected Party told her she thought Accused Staff Member F was “cute” and they were “seeing” each other. Witness 18 believed Affected Party may have been 18 years old at the time.

During her investigative interview, Miller recalled the text messages and believed she received them from Affected Party’s mother. Miller said the messages were sexual in nature. Miller noted

Affected Party had already graduated at the time Miller became aware of the text messages. Upon learning about the text messages, Miller met with Accused Staff Member F. During their meeting, Accused Staff Member F admitted to sending the text messages. Miller stated his conduct was “deemed inappropriate behavior,” and took action. Accused Staff Member F is no longer employed at Pres.

Conclusion. Accused Staff Member F sent sexual text messages to a student. When Pres became aware of the concerns, Pres responded appropriately by addressing the concerns with Accused Staff Member F and immediately taking action. Accused Staff Member F is no longer employed at Pres. There was nothing in the record to demonstrate the conduct was reported to CPS or law enforcement.

VI. Additional Claims For Which Limited Information Was Available

We received some additional allegations of sexual misconduct with little or no supporting information, such as details about the allegation which would allow us to meaningfully pursue it, or the identities of and/or contact information for potential witnesses. We did not hear from any firsthand witnesses regarding these claims. These included an allegation that a Staff member squeezed a student’s hip in or around 1995-1996; an anonymous report that a Staff member took photos of girls in bikinis and posted them on social media; an anonymous complaint that a male Staff member made inappropriate sexual comments in the 1970s; another anonymous complaint alleging a female Staff member engaged in grooming and inappropriate touching in the 1970s; a report from a family member of “sexual misconduct/abuse” in 2000, no further details provided; and, an allegation from 2003 regarding a female Staff member allegedly having a sexual relationship with a student.

VII. Presentation High School’s Initial Response To The Press Accounts Of Misconduct

Many current and former Pres employees, as well as several of the Affected Parties and witnesses, shared with us their perceptions about Pres’ response to the public scrutiny of Pres which began in October of 2017. These perspectives are focused largely on Miller, given her role as Principal, as well as the Board of Directors, given their decision-making role. We include this section because it provides important perspectives as Pres moves forward.

Overall, we heard different perspectives. On one side were individuals who feel Miller and the Board of Directors did not act in good faith when responding to the complaints. On the other side were individuals who expressed their belief that the negative press was exaggerated and unfair to Pres. While some were concerned about long-term negative ramifications for Pres, others felt this process provided an important opportunity to evaluate and learn from past mistakes, which would ultimately benefit Pres moving forward.

Regardless of which group witnesses fell into, the majority of those who spoke with us (even those who support Miller) felt Miller’s public words and actions in response to the press accounts of sexual misconduct against Pres were harmful and not productive. As one shared, “Clearly the way that this situation with the *Washington Post* thing was handled, I thought was probably not the

best way to do it. I felt like the response to it, it just made it worse. I felt like [Miller's] response seemed very defensive....”

We heard similar concerns about the manner in which the Board of Directors responded at the time.³⁴ Many felt the complicated relationships between Board Members and others created conflicts, or at least perceptions of conflicts. Many spoke of longstanding relationships and allegiance. Some asserted Board Members had “ties” to, for example, the District Attorney’s Office or SJPD. Marian Stuckey, who served as Chair of the Board of Directors when the *Washington Post* op-ed was published, had a long and well-known professional relationship with Mary Miller, which many felt hampered her ability – and the Board’s – to make fair judgments about Miller’s conduct and judgments. Finally, the Board had direct oversight of Miller, yet invited her to participate in many of the conversations about how to respond to the allegations which were surfacing.

Some witnesses, including some of the Board Members interviewed, cited a lack of clarity in Board policies and procedures, which created uncertainty. Again, we note the Board was newly constituted in 2015.

Like Miller, the Directors issued statements in the wake of the press reports which many cited as lacking neutrality.

Despite these concerns, the record did not reveal actual conflicts of interest, inappropriate ties which influenced decision-making, or other malfeasance. And, despite suggestions to the contrary, the record did not demonstrate Miller selectively withheld information or ultimately influenced the decisions of the Board.

Finally, many Board Members interviewed felt frustrated by the many levels of advice – from Public Relations to legal – which, while necessary, left many feeling they were “hamstrung” from making independent judgments about what and how to communicate with the public and the Pres community.

VIII. Presentation High School’s Remediation Efforts Post-2018

Over the past two years, Pres has taken many steps to address, correct and prevent sexual harassment and misconduct, to create a healthy and safe environment for its students, and to ensure a culture of transparency and accountability.³⁵ Next, we summarize some of the information we collected.

³⁴ In 2015, the Board for Pres transitioned to a new, tiered model of governance. The Board currently includes a Board of Directors, Board of Regents, Associate Members, and Ex Officio Members. Collectively, we refer to this group as “Board Members.” The Board of Directors currently consists of five individuals, including three Sisters of the Presentation. According to its website, Sisters of the Presentation, San Francisco, is a designated 501(c)3 organization dedicated to “[s]erving the People of God in the San Francisco Bay Area since 1854.” The Board of Directors are responsible for the governance of the school. The Board of Regents, formerly known as the Board of Trustees, consists of 26 individuals. Board of Regents’ members serve in an advisory role. In addition, the Board includes 10 Associate Members and 11 Ex-Officio members (who are also employees) who also serve in an advisory capacity.

³⁵ Some of these steps were taken under Miller’s leadership.

- In the fall of 2018, Pres created the Office of Prevention of Student Bullying, Harassment & Abuse (Office), which is modeled after Title IX regulations and best practices. Importantly, its Director delivers reports to the Board of Directors. The Office is charged with facilitating efforts to prevent student bullying, harassment, and abuse; responding to current students, parents, faculty, and staff who report concerns related to student bullying, harassment, and abuse; conducting outreach to students, teachers, staff, and parents to prevent student bullying, harassment, and abuse; and, training students, faculty, and staff on the prevention of student bullying, harassment, and abuse, including mandatory reporting obligations.
- Also in the fall of 2018, Pres launched a new app-based reporting program, which allows students to easily report any concerns. According to the STOPit website, “STOPit provides simple, fast, and powerful anonymous reporting via the STOPit Mobile App, Web & Hotline. STOPit Messenger enables anonymous, 2-way dialogue between administrators and reporters in real-time—course correcting issues before they turn into emergencies.”
- Beginning in the 2017-2018 school year, Pres implemented more frequent and robust mandatory reporting training for all staff, which is annual and on-going. The curriculum includes training on the warning signs of abuse. Pres also added two additional student safety trainings in the 2018-2019 school year. In 2019, Pres conducted staff training regarding child abuse, which covered the different types of child abuse and mandated reporting requirements. On May 13, 2019, Pres also conducted Mandated Reporter and Professional Boundaries/Conduct Training.
- Pres implemented new policies and procedures around bullying, harassment, and abuse, and boundaries related to faculty- and staff-student relationships. Pres’ website includes the “Faculty Policies Relating to Students,” which include sections on “Professional Responsibilities,” “Boundaries (Faculty/Staff-Student Relationships), and “Overnight Chaperone Responsibilities.” Some key features of these new policies and procedures include an emphasis on the need to maintain professional boundaries with any current students, former students under the age of 21, and applicants for admission. As examples, the new policies expressly prohibit communicating with students on any issues other than those serving an educational purpose; socializing with students outside of school or outside of a school activity without a parent or guardian present; and, sharing or inquiring about “overly personal details of a student’s private relationships.”
- Pres has updated the school’s Student Wellness Program to include student safety, focusing on healthy relationships, dating and how to spot abuse. Pres’ Student Wellness Program webpage states, “Pres is proud to partner with *One Love Foundation* to bring their relationship abuse curriculum to our students and parents.” One Love Foundation “educates young people about healthy and unhealthy relationships, empowering them to identify and avoid abuse and learn how to love better.”
- Pres has made significant changes to its governance, including hiring a new President and making changes to the Board to address perceptions of conflicts of interest or any perception of influence which may flow from a personal relationship. Many faculty

members, staff members, and alum expressed support of Pres' new leadership. Elkins has had one-on-one meetings with alumna, Board Members, employees, and others in the community to listen to community concerns and suggestions. Elkins expressed her deep commitment to addressing, correcting and preventing sexual harassment.

- Pres hired General Counsel to provide legal advice and guidance. Previously, Pres did not have a formal general counsel to advise it on personnel and compliance issues, including how to respond to complaints regarding sexual misconduct.
- Pres became a member of the National Association of Independent Schools (NAIS), a non-profit organization that provides research and trend analysis, leadership and governance guidance, and professional development opportunities for school and Board leaders.
- In September 2019, Pres initiated this investigation, and charged "a thorough and impartial investigation into any reports of sexual abuse or misconduct by any Pres employee against any student throughout the history of the school."



This concludes the Report of Independent Investigation.

Respectfully Submitted,

Handwritten signature of Deborah Maddux in blue ink.

Deborah Maddux

Handwritten signature of Jennifer Doughty in blue ink.

Jennifer Doughty

Handwritten signature of Lauren Becker in blue ink.

Lauren Becker