



SANGHAVI LAW OFFICE

To: Trinity-Pawling School
From: Elizabeth Sanghavi and Trina Ingelfinger
Re: Sexual Misconduct Investigation
Date: February 21, 2020

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In November 2017, Trinity-Pawling School (“Trinity-Pawling” or the “School”) requested that Sanghavi Law Office, LLC, assess allegations shared with the School regarding sexual misconduct (generally, the “Investigation”). Two attorneys from that firm, Elizabeth Sanghavi and Trina Ingelfinger (collectively, the “Investigative Team”),¹ conducted the Investigation.

On May 15, 2018, Trinity-Pawling Headmaster William Taylor sent a letter to members of the Trinity-Pawling community, apprising community members of the Investigation and encouraging anyone with knowledge of sexual misconduct to report it to the School.

The Investigative Team received information regarding allegations of sexual misconduct toward students between the 1950s and the early 1990s. The Investigative Team conducted a total of 79 interviews over the course of this Investigation. In addition, the Investigative Team reviewed educational and personnel records, and reviewed relevant sexual misconduct policies.

I. Background

Trinity-Pawling School is a 7th grade through post-graduate boarding and day school in Pawling, New York. Prior to June 1978, Trinity-Pawling School was part of Trinity Episcopal Schools Corporation. On June 29, 1978, the separation of the two entities was finalized, and Trinity-Pawling began operating independently. The school has served an all-male student body except from 1973 to 1985 when it also enrolled female students.

¹ For the sake of simplicity, the term “Investigative Team” is used throughout this report to refer to either or both members of the Investigative Team.

William Taylor began in the position of Headmaster in the 2015-2016 academic year. Archibald (“Arch”) Smith was the headmaster before him, from 1990 to 2015, and was preceded by Phillips (“Phil”) Smith, from 1970 to 1990. Of note, Arch Smith also served as Assistant Headmaster from approximately 1984 to 1990, and taught at the School starting in about 1975.

II. Investigative Process

A. Review of Records

The investigative process for allegations of possible sexual misconduct included a review of relevant records. Specifically, the Investigative Team reviewed the educational records and personnel files of all individuals about whom findings are detailed in this report to determine whether documents in the files corroborated information obtained during interviews; and to assess whether the records reflected any knowledge by the School of alleged sexual misconduct and any responsive actions.

B. Interviews

For each allegation, the Investigative Team sought to interview, if possible and appropriate, the alleged victim, the alleged perpetrator, and individuals with possible knowledge about the alleged sexual misconduct. The Investigative Team interviewed a total of 57 individuals, some multiple times, for this Investigation.

During interviews, the Investigative Team asked questions to determine the details of the alleged sexual misconduct and any surrounding circumstances (e.g., relationship between alleged victim and alleged perpetrator; any contemporaneous disclosures of the conduct; any school response; and the impact of the conduct on the alleged victim), as well as possible additional sources of relevant information.

C. Findings and Determinations

Based on records reviewed and interviews, the Investigative Team assessed, for each allegation, whether it was appropriate to make findings of fact and a determination regarding whether sexual misconduct occurred. The Investigative Team made such findings and determinations if: 1) an alleged victim was identified; 2) the information obtained indicated possible sexual misconduct based on the expectations articulated below; and 3) the alleged victim was a willing participant in the Investigation and did not object to an investigation of his or her experiences.²

² In those cases in which the alleged victim was not a willing participant in this Investigation, could not be located, or was deceased prior to the commencement of this Investigation and, therefore, could not express willingness or objection to an investigation, the Investigative Team considered whether there were other compelling reasons to proceed with an investigation (such as a potential for continued harm to the community should the allegations of misconduct prove true). The Investigative Team did not find that any of the allegations brought forward presented such circumstances, and the Investigative Team did not move forward with an investigation in any such instance.

The Investigative Team, therefore, did not make findings of fact and determinations with regard to the following alleged conduct:

Alleged Victims Not Identified: Allegations of sexual misconduct involving unnamed students were made regarding three Trinity-Pawling employees. Without knowing the identity of these students, the Investigative Team could not make findings of fact and determinations.

Information Did Not Indicate Possible Sexual Misconduct: In assessing whether to conduct an investigation and make findings and determinations with regard to identified alleged victims, the Investigative Team determined that three did not indicate possible sexual misconduct.

Non-Participation of Identified Alleged Victim: Twelve alleged victims identified during this Investigation could not be reached or chose not to participate in the Investigation.³ Of these alleged victims, two were deceased at the time of this Investigation.

The Investigative Team made findings of fact and determinations regarding 14 allegations. Thirteen of these investigations, spanning, approximately, a 20-year time period from the early 1970s to the early 1990s, resulted in determinations of sexual misconduct, nine of which involved Gerald Hollis, who passed away in 2007, and four of which involved Richard Wyland.⁴

With regard to the allegations of one additional alleged victim, brought forward against another faculty member not otherwise discussed in this report, the Investigative Team made findings of fact and concluded that it did not have sufficient evidence to make a determination that misconduct occurred.

D. School Response

As discussed below, the Investigative Team examined, where appropriate, the School's response to possible sexual misconduct by Hollis and Wyland. The School's response only was analyzed with regard to conduct allegedly reported to the School prior to the start of this investigation.

³ The conduct alleged by individuals who chose not to participate in this process included, but was not limited to, allegations against faculty other than Hollis or Wyland.

⁴ Based on interests of transparency and in light of the evidence collected, the School requested that both of these former teachers be identified by name in this report.

III. Applicable Standards⁵

A. Findings of Fact

Where the Investigative Team found it appropriate to make findings and determinations,⁶ the Investigative Team made findings of fact, based on the preponderance of the evidence, about what misconduct, if any, occurred between the parties, and any relevant surrounding circumstances. These findings were based on the totality of circumstances, including but not limited to assessments of credibility and any pattern of conduct on the part of the alleged perpetrator that might reliably inform the determination.

1. Credibility

In the cases for which findings were made, the Investigative Team, where applicable, assessed the credibility of the accounts of the individuals interviewed. To assess credibility, a number of factors were considered, including but not limited to: 1) cooperation and demeanor; 2) reliability of recollections; 3) plausibility and motive to falsify; and 4) internal consistency and consistency with other sources.

2. Pattern

When prior acts of sexual misconduct were assessed as evidence in the course of the Investigation, the Investigative Team weighed (a) the degree to which the prior acts have been proven, and (b) the similarity of the previous acts to the act in question, as demonstrated through a number of factors, such as:

- The alleged perpetrator's relationship with the alleged victim
- Age, gender, or other identifying characteristic of the alleged victim
- Means of approach
- Type of act(s)
- Manner of engagement
- Location
- Context or circumstances

B. Determination Regarding Violation of School Expectations

The Investigative Team made determinations by a preponderance of the evidence as to whether the conduct found to have occurred violated the School's expectations at the time such conduct occurred.

⁵ Many of the principles applied in this Investigation are adaptations of standards commonly applied in other educational settings, including, in many instances, standards similar to those promulgated by the U.S. Department of Education, Office for Civil Rights, with regard to Title IX of the Education Amendments of 1972.

⁶ Information obtained from intake calls, interviews, or file reviews that did not result in an investigation, findings, and a determination is not discussed in detail in this report

The Investigative Team determined that, prior to the 1992-1993 academic year, School handbooks did not contain language expressly addressing sexual misconduct. In 1992, the School adopted a sexual harassment policy, which was memorialized in the 1992-1993 School Handbook as follows:

Trinity-Pawling School does not tolerate any form of harassment of individuals including harassment stemming from ethnic, religious, racial, or gender differences. Specifically, Trinity-Pawling School does not tolerate any form of sexual harassment in the workplace or within the school community.

Trinity-Pawling School believes strongly in the importance of its community, which includes students, faculty, staff, families, alumni, trustees, and guests. The community of Trinity-Pawling works to enhance the School's educational environment by strengthening the relationships between individuals. It is the School's strong belief that an appreciation of one's own worth can best be discovered by recognizing the worth of others. Trinity-Pawling School respects the differences in individuals. The Trinity-Pawling community exists to create a healthy atmosphere in which to live, to learn, and to work.

Sexual harassment can be manifested in various ways and is not social behavior. It is behavior that is uninvited and unwelcome. Sexual harassment is an assertion of power that can damage the community fabric by fracturing the role of respect that is inherent to the framework of any healthy community. To this end, sexual harassment may include:

1. Physical assault, including rape,^[7] or any coerced sexual behavior.
2. Subtle pressure for sexual activity or for interaction that takes on a sexual or romantic coloring, thereby exceeding the limits of healthy relationships.
3. Any demeaning sexual propositions or suggestions.
4. Inappropriate physical contact.
5. Leering or making sexually explicit or suggestive remarks about a person's physical attributes, clothing, or behavior.
6. Sexually stereotyped or sexually charged insults, humor, or verbal abuse.
7. Inappropriate personal questions.

Although the conduct about which the Investigative Team made findings and determinations took place before the 1992 policy was put in place, the two Headmasters during whose tenure the conduct took place, as well as faculty members who were at Trinity-Pawling at the time, have affirmed that the same expectations would have applied even before 1992.

As such, the conduct addressed in this report has been found to violate school expectations if it was uninvited and unwelcome, sexual in nature, and involved the types of conduct enumerated in the 1992 policy. Conduct by a teacher toward a student was in each instance presumed unwelcome.

⁷ Of note, none of the findings of fact and determinations set forth in this report involved allegations of rape.

C. Response

Based on principles commonly employed in educational settings, the Investigative Team examined the School's response to possible sexual misconduct by Hollis and Wyland.

Specifically, the Investigative Team examined the following with regard to Trinity-Pawling's response to allegations of possible sexual misconduct: 1) the School's inquiry, if any, into allegations of misconduct; 2) steps taken to stop the conduct and prevent recurrence at the School; 3) steps taken to address the effects of the conduct; 4) external reporting by Trinity-Pawling; 5) references provided by the School to other employers; 6) impact of personal relationships on School response; and 7) the School's recordkeeping.

IV. Findings and Determinations⁸

A. Gerald Hollis (*deceased*)

The Investigative Team made findings of fact and determinations regarding allegations brought against Gerald Hollis during this Investigation by nine former Trinity-Pawling students. The Investigative Team considered the totality of information obtained during this Investigation in making determinations with regard to each of the nine allegations.

As part of this assessment, the Investigative Team individually assessed the credibility of the accounts provided by each of the former students who made allegations against Hollis during this Investigation. Applying the factors outlined in Section III.A.1, the Investigative Team found the account of each former student credible.

Further, the Investigative Team considered that there was a distinct pattern in the allegations raised against Hollis. Specifically, all nine of the former students who came forward described the same types of conduct and manner of engagement. Eight of the nine described the same means of approach by Hollis, and eight also described the same location of the conduct. And many of the students' accounts overlapped in terms of the number of instances of conduct and in terms of other aspects of the context and circumstances of the conduct. As discussed above, the degree of similarity of each individual account to this pattern was taken into account by the Investigative Team in making findings and determinations with regard to each account.

The Investigative Team determined that the totality of the information obtained during this Investigation was sufficient to find by a preponderance of the evidence that:

1. On multiple occasions in the early 1970s, during a time period when Student A was participating in a School activity led by Hollis, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student A.
2. On multiple occasions in the mid-1970s, while Student B was participating in a School activity with Hollis, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student B.

⁸ Non-dispositive information that might identify the alleged victims is not included in this report.

3. On at least one occasion in the late 1970s, while Student C was participating in a School activity with Hollis, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student C.
4. On one occasion in the late 1970s or early 1980s, while Student D was doing schoolwork with Hollis, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student D.
5. On more than one occasion in the early 1980s, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student E.
6. On multiple occasions in the mid-1980s, while Student F was participating in a School activity with Hollis, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student F that included holding or pinning Student F, such that Student F could not push back.
7. On at least one occasion in the mid-1980s, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student G, while Hollis was under the influence of alcohol.
8. On more than one occasion in or around the late 1980s and early 1990s, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student H.
9. On two or more occasions in the early 1990s, Hollis engaged in unwelcome and inappropriate physical, sexual contact with Student I, while trying to hold on to him.

The Investigative Team determined that Hollis's conduct toward each of these nine former students would have violated the 1992 policy, had it been in effect at the time of the conduct, and was contrary to the expectations of the School. The Investigative Team therefore concluded by a preponderance of the evidence that Hollis engaged in sexual misconduct toward each of these nine students while they were students at the School.

B. Richard Wyland⁹

The Investigative Team made findings of fact and determinations regarding allegations brought against Richard Wyland during this investigation by four former Trinity-Pawling students. As with regard to Hollis, the Investigative Team considered the totality of information obtained during this Investigation in making determinations with regard to each of the allegations.

Applying the factors outlined in Section III.A.1, above, the Investigative Team individually assessed the credibility of the accounts of each of the former students who made allegations

⁹ Wyland chose not to participate in this Investigation.

against Wyland during this Investigation. The Investigative Team found each former student credible.

The Investigative Team considered whether a pattern of alleged conduct existed, and found that although there were similarities among some of the accounts, the allegations regarding Wyland did not form such a distinct pattern of conduct that it affected the Investigative Team's determinations. However, of note, all the conduct for which the Investigative Team made findings of fact and determinations occurred during each alleged victim's 9th grade year.

The Investigative Team determined that the totality of the information obtained during this Investigation was sufficient to find by a preponderance of the evidence that:

1. On multiple occasions in the late 1970s, while Student D was at soccer practice, Wyland engaged in unwelcome and inappropriate physical, sexual contact with Student D.
2. On multiple occasions in the mid to late 1980s, while Student J was in his bed in his dorm room, Wyland engaged in unwelcome and inappropriate physical, sexual contact with Student J.
3. On one occasion in the late 1980s, while Student K was in Wyland's dormitory for extra help, Wyland engaged in unwelcome and inappropriate physical, sexual contact with Student K.
4. On one occasion in the late 1980s, while Student L was in Wyland's apartment to watch a movie, Wyland engaged in unwelcome and inappropriate physical, sexual contact with Student L.

The Investigative Team determined that Wyland's conduct toward each of these four former students would have violated the 1992 policy, had it been in effect at the time of the conduct, and was contrary to the expectations of the School at the time of the conduct. The Investigative Team therefore concluded by a preponderance of the evidence that Wyland engaged in sexual misconduct toward each of these four students while they were students at the School.

V. School Response

The Investigative Team examined the School's response to conduct allegedly reported to adults at the School prior to the commencement of this investigation. The Investigative Team did not, as a result, examine the response regarding the conduct alleged by Student D, Student E, Student G, Student H, Student I, or Student J, each of whom indicated that they did not inform the School of the alleged conduct when they were students or otherwise prior to the commencement of this investigation.

A. Gerald Hollis

1. School's Inquiry into Allegations of Misconduct

The Investigative Team considered whether the School conducted a prompt and thorough inquiry and an appropriate assessment of any allegations regarding Hollis about which the School may have had notice.

Rumors: Arch Smith said that he never heard of any rumors about Hollis, and that he was shocked when he learned about the allegations of misconduct. Arch Smith said that students frequently spent time in Hollis's apartment, but that this did not concern him because the faculty generally maintained an open-door policy.

One former Trinity-Pawling faculty member who was at the School while Phil Smith was headmaster ("Faculty Member 1") noted with regard to Hollis that there were always rumors, but Faculty Member 1 said that he did not have actual knowledge of anything and never heard of Hollis being aggressive or going over the bounds of proper behavior. The faculty member stated, "You didn't delve into those areas back then. I wish we had."

Phil Smith stated that he had a sense that students were uncomfortable around Hollis, and indicated that there were unproven suspicions of inappropriate behavior involving Hollis. Phil Smith noted that there were rumors about Hollis being "too close," but went on to say that he never heard rumors of anything of a sexual nature. Phil Smith provided internally inconsistent information regarding whether he had concerns about Hollis, at one point stating that students' visits to Hollis's apartment did not raise any suspicions, but at another point saying that he was uneasy about such visits. Phil Smith indicated that he investigated the rumors regarding Hollis, but did not find anything. Phil Smith said that he told Hollis that he was hearing uncomfortable things and would say, "H what is going on?" and, "H are you getting in trouble?" to which he said Hollis replied, "No." Phil Smith did not describe engaging in any further probing of the rumors he heard.

Allegations by Students: Three former students (Student B, Student C, and Student F), who during this Investigation alleged that Hollis engaged in sexual misconduct with them, stated that they had informed adults at Trinity-Pawling of their allegations prior to Hollis's eventual departure from the School. In addition, information gathered during the Investigation indicated that a former student who did not participate in this Investigation, Student M, informed Arch Smith of an allegation against Hollis in the mid-1990s; that some other former students came forward shortly after that; and that a former student communicated with the School, many years after leaving Trinity-Pawling, in the late 2000s, about an allegation against Hollis (Student A).

- **Student B:** Student B said that he definitely knew that the School knew the situation regarding Hollis, but that no one seemed to do anything about it. Student B stated that in the mid-1970s he met with a therapist who was hired by the School, and told the therapist about Hollis's conduct. Student B also indicated that he might have told one of the resident advisors or a member of the School chaplaincy about Hollis's conduct, and that the therapist may have talked to the School's Assistant Headmaster, but Student B went on to say that he

did not know for sure that these individuals knew about Hollis's conduct. The Investigative Team learned that the therapist who worked with the School at that time, the resident advisor mentioned by Student B, and the Assistant Headmaster are deceased. Phil Smith did not remember ever hearing information from the therapist about sexual misconduct, and did not recall any complaints about Hollis. As such, the Investigative Team was unable to determine whether Student B's therapist kept Student B's disclosures confidential or shared them with the School, and whether any further inquiry might have been undertaken by School personnel.

- Student C: Student C indicated that when he was a student in the late 1970s, he informed a faculty member ("Faculty Member 2") of his allegations against Hollis. Faculty Member 2 indicated that in the 1970s, Student C reported to him that Hollis had engaged in conduct of a sexual nature. Faculty Member 2 stated that he reported this to the then-Dean of Students. The then-Dean of Students did not remember being informed of Student C's allegations and there was no record of any response by the School. Student C indicated that no one asked him questions or followed up with him about his allegations.
- Student F: Student F indicated that, after he had graduated from Trinity-Pawling, he informed Arch Smith of his allegations against Hollis. Student F and Arch Smith agreed that Student F went to see Smith in the mid-1990s to discuss Student F's allegations against Hollis. Information provided by Arch Smith indicated that Smith did not ask Student F about details that might have been important to understanding the allegations, and that Smith curtailed his pursuit of an investigation, due at least in part to seemingly cursory concerns about Student F's credibility. Arch Smith also downplayed the alleged conduct, at times describing various allegations of physical sexual contact, and at other times characterizing the allegations as non-sexual or non-specific. In addition, there was little evidence that Arch Smith took steps to corroborate Student F's account. Arch Smith at one point asserted that Student F did not want him to take action with regard to the allegations, but at another point Smith said that he agreed to "look into it." Finally, Arch Smith reported that he determined he did not have enough information to confront Hollis after learning of Student F's allegations.
- Student M: The allegation of misconduct that precipitated Hollis's departure was, according to Arch Smith, that of Student M, who reported the misconduct to Smith during a reunion weekend in the mid-1990s, several months after Student F did so.¹⁰ Although Arch Smith had not questioned Hollis when Student F raised his allegations, Smith did confront Hollis after Student M came forward.
- Other Students from mid-1990s: Information obtained during this Investigation indicated that immediately following Student M's report, Arch Smith spoke with other alumni who reported misconduct by Hollis, but there was no indication of additional follow up to illuminate the scope of the issues these former students were raising.

¹⁰ Student M did not participate in this Investigation.

- Student A: Student A informed Trinity-Pawling of his allegations against Hollis in the late 2000s, many years after Student A was a student at Trinity-Pawling, and after Hollis had died. The available information suggests that Arch Smith sought to determine what responsive actions Student A might be seeking, but there is little to indicate that the School attempted to gather details about Student A's interactions with Hollis.

Of note, no information was obtained during this Investigation indicating that Trinity-Pawling had knowledge of the conduct alleged by any of the other individuals who came forward during this Investigation regarding Hollis.

2. Steps Taken to Stop the Conduct and Prevent Recurrence at the School

The Investigative Team considered what steps, if any, the School took to put a stop to and prevent recurrence of the conduct that Hollis allegedly engaged in when Hollis was a teacher at the School.

The information collected during this Investigation indicated that Arch Smith took action by bringing an end to Hollis's employment once Student M came forward. The information obtained by the Investigative Team did not indicate, however, that the School took affirmative preventive steps with regard to any other allegation.

3. Steps Taken to Address the Effects of the Conduct

The Investigative Team examined what steps, if any, Trinity-Pawling took to address the effects of Hollis's conduct toward students who indicated they were impacted by Hollis's conduct (e.g., by providing counseling or other redress).

With regard to Student A, although the School was not on notice of the alleged conduct when Student A was a student, it became aware of the alleged conduct in the late 2000s. In response to a request from Student A, the School identified some financial resources for him, and Student A noted to the School that he had started counseling.

The Investigative Team did not find any indication that the School otherwise provided specific assistance to any of the students who may have come forward with allegations of misconduct regarding Hollis. This is in contrast to the assistance that Arch Smith, in his mid-1990s letter to the Trustees regarding Hollis's departure from the School, wrote that he had offered Hollis: "all of the school's resources with regard to counseling, support, and finances to assist [Hollis] in some sort of a transition."

4. External Reporting by Trinity-Pawling

The Investigative Team examined whether the School's reports to state authorities were handled appropriately.

Arch Smith stated that he called Child Protective Services ("CPS") and the police to report Student M's allegations. The Investigative Team noted numerous internal inconsistencies within

Arch Smith's accounts regarding the response he received from CPS and the police. A contemporaneous record of Arch Smith's telephone call with the state Child Abuse Hotline indicated that CPS declined to investigate because the alleged victim was over the age of 18 at the time of his report, and a contemporaneous record of Smith's call with the police indicated that the situation "appear[ed] to be a gray area." However, the Investigative Team noted that the memoranda memorializing Arch Smith's conversations with CPS and the police were maintained in Smith's personal files, rather than in School records.

5. References Provided by the School to Other Employers

The Investigative Team examined whether the School supported Hollis's employment elsewhere after learning of Hollis's misconduct.

The Investigative Team did not find any letters of recommendation or any documentation regarding reference calls in Hollis's personnel files at the School. Arch Smith stated that to his knowledge, Hollis never worked again after leaving Trinity-Pawling. However, a memorial service program for Hollis indicated that he worked at a library after leaving Trinity-Pawling, and the Investigative Team learned that Hollis worked at the Woodhall School part time after he left Trinity-Pawling, from the late 1990s through the mid-2000s. The information gathered during this Investigation did not indicate that Trinity-Pawling facilitated Hollis's subsequent employment (e.g., by providing a reference), and the available evidence did not indicate that Trinity-Pawling personnel were aware of Hollis's employment at Woodhall until after Hollis's death.

6. Impact of Personal Relationships on School Response

The Investigative Team examined whether any personal relationships or other conflicts of interest affected the School's response to the allegations of misconduct by Hollis. Although Arch Smith spoke about Hollis in positive terms in his mid-1990s letter to the Trustees regarding Hollis's departure, the Investigative Team found no indication of a conflict of interest impacting the School's response.

7. Recordkeeping

The Investigative Team examined whether the School documented the allegations brought forward against Hollis, and whether it maintained documentation of any resulting investigative efforts, findings, or responsive measures.

With regard to the allegations of Student F and Student M, the Investigative Team found that Arch Smith's investigative actions were broadly summarized in his mid-1990s letter to the Trustees regarding Hollis's departure from the School. The Investigative Team did not find any evidence, however, that Arch Smith kept a detailed record of his conversations with Hollis, Student F, or Student M. And although Student F said that he received a letter from Arch Smith regarding Hollis, no such letter was maintained in the School's files. In addition, as noted above, the Investigative Team noted that the memoranda of Arch Smith's calls with CPS and the police,

as well as certain records of Arch Smith's communications with Student F and his father, were kept in Smith's personal files, rather than in School records.

With regard to Student A's allegations against Hollis, although there appear to be some gaps in the records, Trinity-Pawling maintained his correspondence with the School and notes of the telephone contact that Arch Smith had with him in the late 2000s, providing a relatively comprehensive record of the interactions that took place with Student A.

The information collected during this Investigation did not indicate that the School kept robust contemporaneous records of concerns raised by any other student who might have brought forward concerns about Hollis – such that the School might have identified patterns of conduct – or of any responsive steps taken by the School.

8. Summary of Responsive Actions Regarding Hollis

In summary, the Investigative Team noted the following regarding Trinity-Pawling's response to allegations against Hollis.

- Although the School did confront Hollis once Student M came forward, the information collected did not indicate that the School took comprehensive steps to investigate or assess other allegations or rumors.
- The information collected during this Investigation indicated that the School took action by bringing an end to Hollis's employment once Student M came forward, but the information gathered did not indicate that the School took affirmative preventive steps with regard to any other allegations raised.
- The School appears to have taken steps to address the needs that Student A expressed after he reported his allegations against Hollis. However, there was no indication that the School took steps to address the effects of Hollis's misconduct with regard to any of the other students who came forward; meanwhile, the School represented that it offered resources to Hollis "with regard to counseling, support, and finances" upon his departure from the School.
- Records that reflected the School's reports to CPS and the police were not maintained in School files.
- The information gathered by the Investigative Team did not indicate that Trinity-Pawling facilitated Hollis's employment at another school.
- The Investigative Team found no indication of any conflict of interest that impacted the School's response once Trinity-Pawling was informed of alleged conduct by Hollis.
- Although the School maintained records regarding communications with Student A, the School did not appear to have kept detailed records of other allegations upon which the School might have relied to trace patterns of conduct over time.

B. Richard Wyland

1. School's Inquiry into Allegations of Misconduct

The Investigative Team considered whether the School conducted a prompt and thorough inquiry and an appropriate assessment of any allegations regarding Wyland about which the School may have had notice.

Rumors: The Investigation revealed that across a significant span of time, students had referred to Wyland with nicknames that reflected concerns about inappropriate contact. In addition, two former faculty members and a former staff member each spoke of concerns that they heard about Wyland.

Phil Smith said that he heard rumors about Wyland, stating that he maybe heard half a dozen concerns about him over the years. Phil Smith indicated that when he investigated, he did not find anything, but also indicated that he did not have conversations with Wyland about the rumors, and did not describe having undertaken any other specific inquiry with regard to the rumors he heard.

In his interviews with the Investigative Team, Arch Smith said that he did not hear any rumors regarding Wyland that he found concerning, but indicated that he did infer that there was a concern about Wyland from the fact that Wyland had several jobs over time. Another former Trinity-Pawling administrator indicated that in the early 1990s he heard stories about Wyland, including that he was a pedophile, but the information gathered did not indicate that the administrator took effective steps to gain a better understanding of or to otherwise address Wyland's conduct.

Allegations by Students: Two former students (Student L and Student K), who during this Investigation alleged that Wyland engaged in sexual misconduct with them, stated that they had informed adults at Trinity-Pawling of their allegations prior to Wyland's eventual departure from the School.

- **Student L:** Although Phil Smith indicated to the Investigative Team that he did not remember any complaints about Wyland's behavior, Smith appears to have spoken with a number of people regarding Wyland's conduct toward Student L in the late 1980s. Two Trinity-Pawling employees indicated that they learned of the conduct close in time to when it occurred and brought it to Phil Smith. In addition, Student L and his mother stated that they spoke in person to Phil Smith about the incident. Further, a letter of concern from Phil Smith to Wyland suggests that Phil Smith addressed Student L's allegations with Wyland.¹¹ The statements in the letter, including, "I have to take a firm stand about any future incidents imagined or real," indicate that the underlying allegations were given at least enough credence to trigger heightened scrutiny of future incidents.

¹¹ Although the letter of concern did not name Student L, the information gathered during the course of this Investigation suggested that the letter may have resulted from Student L's allegations.

- Student K: Although Arch Smith did not remember it, information gathered during the Investigation indicated that when Student K shared allegations with Smith about Wyland, Smith brought in a witness who could attest to that conduct, Student H.

Overall, the evidence collected indicated that key elements of inquiry were undertaken with regard to the allegations brought forward directly to Arch Smith by students against Wyland.

2. Steps Taken to Stop the Conduct and Prevent Recurrence at the School

The Investigative Team considered what steps, if any, the School took to put a stop to and prevent recurrence of the conduct that Wyland allegedly engaged in when he was a teacher at the School.

Student L: It appears that some actions were taken immediately after the incident involving Student L, seemingly to prevent Wyland from re-engaging in misconduct, including: 1) a letter of concern that appears likely to have been written in connection with Student L's allegations, referencing an agreement by Wyland to seek counseling, and indicating that Wyland would not be permitted to stay at Trinity-Pawling if any future incident were to occur; 2) an attempted contact restriction between Wyland and Student L; and, possibly, 3) a temporary removal from campus. However, the information obtained during this Investigation indicated that the attempted contact restriction between Wyland and Student L was not enforced and was not effective. Further, although some witnesses thought that Wyland was at least temporarily removed from campus, information gathered indicated that even if he was removed, such removal was only for a short period. Whether or not there was a period of removal, it is clear that Wyland ultimately remained at the School, and the Investigative Team found no indication that any restrictions were placed on Wyland's interactions with other students to prevent him from engaging in misconduct with others after the incident involving Student L.

Allegations Brought Forward in the early 1990s: Interviews and documentation obtained during this Investigation indicated that once Arch Smith learned of the allegations of Student K, and those of a former student who did not participate in this Investigation, he took prompt action to remove Wyland from the School and to bring an end to his employment there.

3. Steps Taken to Address the Effects of the Conduct

The Investigative Team examined what steps, if any, Trinity-Pawling took to address the effects of Wyland's conduct toward students who indicated they were impacted by Wyland's conduct (e.g., providing counseling or other redress).

The Investigative Team did not find any indication that the School took affirmative remedial steps with regard to any of the students who may have come forward with allegations of misconduct regarding Wyland.

4. External Reporting by Trinity-Pawling

The Investigative Team examined whether the School's reports to state authorities were handled appropriately.

Arch Smith stated that he reported conduct by Wyland to CPS and to the police after he learned in the early 1990s of allegations of misconduct against Wyland. However, the conduct that Arch Smith told the Investigative Team he described to CPS and to the police was different from the conduct that Smith described in his early 1990s letter to the Trustees regarding Wyland's departure from the School, different from the conduct described by others during this Investigation, and not reflective of the most serious of the conduct alleged.

5. References Provided by the School to Other Employers

The Investigative Team examined whether the School supported Wyland's employment elsewhere in the wake of Wyland's misconduct and departure from the School. Specifically, the Investigative Team analyzed references provided by Arch Smith on Wyland's behalf to prospective educational employers and to the Episcopal Church.

References Provided for Prospective Employers: Information provided during this Investigation indicated that, close in time to being informed in the early 1990s of misconduct by Wyland, Arch Smith wrote a number of references for Wyland. One reference, written approximately 1.5 months after the conduct was reported, was provided to the Fairfield Teachers' Agency, the agency used at the time by the Harvey School, where Wyland eventually was hired. In this reference, Arch Smith answered "No" to the question, "Do you know of any factor likely to interfere with the candidate's success as a teacher?" and he answered "Yes" to the question, "Is the applicant the type of person you would employ if you were in a position to do so and if the applicant had the necessary academic qualifications?" In the comment regarding "Character," Arch Smith wrote that Wyland "holds the traditional moral and ethical values in high esteem." In the general "Comments" section, Arch Smith wrote, "I would be happy to elaborate with any prospective employer."

Within approximately five months of writing this reference, Arch Smith wrote a letter of recommendation to the Westport Public Schools, where Wyland taught before being hired by Harvey. In addition to detailing Wyland's competence as an administrator, Arch Smith wrote that Wyland "interacted with the boys extremely well." The letter concluded, "Dick Wyland is a good friend and was a valuable colleague. For the reasons discussed above, I support his candidacy at the appropriate school with enthusiasm. Should further elaboration be necessary, I would be most happy to talk directly with any potential employer who can reach me at [telephone number]."

Arch Smith told the Investigative Team that he did not want to put concerns of misconduct in writing. Arch Smith indicated that he was concerned about the lack of confidentiality in placement agency referrals and afraid of being sued for the results of giving a bad recommendation. Arch Smith said that his approach was to include his telephone number and language that he said was intended to ensure that the prospective employer would call him. The

former Harvey School headmaster told the Investigative Team that during the time period of the letters in question, there sometimes was a sentence included in letters of recommendations, “I would appreciate if you would call me so that we can discuss this candidate further,” which he said was a code to indicate that there was something the writer did not want to put in writing, but wanted to share. However, the language that Arch Smith actually used in his referrals for Wyland – “I would be happy to elaborate with any prospective employer,” and “Should further elaboration be necessary, I would be most happy to talk directly with any potential employer” – was less direct in encouraging a call than the language cited by the Harvey headmaster. Arch Smith’s language placed the decision regarding whether a conversation was necessary in the hands of the reference’s recipient and did not plausibly indicate that there was more information the School wanted to share.

The Harvey headmaster and another former independent school headmaster interviewed during this Investigation spoke of using “bland” letters, or including only the dates of employment with regard to a former employee about whom there was a record of concerns. However, Arch Smith’s communications to the schools that hired Wyland contained language discussing Wyland’s esteem for traditional moral and ethical values; his positive interactions with students; his competence as an administrator; his value as a colleague; and Smith’s enthusiastic support for his candidacy at the appropriate school. Although Arch Smith acknowledged in an interview that it would have been understandable for Wyland to have been unable to gain employment after leaving Trinity-Pawling, Smith’s written references obscured any potential hint of concern.

Further, Arch Smith said that the purpose of the comment, “I would be happy to elaborate,” and the inclusion of his telephone number in the references was to prompt the recipient to reach out to him so that he could tell them exactly what happened, but when Smith spoke with a prospective employer, the Harvey School, by telephone, he did not appear to have been forthright in communicating the concerns about Wyland. Although Arch Smith generally was consistent in stating that he told the Harvey School headmaster that Wyland was terminated for his behavior at Trinity-Pawling, Smith’s accounts regarding what he shared about that behavior varied significantly across his multiple interviews. For example, in one interview with the Investigative Team, Arch Smith said that he told the Harvey headmaster that Wyland was terminated for cause but said that he did not provide any details regarding Wyland’s conduct, whereas in another interview, Smith stated that he described Wyland’s conduct to the Harvey headmaster. Further, the conduct Smith stated that he described did not seem to reflect the most serious conduct that was reported. In each of his interviews with the Investigative Team, Smith said that he told the Harvey headmaster to talk to Wyland about why he left Trinity-Pawling, putting the onus on the Harvey School to obtain an account of Wyland’s conduct from Wyland himself.

With regard to Arch Smith’s statements both in the letter of recommendation for Wyland and in the telephone call with the Harvey School, Smith indicated that a person reading or hearing his statements would have known what they meant. However, by obfuscating his concerns, and coupling them with significant praise, Arch Smith ran the risk that the language may not have been understood by the reader or listener to implicate the concerns Smith said he intended to convey. The Harvey headmaster who hired Wyland indicated to the Investigative Team that he did not recall that the references regarding Wyland from Trinity-Pawling suggested concerns.

As detailed above, the information obtained during this Investigation indicated that Arch Smith failed to disclose information about Wyland's sexual misconduct at Trinity-Pawling that would have allowed other schools to assess the risk Wyland might present to their communities. And through his communications to prospective employers, Arch Smith seems to have affirmatively assisted Wyland in obtaining employment after he left Trinity-Pawling.

Questionnaire for Episcopal Church: Approximately four years after Wyland's departure from Trinity-Pawling, Arch Smith completed a questionnaire about Wyland for the Episcopal Church. Arch Smith checked "yes" on the questionnaire to the following questions: 1) "To the best of your knowledge, has this person ever had sexual contact or attempted sexual contact" with a student; and 2) "To the best of your knowledge, since you have known this person, has he/she engaged in sexual behavior" with individuals under 18 years of age. Smith's written statement in this questionnaire, however, seemed to downplay the seriousness of the conduct. For example, Smith wrote, "To the best of my knowledge, [Wyland] is fully rehabilitated and I am aware of no hints/suggestion that his behavior might be suggestive of any problems." In addition, Smith wrote in the questionnaire that the police "determined that no criminal actions occurred," and that the Child Abuse Hotline "refused to act because [the conduct] was not serious." But, as discussed above, the evidence collected in this investigation called into question whether Smith's reports to the police and CPS accurately reflected the seriousness of the conduct that occurred. Based on an interview, the Investigative Team learned that subsequent to receiving this questionnaire, the Episcopal church renewed Wyland's license.¹²

6. Impact of Personal Relationships on School Response

The Investigative Team examined whether any personal relationships or other conflicts of interest affected the School's response to the allegations of misconduct by Wyland.

The Investigative Team found no indication of a conflict of interest caused by a personal relationship with regard to Phil Smith's response to alleged conduct by Wyland.

However, during the course of the Investigation, a number of people made unprompted comments about Arch Smith's close friendship with Wyland, with one interviewee describing them as "best friends," and other interviewees stating, variously, that Wyland and Arch Smith were "close" and had a "special relationship," and that Wyland was Arch Smith's "closest friend," "good friend," and "personal friend" dating back to college.

The Investigative Team also noted that, in the letters of recommendations that Arch Smith wrote for Wyland shortly after Wyland's conduct was reported, Smith explicitly mentioned his friendship with Wyland. Notably, in one recommendation Arch Smith wrote, "Mr. Wyland has been a friend for more than twenty years including my sixteen as a teacher, and Headmaster at Trinity-Pawling," and in another Smith wrote, "Dick Wyland is a good friend and was a valuable colleague." Arch Smith's discussion of his friendship with Wyland in these recommendations,

¹² A representative of the Episcopal Diocese of Connecticut, in an interview with the Investigative Team, cited Arch Smith's narrative in this questionnaire – in particular the statement regarding the reports to CPS and to the police – as key to the decision to renew Wyland's license in 2012.

in juxtaposition with the lack of disclosure of misconduct in those communications, drew attention to the possibility that the relationship might have influenced how much Smith disclosed in the letters.

Arch Smith also explicitly expressed, in a letter related to the Episcopal Church questionnaire, a concern that he wanted to be fair and honest with the church, but that he did not want to hurt Wyland by allowing others to blow things out of proportion.

7. Recordkeeping

The Investigative Team examined whether the School documented the allegations brought forward against Wyland, and whether it maintained documentation of any resulting investigative efforts, findings, or responsive measures.

Student L: Apart from the letter of concern from Phil Smith to Wyland, which, as noted above, appears to relate to Student L's allegations regarding Wyland, the Investigative Team did not find any other school records of Student L's allegations, or any factfinding, determinations, or responsive measures related to Wyland's conduct toward Student L.

Allegations Brought Forward in the early 1990s: No notes were found in the School's records regarding Arch Smith's conversations with Student K, Student H, Wyland, or others with whom Smith might have spoken. Arch Smith said that he was not aware of any written report of the conduct that led to Wyland's departure, other than Smith's early 1990s letter to the Trustees regarding Wyland's departure from the School, which was inconsistent with Smith's account to the Investigative Team in a number of key respects relevant to what conversations took place and whether they were handled appropriately.

In addition, although a note in Wyland's file indicates that Arch Smith spoke with the Harvey headmaster in the mid-1990s after concerns had been raised to the Harvey headmaster regarding Wyland, including a concern that Wyland was a "pedophile," the notes are unclear regarding details of that conversation.

Finally, the notes memorializing Arch Smith's conversations with CPS and police regarding Wyland were maintained in Smith's personal files, rather than in School records.

8. Summary of Responsive Actions Regarding Wyland

In summary, the Investigative Team noted the following regarding Trinity-Pawling's response to allegations against Wyland.

- The evidence collected during this Investigation indicated that key elements of inquiry were undertaken with regard to the allegations that students brought forward against Wyland, and at least some credence was given to the accounts of the students who came forward. The School, however, did not appear to have conducted a thorough inquiry tailored to reliably assess the basis of rumors that circulated about Wyland.

- The information gathered indicated that the School took some actions designed to prevent further misconduct by Wyland toward Student L. However, the measures put in place did not appear effective to prevent Wyland from subsequently engaging in misconduct with others. The evidence collected indicated that once Arch Smith was informed in the early 1990s of allegations of misconduct involving Wyland, the School took prompt action to remove Wyland from Trinity-Pawling and bring an end to his employment there.
- The Investigative Team did not find any indication that the School provided specific assistance to any of the students who came forward with allegations of misconduct regarding Wyland.
- The evidence collected indicated that the reports the School provided to the state after Arch Smith was informed in the early 1990s of allegations of misconduct involving Wyland may not have reflected the fullest and most accurate account of what occurred.
- The evidence collected indicated that Trinity-Pawling provided positive references for Wyland, close in time to the School being on notice of allegations of sexual misconduct against him, and that these references did not include information regarding any concerns about Wyland. The School also did not appear to have been forthright in communicating the concerns about Wyland in a telephone reference call with Wyland's future employer. Rather, through its communications to prospective employers, Trinity-Pawling seems to have affirmatively assisted Wyland in obtaining employment after he left Trinity-Pawling. In addition, while documentation indicated that the School acknowledged Wyland's misconduct to the Episcopal Church, the statements to the Church seemed to downplay the seriousness of the conduct.
- The Investigative Team found no indication of any conflict of interest that impacted Phil Smith's response to allegations of misconduct by Wyland. But the information collected indicated that Arch Smith had a close friendship with Wyland, and that Arch Smith expressed concern about the harm that disclosure of Wyland's misconduct could cause Wyland. Arch Smith's mention of his friendship with Wyland in favorable references that he wrote for Wyland highlighted the possibility that the relationship might have influenced the level of disclosure in those references.
- Apart from the letters maintained in Wyland's personnel file, the Investigative Team found few records reflecting the content of the conversations that took place regarding the allegations against Wyland.

C. Notice of Reporting Procedure

As a final note, separate from the specific responses to allegations of misconduct by Hollis and Wyland, the Investigative Team considered whether the School provided notice of the procedure for addressing allegations of sexual misconduct.

As noted above, the 1992-1993 School Handbook was the first to contain a policy explicitly addressing sexual misconduct. That handbook made it clear that the School did not tolerate any form of harassment. But each of the incidents of alleged sexual misconduct brought forward during this Investigation occurred before the 1992-1993 school year, and thus before the publication of the policy.

Among the former students who during this Investigation alleged misconduct by Hollis and Wyland, many did not report it at the time it occurred, and a number of students told the Investigative Team that they had not known where to go with their concerns.

Appropriate notice to students of resources or procedures for reporting might have helped students understand that there was a pathway by which they could take their concerns, and that the School could be expected to take responsive action.

VI. Current Programs, Policies, and Procedures

Information provided to the Investigative Team during the course of this Investigation indicated that the School, in recent years, has provided new resources for reporting allegations of sexual misconduct, has updated its policies and procedures, and has introduced new trainings relevant to sexual misconduct.

A. Resources

According to documentation provided by Trinity-Pawling, in March 2018, the School implemented an Ethicspoint Hotline, a confidential internet and telephone-based reporting tool to give members of the community an anonymous and confidential way to report issues or concerns. According to the documentation provided, this was communicated to all employees; flyers were hung in public areas; and information and link were posted on the School's website. According to School personnel, unless the reporting individual indicates otherwise, information reported through the service is transmitted to the School's Headmaster, its Chief Operating Officer, and the Vice President of the Board of Trustees.

B. New and Updated Policies and Procedures

The documentation provided to the Investigative Team indicated that, in July 2016, the School had its Employee Handbook and Community Handbook reviewed by a third-party law firm, and in September 2016, the School implemented and communicated four new policies to all employees surrounding Maintaining Professional Boundaries; Mandated Reporting; Social Media; and Social Media Accounts.

Moreover, the documentation provided to the Investigative Team indicated that the School updated all job descriptions and postings in early 2017 to incorporate the expectation that all employees establish and maintain healthy boundaries. In addition, the documentation indicated that as of June 2017, the School has contracted with a third-party vendor to conduct professional reference and background checks. The documentation indicated that the background checks are required for all new hires, non-employee spouses and adult children over the age of 21 who reside in school housing, and contracted individuals working or volunteering on behalf of the School who may have direct access to children.

According to the documentation provided, the Head of School approved a new Code of Conduct in August 2017, and a Code of Conduct Committee was established with members from the School community. The documentation provided indicated that the Community Handbook was

updated in 2018 to include the Code of Conduct, and that all employees now receive a copy of the Code of Conduct upon hire. The documentation indicated that the Code of Conduct and Mandated Reporting Policy were circulated to all existing employees in January 2019, that employees were asked to acknowledge that they received and read them, and that this acknowledgement has been slated to take place every January.

The documentation provided by the School also indicated that, in October 2018 the School communicated and distributed an updated Sexual Harassment Policy and Complaint Form, based on New York State requirements, to all employees.

C. Trainings

The documentation received from the School indicated that the School's senior leadership received training on value-driven leadership in June 2016, and that, in January 2017 and October 2017, respectively, all employees participated in online training courses through EduRisk on: 1) Protecting Children Against Sexual Misconduct; and 2) Workplace Harassment. The School now requires all new hires to complete these trainings. According to the documentation, boundary training was also conducted for all employees at the opening of the 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years, and is now also included in the School's new hire orientation program.

VII. Conclusion

Based on the totality of information collected in the course of this Investigation, the Investigative Team determined by a preponderance of the evidence that Gerald Hollis engaged in sexual misconduct against nine former students who participated in this Investigation, and Richard Wyland engaged in sexual misconduct against four former students who participated in this Investigation. This misconduct occurred during a time period spanning from the early 1970s to the early 1990s.

With regard to Trinity-Pawling's response to those who may have come forward before this Investigation, the evidence gathered indicated that the School took action in some of the areas of response examined, but did not take action in others. Most notably, while the School brought an end to both Hollis's and Wyland's employment in the 1990s, both Hollis and Wyland went on to work at other schools, and Wyland did so with positive references from Trinity-Pawling.

In recent years, Trinity-Pawling has taken significant steps to put programs, policies, and procedures in place to raise awareness about sexual misconduct and to facilitate reporting. Those efforts will be aided by the information gathered in the course of this Investigation.

Instrumental to this Investigation was the cooperation of the individuals who participated, most notably the students who were willing to share their experiences. Their candor has made it possible to shine a light on the School's past and to help pave a path forward.