

Making School Safe

*An investigation into sexual abuse at the Horace Mann School,
with recommendations for how independent schools can protect our children.*

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Introduction

On June 6, 2012, when the decades-long history of sexual abuse of students at the Horace Mann School was revealed in a *New York Times Magazine* cover story, the response both inside and outside the school community was unalloyed shock. Questions swirled as new allegations of abuse emerged in the weeks and months after publication. As the number of alleged abusers rose to the double digits it became clear that what had happened at Horace Mann was orders of magnitude beyond the abhorrent occurrence of an individual teacher imposing sexual activity on a student.

What happened at Horace Mann represents the largest concentration of abusers at a single institution. Such things do not happen by chance, and the situation at Horace Mann was enabled by a culture of arrogance and secrecy, aided by individual acts of cowardice and denial by administrators, board members, and teachers. Thus enabled, abuse was allowed to thrive for decades. This institutional dynamic -- the tacit collusion of abuser and administrator to keep things under wraps -- must be understood, and eliminated, in order to keep our children safe. There is no safety in secrecy, whether it is at the behest of an administrator, a board member or an abuser. Secrecy aids abusers, harms victims and creates more victims, each one preventable.

Although the rampant sexual abuse at the Horace Mann school has almost certainly ended, the culture of secrecy that abetted and sustained it continues. The fact that the only investigation of this painful episode was conducted over the objections of the school, rather than at its request, indicates that the administration continues to place a higher value on protecting itself than its students. Perhaps the most disappointing part of this history is that a premier educational institution has not made a single contribution to the project of understanding how things went so wrong for so long. Literally everything we now know about sexual abuse at Horace Mann has come from individuals and organizations outside of the school. Were it up to the current administration, the story would never have emerged. This fact alone should give parents pause.

This report reconstructs the story of how Horace Mann's administration allowed sexual abuse to continue for decades (despite many reports and complaints), and reacted to the revelations once they became public. Our goal is twofold: first, to provide the Horace Mann community with a greater understanding of what happened. Second, and far more important, to serve as a case study from which all schools can learn. No Horace Mann administrator or trustee came into the job as a committed malefactor, or believed him or herself to be one at any point. They all intended to foster an environment where students thrive. The fact that those good intentions had such disastrous results attests to the subtlety and insidiousness of the organizational practices this report addresses. It is only by embracing robust, transparent,

publicly-accountable procedures that we can be sure our children are safe. Transparency requires courage on the part of those whose innate reflex is to hide their actions from public view.

This report is the work of numerous experts, volunteers and contributors over the course of nearly three years. The report narrative, written by Harvard University case writer Laura Winig, reconstructs a verifiable record of how the Horace Mann administration reacted to sex abuse allegations over the course of many years. The Findings and Recommendations section, authored by Leslie Crocker Snyder, a retired judge with expertise in prosecuting sex crimes, contains her recommendations for policies and practices that could be adopted at any school. The Best Practices section, based on research by Professor Charol Shakeshaft, an educational researcher noted for her studies on sexual abuse of students by school staff, distills policies to maximize student safety. Another section contains information about the incidence of student sexual abuse at other schools, collected and organized under the direction of Professor Marci Hamilton, a constitutional scholar and advocate for reforming statutes of limitation. Professors Hamilton and Shakeshaft are leading authorities in the field of sex abuse prevention research, training and advocacy. We are grateful for their interest in this case and the dedication and expertise they brought to their work.

It is the hope of everyone associated with this effort and every member of the Horace Mann community, past and present, that this report will encourage others to examine and improve their own schools. Now. Before more lives are ruined and lost. We have no interest in accusations against anyone, living or dead, or even in justice or recompense for the victims, except insofar as they, too, deserve a complete accounting. Accusation, justice and recompense are matters for the courts. If this report helps prevent a single student from being harmed, we will have succeeded, and something positive will have come from this tragedy.

I: The Narrative

Great is the truth and it prevails; mighty the youth the morrow hails.

Lives come and go; stars cease to glow; but great is the truth and it prevails.

- Horace Mann School alma mater¹

There is no book on how to handle a situation like this.

- Steven Friedman, Chairman of the Board of Trustees, Horace Mann School²

On November 5, 2011 Jerry Sandusky, a football coach at Pennsylvania State University, was arrested and charged with 40 counts of sexual abuse of young boys. After the story broke, Amos Kamil, a 1982 graduate of the Horace Mann School, a private co-educational college preparatory day school in the Bronx, New York, got in touch with a former classmate who had once shared that as a child he had been sexually abused by a Horace Mann teacher. “He said he wasn’t doing very well because of [the Sandusky revelations]. And he also said, ‘I wish someone would write about what went on at Horace Mann,’” implying that there were other children who had been abused.³

On June 6, 2012—just two weeks before Sandusky was convicted—Kamil published a *New York Times Magazine* story detailing former Horace Mann students’ claims of sexual assault and abuse they suffered while attending Horace Mann. The stories were horrific, all the more so as Kamil revealed that the abuse spanned nearly 40 years and was perpetrated by multiple teachers and administrators.

Following the article, The Bronx District Attorney’s (DA) office set up a hotline to the Child Abuse and Sex Crimes Bureau and encouraged victims to report allegations of abuse. Over a period of 10 ½ months, the hotline received 30 calls and an investigation involving the DA, the New York Police Department and the Bronx Special Victim’s Squad was initiated.⁴ On May 1, 2013, the DA announced the results of the investigation:

This joint effort resulted in over 60 separate interviews to date, over 25 of which were with victims of alleged abuse. . . . The interviews . . . reveal a systemic pattern of alleged abuse beyond what was outlined in the original New York Times Magazine article. In total, we received direct information regarding at least 12 separate alleged abusers. The reported abuse ranges from what may be characterized as inappropriate behavior to child endangerment, actual instances of sexual contact, sexual intercourse and criminal sexual

acts. The earliest instance of abuse that was reported to us occurred in 1962. While the majority of the abuse was said to have occurred in the 1970s, additional instances of abuse were reported from the 1980s and 1990s. The last reported occurrence of abuse was in 1996.⁵

The Horace Mann School

The Horace Mann School enjoyed an international reputation as a premier educational institution, steeped in tradition and proud of its heritage and standards of excellence. Founded in 1887 by Columbia University, the Horace Mann School (comprised of elementary and high schools) was originally housed on the university's campus. In the 1920s, the school discontinued its girls' program but reinstated it in 1974. By then, Horace Mann had separated from Columbia University.⁶ Even so, the keynote speaker at the school's 100th anniversary celebration in 1986 was Michael Sovern, the president of Columbia University. "Horace Mann was and is one of the greatest secondary schools in the western world," said Sovern. "Your graduates have gone on to meet their appointments with destiny and become leaders of their society."⁷

Horace Mann enrolled a highly selected body of 1,800 students who commuted from Long Island, Connecticut, New Jersey and Manhattan.⁸ Its tuition was \$41,150 for the 2013/2014 school year.⁹ Alumni often sent their children to Horace Mann; indeed, historically, almost a fifth of the students were children of Horace Mann alumni.¹⁰

Sexual abuse at the Horace Mann School

Rumors about inappropriate behavior by teachers had long circulated among students at Horace Mann. In his article, Kamil recalled the warnings he received after arriving at the school in 1979: "A new friend walked me around the school, pointing out teachers to avoid. 'What do you mean? Like, they're hard graders?' 'No. Perverts. Stay away from them. Trust me,'" he recounted.¹¹ Kamil had heard about specific teachers—Stanley Kops, who taught history, and Mark Wright, an assistant football coach—who had an interest in young boys and others who were rumored to have groped girls.¹²

Nearly a year after Kamil's article, Marc Fisher, an alumnus who graduated in the 1970s, wrote a story for *The New Yorker* about another teacher, Robert Berman, accused of sexual abuse by three former students (Berman denied the claims and said he did not even remember one of the accusers). Fisher, too, had heard rumors that had long since become common knowledge: "Like many Horace Mann graduates, I spent years telling anecdotes about my school's teachers. From the earliest days of college, I found that stories about the teacher who

massaged boys' necks as he lectured on the corruption of Tammany Hall, or the teacher who urged boys to swim naked in the school pool, were guaranteed to amaze and appall," he wrote.¹³

Horace Mann alumnus "Frank" recalled that a female faculty member was "widely known" to have been having sex with a male athlete in the 1980s.¹⁴

In an attempt to warn his peers, one victim, too ashamed to talk about the abuse he suffered, said he hoped that seeding rumors might spur action. "What I did do in the immediate aftermath . . . was contribute to the rumors going around that Mark Wright was a child molester, which were pretty rampant at that time. I'd join conversations about it and say that I'd heard he was into boys."¹⁵

"People knew something of what went on. It came up around the [faculty] lunch table. Why this never resulted in more responsible oversight at Horace Mann is certainly [a] question. . ."

- "Al", Upper School teacher, 2007 to 2012¹⁶

Teachers also heard and shared stories. Chester Slaybaugh, who retired from the faculty in 1997 after 36 years at the school—13 as director of the athletic department—said students were advised by other students to stay away from Kops, who was known to be "touchy" with the children.¹⁷ Slaybaugh also recalled hearing of a teacher who would have the boys remove some of their clothes for a type of physical examination.¹⁸ Slaybaugh heard that music teacher Johannes Somary made advances to both male students and female students; in one instance he heard that Somary took a female student to a room and put her hand on his crotch.¹⁹ Ron Lombardi, a coach from 1972 to 1997, said it was widely known that a female colleague] was "spending time with students."²⁰

"Al," who taught at Horace Mann from 2007 to 2012, said current staff were aware of the past abuses, even before Kamil's article was published. "There was a kind of folkloric memory of the behavior that came to . . . public notice last year. People knew something of what went on. It came up around the lunch table. Why this never resulted in more responsible oversight at [Horace Mann] is certainly [a] question. . ."²¹

Abusers Named

Soon after Kamil's article was published, a group of concerned Horace Mann alumni formed the Horace Mann Action Coalition (HMAC),²² a non-profit organization, to advocate for the victims. By March 2013, HMAC's review uncovered credible reports that 64 students had been sexually abused by 22 Horace Mann staff members from the 1960s through the

1990s.²³ Among the abusers—both men and women—were a headmaster, coaches, teachers, a school chaplain, a dean of guidance, and department heads.²⁴

HMAC identified distinct sets of serial abusers, beginning with four in the 1960s who continued to molest students for more than a decade. Four more serial predators abused students in the 1970s and some were aware of the criminal acts of others. A third set of abusers were active in the 1980s, despite changes in headmasters and some administration.²⁵ (See **Exhibit 1** for a timeline of accounts and reports of sexual abuse at Horace Mann from 1960 to 2010.)

William Clinton

William Clinton was a history teacher at Horace Mann for 30 years, beginning in the 1960s, and also served as the dean of the guidance department.²⁶ Peter Sheckman, an alumnus from the class of 1963, recalled Clinton leading him to his office after scolding him in his history class for talking with a fellow student during class. “He berated me for quite a while, telling me that I did not deserve the honors I got at Horace Mann. Then, after much of that, he said, ‘You are so good looking,’ and got soft and seductive as he complimented my hands” said Peter.²⁷

Another victim described retaliation he experienced after refusing to have sex with Clinton:

Clinton found out [that I was being abused by another teacher, Tek Young Lin] and called me into the guidance office. . . to talk about the “situation” with Tek. He put his hand on the top of my left inner thigh, near my crotch—I pushed it away and said no. He said, “This is very self-destructive behavior. We have a path here at Horace Mann, work hard, get A’s, go to a good college, read the law, and lead a good life. If you are uncooperative, that’s self-destructive because I’ll make sure you’ll never be on that path. You’ll never get an A at Horace Mann,” and put his hand back on my thigh. I got up and walked out. . . Clinton retaliated against me. . . Other teachers were told ‘watch out for him, he’s a trouble maker.’ [My] parents spoke with him when I got a B- in [Clinton’s] AP American History class . . . Clinton said I got a lower grade because “I believe your son was being self-destructive” in not turning in his term paper. [He] used the same words, so I would know that turning him down had consequences.²⁸

Johannes Somary

Swiss-born Johannes Somary was a respected, internationally-known conductor who had served as a guest conductor for orchestras ranging from the Vienna Philharmonic to the Royal Philharmonic of London.²⁹ Somary, who taught music and led the glee club at Horace Mann

from 1959 until his retirement in 2002 at 67, was greatly admired by students and faculty alike.³⁰ “He was a hero to me,” said Edward Bowen, one of his victims. “But he was also a monster.”³¹

In 1970, Bowen’s mother, Joan, was hired to teach at Horace Mann and Edward began to attend classes at 13.³² Bowen met Somary through the glee club, and Somary worked to establish a good relationship with Bowen, offering him voice lessons, encouraging Bowen to call him by his first name and hiring him to babysit his children.³³ Bowen said he was 16 when Somary, seated next to him on a sofa, undid Bowen’s pants and touched his penis. Bowen told Somary to stop but the abuse was only just beginning. “I was such a good victim . . . shy, trusting, unsophisticated,” said Bowen.³⁴

Around the same time, another former student, “Marty”, said Somary unzipped his pants and began to masturbate him during an evening drive. “I’m thinking, ‘Oh, my God, this can’t be happening.’ I didn’t know what to do. I was just a child,” he said.³⁵ Another student, “Doug”, told friends and family that he reported inappropriate behavior by Somary to lower school head Harry Allison, who told him to forget about it.³⁶

The retired teacher Slaybaugh also heard that during school trips to Europe, Somary would have one student stay with him in the same room.³⁷ “Marty” was one of those students: “I was expected to have sex with him and did even though it repulsed me every time.”³⁸

Joseph Cumming, then a 15-year-old Horace Mann student, was abused by Somary beginning in 1975 to 1977.³⁹ “At the time it was going on I felt that Johannes had done a lot of generous things for me, and I felt indebted,” said Cumming. “He inspired me to love music and told me I could become one of the great composers of my generation. And when he began to touch me sexually I tried to believe that there was some explanation . . . [such as] that this is how Europeans show affection.”⁴⁰

Around 1980, an administrator, “Pat”, was approached by another of Somary’s victims, who said he had been abused by Somary “over a period of time.”⁴¹ When “Pat” confronted Somary directly, he said it wouldn’t happen again. The administrator also reported Somary’s abuse to Clinton, who served as dean of guidance, and during the meeting he offered “Pat” a drink. “I’ve got a bottle of scotch in my drawer, how about a drink?” “Pat” recounted. Clinton said “Pat” could go to headmaster R. Inslee Clark but he “warned that ‘the tree is rotten, so the leaves don’t matter’ or words like that,” the administrator said. “Pat” did report Somary to Clark who said, “These things happen,” and said he’d take care of it. When no action was taken, “Pat” informed an active parent/donor, as well as two Board members.⁴²

In 1993, a decade later, Benjamin Balter, class of 1994, went on a Glee Club trip to Europe with Somary. Upon his return, his family said Balter was withdrawn. His brother, Charles Balter, described him as “changed.”⁴³ Ben’s mother, Dr. Kathleen Howard, who taught science

at Horace Mann, noticed Ben's unhappiness but attributed it to several family crises. That year, Balter made his first suicide attempt.

Soon after, Balter wrote a letter to Horace Mann Headmaster Phillip G. Foote, describing Somary's "grossly inappropriate advances" toward him.⁴⁴ (See **Exhibit 2** for a copy of the letter.) Foote responded to the letter by calling Howard into his office to confront Somary, who said, "Ben kissed me first." When Howard said, "How dare you put your tongue down my son's mouth!" Somary replied, "That's how we Swiss kiss," according to Howard.⁴⁵ Aside from this exchange, Somary denied Ben's charges. In 2012, Foote recounted the events. "Somary came into my office with the mother and strenuously denied everything," Foote said. "His vehemence made a lot of people put off doing anything about it."⁴⁶

Horace Mann board member Michael Hess (class of 1958), then acting as an attorney for the school, convened a conference that included several trustees and Howard, who wanted Somary fired.⁴⁷ According to Charles Balter, Hess told her the school wouldn't investigate the allegations without *recorded* evidence of impropriety.⁴⁸ Howard recalled that Hess said that without such evidence, "it was Ben's word against Somary's"⁴⁹ and that Somary would sue.⁵⁰ In May 2013, Hess denied that he had any involvement "in the discussions with Ben Balter or his family in 1993."⁵¹ "I do not want to get into a disagreement with the family, but I was not involved," he said to a reporter with the *Daily News*.⁵²

Though no further action was taken in 1993, Somary was notified several years later that he could no longer travel with students, unchaperoned, after the school received another report of student abuse.⁵³ Howard said throughout the ordeal, no school official ever asked Ben Balter about the letter or his allegations.⁵⁴ "All the administration and trustees got together and decided they wouldn't do anything about it. People came out of the woodwork protecting Somary," said Foote.⁵⁵ Ben Balter's second suicide attempt, in 2009, was successful.

In 2012, when Kamil asked Foote why he did not do more to investigate, Foote replied: "The structure of H.M. was not easy. . . . It was a time with different values and different systems. You didn't have the access you do now. It was hubris. H.M. was sure it was above everybody else. Nobody wanted anything to change."⁵⁶

After Foote retired, Howard met with Eileen Mullady, who was appointed head of school in 1995, and told her about Balter's letter.⁵⁷ Howard did not see the letter itself, however, until 2012 when the current headmaster, Thomas Kelly, showed it to her.⁵⁸ Some time after Somary retired he contacted Kelly and offered to rejoin Horace Mann to teach, pro bono. Kelly declined Somary's request.⁵⁹

Robert Berman

On April 1, 2013, *The New Yorker* published a story by Horace Mann alumnus Marc Fisher of three former students who said Robert Berman, a Horace Mann English teacher, sexually abused them in the 1970s.⁶⁰

“Gene” recalled being raped by Berman when he was 16. “I was numb. . . It was almost like an initiation. [Berman] quoted some line in the Bible about if two lie together, then they have heat; but how can one be warm alone? I thought it was some sort of pathway to this special life. This is what you do if you’re going to be one of his poets,” said “Gene”.⁶¹

Jon Seiger, an alumnus of the class of 1979, was punished by Berman for failing to write an English paper. Seiger said the punishment was to be struck on his bare buttocks with a wooden pointer. After that, he said, Berman demanded oral sex. Seiger said he was compelled to fellate Berman more than seven times over the course of the school year.⁶²

“Doug”, who had earlier reported Somary and was himself abused by Berman, hanged himself in 1976.⁶³ Soon after his death, Doug’s parents asked for a meeting with headmaster Clark and complained about Berman. Clark told them “there was no proof that Berman had done anything wrong. There was nothing the school could do.”⁶⁴

Stephen Fife described being cornered by Berman during a field trip to the National Gallery of Art in Washington in 1970. “Berman came up behind me,” Fife recalls. “I was twirled around and he had his tongue literally inside my mouth. . . . He was very forceful, one hand on the small of my back, and he put that hand down the rear of my pants and I remember being frozen, paralyzed. He was the person I admired more than anyone else in the world.”⁶⁵ Fife said when he broke free, Berman accused him of being “willful” and “denying what [Fife] wanted.”⁶⁶ Fife reported the incident to Philip Lewerth, head of the upper school, who told him “in the absence of eyewitness testimony, the school policy compelled administrators to side with teachers.”⁶⁷ When Fife said he had no evidence, Lewerth told him, “That’s a fight you can’t win,” according to Fife. Lewerth warned Fife that if he brought formal charges, Berman could sue him for libel, which would harm his chances of getting into a good college.⁶⁸ In 1994, Fife met with Clinton, who admitted that although many boys had approached him with allegations about Berman’s behavior, he thought the complaints were “simply a response to [Berman’s] eccentricity,” and he offered Fife a glass of scotch.⁶⁹ Fife recalled Berman once told him, “Genius makes its own rules.”⁷⁰

Berman left the school in 1979. According to Clinton, he was pushed out over the accusations of inappropriate behavior, though former headmaster Michael Lacopo said it was because Berman had too few students—possibly because parents demanded their children be withdrawn from his classes.⁷¹ Current headmaster Kelly, when asked about Berman’s departure, said his understanding was it was related to abuse accusations.⁷² Indeed, in October 2012,

during an alumni gathering, Kelly acknowledged that boys had been sexually abused and had “intercourse in Horace Mann classrooms and on Horace Mann trips.”⁷³ Kelly went on to say he “would like to punch Berman in the nose,” and “believes completely the story of the survivors.”⁷⁴

Tek Young Lin

After the publication of Kamil’s article, another name—Tek Young Lin—began to surface on victim chat boards. Three former students said they were abused by Lin, two when they were 14 or 15 and a third when he was 17.⁷⁵ In June 2012, the *New York Times* interviewed Lin, a chaplain, cross-country coach and English teacher who taught at Horace Mann from 1955 to 1986. Lin acknowledged that he had “had sex with students, ‘maybe three, I don’t know.’ . . . In those days, it was very spontaneous and casual, and it did not seem really wrong,” said Lin, who took pains to note “everything I did was in warmth and affection and not a power play.”⁷⁶ “Glenn”, the 14-year-old cited in the *New York Times*, article disagreed. “Although I refused most of his requests, I did allow him to photograph me and to ejaculate on my buttocks numerous times. . . .”⁷⁷

Mark Wright

Mark Wright, an alumnus who returned to Horace Mann to teach art and coach football, was accused of sexual abuse by at least six former students. One told fellow alumni, ten years after graduation, that Wright assaulted him when he was 13 and in 8th grade. “And not just me,” he added. “There were others.” First Wright befriended him, he said. Then he molested him. Then he pretended nothing happened.⁷⁸

That former student, identified by Kamil as “Andrew,” said Wright called his home one evening and asked his parents if he could take “Andrew” to a museum. “My parents were so excited that a teacher would take such an interest in me,” said “Andrew”.⁷⁹ Though “Andrew” did not go on that trip, Wright invited “Andrew” to sit for a portrait:

It was the night of the eighth-grade dance. . . and instead of going to the gym, I went to meet him in his art studio . . . He locked the door and told me to undress. . . I was really uncomfortable but did it anyway since he was across the room. I remember exactly what he said: that he needed to see the connection between my legs. The next thing I knew, he had my penis in his hand. I was so scared. He was a pretty intimidating guy. He began performing fellatio and masturbating.⁸⁰

Afterward, “Andrew” said, “it was really hard being at Horace Mann, knowing that if I ran into him, he would get up really close to me and say stuff like: ‘What’s wrong, little buddy? You’re not still mad about that time, are you?’”⁸¹

Richard Warren, who taught English at Horace Mann from 1965 until 1979, was aware of allegations against Wright:

A 9th grade student came to me and asked me if I knew that Mark Wright was gay. I remember saying that I had heard that rumor about a great many faculty, and asked why he was concerned. I took him seriously because I knew him well and he was not a frivolous kid, and clearly a sensitive one. He said that Wright had met with him privately in the gym and asked him to drop his pants and asked him if he could have an erection, then fondled him. More may have happened, but the boy was already understandably in shaky shape telling me this, and my asking for details was not what he needed. I asked him if it would be all right for me to report this to the head of the middle school, who was a good friend and completely discrete. The boy said ok, so I went to my friend, and he recommended going in to report this to the headmaster, Clark. So we went in right then and I repeated the story. Clark’s reaction was striking even to my then innocent ears. He said or asked nothing about the boy’s welfare, but said that he was concerned about Wright and wanted to be sure to protect him. I had no idea that I was reporting the incident to exactly the wrong person. I asked later what had happened to resolve the issue and was told it had been taken care of.⁸²

In late 1978, while teaching at Horace Mann, Chester Slaybaugh, who is now retired, said he saw Wright walking with a male student toward the weight room, in an isolated area of the school. Slaybaugh said he opened the door to the weight room and saw the boy with his pants down sitting on Wright’s lap. Wright was rubbing the boy’s leg. Slaybaugh said he was stunned and closed the door.⁸³

Slaybaugh reported the incident to Philip Lewerth, head of the upper school. He said the administration panicked and a decision was made that Wright should not return after the Christmas holiday. It was Slaybaugh’s job to fire Wright. Slaybaugh said that when he called Wright into his office and asked him, “What were you thinking?” Wright sat down and cried. According to Slaybaugh, aside from Lewerth and Clark, nobody else knew of the incident. Slaybaugh said nobody spoke to the student and he was not offered any help or counseling.⁸⁴

When students and faculty returned to campus in January 1979, after the winter break, Wright was no longer on staff at Horace Mann, and no explanation was offered to students or faculty.⁸⁵

Stanley Kops

Stanley Kops, an alumnus of the school who later became a history teacher, was known for spontaneously giving his male students shoulder massages. “On one occasion Kops came to a varsity baseball game (of which I was a player) in 1980 or 1981 and while I was on the bench, he proceeded to give me a neck massage,” recalled Horace Mann alumnus “Frank.” “It wasn't a big deal but it was uncomfortable and unwelcome. I have always remembered the event and him as weird and creepy.”⁸⁶ Kops also coached the junior-varsity swim team and Kamil wrote of another classmate who told him, “It was in that context that I came into contact with his long, creepy touches, which always accompanied pointers about stroke or form.”⁸⁷

Another former student said Kops sometimes canceled class so the students could engage in roughhousing. “Basically, he would allow kids to run amok in the classroom and kind of joined in the action. I was new in seventh grade and remember thinking that this was a different kind of school where a teacher was physically ‘handling’ me. I can remember him being kind of red and breathless after particularly vigorous frolicking.”⁸⁸

Outside the classroom, however, Kops’ behavior turned criminal. When he was 14 years old, Jon Seiger was taken to an apartment off-campus by Kops and another man, and forced to undress and masturbate for them. “They took pictures. Kops called me to his classroom a few weeks later, showed me the pictures, and threatened that if I ever mentioned anything to anyone about what happened . . . that everyone at school, and everyone I knew would see the pictures. . . I snatched one of the pictures and have it to this day.”⁸⁹

In 1983, while attending an off-site seventh-grade orientation trip, a 12-year old student, “Seth”, claimed that Kops, who was sleeping in the same cabin with the students, came up from behind him and “pressed up against” him in the middle of the night after his sleeping bag fell to the floor and he climbed down from his bunk to retrieve it. “Seth” said he felt uncomfortable but would not have reported it if not for his encounter with Kops the following morning. “Seth” said Kops pulled him behind a building, grabbed his own crotch and asked “Seth” what he had been doing the previous night.⁹⁰

“Seth’s” father went to the headmaster, Michael Lacopo. “The act was never consummated, but it was an issue of concern, and it became clear it was time for him to move on. And he didn’t deny it. And the kid’s parents were satisfied,” Lacopo explained. Within days, Kops had resigned with no explanation provided to Horace Mann students or parents.⁹¹

After Kops left Horace Mann, he applied for a teaching job at Rutgers Preparatory School, a private school in Somerset, New Jersey. Dan Alexander, a teacher at Horace Mann at the time, said that Kops was able to obtain favorable references from Clinton, and headmaster Gordon Newcombe, for his new position.⁹² After one year, Kops’ contract was not renewed. Shortly after

the school year ended at Rutgers Prep, Kops committed suicide; he shot himself while sitting in his car.⁹³

Crawford Blagden

Crawford Blagden taught 9th, 10th and 12th grade English at Horace Mann from 1980 to June 1991. In 2014, Blagden agreed to be interviewed and, responding in writing on August 29, 2014 to questions posed by an HMAC investigator, Blagden admitted that he and “Jessica” had “shared an intimate relationship when she was a student and I was a teacher at [Horace Mann].”⁹⁴ “Jessica” said she was in middle school when, one day, Blagden offered her a ride home. She said he put his arm around her waist and said, “Would you like me to be your boyfriend?” “Jessica” said she remembered thinking, “Wow, someone thinks I’m special.”⁹⁵ She said Blagden took her back to his apartment, made her a gin and tonic and told her to shower. She explained what happened next:

Afterward, I was sobbing, and I wanted desperately to go home. He said if I insisted on leaving, I would have to take the subway. I didn’t know how to get there from his place, and I was in shock. . . . Oddly, I don’t remember him telling me to keep quiet at that point. Maybe he just knew that I would. I was an obedient kid, respectful of authority.⁹⁶

She went to an adviser at the school one day, crying. “I said that something was wrong ‘down there.’ I felt a bump on my private parts. He referred me to the dean of guidance, [William Clinton]. I told him that someone had ‘polluted me,’ hesitant to say the word ‘sex.’ He laughed. Incredibly, he gave me a dusty copy of the book *Lolita*.”⁹⁷ The abuse continued on and off into “Jessica’s” high school years when she entered a deep depression and sought help from a psychiatrist who revealed the abuse to her parents. Though “Jessica” had already graduated from Horace Mann, her younger sister was still a student and her parents angrily confronted school officials about Blagden’s abuse. A short time after the meeting, they were told that their younger daughter’s scholarship would be reduced and that “Jessica’s” scholarship would now need to be repaid. “I took this to be a defensive threat,” said “Jessica.”⁹⁸

In 1991, Blagden left Horace Mann and said it was because he had a chance to move to New Orleans to work at the Isidore Newman School for Michael Lacopo—“a great headmaster”—where he taught for two years.⁹⁹ Alexander believed that Blagden left the Isidore Newman School “due to the same type of allegations.”¹⁰⁰

R. Inslee Clark and multiple teachers

Seiger described his abuse, at age 14, at the hands of several teachers—including R. Inslee Clark, Horace Mann headmaster from 1970 to 1980:

After a concert in the [Horace Mann] auditorium, Johannes Somary went out of his way to introduce Mr. Clark to me. At that point Johannes had only started laying the seeds of abusing me. . . touching me on the shoulder, neck, hands, and back way too long, with his hand caressing as he spoke to me. . . .¹⁰¹ He didn't introduce anyone else to Mr. Clark that day, none of the very talented 17 and 18-year-old seniors who had performed excellently during the concert. Only 14-year-old me. And he introduced him to me on the sidelines, away from others' earshot. Even at that moment I felt it was a private thing, an invitation into a secret special thing, but of course I thought it was a positive special thing, as a naïve 14-year-old, I interpreted myself as being lucky to be given that special entre into being complimented by "Maestro" Somary, and catching the attention of HM's headmaster. If only I had known.¹⁰²

Soon after, Clark summoned Seiger to his office and invited him to his home. Seiger arrived to discover Kops, already there.¹⁰³ Seiger described the night:

[Clark] and Stan Kops got me drunk, took me to a hustler bar, picked up/hired two male prostitutes to come back to Mr. Clark's house and rape me while he and Mr. Kops watched. . . . then sending the prostitutes off when they were finished (and I was in pain, scared, and bleeding), only to then assault me themselves, in tandem.¹⁰⁴

A few days after the rapes, Somary approached Seiger: "I heard about the great time you had the other night with Mr. Clark and Mr. Kops. I'm glad you are getting to know them so well."¹⁰⁵ Soon after, Somary's advances became "forcing French kissing . . . then groping outside my pants, then inside, then more and more and more, which continued for years," recounted Seiger.¹⁰⁶

Somary also introduced Seiger to Barry Siebelt, a theatre teacher at Horace Mann:

[He] kept me after a dress rehearsal, saying untruthfully that I had done a terrible job, and promising to drive me home if it got late. At about 9 p.m., he announced we were done, but said it was too late to drive me home, called my mother to get permission for me to stay at his house. And took me there. He gave me a few drinks. . . . He asked if I wanted to have sex. I said no. . . . Then he grabbed me from behind, with his arm tightly around my neck choking me and said, "this IS going to happen, so just relax and it won't hurt so much," and raped me.¹⁰⁷

Seiger thought he had been targeted for abuse. "The teachers who were carrying out the abuse were very good at singling out those who lacked parental support at home. . . . For instance, my parents had just split up. I was adopted anyway, and my adopted brother was hyperactive and quite violent and got kicked out of several schools. So he took up all of the energy at home, and I was pretty much on my own, and this was identified," he said.¹⁰⁸

Horace Mann's Response

On January 27, 2012, four months before his article was published in *The New York Times Magazine*, Kamil sent a letter to Horace Mann Board of Trustees Chairman Steven Friedman requesting that Horace Mann officials share “the administration’s perspective on the issue.”¹⁰⁹ Kamil had tried to contact Kelly as well as other trustees repeatedly by email and telephone but had received no response.¹¹⁰ Friedman did not respond to the letter. After writing the article and before publication, Kamil tried again, sending a list of questions to HM officials, seeking comment. Instead, he received a reply from the school’s corporate public relations firm, Kekst and Company:

The current administration is not in a position to comment on the events involving former and, in some cases, now-deceased, faculty members that are said to have occurred years before we assumed leadership of the school. . . . The article contains allegations dating back, in some instances, 30 years, long before the current administration took office, which makes it difficult to accurately respond to the factual allegations therein. In addition, on June 13, 1984, there was a fire in the attic of the business office that destroyed some records.¹¹¹

“Al”, a former English teacher at Horace Mann who left the school in 2014, said that the faculty was notified “well in advance” that Kamil’s article was coming and were told to keep quiet. “From the very first, the very intentional tack of the school with regard to the recent disclosures has been to suppress information. ‘You can say what you like if a reporter calls,’ Kelly said at a faculty meeting. ‘But the school can respond as it likes [i.e. with adverse employment action] if you do,’” recounted “Al.”¹¹²

On June 6, 2012—the same day Kamil’s article was published online—Kelly and Friedman posted an open letter on the school’s website addressed, simply, to “Friends.” In the letter, Kelly and Friedman made Horace Mann’s first public comments:

... We share and appreciate our community’s frustration when the School cannot address specific allegations in the article. As we hope you can appreciate, we are not in a position to comment on accounts of events and conversations that took place prior to our administration... there were a number of issues and questions regarding specific allegations or individuals that we were not able to address for privacy reasons and based upon advice of counsel. For the same reasons, we regret that we also are limited in our ability to communicate to the community about these past events.¹¹³

On June 7, an alumnus launched a private Facebook page, open only to Horace Mann alumni, entitled, “Processing Horace Mann.” Initial posts to the page focused on reactions to the *New York Times Magazine* article but soon turned to calls for Horace Mann’s board to explain how the school would respond to the needs of the victims.¹¹⁴ One alumnus, wrote: “As a

Horace Mann alumnus, I urge H.M. to forgo the usual ‘management’ of this scandal in their usual spin-centric, lawyered-up, image-conscious way. Whether or not this occurred on the current administration’s watch, they have an obligation to embrace honesty and transparency to prove they are now a different place, not blather on about why no one should worry...”¹¹⁵

When students returned for classes in September, the school’s newspaper, the *Horace Mann Record*, published an article by a current student, questioning why the school had not addressed the student body regarding the sexual abuse allegations:

. . . While my parents have been receiving emails from Dr. Kelly and various other administrators, we students have yet to be addressed a full statement from the school on this topic. . . . nearly three months later, we students still have yet to receive an acknowledgement from the staff on the article. . . . If something like this were to happen again, I, a student and engaged member of the community, want to know how we are going to better respond and move forward.¹¹⁶

What the Administration Knew

Between 1962 and 1996, more than 20 reports of sexual abuse were made by victims, their parents, teachers or witnesses to Horace Mann’s teachers, administrators or trustees. Incidents were reported across administrations and across decades. In all, by 2011 Horace Mann officials received at least 25 reports of sexual abuse, from among what would turn out, in 2013, to be accounts of 22 faculty and victimizing 64 students. None of the reports was forwarded to law enforcement. In addition, HMAAC’s investigation does not indicate that the school ever shared a victim’s report with the victims’ parents. In most cases, the abusers were allowed to stay at the school for years or decades after the first incident was reported.

Several administrators acknowledged that at one time the school had maintained a file, passed from headmaster to headmaster, of complaints against faculty.¹¹⁷ In 2012, the administration said files had been destroyed in a 1984 fire. Indeed, an administration building across the street from the main campus was struck by lightning in 1984, causing a one-alarm fire. The blaze gutted the top level of the building, which housed the school’s alumni and development offices. Marc Fisher, an alumnus and reporter, visited the school in 1984 to check student records for a reporting project. Fisher said Dottie Conigliaro, editor of the Horace Mann alumni magazine at the time, told him that fundraising and old alumni records were stored there, but she was sure there were no teachers’ records.¹¹⁸ Fisher was taken to a room in the basement of Tillinghast Hall where the personnel records were kept. “There were four metal file cabinets, the complete archive of student—and faculty—records, and Dan [Alexander] said at the time that this was the extent of the school’s archive (but for some notable items that were kept in the library,) said Fisher.¹¹⁹ Slaybaugh said there was no reason for faculty records to be

in the business office; he maintained that faculty records were kept in the headmaster's office in file cabinets.¹²⁰

In 2005, "Gene", a victim, met with then board chairman Robert Katz and vice-chair Peter Sloane. After "Gene" told Katz about the abuse he had suffered Katz told him that files had been destroyed in the 1984 fire;¹²¹ therefore, he said, Horace Mann, could not be held responsible because the school did not know Robert Berman had been abusing him. "It's not Horace Mann's bill to pay," Katz told him.¹²²

The 1984 fire, however, did not explain what had become of any documents pertaining to the ten complaints made to the school between 1985 and 2010. In 2013, a spokesman for Horace Mann said Kelly searched but was unable to locate any file.¹²³ Nevertheless, Kelly did find Ben Balter's 1993 letter reporting abuse by Somary.

* * *

During the years the abuse took place Horace Mann had no official policy on what to do once reports of abuse were received. According to an anonymous posting on *The New York Times* website, one faculty member recalled a single training on mandatory reporting of abuse of minors being conducted at Horace Mann:

I believe that session was in 2008. The information on this topic was bundled with a number of other subjects and many faculty members left feeling unclear about how the laws applied to us and whether we were to report suspicions of abuse to authorities only, or the administration and then the authorities. One member of the guidance department also suggested that the law was not accurately or adequately explained. My impression was that HM's lawyer (who did the presentation with Admins) was sending the message that the burden for reporting was on the individual faculty member. It also was implied that HM would not necessarily support someone (if there were legal or other problems) who reported an incident of suspected abuse to the authorities. I recall that colleagues felt they were being placed in a precarious position (either by HM, the law, or both).¹²⁴

In September 2012, Horace Mann adopted a new policy on reporting child abuse of students by school employees.¹²⁵ While the new policy included a statement that allegations of sexual abuse would be reported to authorities, Horace Mann would do so only if the allegations appeared to be "substantiated and to constitute criminal behavior."¹²⁶ In April 2013, "after some discussions" with the Bronx DA's office, Horace Mann's policy was re-written to include "immediate notification to law enforcement."¹²⁷ The policy, which applied to incidents that occurred on campus or at school-sponsored events, required staff who suspected a colleague of abuse to report their concerns to their division head who would consult with the head of the school and then direct the complaint to a point person or member of the school's

Administrative Council for investigation. There were alternative reporting instructions if the alleged perpetrator was the head of school or division head.¹²⁸

* * *

Having policies and procedures in place at the school level was important because New York State mandatory reporting laws contained several loopholes that enabled teachers and administrators at private schools to avoid reporting peers they suspected of abusing students. This made the Horace Mann School—indeed, any private school in New York—an ideal predatory environment for those who sought to sexually abuse children. Throughout the almost four decade period of sexual abuse at Horace Mann, incidents were reported to school officials on many occasions, but law enforcement was not notified. Even so, Horace Mann officials were following the letter of the law. While New York State’s Social Services Law mandated that all school officials report suspected child abuse by a parent or “other person legally responsible” for the child, “other person legally responsible” referred to a guardian, caretaker, or other person 18 years of age or older who was responsible for the care of the child. The statute, therefore, required private school officials to report sexual abuse by parents or guardians, but *not* by their employees.¹²⁹

New York State’s Education Law also detailed schools’ reporting responsibilities once an allegation of child abuse was lodged. However, the statute only applied to public schools, not private schools.¹³⁰ Though it was a misdemeanor to withhold a report of child abuse by a guardian, reporting non-guardian abuse to police was voluntary for private institutions like Horace Mann.

Victims could directly report their abusers to the police, but minors rarely did so. New York State’s statute of limitations prevented the prosecution of child sexual abuse crimes once the victim turned 23, five years after becoming a legal adult.¹³¹ As a result, all instances of reported sexual abuse occurring at Horace Mann between 1962 and 1996 were beyond New York State’s criminal statute of limitations in 2012.¹³²

“I went to HM in the mid-80s. As a thirteen-year-old girl I was groped by both a popular . . . teacher and . . . coach. I tried to tell another teacher, one also admired by many of us, about the first episode; it was laughed off. After that, I never told anyone anything.”

- Anonymous posting on The New York Times website¹³³

Studies indicate only 2% to 6% of school-related sexual abuse cases are reported to an official; as a result, the extent of sexual abuse of students by school staff is unknown.¹³⁴ However, a 1995 survey by the American Association of University Women (AAUW) reported that 25% of girls and 10% of boys, grades 8 through 11, said they had been sexually harassed in some way by a member of the faculty or staff during their school years. Estimates of the number of teachers who sexually abused students ranged from .04% to 5%.¹³⁵

Researchers found that as of 1995, most schools did not have procedures for reporting sexual abuse or policies for managing the allegations once complaints were filed. Researchers learned that school officials rarely contacted the police, the district attorney's office or child abuse hotlines. When investigations were conducted, they were done "in house." Typically, if a teacher insisted that the allegation was untrue, the investigation was closed.¹³⁶

During the AAUW study, most administrators reported feeling "ambivalent" about the cases; some felt their loyalties were "divided" and they were "unsure where their duty lay"—who should they be protecting? Alleged victim or alleged abuser?¹³⁷ Often the alleged abuser was an outstanding employee and just as often the alleged victim was a marginalized or troubled student. As a result, administrators said they often found it hard to believe the accusations were true. "In many cases, the superintendents were friends of the alleged abusers, and they felt torn by the requirement that they investigate their friends."¹³⁸ Recently, large-scale studies of sexual misconduct by educators have found that abusers are disproportionately teachers who have been honored for teaching excellence, thus making it even harder to identify potential abusers.¹³⁹

Abusers typically target the most vulnerable, using a psychological technique called grooming—a process by which an abuser formed a relationship with the victim over time and used that relationship to lure the victim into sexual acts while compelling secrecy through coercion. Simultaneously, the abuser works to make the victim feel special and valued, bestowing "gifts" that might include trips, alcohol and drugs. The abuser often plays a familial role, treating the child as if he or she was older or more mature and over time, becoming more personal and sexual and threatening the victim to ensure his or her silence.¹⁴⁰ Abusers may seek out children who "have few other role models, especially adult male role models. . . . So the kid who often does want a father figure in their life does respond with genuine affection, but from the point of view of the pedophile, that affection is mistaken or misinterpreted as an erotic interest," according to James Cantor, a psychologist and editor in chief of *Sexual Abuse: A Journal of Research and Treatment*.¹⁴¹

One Horace Mann victim described a situation which seemed to confirm Cantor's assertion: "We talked about our personal lives with our teachers. They knew us. They knew what was going on with our parents, who were getting divorced. So they planted seeds and they watched and they waited and they developed relationships and then they pounced," a victim said.¹⁴² Cumming, after speaking with many fellow victims remarked that he was "struck by

how much the elements of their stories had in common” as many had been groomed in the same way: “a series of after-class meetings, a period of growing intimacy, sharp criticism alternating with abundant praise, and, finally, demands for sexual acts.”¹⁴³

The Firestorm

Horace Mann released a 2nd letter, on June 10, 2012, in answer to alumni and public outrage and calls for Horace Mann to offer a more substantive response. The current headmaster, Thomas Kelly addressed this statement specifically to alumni:

There are two schools to tend to: one facing forward with a lifetime of wonderful memories taking shape, and one with students well past college-age seeking support and leadership beyond what a traditional alumni office offers. . . . Ultimately, we need to work together to understand what may have happened and why, while at the same time, recommitting ourselves to the healthy relationships that did evolve during your time at Horace Mann School. To allow the egregious behavior of some as described in the article and online to turn members of our community against one another would marginalize the most important portion of our past and present: the friendships that connect us.¹⁴⁴

On June 21, 2012, two weeks after Kamil’s article, a group of 18 victims of sexual abuse by Horace Mann teachers and staff forwarded a “survivor’s letter” to Kelly and the board of trustees. In the letter, the survivors asked the Horace Mann administration to address four of the group’s goals: 1) protecting potential future victims, including identifying living abusers who may still be abusing and work with law enforcement to investigate them; 2) ensuring that abuse could never happen again at Horace Mann by creating new policies informed by past experience, removing board of trustee members who were aware of the abuse and did nothing, conducting an external, independent investigation and removing abusers’ names from honor rolls and building plaques on campus; 3) healing and assisting former students who were victimized by issuing a public apology “which expresses compassion for what we have suffered” and establishing a fund to compensate victims; and, 4) changing the wider [regulatory] system.¹⁴⁵

In the letter, the victims focused on their request for an independent investigation:

Such an investigation would reassure us and the wider Horace Mann community of the administration’s determination to deal transparently with this crisis and to do all that is necessary to ensure that the climate which enabled abuse in the past can never again thrive at Horace Mann. Such investigations would do much to restore the credibility and integrity of our beloved alma mater.

The current administration cannot take credit for the good things in the past while disowning responsibility for the bad things in the past. The current administration

cannot ask us to help them financially because of the good things their predecessors did in our lives while refusing to help us deal with the consequences of the bad things their predecessors did in our lives. . .¹⁴⁶

After the letter was sent, there were several behind-the-scenes communications between Kelly and members of the Survivors' Group. "The nature of those conversations, at first, was conciliatory, with the headmaster Kelly emphasizing Horace Mann would do the right thing," said "Todd", a member. "Kelly was making representations and commitments that he had neither the authority nor the ability to follow through on. Often, the people who think they are doing the greatest service by going outside of the normal channels are the people who are least equipped to do that well."¹⁴⁷

The Survivors' Group did not receive a formal response from Horace Mann, but on June 24, 2012, a day after a second article appeared in *The New York Times*—this one containing an admission by former Horace Mann teacher, Tek Young Lin, that he "had sexual relations with students"¹⁴⁸—Kelly issued another letter to alumni and copied the board of trustees, employees and families:

While [Lin's] admission of guilt included an apology and rationale for his decisions, his apology is unacceptable and the behavior described inexcusable. At no time is it appropriate for a teacher, working with minors and in a position of undeniable authority and trust, to engage in a sexual relationship with a student. . . While I understand this waiting is not what some in the community want to hear at this juncture, the School is not going to rush those decisions and actions that are proving to be among the most important ever to face our community of learners and leaders.¹⁴⁹

The Victims Organize

The Survivors' Group and Horace Mann began to informally negotiate the best way to engage in a conversation. "At this point, neither party had retained lawyers—it was just about how to have a conversation," said "Todd." "But after going-back and forth, it became clear to us that Horace Mann was never going to schedule a meeting unless we hired a lawyer, because they simply were not taking us seriously," he said.¹⁵⁰

The Survivors' Group soon grew to more than 20 men and women. On July 11, 2012, frustrated that their previous letter had not been acknowledged, the Group sent a second letter to Kelly and the board of trustees, with a copy to the Horace Mann community:

So far the Trustees appear to be stonewalling us. Some of us have had informal, private conversations with Dr. Kelly. His tone has been reasonably constructive, but he has not told us he is responding to our letter on behalf of the Trustees. We have received inquiries from the school's lawyers, but this is not the same as hearing from the Trustees.

We have heard from the school’s PR firm through the news media, but this is not the same as hearing from the Trustees. . . . The Trustees have an opportunity to create a win-win situation, and we hope they will seize it. . . . We do not want to harm our alma mater. But we have been pressured to be silent too many times. The Trustees can no longer ignore us or delay their response. If the Trustees are unwilling to respond to us, instead continuing to communicate with us only through their lawyers and their PR firm, then they—not we—will have done serious harm to the school.¹⁵¹

On July 26, 2012, New York’s CBS News affiliate broadcast an interview with five victims. Though Horace Mann officials refused an on-camera interview, the school notified CBS that it “had plans for” the headmaster and board chair to meet with the victims “in the near future.”¹⁵²

Soon after, one of the victims introduced Gloria Allred, a lawyer known for taking on high-profile abuse and harassment cases, to members of the Survivors’ Group and within a week, most of the victims had hired her. “Just as we were hiring her, we learned Horace Mann had agreed that Steve Friedman and Dr. Kelly would meet with the victims,” said “Todd.” “Although a few people thought we should do it without a lawyer because it would otherwise be too confrontational, others felt we would not be sufficiently protected if we didn’t bring a lawyer,” he explained. Allred, two of her co-counsel, and two other attorneys representing other victims, attended. “Todd” believed that Horace Mann agreed to the meeting because they were concerned about the publicity that Allred would generate. “There was very little animosity toward Horace Mann [from the survivors] at this point. But some of us were beginning to realize we would never get them to the table without the threat of publicity,” said “Todd.”¹⁵³

On July 30, 2012, Cumming and another victim received an email from Board of Trustees Chairman Steven Friedman offering to meet with the Survivors’ Group in mid-August.¹⁵⁴ “He refused our request that other Trustees attend, and insisted that only he and Tom Kelly and legal counsel would attend on behalf of Horace Mann,” said Cumming.¹⁵⁵ “We requested that this be the first of a series of meetings to begin a dialogue with the Trustees, but Friedman rejected this,” said Cumming.¹⁵⁶

On August 6, 2012, Friedman posted another letter to the Horace Mann website, this time addressed to “Friends”:

. . . “Doing the right thing” about the past has vastly different meanings to different members of our community. . . . As the Board of Trustees of a not-for-profit educational institution, it is clear that our primary fiduciary responsibilities and legal obligations are to the school today and to its 1,800 current students.¹⁵⁷

The First Meeting

On August 15, 2012, a group of victims and Horace Mann representatives gathered to meet in Manhattan. Those in attendance included 16 Survivors' Group members (and some spouses/supporters), other victims and their lawyers (including Allred, Nathan Goldberg, Mariann Wang, Kevin Mulhearn and Rosemary Arnold). On the Horace Mann side, Friedman, Kelly and two of their lawyers from Schulte Roth & Zabel LLP attended. "Todd" characterized the meeting, which lasted a few hours, as extremely tense. "Any hope that anyone had that the nature of the conversation would be conciliatory was disappointed," said "Todd." "Because there were lawyers, both sides were lawyerly and it was very clear that both sides were posturing—not with a negative connotation—doing all they could to broadcast their position. In our case, that Horace Mann needed to do right by the survivors. In Horace Mann's case, to use [their] words, 'this is not my bill to pay.'"¹⁵⁸

Allred spoke first. In her opening remarks she emphasized the damage that had been done to the victims and made a general appeal for Horace Mann to work with the victims to start to remedy the damage. "She did not focus on money," said "Todd". "In fact, money was never discussed. No concrete asks were made by her on our behalf," he said.¹⁵⁹

After Allred spoke, Friedman took the floor and addressed the group for ten minutes. "He acknowledged that it was a terrible thing that happened and then said that the current administration had no responsibility for what had happened," said "Todd." Several times, Friedman said that he would not negotiate with the survivors separately—only as a group; he wanted to reach a global settlement. "One and done," he said repeatedly," recalled "Todd." In addition, Friedman emphasized that there must not be any publicity and if there was any generated by the Survivors' Group or their lawyers, Horace Mann would walk away from the negotiations. "He looked straight at Allred with a laser focus at this point. She tentatively agreed but two survivors spoke up. One said, 'Well look, I can't promise that I'm not going to say something to somebody and you can't silence me. Another survivor expressed the same sentiments. Allred assured Friedman that she would not make any statements for the time being, and that seemed to mollify Friedman," said "Todd." Friedman did not address any of the Survivors' Group's other requests.¹⁶⁰

Kelly spoke next. "Kelly is the opposite of Friedman. He wants everybody to like him and consequently he tells everybody what they want to hear," said "Todd." For 40 minutes, Kelly rambled, "Todd" said, struggling to say that they would try to do the right thing, but offer no specifics.¹⁶¹

After the meeting, the Survivors' Group's lawyers said the victims had to end all communications with everyone at the school. Cumming and Kelly, however, continued to speak to each other. "It was a huge disservice [to the Survivors' Group]" "Todd" explained. "We got conflicting reports and stories. Kelly would always give the impression that Horace Mann

was going to do something more than what Horace Mann ended up doing. Consistently. And that's part of the reason that so much ill will was generated by them. Our expectations were heightened for a just and fair outcome. Every time we confronted the administration, we got just the opposite," he said.¹⁶²

* * *

On August 16, 2012, the Horace Mann Alumni Council, the governing body of the alumni association, gathered to meet with Friedman and Kelly. Some Council members had been calling for an independent investigation and anticipated that Friedman and Kelly would address the abuse and the school's plans to address the matter during the meeting. Outside the venue, a group of alumni gathered to stand vigil in support of the victims.

Friedman told Council members that the board was opposed to conducting an independent investigation and said that because investigators would lack subpoena power, he believed none of the accused abusers would admit having done anything wrong.¹⁶³ Friedman also stated concerns that conclusions drawn from such a report might make the school vulnerable to litigation.¹⁶⁴ In addition, the cost—which he estimated to be around \$12 million (comparable to Louis Freeh's Penn State report on the Sandusky abuse)—would be too high and might even go higher, given that Horace Mann's investigation would need to have a "wider scope."¹⁶⁵ A Council member asked if a more affordable option could be pursued and in response, Friedman said that "the Freeh report was the gold standard and anything less would be inadequate."¹⁶⁶

The conversation turned to whether the board would issue a letter of apology to the victims. An Alumni Council member noted that the private school Buckingham, Browne & Nichols (BB&N) in Cambridge, Massachusetts issued an apology letter in 2008 for the way it had handled the 1987 firing of a teacher accused of sexually inappropriate behavior.¹⁶⁷ Kelly, who claimed to have spoken with officials at BB&N, said he was told that the "very open apology opened up the flood gates on litigation and liability."¹⁶⁸ BB&N later settled a single civil suit for \$70,000.¹⁶⁹

In September 2012, the Horace Mann Alumni Council affirmatively voted to pass a resolution for the board to commission an investigation into the sexual abuse. The board did not respond in any way to the resolution.¹⁷⁰

A New School Year Begins

On September 4, 2012, Horace Mann students returned from their summer vacations to learn that several changes had been made at the school as a result of the abuse revelations. The

school had eliminated Class Day awards, honorary chairs and locations on campus that had been named for “retired or former faculty of concern,” according to the school newspaper, *The Horace Mann Record*. Clark Field, which had been dedicated to R. Inslee Clark Jr., was renamed the Main Field, and signs with Tek Young Lin’s name—at the Zen Garden and English department—were taken down.¹⁷¹ Kelly was quoted in the HM Record as stating, “After careful consideration, the school’s Administrative Council made the decision to remove all signage and naming opportunities associated with either retired or former employees who may have been involved with one or more of the hurtful stories shared about our past.”¹⁷² He sent an e-mail to the newspaper, expressing that, although those in the Horace Mann community had differing views on the appropriate steps to take to heal and move forward, current students should still be able to “enjoy their time at Horace Mann School and not to refrain from feeling good about their successes.”¹⁷³

During the first week of school, Kelly and Upper Division Head David Schiller addressed the growing scandal at the first assembly. Kelly also met with the Lower Division’s fourth and fifth grade students. During the assemblies, the administrators explained some of the actions that had been taken over the summer as well as plans to hold educational workshops. Horace Mann had hired a private child protection organization, The New York Society for the Prevention of Cruelty to Children, to conduct workshops on sexual abuse prevention with Horace Mann students. The workshops were designed to offer students “the knowledge and skills needed to protect themselves from sexual abuse from any source and in any situation,” said the organization’s Executive Director Dr. Mary L. Pulido.¹⁷⁴ “We want to do this with minimum disruption to the life of the school,” said Schiller. “We don’t want to make this the center of everybody’s life for a week.”¹⁷⁵ Dr. Daniel Rothstein, Director of Counseling and Guidance for the Upper Division said that while most students knew the topic was important, he felt that they understand that the abuse was “historical. . .[and] not the school now.”¹⁷⁶

The Mediation

After a series of meetings and calls between Horace Mann and the Survivors’ Group’s respective lawyers following the August meeting, the parties agreed in late 2012 to mediation to occur in early 2013. “Many of the survivors felt that they would do it only if it included non-monetary as well as monetary matters,” said “Todd”. “Horace Mann’s lawyers did not want to include non-monetary matters. Why? I don’t know. They were so focused on money, litigation,” he said. But by the time the victims entered the mediation, they were under the impression from their lawyers that Horace Mann had agreed to discuss non-monetary redress.¹⁷⁷

The two-week mediation was conducted in March 2013 at the law offices of Schulte Roth & Zabel in midtown Manhattan. On the first day, a Monday, the survivors met briefly with their own lawyers in the morning and in the afternoon. The survivors’ lawyers presented to

mediators and Horace Mann representatives with survivors looking on. From Tuesday to Friday, the survivors had an opportunity to tell their stories. “Todd” explained the process:

Each day, a different member of the settlement committee came to hear an individual 45 to 60 minute presentation from some number of victims. In the room were representatives from Horace Mann’s insurance companies, their lawyers, the victim and his or her lawyers, Kelly, a member of the board’s settlement committee, and Horace Mann’s lawyers. You would go in [and be given] 45 to 60 minutes [to speak], completely one way. No questions were asked so there was no interrogation. The lawyers would sometimes prompt the victim by asking questions. The victims had already given written statements to their lawyers, which had gone to Horace Mann and their lawyers. Some just presented the facts of what happened and others talked about their life since and how it affected them. Some talked about what they wanted. Some rambled incoherently. I talked about how it had affected me and how my life had been different because of it. And what I hoped they would do to restore balance and help me and other victims. For Horace Mann, the combination of the written and oral statements was to be able to go to the actuarial tables and figure out the equitable settlement. Horace Mann probably would have been happy not to have the oral presentations at all. I think they were doing it to making the victims feel heard.¹⁷⁸

“The two sides were never in the same room together with the mediator,” said “Todd”. “Usually a mediator facilitates a discussion between the two parties. They probably did facilitate between the victims’ lawyers and Horace Mann’s lawyers, but part of the reason victims came away with such a bad taste was because they could never have any kind of conversation or dialogue,” said “Todd.” “They were one way presentations—lawyers speaking to one another—but there was no opportunity for SG members to look into Steve Friedman’s eyes and say, ‘I was hurt’ and for him to say ‘I believe you and I’m sorry that happened to you and I will do everything I can to undo the damage that was done to that little kid,’ but nothing like that happened. So many people went in looking for closure and were utterly deprived of it because HM made it only about money,” said “Todd”.¹⁷⁹

On the second day of the second week of the mediation, the victims were told that Horace Mann would not discuss non-monetary compensation. “Todd” explained:

They said the settlement committee did not have authority from the full board to negotiate non-monetary items. They never saw it as anything other than something to win from a pecuniary perspective. Morals didn’t enter into it. It is tragic. They could so easily have set themselves up as one of the finest academic institutions and also a paradigm of morality by saying, what happened is terribly wrong; we’ll look into it and tell you what happened. For some victims, it was about the money but for many, it never

really was . . . When money was the only thing Horace Mann would engage on, it became a proxy for justice and healing.¹⁸⁰

The following Monday, negotiations opened and by Wednesday, settlements began to close. By Friday, all but a handful of those who were going to settle had.¹⁸¹ The victims' lawyers told the group that Horace Mann might have been concerned that if they conducted an independent investigation—thereby substantiating the facts of the abuse claims—it would buttress the strength of the victims' claims. This might lead to higher settlements or court awards and potentially cause more victims to come forward and give people who had not been abused the ability to construct fake stories.¹⁸² “The fact that that might help some people heal was clearly irrelevant to them,” said “Todd”. He explained:

They completely miscalculated how to discharge their fiduciary responsibility and were badly advised by their lawyers and fellow board members. In retrospect—and looking holistically—the focus purely on immediate potential litigation exposure and only on that was an incomplete and inaccurate way to assess the best way to benefit the school. If they had thought about the consequences to the school's reputation of continuing the cover up, they would have realized that the only way to discharge their responsibility properly, was to publish what had happened. There were lots of role models in other schools and institutions. It was clear that that was what you should do to protect your reputation and future.¹⁸³

Those victims who accepted financial settlements had to agree not to discuss either the mediation or the settlement terms, though they were free to talk about the abuse that had happened to them. Six victims declined to accept a settlement from Horace Mann. “Todd” explained:

They told people they were making an exploding offer. The offer is X and if you don't decide by the end of the day, we withdraw the offer. That compelled many people to settle, but others said they couldn't respond to the offer because it wasn't a complete offer. Six survivors, whether courageous or crazy, called their bluff. They ended up walking out with a binding offer that stated it was valid until the board was able to meet and circle back on the non-monetary items. A few of the victims who had taken their settlement on the understanding that it would not be valid beyond Friday were bereft and felt they had sold out their principles.¹⁸⁴

The six who had not settled wrote to the school with their requirements/demands for settlement and were told the requests would be addressed by the board. Though the board did eventually agree to meet some of the victims' demands, including writing an apology and removing former school head Eileen Mullady's portrait from the school, they did not agree to the victims' chief request -- an independent investigation. Two of the six settled soon after and another two eventually, but two continued to demand a neutral third party accounting.¹⁸⁵

Those who had been abused in the 1990s—and therefore were the most likely to have been able to challenge the statute of limitations for civil suits—received the highest amounts.¹⁸⁶ “The settlement payouts... don’t come close to compensating the victims for the horrendous abuse they endured during their formative years,” said attorney Rosemarie Arnold whose client rejected the offer and filed a lawsuit against the school in New Jersey. “My client, who is one of the most severely abused, has shown tremendous courage in refusing to accept a pittance in exchange for his entitlement to justice and desire to hold those responsible for his torment fully accountable,” she said.¹⁸⁷ Arnold said she felt her case was strong because of New Jersey’s “more flexible” statute of limitations policy.¹⁸⁸ In April 2015, Arnold’s client settled with Horace Mann for an amount rumored to be several million dollars.¹⁸⁹

Firestorm Redux

On March 28, 2013 – within a week after the mediation session had ended -- Paul Finn of Commonwealth Mediation wrote to Allred to tell her that he and the other mediator who presided over the mediation would be recommending that Horace Mann conduct an independent investigation into the abuse—though his firm would not be heading such an investigation. “We are neutrals and will remain the same. We will ask the Board to conduct an independent investigation as part of our recommendations, but we will not ask the Board to hire us to do that investigation,” Finn wrote.¹⁹⁰

At an April 23 faculty awards dinner—three days before the Bronx DA issued its investigation findings—Friedman told teachers that trustees’ chief concerns were protecting jobs, the endowment and the current students’ education.¹⁹¹ A month later, late on May 24th, the Friday of Memorial Day weekend, Friedman and Kelly posted a letter on Horace Mann’s website explaining that settlements had been reached with the majority of abuse victims. For the first time, Horace Mann acknowledged the abuse: “Based on what was reported by the Bronx DA’s office in its public statement of April 26 and what was learned through the mediation process, it is clear that between 1962 and 1996, former teachers and administrators in fact did abuse, in various degrees, students at Horace Mann School.”¹⁹² The letter included an apology and outlined additional steps the school was taking to prevent abuse in the future. The letter also said Horace Mann was preparing “an independent summary of the reported abuses” which would be drawn entirely from victims’ confidential impact statements given during the mediation,¹⁹³ rather than the independent investigation the victims had been demanding.

Members of the Survivors’ Group expressed anger over what they deemed a “weak and overdue” apology.¹⁹⁴ The Survivors’ Group responded with a letter of its own:

. . . The school has apologized, but the quality of that apology is undermined if the Trustees do not want to know fully the extent and nature of the problem for which the

school is apologizing. . . . The Trustees have still not responded substantively to our chief request—that they commission an independent investigation. The longer the Trustees resist this, the more they communicate that they do not want to know the full truth about the scale of the abuse or the cover-up perpetrated by the school. . . . If Trustees today still refuse an independent investigation of our reports, how can today’s students trust HM to investigate fully if, God forbid, they ever have reason to report similar abuse?¹⁹⁵

After reading Horace Mann’s letter, Allred contacted Commonwealth Mediation and asked whether it was in fact preparing a summary based on the victims’ accounts. Finn replied, “We have not been hired to do anything.”¹⁹⁶ Horace Mann’s lawyers did not respond to Allred’s inquiry about the summary.¹⁹⁷ In a later statement, Horace Mann maintained that it had “accepted the mediators’ offer to prepare a summary report at no fee.”¹⁹⁸ But before mediation, representative lawyers for Horace Mann and the victims had agreed in writing that the individual victim impact statements would be confidential.

On May 30, Allred responded to Horace Mann’s letter:

Horace Mann announced . . . that it would publish a report summarizing our clients’ statements. This “summary” is a betrayal. It was not what the survivors had asked for or wanted. It is contrary to the representations and agreements made to and with the survivors. This summary is also contrary to what the survivors had been told would be considered by the Board of Trustees at Horace Mann.¹⁹⁹

Allred wrote that the victims wanted a “full independent process that includes an examination of school records and interviews of not only abusers but of school board members, administrators and teachers who observed and/or knew of the abuse and either took no action or actively took steps to ensure that the abuses stay hidden.”²⁰⁰ Allred continued:

. . . In light of Mr. Finn’s response, we believe it is clear that Horace Mann has chosen falsely to state to the world that the mediators would prepare an “independent” report of what they learned at the mediation, knowing that no such report will ever be prepared. We believe this is a callous attempt to deflect attention from the fact that Horace Mann is continuing to refuse to conduct an independent investigation.²⁰¹

Later that day, a spokesperson for Horace Mann said that Allred “seriously misstates what has transpired.”²⁰² Nevertheless, the next day, the school released another statement, indicating that it would not release the promised report without the victims’ permission. “While Horace Mann is willing to make the report available, if the survivors wish that the report not be made public, it won’t be.”²⁰³

On October 16, Kelly confirmed that an independent investigation would not move forward. “The school will not participate in an independent investigation. . . . An investigation

would ruin the school's finances, and without evidence, would only be slanderous," Kelly told a gathering of the Horace Mann community, at an event sponsored by the Horace Mann Parent's Association.²⁰⁴

Horace Mann's Finances

In 1998, the board of trustees, then chaired by Michael Hess, planned a significant expansion to include a new middle school, library, theater and cafeteria.²⁰⁵ To pay for the construction, the school took on two tranches of debt in the late 1990s and early 2000s, totaling \$103.5 million—more debt than any other independent school in the nation at that time.²⁰⁶ The school floated bonds certified by the city's Industrial Development Agency (IDA). According to documents filed with the IDA, Horace Mann's total debt was scheduled to reach \$339 million, including principal and interest, over the 42-year life of the bonds.²⁰⁷

The debt was structured to require payments of interest only for the first ten years (approximately \$5 million per year) followed by 20 years of interest and principal (approximately \$10 million per year). According to a former administrator, Horace Mann, despite its significant endowment, was under extreme financial pressure, which would continue until 2031, making it important to defend the school's cash flow.²⁰⁸

* * *

On July 3, 2012, the school notified its insurance companies of abuse claims being made by former students. The school asked the insurers to attend the mediation. Though some did, three insurers, New Hampshire Insurance Co., Granite State Insurance Co., and their claims administrator, Chartis Claims—all divisions of American International Group (AIG)—refused to attend the mediation, citing Horace Mann's conditions: namely that the insurers would have to destroy all documents after the meeting and were prohibited from investigating any of the claims they heard during the mediation.²⁰⁹ The AIG insurers had issued policies to the school that covered liability for sexual abuse between June 1992 and June 1996.²¹⁰ In December 2012, Chartis denied Horace Mann's claim, citing its failure "to provide timely notice of the claims."²¹¹

After the mediation was concluded and the settlement deals were made, the school sent the AIG insurers a bill for the \$1.05 million that Horace Mann paid victims who had been abused between 1992 and 1996: Ben Balter's mother (\$900,000) and another victim (\$150,000). The insurers refused to pay on the grounds that the school failed to share information about the abuse with them. "The attitude of Horace Mann, after its cooperation was sought, was undoubtedly one of willful and avowed obstruction," the companies said.²¹²

In August 2013, Horace Mann filed suit against the AIG companies for breaching their policies. “Not only did AIG deny coverage, but it refused to even participate in the mediation that resulted in the settlement of the vast majority of claims against the school,” a school spokesman said. “AIG now stands alone as the only insurer that has not lived up to its responsibilities under its policy. AIG’s allegation of obstruction is unsupported by the facts and is consistent with its poor behavior throughout this process.”²¹³ In a statement, the school admitted that the statute of limitations precluded the victims from suing, but said that the school wanted to settle the majority of the claims because the victims “are entitled to be embraced by the warmth and ethic of care characteristic of Horace Mann School.”²¹⁴

In their filings with the Manhattan Supreme Court, the companies wrote that the victims’ claims were “fully defensible due to New York’s statute of limitations. . . . Neither of the two pertinent asserted claims was legally viable and should have been vigorously defended rather than settled.”²¹⁵ Horace Mann’s “chosen strategy was to preserve its reputation by quickly settling all purported claims regardless of viability and then foisting responsibility for payment onto its insurers,” the companies said in a motion to dismiss the case, adding that “member companies are not the guarantors of Horace Mann’s reputation.”²¹⁶ The insurers also noted that while the victims’ lawyers granted them permission to use the mediation documents for purposes of assessing insurance coverage claims, the school continued to “cloak the basic facts [of the abuse] in perpetual secrecy.”²¹⁷

Horace Mann asked the court to seal documents related to its settlement with the two victims to protect their privacy. The documents included Balter’s 1993 letter to Foote as well as questionnaires both victims had answered about their abuse and the amounts of the settlements.²¹⁸ Howard Epstein, Horace Mann’s attorney, said that the AIG companies were responsible for bringing “this dispute into a public forum” when it refused to reimburse the school, but that “the former students’ right to privacy should not suffer as a result.”²¹⁹ One of the attorneys who represented a victim during the mediation, Rosemary Arnold, said the school’s efforts to seal the documents were not to protect the victims but to protect the school. “This is Horace Mann lawyers saying we want these records sealed because it’s better for us,” she said.²²⁰ Indeed, Horace Mann’s submissions to the court indicated it wanted the seal to shield the school from future claims from other victims. “Given that additional claims are pending and new claims remain a possibility, it would be detrimental to potential future settlements if settlement related documents were made public at this time,” wrote Epstein in papers filed in Manhattan Supreme Court.²²¹ He also wrote that doing so would give victims “an unfair negotiating advantage.”²²²

During a hearing on March 6, 2014, Manhattan Supreme Court Justice Charles Ramos, himself a Horace Mann alumnus, ordered the school into mediation after telling its lawyers they “might have a weak case.”²²³ Judge Ramos asked why Horace Mann administrators waited 25 years to notify its carriers of the abuse allegations, and wanted to know if the school’s trustees

had been notified of Balter's letter. Epstein said, "There was no evidence of that." But when Judge Ramos pointed out that court filings indicated that trustees had been aware of the abuse claims, Epstein acknowledged: "Well, some trustees." "One will do," said Judge Ramos, indicating that if any of the trustees knew about the allegations and did not report it, the insurance companies may not be responsible for a payout. "They've got some good defenses here. This (public legal fight) doesn't do anybody any good," Judge Ramos told the lawyers at the bench.²²⁴

The next day, a New Jersey judge ruled that one victim's lawsuit, filed in that state because some of the abuse occurred there, could proceed. Though Horace Mann lawyers argued that New Jersey did not have jurisdiction, the victim's lawyer, Rosemary Arnold, noted that the victim was abused on Glee Club trips in New Jersey: "They tried to get off on a technicality."²²⁵ Of Horace Mann, Arnold said, "Now they have to answer questions about what happened and why they didn't stop it," adding that the ruling might clear the way for other victims to file suits. "The main issue in our case is the fact that Horace Mann knew that Somary was a sexual predator before my client even went to the school," said Arnold.²²⁶ In her decision, Judge Lisa Perez Friscia wrote that the court found "plaintiff has set forth sufficient facts to maintain a claim for negligent supervision in New Jersey."²²⁷

The Future for Horace Mann

Between the fall of 2012 and August 2013, nine of 35 Horace Mann trustees had resigned from the board. Four were reported to have left specifically because of concerns over the school's handling of the scandal.²²⁸ Departures included Jonathan M. Meltzer (class of 1983), a partner with Goldman Sachs; retail developer Robert Heidenberg (class of 1976), journalist Beth Kobliner, investment firm partner Daniel Shuchman, philanthropist Jamshid Ehsani, and attorney Deborah C. Cogut, whose husband was founder of private equity firm, Pegasus Capital.²²⁹

On March 13, 2015, after nine years as board chair, Friedman announced his retirement. In his farewell letter to the Horace Mann community, he noted that while he had found his role exhilarating and challenging, it had also been also "deeply satisfying":

I believe we have "left it on the field" in terms of initiatives in curriculum and program development, in arts, athletics, diversity, community service, and sustainability, to name but a few, while creating the financial strength to help those in need . . .and to try to help heal the wounds in our community created decades ago.²³⁰

Exhibit 2: Letter from Benjamin Balter to Headmaster Foote

September 29, 1993

Dear Mr. Foote,

I am writing concerning the faculty member Johannes Somary, chairman of the arts department. I have known Mr. Somary for almost five years and have respect for him as a musician. However, recently, Mr. Somary has made grossly inappropriate sexual advances towards me. This behavior has persisted for several months now, and I feel it only appropriate that the administration be notified. I am not simply making an unfounded accusation or exaggerating perfectly innocent events. Mr. Somary's actions have only one possible interpretation and are clearly unjustified on a professional or personal level. The purpose of a school such as Horace Mann is to provide a safe and comfortable learning environment. This goal is clearly made impossible by the inappropriate actions of teachers such as Mr. Somary. It is unfair to me and to other students to have such teachers in our midst for they compromise not only the goals of the Horace Mann school, but also the integrity of education in general.

Yours Truly, Benjamin Balter (12)

Source: Letter from Benjamin Balter to HM Headmaster Foote in 1993,
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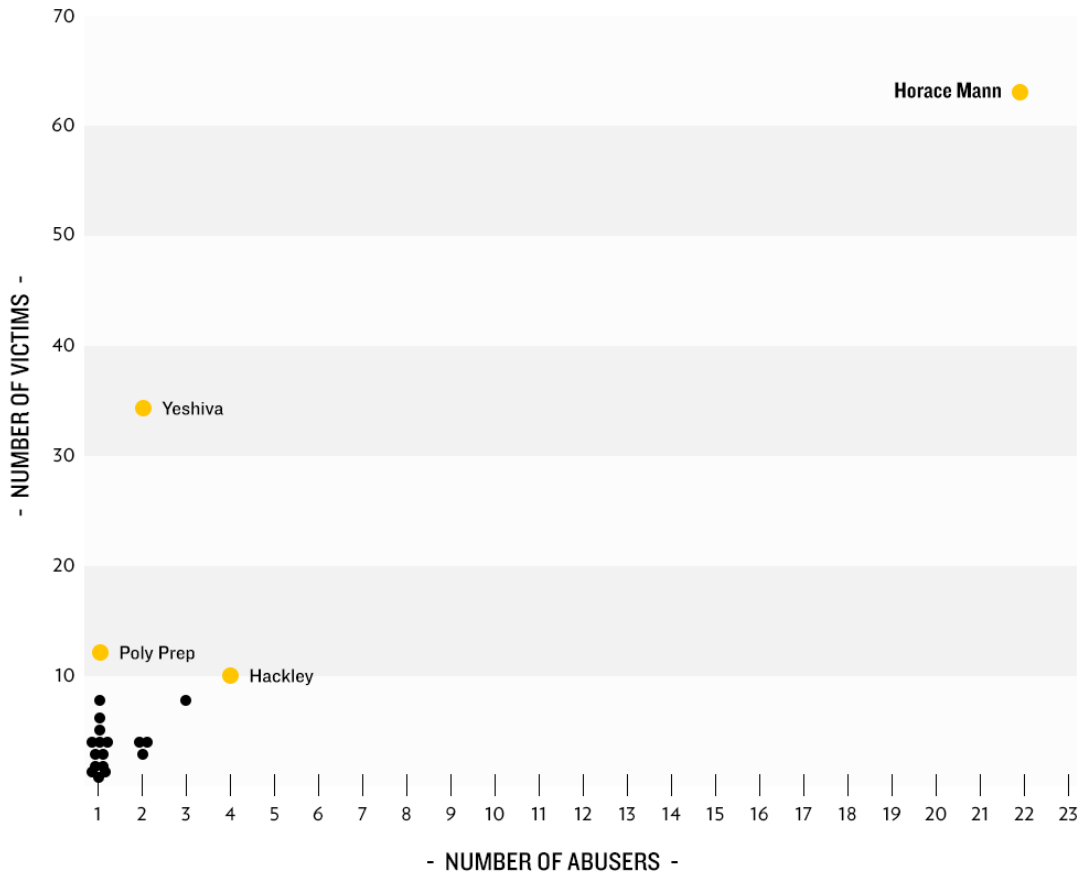
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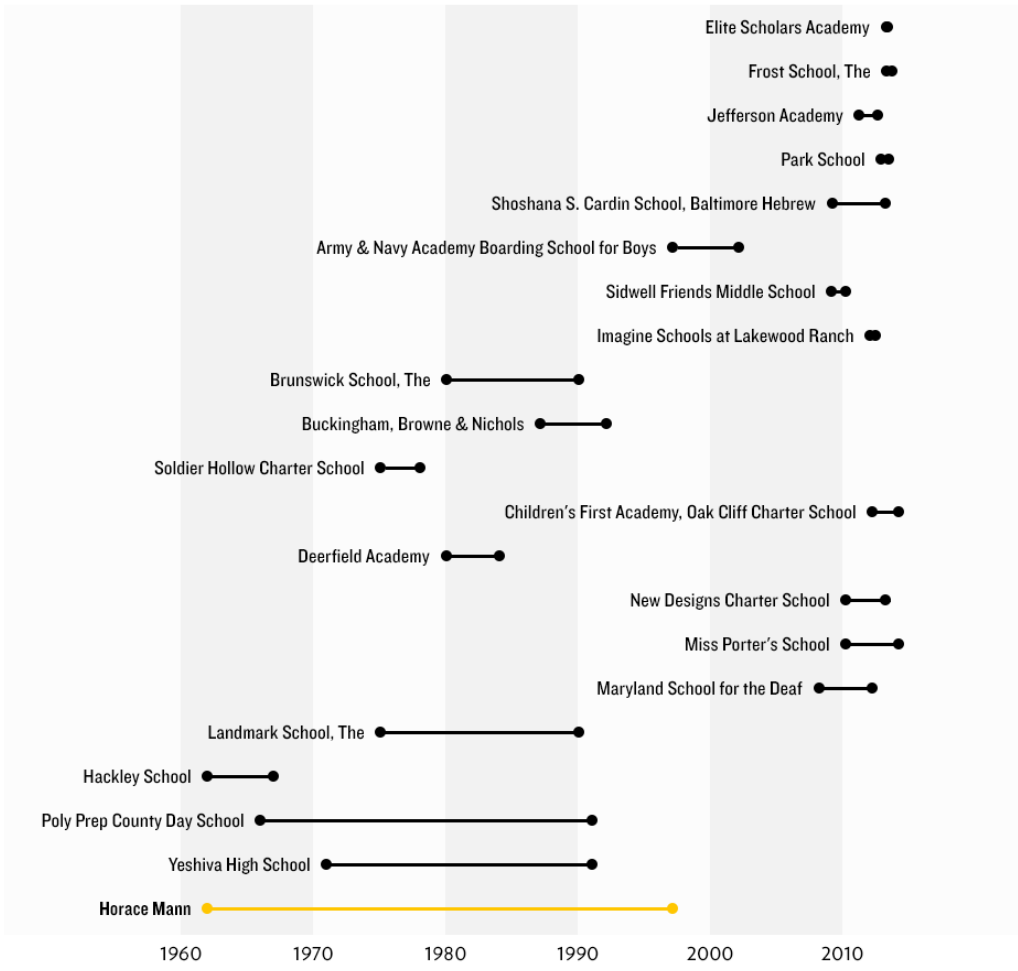
II: Comparative Analysis: Sexual Abuse at 21 Independent Schools

NUMBER OF VICTIMS AND ABUSERS AT 21 SCHOOLS



SCHOOLS INCLUDED IN THE SAMPLE		
<ul style="list-style-type: none"> ● Outside New York State (17): Amy & Navy Academy Boarding School The Brunswick School Buckingham Browne & Nichols Children's First Academy, Oak Cliff Deerfield Academy Elite Scholars Academy The Frost School Imagine Schools at Lakewood Ranch Jefferson Academy 	<ul style="list-style-type: none"> The Landmark School Maryland School for the Deaf Ms. Porter's School New Designs Charter School Park School Shoshana S. Cardin School Sidwell Friends Middle School Soldier Hollow Charter School 49 victims, or 3 per school 	<ul style="list-style-type: none"> ● In New York State (4): Hackley School Poly Prep County Day School Yeshiva High School Horace Mann High School 119 victims, or 30 per school

DURATION OF ABUSE ACCOUNTS IN 21 SCHOOLS



RECENT SEXUAL ABUSE AT 21 SCHOOLS

	Number of Abusers	Number of Victims	Conduct Investigated?	Inform Police?	State	Length of SOL	Year Abuse Began	Span (Years)
Elite Scholars Academy	1	1	Y	Y	GA	5	2013	0.1
Frost School, The	1	1	N	Y	MD	7	2013	0.5
Jefferson Academy	1	1	N	Y	UT	4	2011	1.3
Park School	1	1		Y	MA	3	2013	0.1
Shoshana S. Cardin School, Baltimore Hebrew	1	1	Y	Y	MD	7	2009	4
Army & Navy Academy Boarding School for Boys	1	2	Y	Y	CA	8	1997	5
Sidwell Friends Middle School	1	2		Y	DC	7	2009	1
Imagine Schools at Lakewood Ranch	2	2	Y	Y	FL	7	2012	0.1
Brunswick School, The	1	3	Y	Y	CT	30	1980	10
Buckingham, Browne & Nichols	1	3		Y	MA	3	1987	5
Soldier Hollow Charter School	1	3		Y	UT	4	1975	3
Children's First Academy, Oak Cliff Charter School	2	3		Y	TX	5	2012	2
Deerfield Academy	2	3	Y	Y	MA	3	1980	4
New Designs Charter School	1	4		Y	CA	8	2012	3
Miss Porter's School	1	5		Y	CT	30	2010	4
Maryland School for the Deaf	1	7	N	Y	MD	7	2008	4
Landmark School, The	3	7		Y	MA	3	1975	15
Hackley School	3	10	Y	N	NY	5	1962	5
Poly Prep County Day School	1	12	Y	N	NY	5	1966	25
Yeshiva High School	2	34	Y	N	NY	5	1971	20
(Avg. of sample)	1.3	5.3	69%	85%		7.8		5.6
Horace Mann	22	63	N	N	NY	5	1962	35

While police were informed in 85% of the schools in this sample, they were not informed at Hackley, Poly Prep, Yeshiva and Horace Mann, where 119 of the total of 168 victims were, or 71% of victims in this sample.

For detailed information about abuse at these schools, please see
<http://makingschoolsafe.com/media/21schools-detailed.xlsx>

PRIOR HISTORY OF ABUSE REPORTS

Schools	History of Abuse Reports Ignored?
Army and Navy Academy Boarding School for Boys	In 1993, perp. was fired from McCallie Private Boys Boarding School for alleged sexual molestation, for some reason this did not show up on his resume when he applied to the Academy or in his background check
Brunswick School, The	Not at this time
Buckingham, Browne & Nichols	Assaults were admitted in 1987 but in 2008, school acknowledges that there were several reports by staff of troubling inappropriate conduct by the perp but nothing done, until he was charged with assaulting his nephew and given a suspended sentence
Children's First Academy, Oak Cliff Charter School	School was informed about a complaint that a teacher had assaulted a student on a bus, but failed to report (school failed to comment)
Deerfield Academy	Investigation showed that the administration in the 1980's failed to address reports of Hindle's inappropriate behavior (a student in 1980's did make an allegation of inappropriate behavior and his mother also did and Mr. Hindle was confronted by the administration but nothing happened) and that in the early 2000's the administration failed to investigate when informed of his sexual misconduct---other reports of faculty who had experienced or were aware of inappropriate behavior but didn't say anything at the time
Elite Scholars Academy	Not at this time
Frost School, The	Not at this time
Hackley Prep School	No clear evidence that the school officials back then filed reports of misconduct--however, there is evidence to support the belief that the school's leadership at the time did not tolerate such misconduct (no explanations of what evidence this was), also school declined to say more or whether police were ever asked to investigate the abuse
Imagine Schools at Lakewood Ranch	
Jefferson Academy	
Landmark School, The	At the time in 1989 when the school and Bryant were in a court case, it was found that the school had actual or implied knowledge of Bryant's abuse and did nothing to stop it---apparently the headmaster did report the allegations to state child welfare officials but did not contact the police
Maryland School for the Deaf	N/A
Miss Porter's School	N/A
New Designs Charter School	The abuse went on for three years without anyone reporting it, so this leads me to believe that there should be some indications of what was going on
Park School	N/A (though the school asked for parents to come forward with any information)

regarding past behavior of perp and stated it would be contacting alumni)

Poly Prep County Day School

The history of abuse seems very similar to that of the Penn State scandal as one victim in court stated that one of the former athletic directors saw the perp abusing him in a shower and simply walked away. Months after the perp arrived at the school a student complained the coach had sexually abused him. The headmaster at the time (Scull) told the victim's parents that he made up the allegations and threatened to expel him. A football player names in the suit told former athletic director Parker and exheadmaster Williams, during the 1970's that he had seen the perp molesting boys on at least 10 separate occasions but both responded by telling his parents that he was a troublemaker and threatening to discipline him if he continued with allegations. Finally in 1991 a former student contacted the exheadmaster Williams and told him that the perp had abused him in the 1960s, after which Williams and other school officials said they chose not to renew the perp's contract.

**Shoshana S. Cardin School,
Baltimore Hebrew**

Not that we know of

Sidwell Friends Middle School

It seems that the perp was also being accused of molesting a boy who went to his summer camp, but no information has come forward as to whether this was the same boy who he is accused of molesting at his school. According to the report, the abuse of the student began when he was 14 and lasted for more than a year, but no information of any reports of abuse or anyone who may have had any notion that this was happening.

Soldier Hollow Charter School

Two separate incidents involving the perp and possible sexual impropriety at the school were revealed at a closed meeting of board members and parents---board stating that they were made aware of allegations shortly before Weber was fired in August 2012 but that the police investigations of them had not turned up any inappropriate activity---parents at the meeting were satisfied that the school responded appropriately.

Yeshiva High School

Lawsuit later filed alleges that a former students who left in 1980 stated that he and his father told a high-ranking school official (Miller) that the teacher had sodomized him with a toothbrush in the dormitory, Miller failed to report he assault to the police and took no punitive action. Report details failure of administration to act on reported abuse. Former President Lamm acknowledged mishandling abuse allegations about both perps. in a letter when he retired as chancellor on July 1st, 2013.

Horace Mann School

More than 25 reports of sexual abuse were received by the administration, beginning in 1962, yet almost all reports were ignored and buried or worse, students or parents reporting the abuse were misled, not told of other reports or intimidated and discouraged from reporting to authorities. In the mid 70s, a student who was being sexually abused was asked to meet with the Guidance Department Chairman, only to be sexually abused by that Chairman and then to have that Chairman take retaliatory action against the victim in the classroom. In the late 70s to mid 80s two teachers were let go based on reports but no search was made for victims nor were authorities alerted. In 1993, the administration and trustees met with the mother of a student who wrote a letter complaining of abuse by Somary. No action was taken and another victim was subsequently abused. In the late 90s, a board member reported his prior abuse by a teacher to headmaster Eileen Mullady and was told to bury it. In 2005, a survivor met with board chairman Robert Katz about prior abuse by R. J. Berman and was told the school had no knowledge because a fire had destroyed records.

III: Best Practices for Prevention of Student Sexual Abuse

School administrators were asked to rate which practices are most effective in preventing student sexual abuse. Specific areas are defined below in order of importance: 1-3) Reporting, Training, Policy; 4) Hiring, Screening, Interviewing; and 5) Are the preceding procedures actually used (in any recent events, etc.)? Stated practices only protect children if they are actually used – staff, students and leaders need to understand them, be willing to undertake them and have the confidence they will be taken seriously without negative consequences.

1) Reporting

Above all other procedures, a healthy reporting system protects children and the school best. Early warning is by far the most valuable single element for safety. Timely reports compensate greatly where other components are weak and conversely, prevention will fail where reporting is subverted or flawed no matter how strongly all other practices are integrated. Autopsies of past abuse cases prove that signs are evident in nearly all cases. Yet prevention fails even when evidence is prominent if victims or witnesses are fearful, mistrust the process or staff, or leaders dismiss accounts putting concern for reputation or embarrassment over the safety of children. Key elements required:

Support and protect reporters and victims; Keep names confidential; Encourage questions and reports; Let reporters know that they are immune from civil or criminal liability when making a report; Clearly state which authorities must be contacted; Do not leave to educators the responsibility of investigating suspicions; Hold leaders legally responsible for ensuring all cases are reported to the proper authorities.

Better to have the DA or child protective services settle a few cases where odd behavior was misunderstood than to miss early warning signs of actual ongoing abuse and have the institution enable far worse by denial or inaction.

2) Training

Abuse prevention fails when reporting and policies are misunderstood, mistrusted or untested. Training also serves to demonstrate that the school's commitment to safety is serious and to motivate staff and students to speak up. Communication reduces myths and resistance, especially when senior leaders are directly involved. Programs and practice with feedback uncover and remove often unrecognized flaws which would otherwise undermine safety. Train all staff -- not just students. Training reinforces procedures people forget or have missed, injects key updates and most important: tests that the system is working before the risk of real-life failure could create a disaster.

Emphasize that reporting suspicions of misconduct is a professional responsibility and a law; Train all staff on appropriate procedures; Train all staff about what constitutes educator sexual misconduct and appropriate boundaries.

Include a case example to test staff understanding. Provide the initial facts and ask what people will do. Discuss each step and then add the next issue to uncover misunderstandings and willingness to take action.

3) Policies

Written policies define action in advance of the complication of incidents. By defining and ironing out the appropriate responses before an emergency, the school avoids delay or confusion when child safety is at risk. Prompt prevention should never require a second or fifth or tenth report of abuse as has sadly been the case in recent school news.

Make clear that there is no such thing as consensual sex between adults employed in schools and students; Include reporting requirements and what constitutes educator sexual misconduct; Make the school district's commitment to abuse prevention clear; Require staff and leader training; Provide guidance in identifying and reporting behaviors that might indicate educator sexual misconduct; Include in staff, student, and parent handbooks; Include a statement about no retaliation.

4) Hiring, Screening, and Interviewing

Hiring staff is an opportunity to avoid mistakes. Though most searches focus on finding the best apparent candidates, the process serves best to reduce or eliminate various risks of failure. Screening out a bad hire depends on whether available flags exist, are uncovered and get considered. One barrier is that schools often have not alerted subsequent employers of past abuse incidents with prospective staff -- thereby putting other students at risk. New laws have been passed or are pending on the state and federal level to limit "passing the trash."

Ask if the applicant has even been convicted of a crime, and if so, what crime(s); Ask for references from a variety of work and volunteer experience sources; Include questions on identification and work history that will facilitate background checks; Include that incomplete or false information can result in termination.

* * *

Much more detailed information on candidates is available today and it's more easily located. Better to find out now than after hiring.

Make child sexual abuse perpetration history an automatic disqualifier; Conduct a state and national criminal background check of records using fingerprint scans; Contact supervisor and two other references at the previous positions; Search sex offender databases; Verify social security number; Ask references about why applicant left previous position.

Ask the applicant to clarify and expand on application answers; Ask open-ended questions to encourage discussion; Inform the applicant of policies on child sexual abuse and code of conduct.

5) Closing the gap between written policy and effective practice

In addition to installing the practices listed above, school leaders can further improve prevention and timely response by removing barriers that may stall or disable existing policies from being enforced precisely when needed most. Ask these questions to diagnose any gaps in the system that supports prevention elements.

Recent history, communication, authorities, care for victims, record keeping:

- How have any past reports or early warning signs of abuse been sidetracked?
- Were the victims believed and the abusers met with to resolve allegations?
- Were the police or DA informed?
- How confident are you that all abuse incidents have been reported?
- To what extent are victims willing to come forward and feel safe?

To what degree are you committed to keeping the community informed? Do you ...

- Write and speak with parents and alumni immediately with full disclosure?
- Ask that people with information reach you and/or the authorities?
- Locate and meet with victims to understand what happened?
- Report findings and recommendations of the investigation by police or the school to the entire community?

To what extent are you prepared to locate and counsel victims once a report is known? Do you...

- Have people trained and designated to protect the interests of victims?
- Keep victims informed of your progress to help show changes in your prevention efforts?
- Take care that your process for resolving allegations does not reinjure victims?

Police and the DA have the experience and methods to investigate abuse incidents. Do you...

- Provide the authorities with all records and reports once you are aware of an incident?
- Have a good working relationship with law enforcement in your community?
- Trust the police or DA, where an allegation may turn out not to produce charges, to handle it appropriately?

When a report of abuse is received, to what extent do you know if prior reports were made based on records? Do you...

- Know that staff to whom a victim may report abuse will document the account and inform the head of school?
- Follow up on an initial report by getting further details from the person reporting the information?
- Have an anonymous hotline or similar method to receive and encourage reports?
- Protect the confidences of those who report and assure your community of methods in order to encourage reporting?

Effective response depends on three elements:

- that people understand the system so they and the school can act promptly;
- that those who see something and report feel safe and heard by the school and authorities; and
- that the school says the one thing that truly matters: that they want to know what happened; that if a student was harmed they want to know and help, without judgment.

IV: Findings & Recommendations

Though other private schools that uncovered sexual abuse by staff initiated, supported and funded independent investigations, Horace Mann declined to do so. In 2013, the Horace Mann Action Coalition (HMAC) asked Judge Leslie Crocker Snyder (ret.), founder of the Manhattan DA's Sex Crimes Prosecution Bureau, the first such bureau in the country, and co-author of New York State's Rape Shield Law, to conduct an investigation. "The investigation was circumscribed and inhibited due to a lack of cooperation and a lack of funds," noted Snyder. "We focused on setting forth more comprehensive facts than had been released previously and on forming a list of critical recommendations."

Her findings are presented here.

Findings

The subject of sexual abuse has received a great deal of attention lately, primarily focused on abuse on college campuses.¹ While much needs to be accomplished there, young children and young adults are being sexually abused in our elementary and secondary schools every day. It has been estimated that 4.5 million children—1 in 10 between kindergarten and grade 12—have been sexually abused by a teacher, coach or school employee.²

A survey of 21 private schools throughout the country has shown that a pervasive and disturbing pattern of sexual abuse exists involving children abused by teachers, coaches and other school employees.³ After sexual abuse was discovered at their institutions, some private schools, such as Poly Prep Country Day School in Brooklyn, New York and Yeshiva University High School for Boys in Manhattan, publicly apologized, admitted that abuse occurred, and hired top law firms and experts at significant cost to conduct independent investigations and to report and recommend changes. Thereafter, these institutions adopted the resulting recommendations, issuing extensive new guidelines to ensure that future students would be safeguarded.

Horace Mann, unfortunately, has chosen a different path. Rather than endeavoring to bring sunlight to a darkened corner of its past, Horace Mann has steadfastly refused to investigate on its own or to cooperate with our investigation. Its top leadership has declined to meet with me or anyone else involved in this investigation; it has refused to answer our written inquiries and entreaties; and it has forbidden us access to records that might answer some of our many questions about what happened at the school. As a result, we are left with the voices of the victims and their families – voices that are compelling, and verifiable, but that cannot, on their

¹ A video from our October 2014 symposium on sexual abuse at colleges and schools, "The Epidemic of Sexual Abuse in Our Schools and Universities: How these Institutions have Failed Students and What We Must Do to Protect Them," can be found at <https://vimeo.com/110393616>.

² Brian Palmer, "How Many Kids are Sexually Abused by Their Teachers?" Slate.com, February 8, 2012, http://www.slate.com/articles/news_and_politics/explainer/2012/02/is_sexual_abuse_in_schools_very_common_.htm, accessed February 21, 2015.

³ Horace Mann Action Coalition, "Independent Schools with Recent Reports of Sexual Abuse by Teachers," MakeSchoolSafe.net, April 7, 2014.

own, complete the picture. It is a frustrating outcome, as what the victims want most of all is the truth. Our hope is that this report will not be the last word on the subject, and that, someday, the school's leadership will allow us or someone equally independent to complete this important work.

From these victims' voices, however, we have learned a great deal. We have learned that upwards of 64 HM students were sexually abused by as many as 22 faculty and staff – a staggering figure that only hints at the scope of devastation that was wrought on young people in the school community. We have learned that Horace Mann's historic response to reports of sexual abuse in the 1970s, '80s and '90s was to ignore them, to bury them or to quash them, leaving victims and their families feeling even more abused. We know that, over the decades, the school reported none of these complaints to law enforcement contemporaneously with the events in question, and that documentation verifying the complaints, which several administrators claimed existed, is missing. Sadly, we know that, notwithstanding its mission to protect and nurture the young, Horace Mann offered no counseling or support for victims and no warning to parents, other students at risk, or other schools or institutions where abusers subsequently went to work. In many cases, the record contains no evidence that the school so much as confronted the abusers. And, adding injury to injury, in at least some cases Horace Mann officials suggested that victims' complaints would not be accepted without *other* proof or evidence: the children's word was not enough. During those long and terrible years, it would seem as if the school's primary interest was not in determining what had occurred, ameliorating its effects, and preventing it from happening again, but rather in protecting the abusers—teachers, coaches and administrators—and guarding Horace Mann's reputation, regardless of the harm inflicted. It is as if the school's mission of truth and the nurturing of the young had been turned on its head.

The story we tell in these pages – what we know from the testimony of the victims -- is harrowing and horrific. Imbedded in that horror is a desperate cry not to let the past be prologue – a cry for change in how this issue is prevented and addressed going forward. If the suffering inflicted on the victims is to have meaning at all, that call must be answered with specific changes, in protocol, procedure, and attitude at Horace Mann. My hope is that, by telling the truth, and identifying the change that must occur, we will help make Horace Mann a better, safer environment for the children who attend, as well as for children at other schools.

Leslie Crocker Snyder

Recommendations

We make the following basic recommendations for private schools⁴, which can be accomplished at minimal cost:

Training

It is critical that faculty, staff, volunteers and employees, including administrators, custodial staff and any third party contractors who have access to students, receive annual training. This training, to be updated every year, must include understanding the definition of sexual abuse and its various forms and how to recognize it. It must also cover the technology that students and faculty, coaches and staff use to communicate. Training should take the form of a presentation by one or more sexual abuse experts at a mandatory annual meeting, which must include a question and answer session. The training should also be supplemented with on-line training, if possible. It should set forth boundaries to be followed and deal with issues like bullying and sexual harassment, in addition to sexual abuse.

Sexual abuse education should also be mandatory for all students, tailored to their grade and level of understanding. While such education could start as early as first grade, it should certainly start by 4th, so children understand what type of behavior is and is not permissible and parents must receive training as well.

It is critical that the training and education include the concept of bystander intervention: if teachers, employees or students see signs of inappropriate behavior, they have a duty to intervene as early as possible.

A key component of training is making certain that the school's policies and guidelines are understood. For instance, the training must make clear that there is no such thing as consensual sexual contact between any employee of the school and any student. We also support that separate training concerning internet safety, cyberbullying and related issues be mandatory. This can be accomplished at minimal expense with resources from The National Institute for Missing and Exploited Children.

Reporting

Hand in hand with training, there is nothing more important than a requirement of reporting all suspected sexual abuse and related offenses (See NY Social Services Law sec. 411-415).

Reporting suspected instances of abuse must be done at the earliest moment possible. Reporting procedures must be simple and clear both in training and in the school's published guidelines.

Victims and witnesses must trust the process and not fear being targeted, embarrassed or abused themselves by school officials. To accomplish this goal, there must be two reporting methods: one internal to the school involving reporting only to school leaders like department chairs and the headmaster, and—alternately—one external, to an independent monitor or panel

⁴ Many applied to public schools as well

outside the school consisting of an expert in the field, a law firm and/or well-credentialed persons with no fealty to the school.

All credible instances must be reported to law enforcement since most forms of sexual abuse are criminal. The school and law enforcement must work together in these cases; cooperation is key.

Reporters, victims and witnesses must be protected: their names should be kept confidential. Reporters must be immunized from civil and criminal liability and all consequences of reporting as long as their report is based on 'reasonable cause to believe' the behavior occurred. The goal must be to detect early warning signs of on-going sexual abuse while ameliorating fear of reprisal.

Hiring

If a school can avoid hiring an abusive teacher or employee, it will reduce the risk that its own students will be abused. This seems obvious but schools often discharge an abusive teacher or coach with a neutral letter of recommendation; that person is then unwittingly hired by another school.

Obviously, state and federal criminal background checks and fingerprint searches should be performed and can be done at relatively little cost. Currently, volunteers, student teachers, school bus drivers and private school employees are not required to be fingerprinted by law, and this is a serious loophole. Every private school should require this as a condition of employment. In addition, sexual offender registries and databases should be searched to determine if new hires have a history of sex-related crimes.

References should be required from every past employer, internship and volunteer experience. Schools should place phone calls to multiple persons at all previous schools and be sure to ask why the candidate left his or her previous position. There is currently a fear of legal consequences by prior or current employers if they say much beyond confirming employment dates—so they don't. Similarly, letters of recommendation are typically uninformative and unhelpful for evaluating risk of sexual abuse. This makes extensive probing and screening of each candidate critical.

During the interview process, candidates' attitudes on child sexual abuse must be probed, through both the face-to-face interview and an extensive written questionnaire. Candidates must be informed of the school's zero tolerance sexual abuse policy and be told that any incomplete or false information they provide will result in immediate termination. This statement should be included in any written contract. Candidates must also provide proof of a current teacher's license (if applicable to the position).

Anonymous Hotline

A hotline should be established to receive reports of sexual abuse anonymously with appropriate reporting to law enforcement. The hotline should be screened by high level school personnel and the outside monitor(s).

Psychological Counseling

Every private school should have a psychologist available to consult with victims. In addition, the school must make counseling available to victims and witnesses. Concern for the victims of sexual abuse must be one of the school's first priorities.

Transparency

The school's policies, procedures, guidelines and resources with regard to sexual abuse should be completely transparent to its prospective students, families, current students, alumni, teachers, staff, independent contractors and volunteers. The policies should also be incorporated into the school's handbook and made available to all of these constituencies; they should also be online.

Annual reports should be mandatory, and must include all information relating to any sexual abuse complaints and their resolution.

Reforms

There are many other issues to address and many reforms that should be made to alleviate child sexual abuse. We recommend the following few for immediate action by the Governor and the New York State Legislature.

1. Mandatory Reporting

Make reporting of sexual abuse by every employee, volunteer, etc. mandatory in every school, private as well as public.

Currently, New York State's Social Service Law requires that school officials in public and private schools report suspected child sexual abuse. However, the law refers to such abuse only by a parent, guardian or "other person legally responsible" for the child and does not include abuse by any school employees.

New York State's Education Law details schools' reporting responsibilities after a child abuse complaint is made. However, this law applies only to public schools.

These laws must be amended to make all reporting of child sexual abuse by anyone in private or public schools mandatory. Reporters must be immune from civil and criminal liability if acting in good faith.

2. Independent School Investigator

Create a statewide position of an independent schools investigator, analogous to the Special Commissioner of Investigations in the New York City public schools, which has broad authority to investigate sexual misconduct (among other things) within the New York City School District. The position must be independent of the schools.

Cases of failure to report must be prosecuted vigorously. The office of the Special Commissioner of Investigations in the New York City public schools has been very successful in prosecuting these cases, as well as the underlying abuse, and its goal should be that of every school: remove the perpetrator (after all due process) from being a teacher or, minimally, make certain he/she is never allowed to return to the classroom. Also, if there is a finding of abuse, other schools must be informed. This office pursues charges administratively, while monitoring criminal charges, and therefore needs only prove a case by a ‘preponderance of the evidence’, a much lower standard than the ‘beyond a reasonable doubt’ required in criminal cases.

3. Reform New York’s Statute of Limitations

Current law limits civil and criminal claims of sex abuse severely except for the highest level sex crimes.⁵

There have been numerous attempts to reform the statute of limitations in New York as to both civil and criminal cases, with very little success; indeed, State Senator Margaret Markey submits bills to broaden the statute of limitations to the state legislature every year. In 2011, her bill sought a modest extension of the limits; the 2013 version sought to eliminate all limitations in both civil and criminal suits. The Child Victims Act, A 1771 A, has been adopted by the New York State Assembly four times, but never allowed to make it to the State Senate floor. In August, 2014, State Senator Jeff Klein told *The Riverdale Press* he and State Senator Brad Hoylman are now prepared to co-sponsor a Senate version of Markey’s bill, but as of this writing, no legislation has been passed.

At the very least, some major reform and broadening of New York’s statute of limitations is critical as soon as possible.

4. Central Registry

Create a central, state registry of all school workers—teachers, administrators, coaches, school employees—who have been found, administratively or criminally, to have committed any form of sexual abuse. The registry should also include all teacher license revocations. The goal should be to create a national registry.

⁵ Current law and statute of limitations in NY State for child sexual abuse:

Civil: 5 years for first degree offenses, can only be against the perpetrator of the abuse, 3 years for negligence (third-party or duty of care cases) <http://sol-reform.com/new-york/> -- N.Y. Civil Prac. Law §213-c, 214, 215.

Criminal: No statute of limitations for first-degree offenses, five years for other felony sex offenses, 2 years for misdemeanor sex offenses. If the crime happens when the victim is under 18, the statute of limitations does not begin to run until the victim turns 18, or until it is first reported to law enforcement (whichever comes first) <http://sol-reform.com/new-york/> -- N.Y. PEN. LAW §130.00 thru 130.96, N.Y. CPL. LAW §30.10, Timeliness of prosecutions; periods of limitation.

REMOVAL of SOL FOR 1st DEGREE OFFENSES WAS IN 2006. Applies to all claims not yet barred on June 23, 2006. <http://sol-reform.com/new-york/details/> -- See, 2005 N.Y. S.N. 8441, 2006 N.Y. ALS 3, 2006 N.Y. LAWS 3, 2005 N.Y. S.N. 8441.

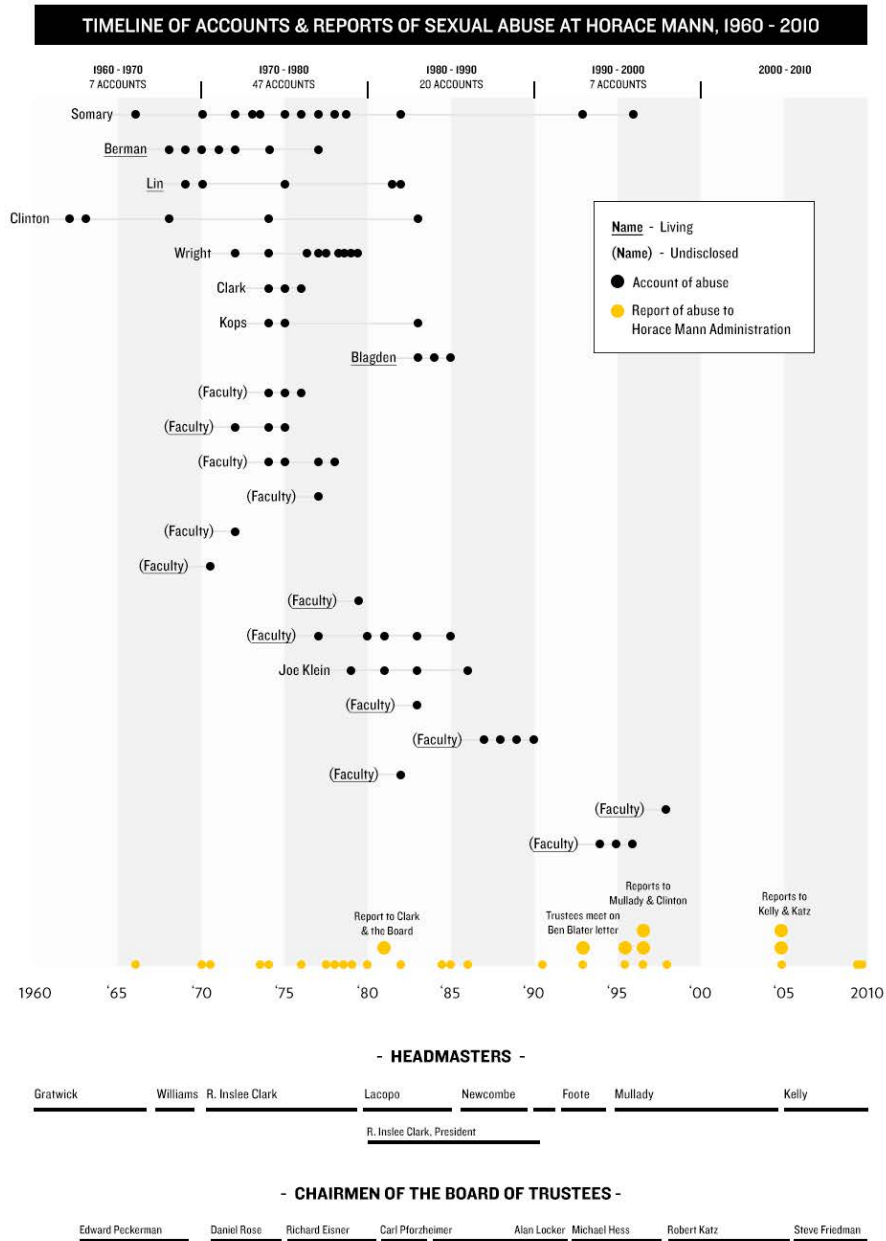
Mandated reporting: Required for apparent abuse by parents or guardians in the home, not teachers (sections §411-413); Required in an educational setting defined as “public,” not private school (sections §1125-26). -- N.Y. SOS. LAW §411-428, N.Y. ED. LAW §1125-26.

Conclusion

With extremely limited resources, we have set forth what we believe to be the most critical reforms to be implemented as soon as possible. Let us learn from the horrendous example of the Horace Mann School and not allow sex abuse to be tolerated in our schools. We can begin to accomplish this goal by implementing the reforms we have suggested here.

V: Appendices

Appendix 1



The chart above displays the pattern of accounts of abuse reported to the Horace Mann Action Coalition (HMAC). Each marker represents an account by a victim of abuse by faculty and in some cases many actual incidents too numerous to display adequately here. The total number of discrete incidents brought to the attention of HMAC is more than 700. The number of victims is 64 as of February 2015.

Appendix 2

Reports of Abuse Received by Administrators at Horace Mann

Provided by survivors, classmates, teachers and parents:

Pre-1970

- A survivor, “zz,” a musician, reported his abuse by Somary to Bill Clinton in 1969-70. He was told “It’s normal. Do nothing, take no action.”¹

1970 – 1979

- A student reported Somary’s abuse of another student to Allison in 1970. Reported by Mark Finkel, survivors' page: "...Doug did tell me that he had gone to Mr. Allison (Head of the Lower School) to report an incident he had learned of involving Mr. Somary and a fellow student. This would have been around 1970. He gave Mr. Allison a specific, very graphic report. Doug told me how upset he was by the story. Mr. Allison pooh-poohed it and told Doug not to worry about such ridiculous stories. Even when he told me this story some five year later, Doug was visibly shaken by the lack of validation." ²
- Fife reported Berman to Lewerth in 1970 (no action taken). "Shortly after this attack, I told the Assistant Dean of the Upper School – Philip Lewerth – about my trips to Mr. Berman’s apartment. I told him about the incident in the DC hotel room and that Berman had tried to have sex with me. Mr. Lewerth asked if I had any proof. I told him I didn’t, that Mr. Berman had been very careful not to send any notes. Mr. Lewerth then said that nothing could or would be done. He told me that William Clinton – the head of HM’s upper school – was a great believer in Berman’s brilliance. Lewerth also warned that Berman could sue me for libel if I brought formal charges. And that this could severely impair my chances to get into a good college. So I said nothing else, not even to my parents."³
- When Wright was a student, he was seen by Clinton having sex with another student. Wright was nonetheless subsequently hired as an art teacher and a football coach who performed inspection exams on his football players. Clinton knew about Wright. (June 30, 2012. Also, Clinton admitted in his 1996 meeting with Steve Fife that he was aware that Wright abused a student when Wright was a student.)⁴
- In the second letter from the Survivor group illustrating a response by authority to a report of abuse: "In one case a student who was being sexually abused was asked to meet with the Guidance Department Chairman, only to be sexually abused by that

- Chairman and then to have that Chairman take retaliatory action against the victim in the classroom."⁵
- A letter from a teacher mentions two reports to school administration: 1) A sit down with school heads after a parent complaint on a teacher NOT in the *New York Times* article, no action taken; 2) A teacher takes a complaint on Somary to the Guidance office, no action taken.⁶
 - "I was on Varsity football when, one day, Mark Wright scheduled an "exam" for me in the weight room. He performed a testicular exam on me. It lasted 30 seconds or so. I was NOT traumatized. I heard shortly thereafter he intended to examine the JV team, of which my younger brother was a member. I could not accept that. I did what I felt compelled to do. I contacted Asst. Coach Ron Lombardi who, in turn, contacted the administration. Wright was gone the next day. No one knew why--just that he was gone. I was somewhat concerned for my safety given that Wright was about 3 times larger than me. (For those who did not know him, he played Pro football for a brief period.)" - June 10, 2012⁷
 - Wright was fired only after a 4th report of abuse (or more). There was no report to the DA, parents or students; No search or counseling of victims. No investigation, nor on any of the 3 prior reports. (see Dick Warren's comment below). Also, the inaction to Kops was similar.⁸
 - Richard A. Warren - on reporting: "One especially vulnerable kid came to me and told me about Mark Wright, the art teacher-athlete, making a sexual advance. I went to the head of the school division, a good friend, and reported it. He suggested we go to Clark, which I did and reported the incident. Wright, who should have been investigated and dismissed at once, left at the end of the year. I had no idea I was reporting to someone who had every reason to suppress all such goings on." July 19, 2012 at 7:04am⁹
 - Richard A. Warren - on Clark's awareness after he reported Wright: "There may have been reports other than mine. I remember Clark's first reaction was to say he wanted to protect Wright -- nothing about damaging children. So I agree completely with you that the administration was aware of the rot; awareness of how deep it went is another thing. But if he and Kops were so blatantly stupid that they could answer Clark's door together at night dressed only in towels, as a now reporter/ex-student told me, then we are into a whole new realm of blinkered self-awareness."¹⁰
 - A survivor abused by Wright reported that abuse to Newcombe (then a division head, and later a headmaster). Wright left the next day. This is not the account to which Dick Warren referred above. The victim said, regarding any response from the school: He was not told anything afterwards by Newcombe or anyone at HM. No documenting of the account, no questions, no contact at all. No counseling to him or other victims, no alert to parents or students or teachers. No call to police or the DA he knew of.¹¹

1980 – 1989

- Repeated abuse by Somary was reported first-hand by a student and to 6 administrators (Clinton, Clark, an official and board members) in 1981 or so. The abuse was circa 1973 and ongoing. Two people have confirmed the account.¹²
- A survivor reported his problem with Tek Lin to Mr. Somary (himself an abuser), who then spoke with Lin but not, apparently, with the HM administration.¹³
- Berman was taking a boy out of the country on a grand tour of Europe without his parents knowledge -- alone, just the boy and Berman. The boy's father, apparently prominent, intervened and Berman was asked to leave. "I know that he, Berman was scared, based on first-hand knowledge from the bond trader who purchased his new home in Tuxedo and because Robert Simon's sister was asked to buy Berman and Simon's adjoining apartments on 72nd street. They were in a rush to leave NY." (Early 80's)¹⁴
- A alumnus reports his near-miss with Kops in 198?. His mother worked at the school for more than 20 years.
"Kops almost got me. I'll never forget it....My friend's older brother used to say "Beware of Stan the Man." I said it once in the locker room and he came in from the showers. Pulled me into the showers and I got away. I punched him 5 or 6 times. She knew things because she always told me to stay away from certain people including Clark and Somary....CREEPS as she called them.. I don't remember who it was I emailed my story and they said they would get back to me. I guess since it was nothing of "sexual" abuse they put it in the file....I never heard back from them. I was also FORBIDDEN to go to the Theater.... My Mother flipped one time when I came through the cafeteria to the library, Somary had something to do with it I guess. Him and Barry Sielbert... I'm sure my Mother did something about it.... I was a 12 year old kid so I didn't know the details.... I'm going to look up the email to see who I sent it too."¹⁵
- Dorr incident with Kops: student reports, Kops leaves, no search for victims, no counseling, no alert to parents.¹⁶
- Report of a faculty member: "Like [athlete] before me and [athlete] before him and [athlete] before him... she had to have one football player each year." - (by an alumnus)¹⁷
- A student reports abuse by faculty member to Slaybaugh, who took it to Newcombe.¹⁸
- Newcombe received at least 3 reports, according to a source.¹⁹

- Charles Balter on reports of Somary: "It turns out people have been complaining since 1969, like all the time, pretty much every year in between," said Charles Balter. (Riverdale Press, 2013)²⁰
- Gloria Batkin Kahn was the HM school psychologist while abuse was going on. She told a survivor that she tried to report abuse to Clark and was shut down. She told an ex-teacher she reported abuse to Bill Clinton, who spoke with Somary and Clark, though nothing was done. Kahn said she would speak with authorities but she wants to be subpoenaed (the Bronx DA has been told about this).²¹

1990 – 1999

- A survivor calls R. Inslee Clark, then president of the school, to report his abuse by Mark Wright. Clark wishes him well and hangs up.²²
- A survivor on July 9, 2012 said: "I also reported my abuse to Mr. Foote and my parents met with him and were dissatisfied with his response. Apparently at that time not much was done about abuse." (A teacher confirms the report).²³
- Blagden went on to teach at the Isidore Newman School in New Orleans despite reports to Guidance and the headmaster.²⁴
- The letter from Ben Balter and subsequent trustee meeting with Dr. Howard: "Phil Foote, then Horace Mann's headmaster...said: 'All the administration and trustees got together and decided they wouldn't do anything about it. People came out of the woodwork protecting Somary.'"
 - Amos Kamil, New York Times Magazine, June 6, 2012²⁵
- "The thing that gets me is that stuff had been going on that the school knew about well before 1993. So, when, *the school told my family that they had never heard a negative word about Somary*, that Somary's reputation was spotless, that was clearly a lie. Then, they let this guy teach there for another nine or ten years. I'm not going to go into detail, but I'm fairly certain that students continued to be sexually abused at HM after 1993. There were likely more victims of Johannes Somary." – Charles Balter²⁶
- Mullady told Steve Fife when he returned and reported his abuse by Berman " ..to bury it." Clinton did as well. ('96)²⁷
- Steve Fife wrote: "Clinton admitted that there had been many complaints against Berman over the years."²⁸
- Faculty member fired in 1998, reported to the head of the upper division, Dr. Larry Weiss and Mullady: "A friend of mine had been writing everything down that he was saying in class and had forwarded the journal to her mother whom at the time was the

general counsel for <a national organization> and she filed a complaint as well."²⁹

- A survivor reported her abuse by Somary to Mullady, who urged her to " keep it quiet, not hurt herself or the school..."³⁰

2000 – 2010

- "As part of my healing process in 2005, I sought to confront my abuser and Horace Mann. Robert Berman refused to meet with me, first when I wrote to him and next when I traveled to his home and was turned away by a young man who communicated with him. I met with the Chair, Robert Katz, and Vice Chair of the Horace Mann Board of Trustees, Peter Sloane, with my attorney and told them my story. They told me that "it was not Horace Mann's bill to pay." - as posted by an alumnus on behalf of "a survivor".³¹
- "I met with the two of them at Peter Sloane's law office and I was represented by an attorney. *I was told that HM had no records because they were destroyed in a fire and they had no knowledge of Robert Berman's abuse.* If I had more information I was invited to share it with them."³²
- A survivor reported prior abuse to Tom Kelly during his transition as headmaster from Mullady.³³

2010 –

- Two survivors separately reported abuse by Somary to Tom Kelly in the spring of 2011.³⁴
- 32 survivors report abuse accounts to the Bronx DA (2012), and to Horace Mann (as part of settlement discussions, 2013).

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- ¹ Phone conversation with "survivor-1" who received the account, 2014
- ² Posted on horacemannsurvivor.org by Mark (Moshe) Finkel, July 10th, 2012 at 1:54 pm, <http://horacemannsurvivor.org/you-are-not-alone/#comments>
- ³ Steven Fife, personal conversation and in his book "The Thirteenth Boy", 2014
- ⁴ Conversation with Steven Fife and schoolmates, 2012
- ⁵ Second letter from the Survivors Group, July 11th, 2012. <http://horacemannsurvivor.org/survivors-letters/second-survivors-letter/>
- ⁶ Letter from "teacher-2" to Amos Kamil, June 26, 2012, and subsequent conversation
- ⁷ Post by an alumnus, "survivor-3," June 10th, 2012
- ⁸ Messages from various survivors, 2013
- ⁹ Letter from Richard Warren to Amos Kamil, posted June 19th, 2012 by Ed Bowen
- ¹⁰ Letter from Richard Warren to Joyce Fitzpatrick, posted on June 19th, 2012 by Ed Bowen
- ¹¹ An alumnus, "survivor-4", to Peter Brooks, phone call, 2014
- ¹² Meeting with former staff, conversation with teacher, Aug. 2014
- ¹³ Posted by an alumnus, 6/16/2012
- ¹⁴ Conversation with an alumnus to author, 2014
- ¹⁵ Personal message on Facebook from an alumnus to Peter Brooks, 2014
- ¹⁶ Prep School Predators, Amos Kamil, NY Times Magazine, June 6th, 2012
- ¹⁷ Email from an alum to author, 2013
- ¹⁸ Conversation with "survivor-8" to author, 2013
- ¹⁹ Conversation with "survivor-1" to author, 2013
- ²⁰ Riverdale Press, Sarina Trangle, 3/27/2013, Horace Mann Ignored Abuse, <http://riverdalepress.com/stories/Alumni-group-says-Horace-Mann-ignored-abuse-,52173?>
- ²¹ Conversations with "survivor-9" to author, 2013, and "teacher-1" to PB, 2014.
- ²² Statement, "survivor-10", 2014
- ²³ Posted by "survivor-11", 2012
- ²⁴ Reports to both Guidance and Foote posted by the survivor, 2012
- ²⁵ Prep School Predators, Amos Kamil, New York Times Magazine, June 6th, 2012
- ²⁶ Posted by Charles Balter, 10/9/2012
- ²⁷ Steve Fife in his book and drafts, "The Thirteenth Boy", and in personal conversation
- ²⁸ Steve Fife in his book, "The Thirteenth Boy", and in personal conversation
- ²⁹ Email from an alum to author, of a parent, 4/11/2013
- ³⁰ Conversation with "survivor-9" to author, 2013
- ³¹ Posted on behalf of "Gene" on PHM, June 18th, 2012
- ³² Email from "Gene" to author, 2013
- ³³ Conversation with "survivor-11" and author, 2014
- ³⁴ Conversation with "survivor-1" and author, 2013

Horace Mann Files & Records: The Burning Question

How cover up and institutional betrayal perpetuate sexual abuse.

There is no easy way to talk openly about sexual abuse and the response. Healing requires the truth in the open and the Horace Mann board remains unable to say that it is interested in knowing what happened and that it wants to help. How one school hides the truth is a lesson for every school and all parents expecting their children to be safe.

Over the last 20 years, administrators at Horace Mann have claimed that they have few records pertaining to sexual abuse, saying that any reports were never centralized or not even written down.

One headmaster said there were no records of known reports, not seeming to grasp that the lack of written reports is itself an indictment, since we know that students complained to school authorities. In other words, the administrators who should have recorded all complaints instead dismissed them. "There are no documents that an investigation would turn up." ¹ Knowledge and awareness, however, are not so easily lost, along with the obligation to act and speak out.

Now that the scope of abuse has been revealed to include 62 victims of 22 abusers over decades, it's beyond incredible that Horace Mann would have no record of the largest concentration of child sexual abuse ever in one school -- particularly one of the most prestigious private prep schools in America. Concerned alumni who gathered to understand what happened have learned as well of more than 25 reports of abuse the school received and buried over thirty years. ²

To counter doubts, the school has repeated publicly and officially that an "attic fire" at HM's business office destroyed any or all records pertaining to abuse -- not just as hearsay:

As for questions about Wright or the other teachers I heard about in the course of my reporting, the school issued a blanket statement, saying: "The article contains allegations dating back, in some instances, 30 years, long before the current administration took office, which makes it difficult to accurately respond to the factual allegations therein. *In addition, on June 13, 1984, there was a fire in the attic of the business office that destroyed some records.*

- Amos Kamil, Prep School Predators, New York Times Magazine, June 6th, 2012

Marc Fisher wrote in his article in the *New Yorker* magazine, "The Master":

Berman left the school in 1979. Horace Mann says that it has no records of his departure, because files pertaining to Berman and other faculty members were destroyed in a fire, in 1984.

Even the board of trustees, the school's ultimate authority, presented the loss of records by fire as fact. And they added a surprising new layer -- not knowing about one abuser at all. HM

authorities recently told this "no records and no knowledge" tale to a survivor of sexual abuse who bared his most private pain to report what he knew to people he trusted.

When "Gene" decided to report Robert Berman's abuse to Horace Mann, he met with Robert Katz, then chairman of the board of trustees and Peter Sloane, vice-chair in 2005.

In the meeting, they offered the excuse of no records due to fire. From Gene:

I met with the two of them at Peter Sloane's law office and I was represented by an attorney. *I was told that HM had no records because they were destroyed in a fire and they had no knowledge of Robert Berman's abuse.* If I had more information I was invited to share it with them.³

So not only did the chairman of the board say records were allegedly destroyed, but any knowledge or recall by those who wrote or read them sounds like it went up in smoke as well. Hold on a moment -- if the school had no knowledge of Berman's abuse, how did they know that the damaged records concerned that same abuse?

The last part, as they asked what information Gene had, is an oddly loaded question, testing how strong his hand was and with whom else he spoke. Gene believed what they told him. He trusted them.

We now know abuse files and records do exist and that they were not damaged by fire. What Gene was told and what HM authorities told others was untrue -- both about the records and about who knew what when.

From Gene, June 13, 2013 (to the author):

Peter,

Robert Katz brought up the "fire" at our meeting sort of as a catch all explanation why he was unable to respond to my question if others besides me had disclosed abuse at HM. His next move was to explain that HM had no legal responsibility i.e. no notice, no duty. If there were no records in the attic then < Robert Katz > was lying to me, which is wrong. A lie implies guilt and knowledge.

Gene⁴

Gene may get to meet with Robert Katz, just the two of them. I hope that happens. Between the two it's still possible to find some healing. The school could do the same, meeting with the alumni they have avoided and speaking with the candor that has been missing for so long.

* * *

Around the time much of the sexual abuse was going on, lightning struck HM and started a fire in a building just off campus at the business office on the southeast corner of Tibbett Ave and 246th, across the street from the main campus, June 13th, 1984.

The account in the local paper from the June 21, 1984 edition, the Riverdale Press:

Fire damages Horace Mann offices (no byline)

Lightning struck an administration building of the Horace Mann School during a freak thunderstorm last Thursday afternoon, setting the attic level of the three-story brick building on fire. The building, at W. 246 St. and Tibbett Ave., housed the school's business offices.

We didn't know it was burning. Someone told us," said Susan Fraleigh. She and co-worker Hilda Sternberg, bookkeepers at the school, heard the lightning hit at about 4:15 in the afternoon. "We knew it was close," said Ms. Sternberg. "And they just installed my air conditioner an hour ago," lamented Ms. Fraleigh.

The fire gutted the top level of the building, where *the school's alumni and development office is located*. After firefighters doused the one alarm blaze *workers started carrying out boxes of sodden records from the school's Centennial Fund drive*.

It took nearly 20 minutes for the fire trucks to arrive, witnesses said. The local ladder and engine companies at the Riverdale Firehouse, just down the street from the building, had been called to the Century, 2600 Netherland Ave., where lightning had struck minutes earlier.

Lightning had apparently dislodged brick from the face of the building, explained one of the firemen from the Riverdale Firehouse. They fell onto the roof of the Century Racquet Club, a large inflated dome. The local firefighters were instructed to stay on the scene to check for structural damage, and it took some time for companies from outlying areas to respond to the Horace Mann call.

Lightning from the same storm also felled a tree at the Van Cortlandt Mansion.⁵

Two bookkeepers confirmed the damaged files as alumni fund-raising records.

Dottie Conigliaro was editor of the HM alumni magazine in the 80s and 90s. Marc Fisher asked her about the fire. She remembers it well and was the person designated by the school to give the details to the Riverdale Press at the time.

She is certain that no teacher records were kept in that building. Here's her reply to Marc:

Re: the fire in the Alumni House. It was actually in the same building as the Business Office, and I was there when it happened. In fact, someone from the Riverdale Press interviewed me at the scene and I told them that all fundraising and old alumni records were up there. I'm sure there were no teachers' records.⁶

So the contemporary record shows that two book keepers quoted in the Riverdale Press said it was "records from the school's Centennial Fund drive" that were damaged. Dottie Conigliaro independently confirms the damaged files were "fundraising and old alumni records," not teacher records related to abuse.

Yes, there was a fire that damaged fundraising records. No, it didn't damage teacher records

or witness memories. So when and why did the administration decide that records of abuse were gone?

* * *

Several authors have explored the fire and files question and one saw the actual files. Marc Fisher, class of 1976 and a senior editor with the Washington Post said “I put in some effort on the fire question, but... it’s hard to prove a negative, after all.” About the actual teacher records, he wrote:

Larry Lowenstein, who ran the office that had custody of all historical records at the school, told me that there was no fire. In addition, two teachers who were there at the time said there was no fire. And most important, the school’s version—that the fire took place at the Alumni House across the street from the main campus—is irrelevant, since the personnel records were actually kept in that time period in a room in the basement of Tillinghast Hall. I know this because I visited the school that same year to check student records for a reporting project I was working on, and Dan Alexander took me down to the file room and gave me the files I was looking for. There were four metal file cabinets, the complete archive of student – and faculty – records, and Dan said at the time that this was the extent of the school’s archive (but for some notable items that were kept in the library.) -- (to the author, 2013)⁷

Why the story of the fire, no records, no files, and no knowledge?

- HM received more than 25 reports of sexual abuse and did not act (list available ⁸).
- HM ignored, buried or stalled reports. The administration intimidated those reporting.
- HM misled later victims, obstructed timely alerts to legal authorities, and never contacted the DA or police.

Knowing makes an obligation to act – the cover up began and continued.

It was in force in 1993, when Ben Balter’s mother was misled and pressured. Ben later committed suicide.

In the Balter meeting, with trustees and administrators, the mother was told she needed video and that Somary could sue (Michael Hess was general counsel at the time).

Mr. Hess was on the Horace Mann Board of Trustees in 1993, when Benjamin Balter, in a letter to the administration, reported that art department chair Johannes Somary had made inappropriate advances toward him.

Mr. Hess, then acting as an attorney for the school, convened a conference with several trustees and Mr. Balter’s mother, a teacher at the school, in which he told her the school wouldn’t investigate the allegations without recorded evidence of impropriety, according to Benjamin’s brother, Charles Balter.

(Riverdale Press⁹)

"Somary's denial was so vehement," < then headmaster > Foote told *The New York Times* last year, that "a lot of people put off doing anything about it." Foote also said that "all the administration and the trustees" held a meeting and decided nothing needed to be done. In the article, he named Hess as one of those present.

(New York Daily News, <http://www.nydailynews.com/exclusive-horace-mann-trustee-booted-sex-scandal-article-1.1342188>)

In 2013, Hess said he was not involved in the discussions with Ben Balter or his family in 1993.

The Board made a horrible decision, as the abuser continued to harm a '96 victim next.¹⁰

When the board chairman told Gene in 2005 "HM had no records because they were destroyed in a fire and they had no knowledge of Robert Berman's abuse," there had been at least six reports of abuse by Berman prior to that 2005 meeting:

- Steve Fife reported to Phillip Lewerth (then Assistant Dean of the Upper School), twice
- A survivor reported to Eileen Mullady, headmaster
- Reports to Bill Clinton, former head of guidance, who admitted knowing and covering up
- The family of a student who later committed suicide reported to the school
- Parents reported to the Parents association, based on students dressing like Berman and complaints of odd behavior

We know records exist for several reasons:

1. [A teacher] saw a "thick, fat file" on abuse by Somary¹¹
2. Marc Fisher's New Yorker article: "Gene spoke to a retired administrator, who told him that there had been a file, passed from headmaster to headmaster, with complaints of transgressions by teachers. A spokesman for Horace Mann says that Kelly searched for such a file and found nothing. Still, Gene insists, "people knew. They knew and they did nothing."
"From the nineteen-sixties into the nineteen-nineties, students, parents, and teachers—each believing his story of abuse to be unique—brought complaints about teachers to Horace Mann's administrators and board members."
3. Tom Kelly found Ben Balter's letter of 1993 reporting abuse by Somary. Even if it had been "misfiled," that means there are files.¹²
4. After June, 2012, Tom Kelly reviewed a file and then met with a male victim affiliated with HM who had sex with a female coach when he was a student¹³
5. HM received at least 25 reports of abuse for which we have accounts from 1970 to 2011.¹⁴

In 2005, how could the chairman of the board say the school didn't know?

Who told Robert Katz there were no records?

Who had the fiduciary obligation to know the facts?

Did HM authorities tell other victims who reported abuse they were the first and only one reporting?

How did misleading those who came forward to report abuse interfere with alerting the DA or the police?

Did misleading those who came forward stall the filing of timely reports within New York's tight statute of limitations?

...and what did Horace Mann tell the District Attorney in 2012?

This is why an independent investigation is vital to understand why and how the abuse continued for so long. If we understand – if other schools understand -- no one needs to be at the mercy of silence. When reputation trumps child safety, the silence of authorities enables abusers to continue as each report gets buried. It can happen at almost any school. The cover up is poison as teachers get referrals to other schools, parents are in the dark and students are at risk. The justice system we think of as protecting children is a monument to loopholes in private schools. It is up to institutions rather than the victims to speak openly, however awkward or painful.

Who Knew What When?

Peter Brooks, HM '66

¹ Meeting with Tom Kelly, Rob Hollander, Oct 4, 2012, at Columbus Circle.

² Accounts of reports of abuse to administrators at Horace Mann, provided to the Horace Mann Action Coalition by alumni, teachers, authors and survivors.

³ Note to the author from "Gene", 2013

⁴ Email to the author, 6/13/2013

⁵ Text of published article as found in microfiche by Sarina Trangle, reporter for the Riverdale Press, 6/13/2013

⁶ Private message on Facebook to the author, Robert Boynton and Amos Kamil from Marc Fisher, 6/14/2013

⁷ Email from Marc Fisher to Peter Greer, in private Facebook message to the author, 6/3/2013

⁸ Exhibit – Reports of abuse received by Horace Mann administrators, 3/16/2015

⁹ Riverdale Press, Sarina Trangle, Horace Mann Signals Change, 5/11/2013, <http://riverdalepress.com/stories/Horace-Mann-signals-change-in-tone-over-abuse-scandal,52455?>

¹⁰ "John Doe 2" cited in court documents for HM vs. AIG

¹¹ Conversation with the author and an ex-teacher, 2013

¹² Conversation with Dr. Howard, the author and Amos Kamil, 2013

¹³ Conversation, a survivor and the author, 2013

¹⁴ Exhibit – Reports of abuse received by Horace Mann administrators, 3/16/2015

Appendix 4

Analysis of Abuse Victims by Gender and Decade

The impression that the abuse at HM was almost exclusively male-boy is incorrect, probably a result of the early emerging accounts. Overall, a third of all accounts known so far involve girl victims or female abusers, with women-as-abusers as frequent as girls were a victim of abuse by a male.

Once the school was co-ed in the early 70's, the change in abuse was female abusers, in addition to the male-girl abuse. The surprise is the rise of female abusers. By the 80's, three quarters of all accounts involved female abusers or girl victims (vs. 17% ten years earlier).

Abuser	Victim	Overall	60s (not coed)	70s	80s	90s
Male	Boy	65%	100%	83%	25%	33%
Male	Girl	18%	-	5%	45%	33%
Female	Boy	18%	-	12%	30%	33%
Female	Girl	0%	-	-	-	-
Female Victims or Abusers:		35%		17%	75%	67%

Mix of abuse in the 80's and 90's when fully coed:

Male abuse of girls	42%
Female abuse of boys	31%
Male abuse of boys	27%

Letters from Survivor Group to the Horace Mann School

Appendix 5A

Original Survivors' Letter

June 21, 2012

To: Dr. Kelly, the Board of Trustees,
and our many beloved friends in the Horace Mann community

From: A group of survivors of sexual abuse by Horace Mann teachers and staff

We have been deeply moved by the outpouring of love, concern and solidarity expressed by many in our community since the publication of the New York Times Magazine article about sexual abuse at Horace Mann. We wish to express our thanks to all who have expressed compassion and caring toward us. We have tried not to be hurt by certain comments others have made on the internet seeking to blame the victims or to call our integrity, our motives or even our sexuality into question.

We recognize that many of our fellow-alumni who were not themselves sexually abused, and who were unaware of abuse, have also experienced trauma these last days as you have read just a small part of what was done to us. We recognize that you too are suffering at this time, and we feel that you and we are part of the same community. We are particularly sensitive to those who had no idea that abuse was taking place, and who may have loved and admired the teachers who abused us. We know it must be painful for you to read our stories about the darker side of mentors you admired.

Many people – in Facebook groups, in email conversations, on blogs, etc. – have been suggesting in public and in private what they think we, the survivors of abuse, might want to see happen in the days and weeks ahead. We thought it might serve the community for us to give you an idea of what we ourselves might like to see.

We wish to be clear that this letter is an early draft of a “working document.” We are still in the process of sorting out our own thoughts, and those thoughts are evolving. Additionally, other survivors are contacting us daily, and not all have been able to contribute to this draft. We are in contact with more than twenty survivors so far, and we were able to request input on this

letter from eighteen of them, and this document represents our best effort to reflect the concerns that those people have shared with us. Thus, we may revise this document in the coming weeks.

We believe the Horace Mann community has an historic opportunity to show leadership on this issue – to set an example of the right way to handle a crisis of this kind in order to promote healing, reconciliation, justice and truth. We welcome a dialogue with the current Horace Mann administration and Trustees on how to realize these goals.

We believe work must be done in four areas: 1) protecting potential future victims, 2) ensuring “never again” at Horace Mann, 3) healing and assisting past victims based on their legitimate needs, and 4) changing the wider system.

Protecting Potential Future Victims

The New York Times article named three teachers who have all died. Our abusers include several other teachers, some of whom are still alive. We are concerned that these pedophiles may even now be “grooming” other children for similar abuse. Some of you have asked why we did not come forward sooner about this. Several of us did come forward in the past, reporting abuse to the Horace Mann administration and Trustees and/or reporting it to law enforcement, but often we felt our reports fell on deaf ears. Others of us suffered alone for many years, overcome by shame and unable to come forward, not knowing there were others like us. It has taken decades for us to reach the place where we felt able to talk to others about what was done to us. This is common in victims of child sexual abuse.

We ask for the vigorous support of the Horace Mann administration and Trustees and the wider Horace Mann community in helping us prevent these still-living perpetrators from harming any other children as they harmed us. We ask you to help us work with law enforcement to investigate these perpetrators and to ensure that they are removed from contact with children.

Though we may have questions about some of the things Dr. Kelly has done or said on other matters in the past and in the present crisis, we wish to thank him for his strong support in recent days in helping us persuade law enforcement officials to take our concerns seriously and to act on them.

Never Again at Horace Mann

We appreciate the public assurances from the Horace Mann administration and Trustees that Horace Mann has changed greatly since we were abused, and that the school now has policies to ensure that such things will not be repeated. But when these policies were put into

place, they were not informed by the experiences that were recently disclosed. We believe Horace Mann can and must do much more to reassure us and the wider community that such things could never again take place at Horace Mann.

We are told that the people who were involved in abuse and the others who failed to act on reports of abuse are now all gone from Horace Mann. This is not true. We believe that several members of the current Board of Trustees were present at a meeting in 1993 with Ben Balter's mother in which the school refused to take appropriate action on Ben's letter describing the abuse he suffered. Unless evidence can be presented to contradict this, we request that these Trustees resign or be compelled to resign. Until the Board takes this action regarding its current membership, it is difficult for us to believe that the "old Horace Mann" that enabled abuse no longer exists, nor that the Board of Trustees is dealing with us in good faith.

We are told that Horace Mann now has strong policies in place to ensure that credible allegations of sexual abuse are promptly reported to the authorities. But some of us have in the last several years brought first-hand allegations to the attention of school administrators and Trustees, and we believe they were not dealt with adequately. These include allegations about teachers who are still alive. In another case school resources were used to promote an event to honor publicly a recently deceased abuser, despite a private promise by the school not to do so. Many of us feel strongly that the names of our abusers should be removed from honor rolls and building plaques on the campus, and that the School should not sponsor or in any way support events in their honor.

We applaud the current administration for its stated determination to conduct a thorough internal investigation now of what happened. In light of what we have noted above, however, we believe that a purely internal investigation is not sufficient to reassure us and the wider Horace Mann community of the administration's determination to address the situation thoroughly and transparently. We call upon the administration to invite an independent body to conduct a thorough investigation and to give that body the full access needed to conduct a credible investigation of what happened, of who knew what when, and of what was or was not done about it. Such an investigation would reassure us and the wider Horace Mann community of the administration's determination to deal transparently with this crisis and to do all that is necessary to ensure that the climate which enabled abuse in the past can never again thrive at Horace Mann. Such investigations would do much to restore the credibility and integrity of our beloved alma mater.

Helping the Victims

We ourselves have experienced deep and lasting trauma, pain and humiliation because of the violation we experienced as children at the hands of our trusted teachers and coaches. In some cases those who abused us had been our heroes and role models. We know of other

victims who are still nearly crippled by that pain or who feel unable, unwilling or afraid to come forward. We believe that for each of us who has come forward there are several others who have not yet felt able to do so. Some of us have struggled with decades of depression, drug addiction, alcoholism, suicide attempts, broken relationships, etc., and we have spent countless hours in costly therapy seeking healing of our memories.

We believe the Horace Mann administration should make a public apology to us which expresses compassion for what we have suffered. Such an apology, though long overdue, would go a long way toward helping us and others experience healing.

We believe that Horace Mann has an obligation to act proactively to support the healing of those who were abused. For example, the School can and should establish a fund to compensate victims for such things as the cost of therapy and other loss and damage resulting from sexual abuse.

The School could also support and facilitate events or retreats – coordinated with us – that would promote healing of those who were abused in the past. We would also like the School’s public apology to be expressed privately to those of us who feel able to come to a private meeting. In this context survivors who feel able to do so should have opportunity to tell their stories to the Board and administration. Such actions, and others which we would be happy to discuss with the administration and Trustees, would go a long way to promote healing.

We understand that current administrators may not have been personally involved in past failures to act on our complaints and failure to report those complaints to the authorities. But some of us brought complaints to the administration or Board of Trustees in just the last several years, and we know that others came forward before us, yet we saw Horace Mann take little concrete action on our concerns until the New York Times Magazine article was published. This contributed to our continued sense of isolation and shame, and to the perception that we were alone, and it undermined our ability to pursue justice.

Furthermore, as Horace Mann alumni/ae we regularly receive fundraising literature urging us to support our alma mater because of its 125 years of tradition – because of the heritage of great work Horace Mann has done for many decades. It is true that Horace Mann has indeed done great work for many decades, and we are proud of that heritage. We are grateful for our many wonderful teachers at Horace Mann who never abused anyone and who ignited in us a lifelong love of learning. But the current administration cannot take credit for the good things in the past while disowning responsibility for the bad things in the past. The current administration cannot ask us to help them financially because of the good things their predecessors did in our lives while refusing to help us deal with the consequences of the bad things their predecessors did in our lives.

Change the System

Horace Mann has an opportunity to lead by example. Because of the prominence of Horace Mann as an institution, many other institutions and the wider public are watching closely the example which Horace Mann will set in dealing with this crisis. Horace Mann can and should serve as a model for other institutions in New York, in the U.S., and throughout the world.

We must change the current outdated statute of limitations in New York for sexual crimes against minors. As the New York Times reports, “For civil suits and many criminal charges, [current] New York law requires that allegations be made in court by the time a victim is 23 years old.” But research indicates that such is the power which abusers hold over their victims that only a tiny percentage of victims feel able to come forward before their 23rd birthday. For many of us it took decades for us to reach the place where we felt able to come forward. The current law is virtually a license to abuse children with impunity. We call upon the Horace Mann administration and the wider Horace Mann community to join us in supporting the Markey Bill (<http://assembly.state.ny.us/leg/?bn=A5488>). Though we would like to see a stronger bill, this bill is a step in the right direction. Dr. Kelly tells us that he publicly and privately supports passage of this bill, and we would like to thank him for that principled stand.

Conclusion

We want to thank our old classmates and fellow-alumni who have come forward with constructive proposals on how to move forward from here. We particularly welcome the letter from the Class of 1975 to the Board of Trustees and we ask the Trustees to read it carefully. We also welcome the letter to the Trustees from Adam Kasanof HM '77, which we are appending to our letter. We applaud the courage of Dr. Kathleen Howard as she seeks justice for her late son Ben Balter. We are appending a letter representing her concerns, and we ask the Trustees to read this and Adam Kasanof's letter and to give serious consideration to the recommendations they make.

We want to be clear that we still feel deeply connected to our alma mater. We are proud of the outstanding education we received at Horace Mann, and we are grateful for wonderful teachers who opened new horizons of learning for us. We do not want to hurt Horace Mann; we want to help heal it, though we have learned from experience that healing sometimes requires confronting painful realities. We welcome a dialogue with the Horace Mann administration and Trustees and the wider Horace Mann community, and we hope that this process of dialogue may lead to reconciliation, healing, justice and truth. We request that Dr. Kelly and the Trustees meet with us and Dr. Howard, with or without counsel, to work collaboratively to find solutions that will work for the survivors, their families and the wider

Horace Mann family both past and present. We hope that our community may thereby serve as a role model for wider society.

Sincerely,

A group of survivors of sexual abuse by Horace Mann teachers and staff

Appendix 5B

Second Survivors' Letter

July 11, 2012

To: The Horace Mann School Board of Trustees and Dr. Thomas Kelly, Head of School

Cc: The Horace Mann Community

From: The Horace Mann Survivors' Group

We are more than twenty people who were sexually abused at Horace Mann. Our group includes both women and men. Those members of our group who tragically took their lives are represented by close family members. The abuse included heterosexual and homosexual violation. Our abusers include more than ten teachers and coaches, many of whom have not yet been publicly identified. Some of these abusers are still alive and living comfortable lives.

Three weeks have passed since we presented a letter to the Board of Trustees, and we have still received no response. We have received no acknowledgment of our letter, nor any indication of when or whether we will ever receive a personal response. We have received no gesture of compassion or caring from the Board of Trustees.

In our first letter, presented to Dr. Kelly on June 20 and to the Board on June 21, we sought to open a constructive dialogue with the Trustees and Administration to find solutions good for the school and for us. So far the Trustees appear to be stonewalling us. Some of us have had informal, private conversations with Dr. Kelly. His tone has been reasonably constructive, but he has not told us he is responding to our letter on behalf of the Trustees. We have received inquiries from the school's lawyers, but this is not the same as hearing from the Trustees. We have heard from the school's PR firm through the news media, but this is not the same as hearing from the Trustees.

It seems to us that the Trustees must do one of two things. The first alternative would be to give Dr. Kelly full authority to make decisions and to act on the issues we raised and the requests we made in our first letter. The second, if the Trustees insist on making all decisions themselves, is for them to respond to our letter immediately and to agree to meet promptly with us face-to-face.

The Trustees have an opportunity to create a win-win situation, and we hope they will seize it. They can demonstrate the school's integrity by bringing an end to Horace Mann's long history of covering up abuse. We brought many of our stories to school officials from the 1970s through the 2000s. In most cases nothing at all was done, and our abusers were allowed to continue their abuse. In some cases school officials – including both Administration officials

and Trustees – urged us to keep silent or even bullied us into silence. We believe that some of these Trustees are still members of the Board. To our knowledge, no one reported these events to Child Protective Services or law enforcement. In one case a student who was being sexually abused was asked to meet with the Guidance Department Chairman, only to be sexually abused by that Chairman and then to have that Chairman take retaliatory action against the victim in the classroom. We encourage the Trustees to put an end to this sad tradition.

We do not want to harm our alma mater. Most of us love Horace Mann and are proud to have studied there. But we have been pressured to be silent too many times. The Trustees can no longer ignore us or delay their response. If the Trustees are unwilling to respond to us, instead continuing to communicate with us only through their lawyers and their PR firm, then they – not we – will have done serious harm to the school.

If the Trustees give full authority to Dr. Kelly to make decisions and act on the requests in our first letter, then that would give more substance to our current conversations with Dr. Kelly. But if the Board of Trustees insist that only they may make the decisions regarding what to do about the abuse we suffered, then they must respond to us directly and meet with us.

Sincerely,

The Horace Mann Survivors' Group

Third Survivors' Letter

May 04, 2013

Nearly a year has passed since the *New York Times* described how our trusted mentors at Horace Mann sexually abused us over a period of decades. In June 2012 we wrote to the Board of Trustees asking for an independent investigation, an apology, and the resignation of Trustees who covered up the abuse. Unlike other schools which have quickly done these things after similar revelations, Horace Mann has waited a year before responding to these requests. Now, at last, we have at least a partial reply.

The positive elements in the school's response are a step forward. The school has apologized, but the quality of that apology is undermined if the Trustees do not want to know fully the extent and nature of the problem for which the school is apologizing. The school's letter still uses the word "alleged," but it does go on to acknowledge unspecified "abuse."

Eliminating the position of Emeriti Trustees means the resignation of certain Trustees whose departure we welcome, but not all departing Trustees were responsible for the cover-up. An independent investigation would make clear which Trustees should resign and which should be exonerated or even praised.

The Trustees have still not responded substantively to our chief request – that they commission an independent investigation. The longer the Trustees resist this, the more they communicate that they do not want to know the full truth about the scale of the abuse or the cover-up perpetrated by the school.

An independent investigation – a searching and fearless moral inventory of past mistakes – is the only way to prevent repeating those mistakes in the future. If Trustees do not want to understand past mistakes, this does not bode well for the safety of children at HM today. Today's HM students are watching closely our example. Several of us reported abuse to the school when we were students. The school did not investigate our reports, but instead sometimes used threats of retribution to pressure us into silence. If Trustees today still refuse an independent investigation of our reports, how can today's students trust HM to investigate fully if, God forbid, they ever have reason to report similar abuse?

An independent investigation is the only way for the Trustees to put this crisis behind them. As long as they resist this, the school's reputation will continue to suffer from a steady drip of revelations in the press and a cloud of suspicion about what else remains hidden. Trustees' resistance devalues the quality and prestige of a Horace Mann diploma, causing fiduciary harm to the school. HM has now become a case study for social-science research into

institutional betrayal of victims of sexual abuse. HM students applying to college are forced to distance themselves from the amoral example of their school. Students must show that, unlike the Trustees, they do believe that “Great is the truth, and it prevails.”

A report by Commonwealth Mediation summarizing our confidential statements is no substitute for a proper investigation in which the school transparently opens its files (to the extent allowed by law) and encourages its present and former agents to speak candidly to an investigator.

The Bronx District Attorney recently reported a “systemic pattern” in an “almost four decade period of sexual abuse at Horace Mann.” We were sexually abused by more than twenty teachers, including the Headmaster, the Dean of Guidance, the School Chaplain, two Department Chairs, and other senior officials. We reported this to the school that was paid to educate and protect us, and the school covered it up and refused to investigate. To refuse to investigate now is to continue the cover-up. Trustees who are blocking an independent investigation are causing fiduciary harm to the school, and the time has come for these Trustees to resign.

Because Trustees have declined to commission an independent investigator of their own choosing, we intend to cooperate with the investigation conducted by Judge Leslie Crocker Snyder. We would prefer to work with an investigation commissioned by the school, but we will cooperate with Judge Snyder, as her investigation is now the only option available to us.

Third Survivors' Letter

May 04, 2013

We are a group of more than thirtyⁱ survivors of sexual abuse at Horace Mann. We write in response to Sunday's letter from Board Chair Steve Friedman and Head of School Tom Kelly, in which they blamed us for their refusal to tell you and us what happened at HM and why. As a result, we are asking you directly today to support our ongoing call for an independent investigation and public accounting, ending the cover-up at Horace Mann.

Mr. Friedman and Dr. Kelly would have you believe we are satisfied with the trustees' actions. This is false. The trustees' response has left us worse off than before, causing fresh pain and hindering our ability to heal and to move on with our lives. From the beginning, our chief request has been a fully public investigation by a credible, independent third party – not merely the minimum legally required cooperation with law enforcement. We continue to call upon Horace Mann to explain who knew what, when they knew it, how they responded, and how abuse was allowed to flourish for decades. Dozens of us were molested. Many more teachers abused us than the media have reported. Numerous trustees and administrators knew but did nothing or coerced victims into silence. As we have stated in the past, and despite contrary claims in Sunday's letter, we are eager to tell our stories to a responsible investigator who examines both the roots of the abuse itself and the subsequent cover-up. We are not willing to do what has been offered: for our painful stories to be exploited in a “report” which intentionally ignores our questions about how a climate of molestation, rape and cover-up was allowed to flourish. To reject our request and then to blame us for the school's lack of transparency – claiming the trustees are acting “out of respect for [our] wishes” – is yet another in a series of betrayals.

We make these requests out of affection for our alma mater and a desire to help heal our school and our community. We renew our request, expressed in our June and July 2012 letters, to meet with the trustees outside a legal environment to promote truth-based reconciliation. Our school's motto is “Great is the truth, and it prevails.” If Mr. Friedman does not believe that motto, then he should resign in favor of someone who does believe in pursuing truth. If you support us in wanting our school to commission or cooperate with a careful investigation and to tell the truth of what happened, please write to Mr. Friedman and Dr. Kelly at headofschool@horacemann.org. If you have donated to Horace Mann in the past, please consider telling them that until the truth is told, you will restrict your donations to supporting an investigation (commissioned by HM or by alumni) or to helping the victims directly. If you

have not donated in the past, please consider telling them you will give if they stop the cover-up. If you have any questions, you can contact us at HoraceMannSurvivor@gmail.com.

ⁱ Several people have written politely asking us who, exactly, is behind the above letter. Horace Mann's spokesman at the PR firm of Kekst and Company questioned how many survivors were behind it. This letter was drafted and released corporately through a consensus process involving all of the women and men who have come together in the Horace Mann Survivors' Group. Successive drafts were circulated via email among a community of 34 people, including 31 survivors of sexual abuse and 3 people representing close family members who took their own lives. Despite the short timeframe, the large majority of group members contributed input on the successive drafts, and only a small handful were unable to be reached for comment (some due to illness). On the final draft 30 members were able to provide comments, and all were favorable. Some members of the group have good reasons – including family responsibilities and professional obligations – for not feeling free to be individually and publicly named as survivors of sexual abuse. Nonetheless 15 members of the Survivors' Group have been publicly identified by name – either in the news media (11 of us) or on the alumni-related Facebook groups (4 more).

Appendices 6A – 6G

Letters from Horace Mann to the Community

Appendix 6A



HORACE MANN SCHOOL

Bronx, New York 10471

718-432-3880
Fax 718-548-2739
Tom_Kelly@Horacemann.org

June 6, 2012

Dear Friends:

We are writing to let you know about an article that is online now and is expected to appear in this Sunday's *New York Times Magazine*. The article focuses on allegations of inappropriate behavior toward students at Horace Mann School a number of years back by former and, in some cases, now-deceased faculty members. These allegations are highly disturbing and absolutely abhorrent. We can assure you that none of the individuals mentioned in the article is currently employed by the School nor have they been for a number of years.

Providing our students with the best education possible is our top priority at Horace Mann School. At the same time, a critical component of our mission is to create and maintain a safe and secure environment for all members of our community that encourages mutual respect and appropriate behavior. The safety, security, and well-being of the children who attend Horace Mann are at the core of everything we do.

As an educational institution we are deeply concerned if allegations of abuse of children are raised – regardless of when or where they may have occurred. Horace Mann School's administration, faculty, staff and Board of Trustees strongly believe that we must hold ourselves to the highest moral and ethical standards.

As we informed *The New York Times*, Horace Mann School has in place clearly articulated and enforced rules, regulations, policies, procedures, and expectations concerning appropriate behavior within our community – including whistleblower protections to ensure that any member of the school community can freely report alleged violations. As an example of our rigorous protocols, a summary of the steps students or adults can take to report harassment/bullying or allegations of abuse and maltreatment is attached in Appendix A.

All of these policies and procedures are detailed in our *Family Handbook*, and are regularly updated and communicated. The *Family Handbook* is available at the link below:

http://www.horacemann.org/uploaded/HoraceMann/PDFs/School_Documents/FamilyHandbook_1-2012.pdf

We share and appreciate our community's frustration when the School cannot address specific allegations in the article. As we hope you can appreciate, we are not in a position to comment on accounts of events and conversations that took place prior to our administration. It should be noted that Horace Mann School has terminated teachers based on its determination of inappropriate conduct, including but not limited to certain of the individuals named in the New York Times article.

We did adhere to the School's longstanding practice not to discuss current or former students, members of the faculty, or other employees with the press, and we have not authorized anyone to do so. We answered factual questions about Horace Mann School, provided *The New York Times* a written statement (see Appendix B) and the School's *Family Handbook* but, as a matter of policy, there were a number of issues and questions regarding specific allegations or individuals that we were not able to address for privacy reasons and based upon advice of counsel. For the same reasons, we regret that we also are limited in our ability to communicate to the community about these past events.

We remain committed to the proactive communication and education of all members of our community, at all ages, about their rights and responsibilities, resources, and people to reach out to when there is a concern.

Consistent with that philosophy, we continue to plan opportunities for faculty and staff members, students, parents and others to learn more about our current policies and procedures. As we have done in the past few years, our faculty and staff members will participate in workshops at the start of the 2012-13 school year. For our students, there will be various forums appropriate for each age group. An example of our training for students this year, which we will repeat next year in other grade levels, is the sexual harassment seminars we had for all of our 9th graders two weeks ago.

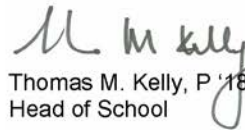
As we move forward, we will continue to be strict and relentless in the enforcement of our codes of conduct and expected behavior. Above all, we will remain focused on fulfilling our mission of educating children consistent with the integrity and honesty omnipresent in our Core Values.

As always, please feel free to contact Dr. Kelly should you have any questions or concerns.

Yours respectfully,



Steven M. Friedman '72, P '03, '04, '08
Chairman, Board of Trustees



Thomas M. Kelly, P '18
Head of School



APPENDIX A Excerpts from the *Family Handbook*

Reporting Allegations of Child Abuse and Maltreatment

Members of the Horace Mann School community who are non-mandated reporters, including parents and students, may make a report of suspected child abuse or maltreatment by calling the general public hotline at: 1-800-342-3720.

Members of the Horace Mann School community who are mandated reporters, including administrators, faculty and staff, may make a report of suspected child abuse or maltreatment by calling the toll free mandated reporter hotline at: 1-800-635-1522. For mandated reporters, the Head of School must be notified, either in consultation before a call is placed, or promptly thereafter.

For additional information about the School's handling of allegations of suspected child abuse and maltreatment, please see the School's *Family Handbook*.

Reporting Harassment/Bullying by Students

Any student who believes that he or she has been or is being harassed or bullied by a student or who has witnessed an incident of harassment/bullying by a fellow student should take the following steps to report the incident:

- Speak to the offender directly, if comfortable doing so, and request that the harassment/bullying stop;
- If the student is uncomfortable with speaking directly to the person or if the harassment/bullying does not stop, report the incident to a Point Person (a list of Point Persons can be found in the School's *Family Handbook*) who will report it to the Division Head; or
- Report the incident directly to the Division Head, who will consult with the Head of School and then direct the matter to the appropriate Point Person or other members of the School's Administrative Council for investigation; or
- Report the incident to a Designated Trustee through the School's Whistleblower Protection Policy as outlined in the School's *Family Handbook*.

Any parent who believes that a student has been or is being harassed/bullied by another student or any parent who has witnessed an incident of harassment/bullying by another student should:

- Report the incident to a Point Person (a list of Point Persons can be found in the School's Family Handbook) who will report it to the Division Head; or
- Report the incident directly to the Division Head, who will consult with the Head of School, then direct the matter to the appropriate Point Person or other members of the School's Administrative Council for investigation.

Reporting Harassment/Bullying By Adults

Any student who believes that he or she has been or is being harassed/bullied by an adult or that he or she has witnessed an incident of harassment/bullying by an adult, should take the following steps to report the incident:

- Report the incident to a Point Person (a list of Point Persons can be found in the School's *Family Handbook*), who will report it to the Division Head, who will report it to the Head of School; or
- Report the incident directly to the Division Head, who will consult with the Head of School, then direct the matter to the appropriate Point Person or other members of the School's Administrative Council for investigation.
- Report the incident to a Designated Trustee through the School's Whistleblower Protection Policy as outlined in the School's *Family Handbook*.

Any parent who believes that a student has been or is being harassed/bullied by an adult or any parent who has witnessed an incident of harassment/bullying by an adult, also should take the steps described above.



APPENDIX B
Statement Released to the New York Times

“As an educational institution, we are deeply concerned if allegations of abuse of children are raised, regardless of when or where they may have occurred. Horace Mann School’s administration, faculty, staff and Board of Trustees strongly believe that we must hold ourselves to the highest moral and ethical standards.

“The current administration is not in a position to comment on the events involving former and, in some cases, now-deceased, faculty members that are said to have occurred years before we assumed leadership of the School. It should be noted that Horace Mann School has terminated teachers based on its determination of inappropriate conduct, including but not limited to certain of the individuals named in your article. It’s also important to note that none of the individuals (who we understand are) mentioned in the article is currently employed by the School nor have they been for a number of years.

“We can state unequivocally that Horace Mann School today has in place clearly articulated and enforced rules, regulations, policies, procedures and expectations concerning appropriate behavior within the community – including whistleblower protections to ensure that any member of the school community can freely report alleged violations. All of these policies and procedures are detailed in the School’s Family Handbook, and are regularly updated and communicated. The current administration proactively reinforces these standards with training, including discussions of ethical and legal obligations with faculty and staff members, training for students, and updates to the Board of Trustees.

“The safety, security and well-being of the children who attend Horace Mann are at the core of everything we do. The School will remain focused on fulfilling its mission of educating children consistent with this overriding priority.”

Appendix 6B



HORACE MANN SCHOOL

Bronx, New York 10471

THOMAS M. KELLY, PH.D.
HEAD OF SCHOOL

718-432-3880
Fax 718-548-2739
Tom_Kelly@Horacemann.org

June 10, 2012

Dear Alumni/ae,

It has been a most troubling week for so many of us. While we cannot change the past, we can take action today that will influence our future together for the better. Over the course of the past several days, I have done what a Head of School should do before taking any action: I have listened. Through email messages, telephone conversations, and in-person exchanges, members of our alumni community have graciously and courageously shared their hurt and frustration with a portion of our School's past. Words cannot describe how sad and upset I am at the thought of any harm coming to any member of our community while attending Horace Mann School. And yet, for me to advance an explanation given my limited time at the helm and in the face of so many conversations pertaining to matters twenty to thirty years old would be irresponsible. However, please do not mistake the time we all need to process what has been written in the *New York Times Magazine* and online as indifference or a lack of concern.

For those of you not directly involved with the School today, it may be hard to understand why I'm struggling to reconcile the content of the *New York Times Magazine* article and the subsequent conversations and internet postings with the community that I know as both Head of School and parent. The School's current policies, procedures and daily practices, as well as the instruction we provide our students, make allegations of such behavior impossible to ignore. In fact, an employee in today's environment would be immediately removed for a range of behaviors far less severe than those represented in the article. Add to this reality aggressive background and reference checks, formal faculty contracts that give the Head of School the right to remove a teacher when needed, whistleblower protection, a comprehensive new employee orientation program, mentoring, classroom observations, and streamlined procedures for evaluating faculty, and you begin to see a picture of Horace Mann School as it lives and breathes in 2012.

It is clear to me, as *your* Head of School, that many among our alumni need access to a level of support indicative of how our School would react to any current student coming forward with a concern about his or her personal well-being. In fact, as some of you know from your own experience, this ethic of care *has* extended to those alumni who have reached out to me over the past seven years for assistance. It is also clear that there are two schools to tend to: one facing forward with a lifetime of wonderful memories

taking shape, and one with students well past college-age seeking support and leadership beyond what a traditional alumni office offers.

Moving forward, we need your help. We will develop and implement a thoughtful process that places the first priority on those alumni most in need. In addition, there is much to be done within the larger alumni community. Conversations need to continue with candor. And yes, there is a need for a portion of these conversations to take place in person, and perhaps on campus. Ultimately, we need to work together to understand what may have happened and why, while at the same time, recommitting ourselves to the healthy relationships that did evolve during your time at Horace Mann School. To allow the egregious behavior of some as described in the article and online to turn members of our community against one another would marginalize the most important portion of our past and present: the friendships that connect us.

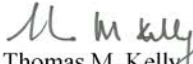
Bottom line: we not only need your support and patience, we are respectfully asking you to give the School the time to research and discuss a well thought out process, one that is in keeping with how we care for Horace Mann School today. In addition, this process needs to afford so many involved a voice and a level of privacy that is not currently in place if we are to reach everyone. The Board of Trustees of Horace Mann School will again be meeting to discuss the matters at hand and many of the suggestions put forth by both the School's alumni and administration. This work is a top priority.

With the support of the Board, the School *is* prepared to take the leadership role that so many of you are asking for. Please keep talking and please allow Horace Mann School to be a part of the conversations.

I look forward to communicating with all of you as often as necessary to demonstrate our resolve. Please don't forget that my door is always open.

With great respect, I am

Sincerely yours,


Thomas M. Kelly, P' 18
Head of School

cc: Horace Mann School Board of Trustees
Horace Mann School Administration, Faculty & Staff
Horace Mann School Families

Appendix 6C



HORACE MANN SCHOOL

Bronx, New York 10471

THOMAS M. KELLY, PH.D.
HEAD OF SCHOOL

718-432-3880
Fax 718-548-2739
Tom_Kelly@Horacemann.org

June 14, 2012

Dear Alumni/ae,

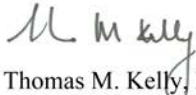
The Office of the District Attorney in the County of the Bronx has requested that I post the following information on the School's website:

“District Attorney Robert Johnson is encouraging anyone with information about possible inappropriate behavior by staff members at the Horace Mann School to come forward. The hotline number is (718) 838-7382. All calls to the hotline will be kept confidential.”

I continue to make reading your email messages a priority. Please be patient as I endeavor to respond to each one.

With great respect, I am

Sincerely yours,



Thomas M. Kelly, P' 18
Head of School

cc: Horace Mann School Board of Trustees
Horace Mann School Administration, Faculty & Staff
Horace Mann School Families

Appendix 6D



HORACE MANN SCHOOL

Bronx, New York 10471

THOMAS M. KELLY, PH.D.
HEAD OF SCHOOL

718-432-3880
Fax 718-548-2739
Tom_Kelly@Horacemann.org

June 24, 2012

Dear Alumni/ae,

It is with great sadness that I write to you for the second time this month about another disturbing report of events from our School's distant past. In today's edition of the *New York Times*, a former Horace Mann School teacher who retired in June of 1986, Tek Young Lin, admitted to having had sexual relations with students decades ago. While his admission of guilt included an apology and rationale for his decisions, his apology is unacceptable and the behavior described inexcusable. At no time is it appropriate for a teacher, working with minors and in a position of undeniable authority and trust, to engage in a sexual relationship with a student. As shared by Stephen Brookfield in his 1990 book, *The Skillful Teacher*:

Trust between teachers and students is the affective glue that binds educational relationships together. Not trusting teachers has several consequences for students. They are unwilling to submit themselves to the perilous uncertainties of new learning. They avoid risk. They keep their most deeply felt concerns private. They view with cynical reserve the exhortations and instructions of teachers.

Mr. Lin's admission does nothing to lessen the frustration, concern, and sheer outrage described by many within our community.

The Board of Trustees has now met and will continue to meet as the governing body of Horace Mann School to consider information and input from the Administration, those reporting to have been hurt at the hands of retired or deceased teachers, the alumni, outside experts and the School's advisers. In addition, Horace Mann School continues to cooperate with local law enforcement.

With an emphasis on hearing and understanding the needs of those with the greatest concerns, the Board of Trustees will continue its deliberations and communicate at such time when a plan of action can be shared with the community at large. While I understand this is not what some in the community want to hear at this juncture, the School is not going to rush those decisions and actions that are proving to be among the most important ever to face our community of learners and leaders.

Moving forward, it is important to remind everyone that the School will communicate with members of its community directly and not through the media. When information needs to be shared or input is sought, I assure you members of our community will and should hear from the School.

To those members of our alumni community who have reported being hurt by events in the School's past, know that we are thinking about you.

Sincerely yours,


Thomas M. Kelly, Ph.D.
Head of School

cc: Horace Mann School Board of Trustees, Employees and Families

Appendix 6E



H O R A C E M A N N S C H O O L

Bronx, New York 10471
718-432-4000

August 6, 2012

Dear Friends,

Horace Mann School has a long and rich tradition of preparing a diverse community of students to lead great and giving lives. As our mission states, we strive to maintain a safe, secure, and caring environment in which mutual respect, responsible behavior, and the life of the mind can thrive.

As Horace Mann School parents, alumni, and concerned community members, we as trustees are appalled and saddened by reports of abuse of children by certain past faculty members. The relationship between teachers and students is a sacred trust, and allegations that teachers abused their positions of authority to harm any student are hurtful to all of us. We feel pain and regret for anyone who reports to have been harmed while a student at Horace Mann School.

The gravity of these allegations weighs heavily on each of us as we determine what steps to take to address these reports. "Doing the right thing" about the past has vastly different meanings to different members of our community. As we wrestled with this complex issue, we recognize that the Board's desire to act judiciously and deliberately has resulted in a lack of an immediate action plan that many have found frustrating. To understand and develop an appropriate response, we have listened, processed, and analyzed information from many sources. Together with the administration, we have heard from many members of the community, including those who have identified, and refer to themselves, as "survivors." We also consulted with fellow educators whose institutions have faced similar challenges, child abuse professionals, attorneys with expertise in not-for-profit institutions, law enforcement officials, and many others. While we recognize that the process of listening and learning is far from over, we want to share with you our current thoughts.

Board of Trustees Responsibility to Horace Mann School

As the Board of Trustees of a not-for-profit educational institution, it is clear that our primary fiduciary responsibilities and legal obligations are to the school today and to its 1,800 current students. We are charged with ensuring that our policies, procedures, and practices promote the safety, education, and well-being of our students; maintain the financial strength and integrity of our institution; and honor the intent of the commitments that have been made by our donors. The parents of children at Horace Mann School today can be assured that the administration led by our Head of School Dr. Tom Kelly, the faculty and staff, and the Board remain focused and determined to fulfill this mission.

The voting members of the Board engaged in a fulsome debate and dialogue over our response, and what follows are the current steps that were adopted.

Partnership with The New York Society for the Prevention of Cruelty to Children (NYSPPC)

While we believe our child abuse prevention and reporting programs are already robust and meet or exceed all applicable laws and regulations, we have entered into an alliance with the oldest and one of the most respected organizations in this field to help us set the bar even higher. Our goal is that Horace Mann School will be the standard in New York on this vitally important issue.

To that end, NYSPCC will work closely with trustees, administrators, faculty, and staff members to reaffirm that no current student has been subject to abuse, and to ensure that best practices in child protection are utilized throughout the school community. Specifically, the NYSPCC will help us:

1. *Audit current administrative procedures and policies that encompass child protection issues and provide recommendations on their implementation.*
2. *Provide developmentally appropriate programs for all students that address both the prevention and reporting of child abuse in New York State.*
3. *Provide training and support services for all employees.* While all school employees have attended lectures on the requirements of the New York State mandated reporter laws and their legal responsibilities, in the fall each employee will be required to successfully complete a specialized course of instruction on child abuse identification and reporting under New York law.
4. *Conduct training and lectures for parents and alumni with school-age children not attending Horace Mann School.* Day and evening training sessions and lectures will also be offered to supplement and complement the training provided to students and employees.
5. *Lead training and discussions with the Board of Trustees.* We plan to have the NYSPCC speak at a Board meeting in the fall. In addition, I will meet with the organization this summer to underscore our commitment to the entire partnership.

Dr. Kelly will share additional information about the programs listed above at the start of the school year and as each initiative gets under way.

Student Safety

Although there have been no allegations of child abuse involving current students or current Horace Mann School employees, the school will nevertheless implement additional programs and procedures to ensure the safety of today's students. We believe that these additional measures will further minimize the possibility of child abuse and maltreatment in the future and will address an issue quickly and appropriately should it arise. We expect that our comprehensive training and communications programs through which we will speak with each and every student and adult in the school will further empower individuals to report any case of abuse or maltreatment.

By the start of the 2012-2013 school year, all school employees will have undergone a comprehensive background check. One of the school's professional development themes for the year will be student safety, relating not just to suspected child abuse and maltreatment, but also training with respect to blood borne pathogens, allergies and use of an EpiPen, concussion management, and the responsible use of social networking tools. Dr. Kelly will send a separate letter with details of all the programs we have planned for the school year.

Meetings with Survivors, Other Alumni Groups

To be sure that the Board and the administration understand the concerns of our community, we have had numerous informal individual conversations. In addition, we have received and reviewed hundreds of emails, letters, and calls. We have heard the suggestions, concerns, and criticisms.

To continue the dialogue and to ensure all voices are heard, in the next month Dr. Kelly and I plan to:

- *Meet with the Survivors' Group* – There is a group of self-described alumni “survivors” who report that they were abused by teachers who are no longer at the school. While the school’s counsel has already met with their attorney, Dr. Kelly and I plan to meet this summer with representatives of this group to hear their particular concerns and questions. We expect this meeting to be followed by a meeting of Survivors with a broader group of the Board. Recognizing that no group speaks with one voice, we will endeavor to speak with anyone who wants to speak to us.
- *Meet with Alumni* – Dr. Kelly and I will also meet with the Alumni Council and with the representatives from past graduating classes who have expressed a desire to do so. Our aim is to better understand their issues and concerns, and we will share our thinking and explain the consequences of various proposed actions.

We are hopeful that the meetings with these groups will both expand our understanding and inform our alumni directly about our plans and the principles behind them.

Independent Investigations of the Past by Law Enforcement Authorities/Support Prosecutions

To address what occurred in Horace Mann School’s history, we are cooperating fully and actively with independent investigations by the Bronx District Attorney and the New York City Police Department. Given their broad investigatory powers, they are in the best position to gather information, interview individuals, and question potential witnesses, as they believe necessary and appropriate. We believe these investigations are important, and have encouraged individuals with relevant information to contact law enforcement. We have met with both of those agencies and will continue to keep the lines of communication open. We have published the DA’s hotline on our website and encouraged anyone with relevant information to call 1-718-838-7382.

Horace Mann School fully supports and will cooperate with the criminal prosecution of any individual responsible for hurting children. The Board and administration feel strongly that those who can be held accountable must face the consequences of their actions.

Looking Ahead

We have been encouraged by the many alumni and others in our community who have expressed a desire to provide counseling and other support to members of the Survivors’ Group. A group of these volunteers is exploring the establishment of one or more independent, not-for-profit entities to provide funds for therapy and other assistance. While these entities will not be affiliated with the school and will have independent boards and legal counsel, Horace Mann School applauds the establishment of such entities. As such, the school will help disseminate information about how to make contributions or

request help. We sincerely hope members of the Survivors' Group and these volunteers work collaboratively to ensure these new entities address the Survivors' needs and concerns.

As developments occur, we will communicate further with you and provide updates as appropriate. Given the nature of the allegations and that the issue of child sexual abuse is on the national stage, we expect continued coverage of the subject for some time to come. On a case-by-case basis, we will respond to media requests for information and comment.

We will continue to look for ways that we can help all members of our community move forward and will consider additional actions as warranted. We are all doing the best we can in these unprecedented circumstances. We face this issue together as a community, and we must share the same sense of humanity and the same desire to preserve Horace Mann School for the future. Together, we will find the way to heal.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Friedman". The signature is fluid and cursive, with the first name "Steven" and last name "Friedman" clearly legible.

Steven M. Friedman '72, P '03, '04, '08
Chair, Board of Trustees

Appendix 6F



HORACE MANN SCHOOL
Bronx, New York 10471

718-432-3862
Fax 718-548-2739
Tom_Kelly@HoraceMann.org

May 24, 2013

Dear Friends:

On June 6, 2012, with the publication of "Prep-School Predators" in *The New York Times Magazine*, Horace Mann School was confronted with reports of sexual abuse at our school from the 1960s to the 1990s. Alumni and others, via social media and elsewhere, shared reactions concerning what was alleged to have transpired, offered suggestions regarding how the School should respond, and made additional reports of abuse. The School's Board of Trustees and Head of School have listened to what was said and read what was shared with great empathy, and carefully considered how best to proceed.

We promised our community that we would develop and implement a thoughtful process, a process that placed a priority on the needs both of our students and of the alumni who reported that they were abused, while safeguarding today's Horace Mann School. We endeavored to work together to understand what happened. We stressed that the privacy of the victims was paramount, and that we would not communicate with our community through the media. With this commitment, the Board of Trustees and Head of School began the process of working deliberately to establish the facts as best we could, given the passage of time, and to determine the appropriate course of action moving forward.

Much has happened since our last letter. With a focus on the students of today, and in collaboration with the New York Society for the Prevention of Cruelty to Children (NYSPCC) and the assistance of the Office of the Bronx County District Attorney (Bronx DA), the School has put in place revised and new policies specific to child abuse prevention and reporting. These policies include reporting suspected child abuse when an employee is involved. In addition, the School has worked successfully with the professionals at the NYSPCC to institute developmentally appropriate, school-wide training for all students and employees in this critical area of student safety. We are confident that all members of the community in daily contact with the School—students, parents, employees and Trustees—have the information necessary to handle allegations of child abuse, bullying, and/or harassment of any kind. Furthermore, any allegation of sexual abuse, past or present, must be reported to the Bronx DA and the Board of Trustees for review and immediate action.

After meeting with the Survivors Group and members of the Alumni Council last summer, the Board of Trustees and Head of School agreed to pursue a mediation process, although the survivors' legal claims for financial compensation were barred by New York State's civil statute of limitations. This decision to engage with the survivors, despite the legal defenses available to the school, should remind everyone involved that these were students at Horace

Mann School—students who are entitled to be embraced by the warmth and ethic of care characteristic of Horace Mann School.

While cooperating fully with the Bronx DA's review, the School, based on the recommendations of counsel for the Survivors, joined with the Survivors to engage Commonwealth Mediation and Conciliation, Inc. (Commonwealth Mediation). During that mediation process, subject to confidentiality agreements, members of the Board of Trustees and the Head of School reviewed and listened to impact statements presented by thirty-one individuals who came forward and described their abuse.

As a result of this process, settlements have been reached with the great majority of these individuals without resort to litigation. Moreover, the mediation was critical to the School's understanding of what had occurred during the decades in question. Based on what was reported by the Bronx DA's office in its public statement of April 26th and what was learned through the mediation process, it is clear that between 1962 and 1996, former teachers and administrators in fact did abuse, in various degrees, students at Horace Mann School.

We sincerely apologize for the harm that was caused by the teachers and administrators who abused anyone during their years at Horace Mann School. These unconscionable betrayals of trust never should have happened. But they did, and now we, as a school, must fully accept this reality. Members of the Horace Mann School community who are survivors deserve our gratitude for having the courage to come forward, and our deep appreciation for demanding that Horace Mann School become a model for child abuse prevention and reporting programs. Beyond *their* pain, generations of alumni/ae have had their memories of Horace Mann School tarnished by these abusers. For this, too, we apologize.

Looking to the future and out of respect for the wishes of the survivors, the Board of Trustees has voted to eliminate the title and position of Trustee Emeritus effective June 30, 2013. In addition, members of the Board of Trustees will be working with the Head of School to create an advisory board on student safety to review all School policies relating to student safety and the ongoing training of students and employees, and to make recommendations to the Board of Trustees relating to these important subjects. The Board of Trustees and Head of School will invite representatives of the School community to serve on this advisory board, including one or more of the survivors, a representative of the Bronx DA, a representative from the NYSPCC, and a representative from Commonwealth Mediation.

Additionally, a survivor will be appointed to the Head of School Committee (HOSC). This Committee, created on Dr. Kelly's arrival in 2005, serves as an advisory entity to both the Head of School and the Chair of the Board of Trustees. Committee members are representative of parents, alumni/ae, employees, current and former trustees, and community members.

Finally, the Board of Trustees has accepted the proposal of Commonwealth Mediation that Commonwealth Mediation prepare an independent summary of the reported abuses, without identifying the survivors. The mediators involved have heard from thirty-one alumni/ae who described in painful detail the inexcusable conduct of their teachers and administrators that occurred between seventeen and fifty-one years ago. Given the passage of time, most of the abusers are either dead or mentally infirm; the remainder, we understand, are unwilling to

respond to the allegations, and the School does not have the authority to compel these individuals to do so. It is these reports heard by the mediators—shared privately and in person by survivors—that provide us the greatest insight into what happened. The Board of Trustees and Head of School have agreed to make the summary report available as soon as practicable.

The events of the past year remind us why we refer to Horace Mann School as our alma mater. Our “nourishing mother” provides the resources and guidance we need to flourish academically, socially, physically and emotionally. We also count on her to care for us in times of personal need, institutional tragedy or crisis. For those of you among her alumni/ae in need of care as a result of what occurred in the 1960s, ’70s, ’80s and ’90s, please reach out to the Head of School’s Office.

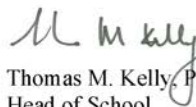
While nothing we can say or do will erase the painful memories shared by the survivors, we hope our actions demonstrate our resolve never to forget this portion of our past and reiterate our commitment to the safety of today’s students.

With great respect we remain,

Sincerely yours,



Steven M. Friedman ’72, P ’03, ’04, ’08
Chair, Board of Trustees



Thomas M. Kelly, P ’18
Head of School

Appendix 6G



October 6, 2013

Dear Friends of Horace Mann School,

With the school year now underway, we wanted to keep you apprised of developments relating to the School's handling of past incidents of sexual abuse.

As you will recall from our last correspondence in May, our School participated in a mutually agreed upon mediation process with those survivors who wished to participate, all of whom were represented by counsel, and issued a sincere apology for the harm that was caused by the teachers and administrators who abused anyone during their years at Horace Mann School. We were able to reach legal and financial settlements with all but four of the survivors, one of whom has filed a lawsuit against the School.

Our School has cooperated fully with the various government authorities in their reviews of the abuse. Moreover, the independent mediator offered to prepare and publish a summary of the reported abuse to provide additional transparency on this painful chapter in Horace Mann's past without identifying or jeopardizing the privacy rights of the survivors. The Board was prepared to accept this proposal, but counsel representing many of the survivors requested on their behalf that no such report be prepared or published, and out of respect for their wishes, it will not be.

As you may have read, a group of alumni known as the Horace Mann Action Coalition has hired a retired judge to conduct another investigation and issue a report, and that report will no doubt receive media coverage. While we do not object to someone else gathering information about the abuse, as a school we cannot share confidential information about past or present students or employees with third parties. As a result, we are not participating in this investigation.

The School has accomplished much with those in search of closure and has been providing today's students and employees with important training, but we anticipate continued media coverage in the coming months. That is why it is important for you to hear directly from us about developments relating to our past.

To each and every one of us who loves the School, the ongoing media coverage can be distressing, particularly when the media distorts or misstates the facts. Despite what was first reported in the New York Post, the thirty-five members of our Board of Trustees have been in near unanimous agreement on all of the steps we have taken in response to the reports of abuse during the 1960s, '70s, '80s, and '90s, and were unanimous in their vote to accept the settlements last spring. Our Board has met many times, often with outside advisors, to consider different

approaches to addressing the situation and to have thoughtful discussions about the appropriateness of each response. While acknowledging the complexities and emotions surrounding these matters, the members of the Board stand as one in full support of today's School, the students it serves, and the employees who breathe life into the lessons taught each day, and they share everyone's desire to help our alumni community heal.

Please rest assured that the Board and administration will continue to strike a healthy balance between the need for any additional responses about our past and the commitment we have to educate and care for the 1,782 children in our classrooms. While we grieve for those hurt, we will continue to celebrate the many accomplishments of our alumni, our students, and our faculty members.

On so many levels, there is very much to be proud of both in terms of the student and school accomplishments of last year. In 2012-13 we saw a record number of admission applications, raised a record amount for the Annual Fund, and our academic and interscholastic activities continue to receive national recognition. And much good work already is underway in 2013-14. Please visit www.horacemann.org/news to learn more.

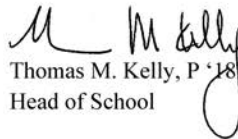
We will, of course, continue to keep you informed of further developments, and we thank you for your ongoing expressions of support for Horace Mann School.

With great respect we remain,

Sincerely yours,



Steven M. Friedman '72
Chair, Board of Trustees



Thomas M. Kelly, P '18
Head of School

cc: File

Appendix 7

Statement by Bronx District Attorney

May 01, 2013

In June of 2012, a New York Times Magazine article detailed a pattern of sexual abuse at Horace Mann School in the Bronx. In response to that article and a request by the New York City Council, The Bronx District Attorney's Office set up a hotline for victims and others to report allegations of abuse directly to our Child Abuse and Sex Crimes Bureau. We established a line of communication with the current administration of Horace Mann and began to review the school's child abuse reporting policies and procedures. We also pursued other investigative leads.

In the 10 and a half month period following the creation of the hotline, approximately 30 calls came into the hotline, most of which were fielded in the first few months. From the onset of the hotline, The Bronx District Attorney's Office worked closely with the NYPD, Bronx Special Victim's Squad, to address allegations of abuse and to further investigate these allegations.

This joint effort resulted in over 60 separate interviews to date, over 25 of which were with victims of alleged abuse. Interviews were conducted with individuals both inside and outside the State of New York. Members of the Bronx Special Victim's Squad traveled to several other states including California, Colorado and Vermont to speak to individuals regarding allegations of abuse. Any and all victims of abuse were offered the services of the Crime Victim's Assistance Unit of The Bronx District Attorney's Office. This is the unit which provides essential support and services to crime victims through a combination of direct supportive counseling, referrals, and other services. The unit has services specifically tailored to sexual assault survivors.

The interviews conducted by The Bronx District Attorney's Office and the NYPD reveal a systemic pattern of alleged abuse beyond what was outlined in the original New York Times Magazine article. In total, we received direct information regarding at least 12 separate alleged abusers. The reported abuse ranges from what may be characterized as inappropriate behavior to child endangerment, actual instances of sexual contact, sexual intercourse and criminal sexual acts. The earliest instance of abuse that was reported to us occurred in 1962. While the majority of the abuse was said to have occurred in the 1970s, additional instances of abuse were reported from the 1980s and 1990s. The last reported occurrence of abuse was in 1996.

To date, all instances of reported sexual abuse occurring at Horace Mann between 1962 and 1996 are beyond New York State's Criminal Statute of Limitations (CPL 30.10.) Prior to August 1, 1996, the Statute of Limitations for all felonies, other than homicides, was 5 years.

The Statute of Limitations for all misdemeanors was 2 years. In August of 1996, the Statute of Limitations was expanded for Child Sex Crimes. With this change, the 5 year period of limitation does not begin to run until the child's 18th birthday or until the case is reported to law enforcement or the state central registry, whichever occurs earlier. On June 23, 2006, the Statute of Limitations was eliminated altogether for all Class "B" felonies contained in Article 130 (entitled "Sex Offenses") of the Penal Law. Neither of these Legislative changes provides any recourse for a prosecution of any act of past sexual abuse at Horace Mann which has currently been reported. It might be noted that the United States Supreme Court has held that once the criminal statute of limitations has expired in a particular case, it cannot be revived without violating the ex post facto clause of the federal constitution. *Stognerv. California*, 539 U.S. 607 (2003.)

It has been reported that throughout the almost four decade period of sexual abuse at Horace Mann, there were instances of abuse coming to the attention of school officials without law enforcement being notified. This certainly highlights an alarming gap in New York State's mandatory reporting laws. New York State's Social Services Law (sections 411-415) mandates specifically enumerated professionals, including all school officials, to report suspected child abuse or maltreatment by a parent or "other person legally responsible" for the child. "Other person legally responsible" refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child. Thus, this statute requires private school officials to report sexual abuse by parents or guardians, but not by other employees. Another statute, New York State's Education Law (sections 1125-26) outlines the duties of specifically enumerated employees upon receipt of an allegation of child abuse in an "educational setting." However, "educational setting" only includes a public school district, not a private one, so private school officials are not mandated reporters under this law. In order to effectuate real change to New York State's Mandatory Reporting Law, under the Social Services Law, the context of the abuse should be broadened to include child abuse committed by anyone employed by a school or occurring on school property or at a school sponsored event. Additionally, New York State's Education Law ought to be expanded to cover private school districts. We will press for these changes.

In September of 2012, Horace Mann added to their "Family Handbook" a new "Policy on Reporting Child Abuse of Students by School Employees." Just recently, after some discussions with the Bronx District Attorney's Office, the language in this policy has been amended to highlight the importance of immediate notification to law enforcement. The Bronx District Attorney's Office encourages other educational institutions to adopt similar guidelines until legislative change is appropriately effectuated.

The Bronx District Attorney's Office would like to thank those individuals who shared their accounts of abuse with us, and commend them for their courage in doing so. We remain available to provide the services which our Crime Victim's Assistance Unit offers. We also

remain available to continue to receive information from victims of sexual abuse at Horace Mann, as well as from all victims of sexual abuse.

Appendix 8

HMAC Reply to Statement by Bronx District Attorney

April 26, 2013

The Horace Mann Action Coalition is grateful to the Bronx District Attorney's Office, the NYPD, and the Bronx Special Victim's Squad for investigating the multiple cases of sexual abuse that took place at the Horace Mann School for over three decades. The investigation confirmed the existence of "a systemic pattern of alleged abuse beyond what was outlined in the original New York Times Magazine article." The District Attorney's Office concluded that at least 12 separate abusers committed everything from acts of child endangerment to "actual instances of sexual contact, sexual intercourse and criminal sexual acts," ranging from 1962 to 1996.

Sadly, the archaic nature of New York State's statute of limitations makes it impossible for any individual or institution to be prosecuted for these crimes. It is for this reason that HMAC supports Assemblywoman Marge Markey's Child Victims Act (A1771), which would completely eliminate statutes of limitations in the future, and provide a one year window for old civil cases, in order to give justice to victims and expose abusers.

Most disturbingly, the District Attorney's Office found a pattern of administrative failure to take sexual abuse seriously at Horace Mann. The report concludes "that throughout the almost four decade period of sexual abuse at Horace Mann, there were instances of abuse coming to the attention of school officials without law enforcement being notified." Indeed, HMAC has documented at least eighteen cases in which sexual abuse was brought to the attention of Horace Mann teachers, administrators and board of trustee members. In each case, the student who reported the abuse was told that pursuing the accusations might hurt his chances at attending the college of his choice, or that Horace Mann wouldn't consider a case for which the student had no "video or audio" evidence. It is tragic to consider how much suffering might have been avoided had even a few of the accusations been investigated.

Those who have believed Horace Mann's assurances that such behavior was a thing of the past will be disappointed to learn that it wasn't until September 2012 two months after the New York Times Magazine article that first brought the reports of sexual abuse to the school's attention that "Horace Mann added to their 'Family Handbook' a new 'Policy on Reporting Child Abuse of Students by School Employees.'" What was the school's policy before September 2012? Did it have such a policy? The District Attorney's report does not say.

What the report does make clear is that the Bronx District Attorney's Office judged Horace Mann's September 2012 policies on reporting sexual abuse by employees inadequate. In what

way did they believe it to be inadequate? The District Attorney's Office felt that Horace Mann's policy needed to be "amended to highlight the importance of immediate notification to law enforcement." Was the school's reluctance the reporting sexual abuse to law enforcement? Or was it reluctant to report sexual abuse in a timely fashion? Perhaps both. The report doesn't say.

In light of these conclusions, board of trustee chairman Steve Friedman and Headmaster Tom Kelly should take the action HMAAC and others have been calling for since June 2012. It should officially and unambiguously acknowledge that sexual abuse took place, it should officially and unambiguously apologize to those who were victims of sexual abuse at Horace Mann, and it should cooperate with an independent investigation into the conditions that allowed decades of sexual abuse by multiple abusers to occur.

We are confident that the District Attorney's report is the beginning, not the end, of this investigation. The Horace Mann Action Coalition Support Fund has retained Judge Leslie Crocker Snyder to supervise the investigation, and raised funds to support it. We hope that Horace Mann alumni, as well as anyone who is concerned about the sexual abuse of children, will consider making a donation to the investigation.

Statements of Horace Mann Survivors at Press Conference

April 22, 2013

Edward Bowen

My name is Edward Bowen. I was sexually abused by Johannes Somary, a teacher of mine at the Horace Mann School, when I was 16-years-old. Part of my story was told in last year's New York Times story, where I was identified as EB. I want to make sure that everyone knows that the statute of limitations on childhood sexual abuse is a device that protects criminals. It is not some obscure legal jargon that does not really matter. I am fully in support of the Markey bill and firmly believe that the statute of limitations should be eliminated altogether. Why is New York protecting criminals?

Joseph Cumming

My name is Joseph Cumming, and I was sexually abused on many occasions by my teacher and mentor Johannes Somary, beginning when I was 15 years old and continuing until just before my 18th birthday. For 33 years I thought I was alone. I thought I was the only person who had suffered these things at Horace Mann. I thought I was alone in carrying the shame and pain I felt.

In 2011 I discovered for the first time that I was not alone. After talking with another Horace Mann graduate who had been abused, I began to reach out to others. I have since learned that I was one of many who were abused as children by many teachers at Horace Mann over a period of decades.

I have also learned from others that the Horace Mann administration was informed about Somary's abuse of at least one other student several years before he began targeting me. In other words, if the school had taken decisive action many years ago, many of us would never have suffered the abuse we did.

I want to say something to anyone who has been abused as we were: YOU ARE NOT ALONE. We are familiar with the shame, the depression, the struggles with alcohol and substance abuse, the temptations to suicide, the broken relationships: the list goes on. You can find support at HoraceMannSurvivor.org.

I want to say something to the Horace Mann Board of Trustees. In June 2012 we presented you with a letter from the Survivors' Group in which we set forth what steps we believed were necessary to restore the reputation of our beloved alma mater and to ensure that such things could never again happen at Horace Mann. Chief among these was an independent investigation. An investigation would not only ascertain the extent and level of sexual abuse, but would also communicate to present and future students that if (G-- -d forbid) they should ever suffer abuse, they can report that abuse with confidence that the school will take them seriously, will investigate their report, and will not bury their story or pressure them into silence.

An Independent investigation is the path to a healed Horace Mann – for those who suffered the abuse, for the wider community of alumni, and for the students and parents at Horace Mann today who also deserve to know the truth.

Ron Klepper

My name is Ron Klepper and I was sexually abused repeatedly as a 13-year-old student at Horace Mann.

The effects of that abuse on my life have been profound. For many years, I refused to go to school, because I became frightened. School was no longer a safe place to learn, but turned into a frightening place where a predator lurked.

Figuring out the words to express what happened to me took many, many years, and I am still unraveling how it altered the course of my life. Precisely because it took me many decades to even begin to understand the abuse and its impact, New York should do the right thing and pass the Markey bill, which would allow victims of childhood sexual abuse to bring claims and would permit prosecutions to proceed even though the abuse may have occurred long ago.

Jon Seiger

I attended Horace Mann from the age of 11 to the age of 17, from 7th to 12th grade. I graduated from Horace Mann in 1979. The only year I did not attend Horace Mann was in 8th grade when my family lived in England for a year.

During all the years I attended Horace Mann, I suffered sexual abuse.

Eight different Horace Mann faculty abused me, including the headmaster of the school, Inky Clark, as well as Stanley Kops, Mark Wright and Johannes Somary.

Instead of a safe and nurturing place that would educate me, Horace Mann ended up providing a perfect storm of childhood sexual abuse.

Inky Clark, Horace Mann's headmaster, began his abuse of me in the 9th grade. One day, after a Glee Club concert in the 9th grade, Clark approached me and invited me to his house on a Friday afternoon. I was 14. I was over the moon: the Headmaster was inviting me and recognizing I was special. I arrived at Clark's house after school at about 4PM. Clark and another teacher, Stanley Kops, were both there, waiting. Clark offered me a drink. I expected a Coca-Cola, but instead I was given alcohol, and plied repeatedly with more of the same. Within a short time, I had drunk two or three strong alcoholic drinks; my 14-year old body felt strange and overwhelmed.

Clark and Kops then suggested we all drive downtown for some dinner. Instead, they drove down to a nightclub on East 59th Street. I remember being in the club and noticing it was filled with only two types of men: men over 50, or much younger adolescents and men under 20 years old. Eventually Clark and Kops picked up two young men and directed us all back to Clark's car. I remember asking to be dropped off at home, but Clark insisted on driving me back to his home.

Once back at Clark's house, Clark and Kops had the two young men – whom I eventually understood were prostitutes – engage in sexual acts. They forced me to join them. Ultimately, I was required at age 14, to engage in oral sex with each of them and be anally penetrated by each of them in front of Clark and Kops for the Headmaster's and History teacher's enjoyment. Later, Clark and Kops sent the two male prostitutes away, and continued to engage in sexual abuse of me, including requiring that I engage in oral sex with each of them.

After that night, both Clark and Kops repeatedly treated me as their sex object and personal play thing.

On approximately five more occasions over the next several years, Inky Clark directed me to come to his house on campus so that he could anally penetrate me or give or receive oral sex. On one additional occasion, Stanley Kops and a friend directed me to come to one of their apartments where they forced me to masturbate and Kops took pictures of me. I believe that Kops may have shared those pictures with other teachers at Horace Mann, which may be why I became a target for so many teachers.

Somary

I was active in Glee Club, Orchestra and Jazz throughout his years at Horace Mann. I had always found solace in music. Because I played many intramural concerts, I often travelled to New Jersey and Connecticut with other music students and Johannes Somary. Somary had always been "touchy" – leaving his hand on my shoulder for too long, or brushing my hair away from my face. I remember that on one trip in ninth grade, Somary came into my hotel room and began kissing me, opening his mouth and using his tongue, and that Somary also started to fondle me. I was 14 at the time.

That summer, between ninth and tenth grades, I went to Poland for three weeks with Somary and others. On at least three occasions, Somary would get me quite drunk and insist that on performing oral sex on me. Over the course of the next several years, Somary routinely grabbed me and held him in long embraces, pressing up against me, kissing and groping me. That happened over 30 times, usually at the school in a classroom or Somary's office. On at least 10 occasions, Somary figured out ways of getting me alone in a room and engaging in oral or anal sex, with Somary anally penetrating me.

Mark Wright

In tenth grade, I pulled a muscle in my leg. At the end of gym period, my teacher, Mark Wright, instructed me to come to an office to be physically examined. I followed Wright downstairs to a windowless room, where Wright locked the door and instructed me to take off all my clothes. Wright began by checking my legs. He said something about needing to check that my leg muscles connected properly and began touching my penis. Wright then masturbated me. I was 15.

Summary

These are only some of the abuses I suffered at Horace Mann. My childhood was taken from me – there was no safe place anywhere at Horace Mann, because everywhere I turned, another predator lurked.

As a direct result of the sexual abuse by Inky Clark and Stanley Kops, I was introduced to the world of male prostitution and gay porn in New York City in the 1970s and 1980s. When I finally stopped my self-destructive behavior, my internal feelings of worthlessness overcame me, and I began the struggle to live without drugs and find peace.

To say that Horace Mann knew about the sexual abuse of its students seems to me to be an understatement. The institution, under Inky Clark, fostered, promoted and carefully grew and developed the abuse. These predators appear to have spoken to one another, identifying and passing the most vulnerable students around. My experience makes that clear.

The school must conduct a full, independent investigation, so the extent and depth of the abuse is finally brought to light and so that nothing like this can never happen again.

And New York should pass the Markey bill so that the victims of sexual abuse are permitted to seek justice in the courts and the perpetrators who are still alive are finally punished.

Daniel Shaprio

I am a survivor of childhood sexual abuse. I was 15 years old when it began, and a student at Horace Mann. I have carried this secret all my life. It took me nearly over 35 years to begin to confront that it had happened and to find the courage to tell others.

When the story broke last summer in the New York Times, I eventually came to learn that more than thirty students were abused by many teachers, including Horace Mann's headmaster, over the course of decades. I also learned that over the years several students had reported to the school that teachers had abused them, including complaints about the teacher who had abused me, made before I was targeted.

Sexual abuse of children is a cancer buried deeply in a child. It remains hidden, doing damage often for decades until the words and ability to

process the feelings surface. It takes an amazing amount of support and courage for survivors to find their voices. Talking today is very difficult me. I can do it because I am supported by my fellow survivors and by many Horace Mann alumni.

I want to take this opportunity to be an example for others who were abused and suffer in silence. You are not alone. You can find your voice. More must be done to remove the shame and stigma of childhood sexual abuse.

To start, I believe Horace Mann should issue a formal apology and insure that an independent investigation is conducted to explain why and how this happened.

I also strongly support the Markey Bill which is essential to encourage institutions to root out, not cover up abuse.

Appendix 10

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