

# BIANNUAL REPORT on St. Paul's School

JULY 2022



# From the Overseer



In 2018, St. Paul's School (SPS) and the office of the New Hampshire Attorney General entered into an agreement following an investigation. Both sides agreed that it would "facilitate the protection of children to a greater extent than a criminal proceeding, and will ensure a system of accountability, oversight, transparency and training." A large part of that five-year agreement focuses on the compliance overseer position.

At the core of the agreement is compliance with mandatory reporting laws, which include the [Child Protection Act](#), the [Safe School Zones Act](#), and [Student Hazing](#). In short, the Child Protection Act requires schools to report any suspected child abuse or neglect to the New Hampshire Division for Children, Youth and Families (DCYF). The Safe School Zones Act requires any acts of theft, destruction, or violence that occur on school grounds to be reported to the local police department in accordance with a Memorandum of Understanding (MOU). The MOU between SPS and the Concord Police Department is more expansive than the law requires and includes the reporting of any claims of sexual assault involving students or employees regardless of where the assault happened.

Reports of student or adult misconduct can be submitted to SPS through direct, in-person reports by individuals to faculty or staff members; through the context of medical/counseling settings (Clark House); or through multiple online reporting functions. All such reports are directed to the Office of the Vice Rector for Student Life. Given the complexities of the multiple laws and the added agreement with the Concord Police Department, SPS encourages all adults to "widen the circle" when they become aware of any situation that could possibly fall into these categories. Employees are classified as either faculty or staff. Although members of the faculty typically have more direct contact with students, all employees are mandatory reporters under the three laws stated above and required to undergo yearly training that includes reporting requirements and how to maintain healthy boundaries.

The agreement also mandated the creation of a compliance overseer and for that person to issue biannual reports. I began at the School during the COVID-19 pandemic. A full year with far fewer COVID-related restrictions has better allowed me to experience the St. Paul's School culture.

This is the third of my biannual reports and sixth report overall. (There were three reports filed by the previous compliance overseer.) In the past, I have worked under the assumption that if a requirement of the agreement was not mentioned in my report, people would assume it was being followed. In order to increase transparency and information, the format of this report will be different and will address all of the requirements in the agreement. It also will contain a breakdown of the reports filed with external agencies between January 1, 2022, and June 30, 2022.

Please feel free to contact me at any time with questions, concerns, or ideas. Thank you.

A handwritten signature in cursive script that reads "Donald E. Sullivan".

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# Agreement Requirements

The following is a breakdown of the agreement's individual requirements and their status of compliance. My oversight is limited to SPS and so my focus is on sections that pertain specifically to the School.

1. The first requirement establishes the creation of the independent compliance overseer (ICO). The first ICO was hired in February 2019 and resigned in October 2020. Following this departure, SPS provided a list of three candidates to the Attorney General. I was selected from that pool and began my role in January 2021. A condition in the agreement states that the ICO may choose after the first three years to recommend to the Attorney General more limited monitoring and oversight of the School. Given the manner in which the first ICO left and the remaining duration of the agreement, I will not make such a recommendation for the last two years the agreement is in effect.
2. The agreement also stipulates the independence of the ICO. My work with the School is done as an independent consultant and not as an employee of SPS or the Attorney General's Office. My contract allows for me to work independently, and I have received no pressure from SPS to do anything differently.
3. The agreement requires that the ICO have dedicated office space accessible 24 hours a day, along with adequate support. When I started at SPS, I was given the choice of offices and chose one on the administrative wing of the School House building. This location allows for regular contact with the Vice Rector for School Life (VRSL), the Vice Rector for Faculty, and the Rector. The School has consistently provided administrative and technical support, including professional development opportunities.
4. The agreement requires the ICO to have broad access to the School's grounds, facilities, and records, as well as the ability to conduct interviews of students and employees. I do have access to all parts of campus, excluding student rooms; and every request I have made to see records or files has been granted immediately. I also have full computer access to the old record-keeping system and the new one, Maxient. The only data I do not have open access to is Clark House's student medical records. The agreement states that access to those records will be on a case-by-case basis, and I have yet to encounter a situation that has required such access. Protocols have been put in place for me to be notified of and allowed access to any DCYF or Safe School Zone reports generated from Clark House Health Center. This system isolates the specific report and does not grant me access to any privileged medical information, thereby fulfilling the requirements of the agreement without violating any student privacy rights.
5. SPS must bear the cost of the ICO. I can confirm that not only is SPS paying me as an independent contractor, they also are funding professional development opportunities.
6. There is a requirement that the School appoints a specific liaison of requisite qualifications to coordinate with the ICO. The obvious choice for that role is the Vice Rector for Student Life, as she coordinates the School's response to all sexual misconduct allegations. Although the VRSL is my primary contact and we enjoy a very positive working relationship, there are many other positions with whom I routinely work, and every employee at the School whom I have worked with has been both cooperative and helpful.

7. SPS is required to notify admitted students and their families of the agreement and its requirements before matriculation. The same is required for prospective employees prior to their date of hire. The School sends the notification to all students who submit an application, not only to those who are granted admission. I also have reviewed the letters given to prospective faculty and staff members. A letter is provided to a faculty or staff applicant when an offer of employment is given and contains a breakdown of the agreement, the obligations of the School, information on how to contact the compliance overseer, as well as a link to the full agreement.
8. Reporting requirements are the core of the agreement. SPS has been making all appropriate reports and notifications to authorities as required. I recommended an update to the School's Memorandum of Understanding (MOU) with the Concord Police Department and plans are underway to facilitate that collaboration. The current MOU was signed in 2018 by then Interim Rector Amy Richards. Reports made pursuant to this MOU must be submitted prior to the initiation of any internal investigation by SPS; and any interim safety measures taken by the School cannot interfere with the criminal investigation. Incidents of sexual misconduct can be complex and unique. The fully residential nature of SPS adds to the complexities of providing for the safety of the community, especially the victim, without interfering with the criminal investigation. I recommend that as part of the update to the MOU, a clear, solidified safety plan is agreed upon by both the Concord Police and SPS that will be followed during the initial filing of a report.
9. SPS also is required to maintain a written log of all sexual misconduct reports. The Maxient software program stores these reports and makes them searchable by many different means. Maxient automatically creates an "audit trail" in each case, showing who has accessed the case and at what point in time. As the ICO, I have access to this system and can easily inspect not only the reporting form but also any associated information with the case. (As stated earlier, in situations that include medical confidentiality, I only can view the reporting form, unless there is a specific reason for me to request greater access). All individual reports filed with DCYF or the Concord Police also are forwarded to the Attorney General's Office.
10. SPS must provide training to new employees and annual training to all employees regarding mandatory reporting requirements. I have personally attended these annual trainings, which are recorded for new employees to view. I also have conducted checks on new hires to confirm they are getting the trainings by both speaking to them and looking at personnel files to confirm the signed acknowledgement forms indicating they have watched the videos are there.

There have been some issues with faculty members not recognizing the need for immediate reporting obligations. So far, this has resulted in only one issue of noncompliance (explained in a prior report), as the other incidents did not rise to the level of external reporting requirements.

11. The SPS Board of Trustees and senior leadership are required to undergo trauma informed training on responding to allegations of physical and sexual abuse by members of the School community. In spring 2021, RAINN (Rape, Abuse & Incest National Network) provided such a training. The curriculum of this training was not available in time for it to be approved by the New Hampshire Coalition Against Domestic and Sexual Violence beforehand, a requirement of the Attorney General, yet School administrators proceeded with the course, knowing another would be necessary in the fall. To me, this showed the willingness of SPS to exceed the minimum requirements of the agreement. In fall 2021, all those in leadership roles received the training from a consultant approved by the Coalition.

12. The next requirement pertains to an evaluation and review of policies and procedures around documenting reports of physical and sexual assaults. Again, the implementation and use of the Maxient system meets and exceeds this requirement. As SPS expands its use of this reporting system, the policies continue to grow. SPS has embraced the use of Maxient as a "Case Management System" as opposed to a simple digital storage space. This allows for the information to be organized and easily searchable. Storing the reports within the Maxient system also means that all investigative notes and conclusions related to the report are filed together. As the School's use of the system continues to expand, it becomes more likely that SPS will continue using it after the term of the agreement.
13. There is a similar reporting requirement for the Clark House Health Center, which has a unique section within the Maxient system. The Clark House staff typically file their own reports to DCYF, and they also are required to fill out an "Incident/Information Report" (IR) in the Maxient system. This IR is then used to create a "case" in Maxient. When a Clark House staff member completes an IR, automatic notifications are sent to the medical director, the VRSL and the ICO. Safe School Zone reports also require the filing of an IR and an external report to Concord PD , which is filed by the VRSL.
14. The agreement requires that SPS cooperate with any investigation by the police or any state agencies responsible for children's protection. I have witnessed nothing but full cooperation.
15. Once an allegation of physical or sexual abuse is made, SPS is required to make all reasonable efforts to keep the victim safe. Given the fully residential status of SPS, this is more difficult than in most schools. Some allegations don't require more than an immediate investigation (for example, a simple shoving match between students) and can be quickly managed with safety arrangements made on the grounds. With more serious allegations or ones that cannot be immediately managed, SPS must make arrangements for the alleged perpetrator to be removed from campus pending either an investigation by the authorities or an internal investigation. More comprehensive policies on this matter will be addressed with the policy review being done by RAINN and the update of the MOU with the Concord Police.
16. SPS is required to have a dedicated space on campus for an advocate from the Crisis Center of Central New Hampshire (CCCNH). There is in fact a room in the Clark House exclusively for use by an advocate. I have reported on this particular topic in the past and am happy to report that steps are moving forward to integrate the Crisis Center into the School's response protocols.

Following some personnel changeover and shortages which limited the availability of having a CCCNH advocate fill "office hours" on campus, there is great promise for the upcoming year. There have been considerable steps made to strengthen the relationship between SPS and the Crisis Center.

April is Sexual Assault Awareness Month. This year, in recognition of the month, the SPS softball team held a charity wiffleball tournament and donated the proceeds to CCCNH. The School also has agreed to be a sponsor for CCCNH's annual "Walk a Mile" fundraiser. SPS also will fund an anonymous voucher system that students can access to get transportation to CCCNH to meet with an advocate off campus, if needed. And, in spring 2023, SPS will host the first annual breakfast for the Crisis Center of Central New Hampshire. It is important to have a strong collaboration between the School and Center, and to demonstrate to students and adults that SPS is welcoming of the Crisis Center and encourages the use of its services.

Although the CCCNH advocates are mandated reporters of child abuse and neglect, they are otherwise a completely confidential resource and will not report back to the School any information, so victims can get the support they need without fearing social or SPS-based retaliation. Regardless of whether or not there is actual retaliation, the fear of it occurring is a legitimate barrier to reporting. Having an outside confidential resource allows for students to get help and support without having to fear retaliation. The strong relationship between SPS and CCCNH also will allow advocates to be aware of and talk with students about the available resources on campus. The goal of advocates is to best help the victims with whom they work, which includes being knowledgeable of other potential resources. The School's willingness to engage in a strong relationship with CCCNH demonstrates they have the best interest of the students in mind.

This concludes the list of specific requirements outlined in the Agreement. It does not, however, cover all the School's areas of improvement, and the direction in which they are going. There have been upgrades to physical security, increased adult presence, and continued trauma informed initiatives to help create a safe environment for students. For example, SPS recognized that students may not completely read the Student Handbook prior to their arrival on campus. If they do, they likely do not recall all of the policies related to sexual misconduct. To counter this, SPS has developed a pamphlet that is accessible throughout campus and contains important information regarding policies and available resources, including those outside of SPS. Given that a student who is reporting an instance of sexual misconduct is likely experiencing trauma and may not clearly remember everything said to them prior to that event, these flyers also are to be given to any student who reports sexual misconduct. Recognizing the need to protect privacy, SPS is providing a scannable QR code so students can receive the information digitally and discreetly, without having to carry around a piece of paper with the words "Sexual Misconduct Policy" on it for everyone to see.

# Additional Updates

## RAINN

SPS is continuing its work with RAINN and thanks to the relaxation of COVID-19 protocols, two members of RAINN's staff were able to visit campus to get a firsthand understanding that cannot be relayed through paperwork and zoom calls. Hopefully by the time school starts in the fall, there will be a completely updated Sexual Misconduct Policy in place.

## THE WOODSIDE SCHOOL

There is a private day-care center that leases a building on campus from St. Paul's School. Even though there are several children of SPS employees who attend, Woodside School runs its day care independently from the School and accepts children unaffiliated to the School. All employees of the day-care center are mandated reporters of child abuse and neglect, but since they are not employees of a school, they do not fall under the Safe School Zones act, even though the building is located on school grounds. This creates a unique situation when a parent of a child at Woodside School who is also an employee of St. Paul's School becomes aware of a Safe School Zone violation at the day-care center. This happened recently, and the employee/parent did make the appropriate notifications to both DCYF and Concord Police. However, there was some confusion in the reporting process. To alleviate further confusion and increase transparency, I have recommended that SPS enters into an agreement with Woodside to ensure instances that happen on school grounds are properly reported.

## FINGERPRINTING

NH RSA 189:13-a, V states, "The employing school administrative unit, school district, or chartered public school shall complete a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment." The law goes on to state, "A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section."

As mentioned in a previous report, SPS has been developing a plan to start using fingerprinting to better enhance the background check process and ultimately the safety of the students. The fingerprinting requirement for all employees was added to the 2021/2022 Employee Handbook, but as with so many other things, the pandemic delayed the process. In February, it was announced that all employees would need to make an appointment and get fingerprinted through the State of New Hampshire Department of Safety. SPS was able to work with the state to block off two time frames in 2022 — one in March and one in June — to allow all employees to schedule a time to go through the process.

The fingerprinting of current employees will ensure that there are no current convictions on an employee's history. It is policy that all employees must notify SPS of any arrest, conviction or change in background status for themselves or for anyone over the age of 18 residing in school provided housing. All new employees will be required to undergo fingerprinting, and all employees will get fingerprinted every five years to ensure there have been no unreported convictions.

This is an important step to ensure that anyone with the type of criminal convictions that may disqualify someone for employment at SPS, however, it is important to keep all other processes already in place to ensure suitable and safe candidates.

# Reporting Data

The agreement between SPS and the Attorney General's Office calls for this biannual report to include a "numerical summary of sexual harassment and or sexual or physical abuse incidents involving students that the Compliance Overseer has been made aware of since the issuance of the prior biannual report to the NHAG."

The following is a list of all incidents reported to DCYF or the Concord Police Department since the last biannual report. There are times when reports are filed out of precaution and with the added thought of safety, even if they are not mandated by statutes. These reports will be indicated by an asterisk (\*). Historically, the VRSL was the sole person responsible for ensuring that reports were properly made. For the term of the Settlement Agreement, the compliance overseer is consulted on all cases that may require outside reporting. Policies and procedures have changed to "widen the circle" when reports are made to ensure proper reporting and student support.

As required, all identifying information has been removed and all reasonable steps have been taken to reduce the ability for anyone to link any of the listed reports to a particular case. The data provided is based solely on the information received with the initial report and is not indicative of any results of or further information learned during the investigation. Because of this, the list may show incidents that were reported by a third party but further investigation may have found that the incident did not happen as suspected.

It should also be noted that SPS reports all cases required under statutory rules if the information is new to the School, even if the involved party claims that a report has been filed. This is to be absolutely certain that the incident has been in fact reported to the proper authorities. SPS also reports all cases of suspected child abuse regardless of the current age of the victim, meaning that if SPS becomes aware of an adult who was abused or neglected when they were a child, the School will make a report to DCYF and, if required by the MOU, a report to the Concord Police Department as well.

It also should be noted that if there is an incident that involves multiple people, either as victims or responsible parties, this chart will likely show it as one incident. For example, if there was a report of several students acting together to damage a sign valued at over \$300, this would generate one report to Concord Police and be counted just once on the list below. However, if there were two different students who damaged that same sign at different times, it would generate two reports.

I also have tried to clarify the "Reporting Person" category to better show how the reports are coming to the attention of the VRSL office. All entries that say Clark House are student initiated to a Clark House staff member. Other student-initiated reports will indicate who they first spoke with to make the report. The reports that indicate "Sanctuary" means that a student reported either themselves or another student for a violation (in all of these cases, possession of THC). In these cases, students experience a "health-based response" only from the School. Because possession of a controlled drug is covered under the MOU with Concord Police, however, a report must still be filed with the department and the evidence turned over.

To further protect the anonymity of the people involved in these reports, I have randomly changed the order in which they are listed. There is one report from the ASP (Advanced Studies Program) that also is not marked as such because it was the only one reported.



# Reporting Data

## COMPILED LIST OF REPORTED INCIDENTS

REPORTER	OFFENDER	ON/OFF CAMPUS	REPORT	ACTIVE/HISTORIC	REPORT FILED/W
1 Faculty	Student	On	Assault	A	CPD/DCYF
2 Woodside SCHOOL	Non-affiliated	On	Child abuse	A	DCYF/CPD
3 Clark House	Parent	Off	Child abuse	H	DCYF
4 Student	Non-affiliated	Off	Sexual assault	H	CPD/DCYF
5 Student/ SANCTUARY	Student	On	Possession of THC	A	CPD
6 Student/ SANCTUARY	Student	On	Possession of THC	A	CPD
7 Parent to CLARK HOUSE	Unknown	Off	Child abuse	H	DCYF
8 Clark House	Non-affiliated	Off	Child abuse	H	DCYF
9 Student THROUGH MAXIENT	Student	On	Sexual assault	H	CPD/DCYF
10 Student THROUGH FACULTY	Student	On	Sexual Assault	A	CPD/DCYF
*11 Student THROUGH DEANS	Unknown	On	Hate Speech	A	CPD
12 Student THROUGH PARENT	Staff	On	Simple assault	A	CPD/DCYF
13 Clark House	Non-affiliated	Off	Child abuse	H	DCYF
14 Clark House	Student	On	Non-consensual (age) Intercourse	H	DCYF/CPD
15 Staff	Unknown	Off	Child abuse	H	DCYF
16 Alumni	Unknown	On	Sexual assault	H	CPD/DCYF
17 Staff	Unknown student	On	Unwanted sexual touch	A	DCYF/CPD
18 Student/ SANCTUARY	Student	On	Possession of THC	A	CPD
19 Clark House	Student	On	Sexual assault	H	CPD/DCYF
20 Clark House	Non-affiliated	Off	Sexual assault	H	DCYF/CPD

\*Reports filed out of precaution and with the added thought of safety, and not mandated by statutes.  
 CPD = Concord Police Department \ DCYF = NH Division of Children, Youth and Families

## ANONYMOUS REPORTS

The online reporting function available to students and the public through Maxient allows the reporter to remain anonymous if they choose. Although there is value in having this option available in reporting incidents, everyone needs to be aware that it can greatly hinder the ability to fully investigate a claim. It also can create the image that SPS is not responding to complaints, since there is no way to report back to the original complainant. I have monitored these reports and the investigations and feel that SPS investigated to the best of its ability given the limited information.