

Report of Comprehensive Investigation into Faculty Sexual Misconduct *College of the Holy Cross*

Gina Maisto Smith, Esq.
Leslie Gomez, Esq.



September 5, 2022

TABLE OF CONTENTS

	Page
I. Impetus for Review	1
II. Impacts on Survivors.....	5
III. Scope of Engagement	7
IV. Investigative Overview	10
A. Background and Qualifications	10
B. Holistic and Values-Based Approach	10
C. Investigative Approach	11
D. Naming Conventions.....	13
V. National Context.....	13
VI. Background and Recent Events Precipitating the Review	16
A. Reports involving Christie	16
B. Catanzano/Holland and Knight External Review of Culture, Policies, and Procedures	18
C. Reports involving Dustin	20
D. Student and Faculty Engagement	21
E. Special Committee of the Board	23
F. Keller/Saul Ewing Investigation re: Institutional Response to Reports about Dustin.....	23
G. Comprehensive Investigation Advisory Group (CIAG)	25
VII. Aggregate Themes from Community Survey and Campus Listening Sessions	26
A. Online Survey	26
B. Student Perception Shared in Individual and Group Meetings	27
VIII. Alumni Reports of Historical Abuse	28
A. Overt Sexual Harassment and Sexual Violence Towards Women Shortly After the College Became Co-educational	29
B. Extensive Grooming and Boundary Crossing	29
C. Sexual Abuse and Exploitation of Students by Faculty or Others in a Position of Power.....	32
D. Same Sex (Male on Male) Sexual Abuse	33
E. Instances of Misconduct in Athletics	33
F. Insufficient Response by the College to Reports of Sexual Misconduct.....	34
IX. Understanding How Persistent or Pervasive Harassment May Have Occurred.....	35
A. Gaps in Awareness or Knowledge about the Dynamics of Sexual Misconduct	36
B. Imbalances of Power in Higher Education	37

C.	The Impacts of Grooming	39
D.	Retaliation	41
E.	Perception that the Conduct is Known	41
F.	Negative Perception of the Process or the College’s Response	42
X.	Broader Context at Holy Cross.....	42
A.	Institutional Culture, Values, and Mission	43
B.	Structural and Organizational Factors	46
C.	Relationship between Faculty and Administrators.....	48
D.	Concurrent Initiatives.....	50
E.	Policy Frameworks and Organizational Considerations.....	51
F.	Broader Framework Regarding Sexual and Gender-Based Harassment	56
G.	Evolution of the Title IX Office	57
H.	Spring 2022 Campus Climate Survey	59
XI.	Overview of Additional College Actions	61
XII.	Engendering Trust and Moving Forward	61
XIII.	Recommendations	62

I. IMPETUS FOR REVIEW

During the 2018-2019 and 2019-2020 academic years, students and alumni from the College of the Holy Cross (the “College”) contacted the College – and the local media – to report sexual misconduct¹ involving two Holy Cross employees: James Christie, an artist-in-residence, and Christopher Dustin, a professor and former Dean of the Faculty.² In total, Christie was reported to have engaged in sexual harassment and other forms of sexual misconduct involving more than ten students between 1994 and 2018. Dustin was also reported to have engaged in sexual harassment involving multiple Holy Cross students and one staff member between 1995 and 2018.³ In addition, Dustin was reported to have engaged in a consensual sexual relationship with a student, and Christie was reported to have engaged in consensual sexual relationships with multiple students, each of whom later identified those relationships as exploitive and abusive given the impacts of power imbalances and grooming. The allegations against Dustin and Christie both involved reports of pervasive and long-term conduct that raised critically important questions about how the behaviors could have occurred undetected for so long, whether others at the College were aware of the behavior and failed to take appropriate action in response, and whether there were cultural, structural, or organizational factors that contributed to the conduct. The confluence of these reports also raised fundamental questions of trust in the institution based on concerns about the nature of the College’s response to those reports.

In response to these allegations, the College engaged in significant efforts to address the reports, respond to community needs, prevent future recurrences, and strengthen the College’s Title IX program. As detailed in Section VI. below, the 2018-2019 and 2019-2020 efforts included, among other things, two external investigations/reviews (including an external review of culture, policies, and procedures relating to the prevention and reporting of sexual misconduct, and the safety and wellness of the College community, led by Phil Catanzano, an attorney with Holland & Knight LLP in 2018-2019), a review by a Special Committee of the Board of Trustees, investment in expanded personnel within the Title IX program, development of a Diversity, Equity and Inclusion Plan and a Sexual Respect and Conduct Plan, the ENGAGE Summit in November 2018, a campus climate survey in the spring of 2019, expanded training for faculty and staff, and creation of a fund to provide counseling resources to survivors. In addition, throughout the 2018-2019 academic year, the College through its former president, Rev. Philip L. Boroughs, S.J., communicated frequently with the campus community about

¹ The term sexual misconduct is used interchangeably with the terms sexual abuse and sexual and gender-based harassment and violence.

² Christie and Dustin are now former employees. The media accounts regarding Christie referenced reports made to the College in the summer of 2018. The media accounts regarding Dustin referenced reports made to the College in the spring of 2017. Following the media coverage, the College received additional reports involving both Christie and Dustin.

³ Dustin was found responsible for sexual harassment in some, but not all, of the complaints raised with the Title IX Office and investigated by external investigators engaged by the College. In September 2018, he was removed from his Dean of Faculty position. In January 2019, he was placed on administrative leave, and in September 2020, he was terminated for violating the College’s Duty of Honesty as set forth in the Sexual Misconduct Policy. Dustin has denied engaging in misconduct. In July 2021, Dustin filed suit against the College in connection with his termination. The College has filed a countersuit against Dustin.

these issues, acknowledged the misconduct, and apologized multiple times on behalf of the College. Despite widespread engagement with members of the community through these initiatives and communications, the College's efforts were not viewed as genuine, sufficient, or effective by some campus community members, including the individuals directly impacted by Christie and Dustin, students, alumni, and faculty.

In early February 2019, students staged a two-day sit-in at the College, Standing Up by Sitting In, to protest the College's response to incidents of sexual misconduct on campus.⁴ Days later, the Academic Governance Council created an *ad hoc* Committee on Faculty Sexual Misconduct (the "*ad hoc* Committee"). The *ad hoc* Committee subsequently requested that the College engage an independent external investigator to conduct a comprehensive investigation. The request was initially denied, and a Special Committee of the Board (the "Special Committee") was created to evaluate the issues raised by the *ad hoc* Committee. In August 2019, the Special Committee determined that there was no need for another external investigation. In October 2019, following new information about Dustin, the Executive Committee of the Board of Trustees (the "Executive Committee") retained James Keller, an attorney with Saul Ewing Arnstein & Lehr LLP, to conduct a review into whether certain College administrators had been aware of potential misconduct involving Dustin before appointing him to various leadership positions. In October 2019, the Faculty Assembly approved a motion requesting a comprehensive independent inquiry, and in November 2019, President Boroughs announced the creation of a new committee, the Comprehensive Investigation Advisory Group (the "CIAG"), which was formed to discuss the goals and focus for a comprehensive investigation regarding faculty sexual misconduct, the process for choosing the investigator, and how to communicate the findings. The CIAG was composed of three faculty members and three administration members, and was chaired by the Chair of the Audit and Institutional Risk Committee of the Board of Trustees. On March 31, 2021, the CIAG issued a report to the Board of Trustees with a recommended scope of investigation.

On May 18, 2021, the Executive Committee, with the endorsement of the full Board of Trustees, approved a Comprehensive Investigation into Faculty Sexual Misconduct. Richard Patterson, former Chair of the Board, wrote to the community,

[T]here is more work to do and questions remain about how misconduct was able to occur on our campus and, if there were people who were aware of questionable behavior, why it may not have been reported. The Board agrees with Fr. Boroughs' assertion in October 2019 that in order to move toward healing and rebuild trust we must understand and reckon with our past.

* * *

We also recognize the importance of this investigation to faculty, especially as it is intended to provide the basis for the restoration of trust between the faculty and administration. We believe the approved investigation will provide the best way to build trust, and will also offer another avenue to study whether and how cultural, structural,

⁴ <https://hcspire.com/2019/02/04/holy-cross-students-stage-sit-in-outside-presidents-office-demand-more-action-regarding-sexual-misconduct-allegations/>.

*and organizational factors contributed to faculty sexual misconduct at Holy Cross and to recommend additional appropriate measures going forward.*⁵

Following the authorization of the comprehensive investigation, the College created the Comprehensive Investigation Oversight Committee (the “CIOC”) to identify and interview potential independent investigators and oversee the ensuing investigation into faculty sexual misconduct. The CIOC is composed of two trustees selected by the Board Chair, two tenured faculty members selected by the Academic Governance Council, and two administrators selected by President Vincent D. Rougeau:

- Nancy E. Andrews Ph.D, Associate Professor, Classics; Gender, Sexuality and Women’s Studies
- Nancy R. Baldiga CPA, Professor, Economics and Accounting
- J. Christopher Collins, Esq. ’80, Member of the Board of Trustees; Of Counsel, Mirick O’Connell
- Michele C. Murray Ph.D, Vice President for Student Affairs and Dean of Students
- Donna Murphy O’Brien ’77, Member of the Board of Trustees; President, Strategic Visions in Healthcare
- Daniel P. Ricciardi ’06, Assistant Treasurer

In November 2021, following a careful search and vetting process led by the CIOC, and based on the CIOC’s recommendation, the College’s President and Board Chair engaged Cozen O’Connor’s Institutional Response Group to conduct an attorney-client privileged external investigation into whether and how cultural, structural, and organizational factors contributed to instances of faculty sexual misconduct.⁶ Importantly, Cozen O’Connor had no prior relationship with the College. In addition, a foundational principle of our legal practice is that we do not engage in civil litigation – either for or against educational institutions. We acknowledge the perception of institutional bias that may exist because we are engaged by the College. We can affirm, however, that we have been given full autonomy and independence in determining how to conduct the investigation, what documents to review, and whom to interview. Moreover, our observations, findings, and recommendations are wholly our own, reached without interference or direction by the College.

Throughout the investigative process, we have met with the CIOC, sometimes on a biweekly basis (every two weeks). Our meetings have been one of the notable aspects of this process, and the members of the CIOC have been tremendously collaborative, respectful, and engaged. Their commitment to this comprehensive investigation, to the College, and to reinforcing good process and the integrity of this review guided every step of this investigation and we feel a solemn responsibility to uphold the CIOC’s faith in us and in this process.

During our meetings, which at times spanned more than two hours, we shared detailed and comprehensive updates about information learned in interviews (without personal attribution),

⁵ May 18, 2021 Board of Trustees Letter to Faculty and Staff. <https://www.holycross.edu/comprehensive-investigation-oversight-committee>.

⁶ We are deeply appreciative to members of the Institutional Response Group who contributed greatly to this investigation, including Devon Turner Riley, Cara Sawyer, Adam M. Shapiro, and Lauren G. Smith. Their partnership was invaluable.

aggregate themes, and our overall observations based on the information we gathered. We also addressed important questions about process, including how to seek the greatest level of engagement with the community, how to remove actual or perceived barriers to participation in the investigation, developing and publishing the online survey, and developing a trauma-informed, sensitive rollout and communications plan designed to minimize harm and uphold the goals of the investigation in the delivery of the final report.

We had similar updates with President Rougeau, the former Board Chair, and the Chief of Staff, albeit less frequently than with the CIOC. We can affirm that the President and Board, through their engagement and approach, recognized the autonomy of the CIOC and deferred greatly to their input, judgement, and feedback. While we were engaged by the College, this was ultimately an incredibly collaborative and, we believe, transformational committee process that reflected the best aspects of communication, trust, and collaboration necessary for shared governance to be successful. We were humbled to have been entrusted with the faith of the committee members and deeply appreciative of their commitment to preventing future harm to the College's students, providing an environment free from discrimination and harassment, and always holding those goals as the true north of their work.

The scope of our investigation is set forth in the May 1, 2021 [Comprehensive Investigation into Faculty Sexual Misconduct](#) document approved by the Board of Trustees, and is discussed more fully in Section III below. Between January 2022 and August 2022, we engaged in extensive document review and interviews with more than 75 students, staff, faculty, and alumni regarding issues attendant to faculty sexual misconduct. Our review necessarily included a backwards look to understand and learn lessons from the past in order to inform the future. At the same time, our review is not a reinvestigation of prior incidents, nor are we seeking to retread ground that has already been fully investigated by the College or prior external investigators. We presume that the conduct involving Christie, Dustin, and other faculty and staff occurred as reported but we did not investigate the reports to reach credibility assessments or make determinations of responsibility, nor was it our role to assess or evaluate whether specific College administrators or fellow faculty members were aware of potential misconduct by either Christie or Dustin. Rather, our goal in requesting and receiving individual narratives from survivors was to identify the manner in which abuse was reported to have occurred as it relates to cultural, structural, and organizational factors.

The insights gathered through these survivor accounts informed our goal “to provide the College with information that will support meaningful and significant evidence-based actions to improve culture, restore trust, acknowledge accountability, and decrease student vulnerability as related to faculty sexual misconduct.”⁷ The review process has been a humbling opportunity to receive information and engage with the community. In their meetings with us, members of the community were generally hopeful and optimistic that this process would result in improvements to prevent future harm to students, albeit tempering those positive emotions with the sobering impacts of longstanding grief, trauma, anger, and disappointment.

⁷ May 1, 2021 Comprehensive Investigation into Faculty Sexual Misconduct, which set forth the scope of this investigation as approved by the President and the Board of Trustees. <https://www.holycross.edu/comprehensive-investigation-oversight-committee>.

Based on information gathered in our review, we believe the most significant obstacles to achieving culture change within the College relate to trust, candor in communications, and the ability for campus constituents to engage with one another in ways that seek to build relationships and shared understanding, rather than question one another's underlying motives and intent. As we evaluated how best to communicate difficult concepts in a concise and meaningful manner in this report, we have carefully sought to balance the chronicling of the antecedents to trust based on events between 2018 and 2021 with the specific focus on the current culture, climate, and context. We have also carefully considered how to address the issues in an informed and nuanced manner that does not speak about campus constituents as monolithic – for example, assuming that all faculty share the same views and perspectives as those who have been most vocal or involved, or that all administrators approach the issues in the same manner. We sought through our review to listen to all with an earnest intent to understand their experiences – and to reflect, with care and compassion, those experiences in this report. We hope that our writing does justice to the candor and courage of the individuals who met with us during the review.

II. IMPACTS ON SURVIVORS⁸

We would be remiss if we did not acknowledge the longstanding and lifelong impacts of trauma on individuals who shared their lived experiences with us. During our review, 19 alumni and two faculty members described to us incidents of sexual and gender-based harassment and violence involving College faculty and staff over a period of more than 60 years. Some of those alumni later became members of the administration or faculty, returning to the very institution where they had experienced abuse as students. Individuals who were harmed shared their personal narratives and experiences with us, many with the hope that their doing so would help prevent future harm to others. The focus of our inquiry is centered on the experiences of these individuals.

One faculty member shared with us that their sole goal in their interactions with the College was to hold survivors central in developing the College's responses.⁹ We heard similar commitments from College administrators, a number of whom identified as survivors of sexual violence themselves, both at the College and elsewhere. We seek to do them justice here by centering our review in the experiences of individuals impacted by sexual and gender-based harassment and violence. We recognize that within an institution's Title IX policies and procedures there is a need for procedurally fair investigation and resolution processes that do not presuppose an outcome. However, for the purposes of this inquiry, we do not examine whether conduct occurred but rather presume the conduct has occurred as reported and consider its impacts with an unflinching lens. To this extent, a content warning is appropriate. Our

⁸ While our practice is to use the more neutral term "complainant" in written policies and procedures, investigative reports, and Title IX communications, we recognize that our role here is distinct in that we were not charged with investigating or determining the credibility of reported conduct. As such, we adopt the use of the term "survivor" in this report, which accepts reported experiences as true and focuses instead on evaluating and understanding culture, institutional responses, and solutions.

⁹ We use a gender-neutral term in some instances to protect the anonymity of the individuals who shared information with us. As detailed in Section IV.D., individuals who shared information with Cozen O'Connor did so with expectation that information would not be shared with personal attribution. For this reason, we also refer to alumni by the decade of their graduation, rather than the specific graduation year.

interviews with survivors were sobering as they occurred, and the process of reviewing each account again as we synthesized information for this report was overwhelming. We have a deep appreciation and gratitude for those who chose to engage with us, especially after having engaged in multiple prior reviews at the College, as well as for those who did not participate in this review, but for whom we had the benefit of reviewing College records or otherwise learning of their accounts and experiences. We recognize that the decision to participate in a review of this nature is a deeply personal and individual decision and hold space for those who may have been harmed, but have not chosen to disclose that harm, either to the College or to others.

As it relates to the impacts of sexual and gender-based harassment and violence, we heard many firsthand accounts that spoke to the direct loss of educational opportunities; negative impacts on mental and physical health; disruption to future employment or personal or professional relationships; feelings of guilt, shame, or isolation; and struggles with suicidality. Those impacts included the following:

- “Barely a day goes by that I don’t think of that night and what it means for me . . . The morning *The Boston Globe* story came out . . . [My father] took one look at me and said, ‘Are you okay?’ He said, ‘Do you want to talk?’ I said, ‘I do.’ For the next three hours, I told him a story I wished I had told him 30 years ago. Why I have made decisions in my life the way I have at different times. He just hugged me and loved me and told me he didn’t care, whatever was going to happen was going to happen.”¹⁰ (1980s alumnus who reported sexual abuse by Christie)
- “Part of the trauma of sexual abuse – recognizing how widespread human evil is – that is not a reality anyone ever chooses to see, a reality that you only see if your face has been drug through it – that is what we as survivors are up against.” (1990s alumnus who reported sexual abuse by Christie)
- “The year culminated in the total waste of an academic opportunity and a humiliating thesis presentation. It was a heartbreaking way to leave Holy Cross.” (2010s alumna describing impacts of sexual harassment by faculty member)
- “It’s not a big story, I didn’t get raped, I didn’t have some of these horrible things. I definitely did feel dirty, as growing up a Catholic, I felt hugely dirty.” (1970s alumnus describing being groomed and kissed by a faculty member and his 18-year sobriety after lifelong struggles with alcoholism)
- “[The impacts] have been huge. To disassociate is my immediate response, I drank alcohol, and was overweight, I wanted to make myself unattractive. I lost all my relationships from college, chose to go somewhere far away to get away from my family, and [my sport] was escape and going out without being able to say, “That was my last [competition], last practice.” (2000s alumna describing experience with athletic coach)

¹⁰ Our interviews were not recorded, but were documented by contemporaneous notes. The quotes from witnesses reflect our best efforts to capture the specific words used by the individual. Because the interviews were conversational in nature, the quotes convey the more informal manner in which individuals speak – for example, not fully completing a thought or sentence before moving to the next concept. We have prioritized maintaining the integrity and accuracy of the quote over adherence to proper grammar.

- “When I would go [to job interviews], I would completely totally freak. I would get out of the elevator and think, ‘I can’t do this. If I get a job with all of these men, I will be harassed and be asked to have sex.’ I kept not taking the jobs. So I started my own business. I worked really hard. I was a single mom for a while. I had real financial struggles. I kept saying I should just get a job, but I just couldn’t . . . I used to go to a pizza place and the pick-up place is all men, and I couldn’t do it. I couldn’t go pick up a pizza.” (1970s alumna describing the impact of pervasive sexual harassment she experienced as a student and her subsequent fear of being around men)
- “It all weighs so heavy on me. Why did no one intervene, why did no one listen to us?” (2010s alumna describing experience with athletic coach)

Above all, what came through each of the interviews, individually and collectively, is the depth of the pain, grief, anger, and disruption experienced by survivors, and, at the same time, a continued faith in and loyalty to the College for many. While some expressed deep anger that may not be absolved through any action of the College, all shared the hope that future students would not be subjected to the same experiences and an optimism that the current leadership of the College is positioned to drive necessary cultural change. The nature of these impacts and the potential for restoration of trust and relationships suggests that a restorative approach might be helpful, particularly for a College whose faith is often demonstrated through pastoral care and whose mission values *cura personalis* – care for the whole person (mind, body and spirit) and a dedication to promoting human dignity.

III. SCOPE OF ENGAGEMENT

The scope of our engagement was carefully articulated by the Board of Trustees, following the work of the CIAG, as follows: “the focus of this investigation shall be on cultural, structural and organizational factors” that contributed to instances of faculty sexual misconduct, and “the goal of this investigation is to provide the College with information that will support meaningful and significant evidence-based actions to improve culture, restore trust, acknowledge accountability, and decrease student vulnerability as related to faculty sexual misconduct.”¹¹

To assess culture, Cozen O’Connor examined how a shared set of values and beliefs can lead to norms that guide the ways in which community members approach their work, interact with one another, and solve problems on an individual and team basis. Perspectives and experiences shared by students, faculty, staff, and alumni were the guidepost to the analysis of whether and how the College’s culture created opportunities for faculty sexual misconduct to occur. To assess organizational and structural factors, Cozen O’Connor considered the hierarchy, rules, and roles within the College to determine their impact on effective oversight, reporting, awareness, and training. We also considered how individuals and groups work together in formal and informal manners; how information is shared, documented, and maintained; how disputes and discord are navigated; and how policies and procedures intersect with the practical details of implementation.

The scope of the investigation included a confidential and privileged review of relevant documents; a review of the College’s current culture relating to issues of faculty sexual misconduct, including cultural or other structural issues that might have discouraged individuals from reporting or the College from

¹¹ May 1, 2021 Comprehensive Investigation into Faculty Sexual Misconduct.
<https://www.holycross.edu/comprehensive-investigation-oversight-committee>.

addressing those issues; and a fact-gathering process to gather new or additional information about the context of prior incidents to the extent they inform our analysis of the current culture regarding faculty sexual misconduct at the College.

During the review, we reviewed the following documents:

- Facts and materials compiled by external counsel Philip Catanzano, James Keller, and Michael Baughman (who advised the Special Committee) in the course of their investigations and reviews of matters related to faculty sexual misconduct;
- Faculty and staff campus climate surveys from 2019;
- Student campus climate surveys from 2019 and 2022;
- Materials provided to the *ad hoc* Committee and the CIAG;
- Materials from the ENGAGE Summit and student sit-in of February 2019;
- Training materials offered by the College, Praesidium, Grand River Solutions, and the Beau Biden Foundation;
- All faculty sexual misconduct case files currently available in the College's Title IX and Equal Opportunity Office, including external investigations regarding Dustin and Christie;
- Records of reports of historical abuse;
- Policies and procedures, including the College's [Sexual Misconduct Policy](#) (and prior iterations), the [Interim Equal Opportunity and Discriminatory Harassment Policy](#), the [Policy on Travel with Students](#), the [Policy for the Protection of Children](#), the Historical Claims Process, the process for the REACH Committee, the process to [make a report](#), draft faculty grievance procedures, [Statutes of the Faculty](#), and [Trustees of the College of Holy Cross By-Laws](#);
- Correspondence regarding the College's response to reports of abuse, the creation of draft policies and guidelines on appropriate relations between faculty and staff, and the response to faculty training on grooming and boundaries;
- Media articles;
- Letters and written accounts submitted by survivors; and
- Other related documents.

We provided multiple opportunities for community feedback, including through in-person engagement, individual interviews by Zoom, and an anonymous online survey created by Cozen O'Connor to expand participation and engagement. The College widely disseminated information about the investigation, including through a dedicated [webpage](#), which linked to relevant documents about the investigation. The CIOC webpage includes the following statement: "The College seeks to empower all members of its community to speak with Ms. Smith and Ms. Gomez if they wish to do so, and it will place no restrictions on the ability of community members to share information with the investigators. If you have any questions about these issues, we encourage you to raise them with the investigators." Community outreach, including an invitation to participate in the investigation, occurred on the following dates:

- On February 3, 2022, the President [announced](#) the launch of the investigation
- On March 31, 2022, the CIOC announced the first Cozen O'Connor campus visit held on April 7 and 8, 2022 (and instructed the community how to participate in the on-campus visit and how to contact the Cozen O'Connor team directly); the CIOC also announced the launch of the online anonymous survey administered by Cozen O'Connor and invited faculty, staff, and alumni to participate in the survey

- On April 6, 2022, the CIOC reminded the community of the on-campus visit scheduled for April 7 and 8, 2022
- On June 16, the CIOC announced the information-gathering (survey and request for interviews) portion of the review would close on June 24, 2022.

In response to the above requests for community feedback, between February and July 2022, Cozen O'Connor interviewed more than 75 individuals associated with the College, 21 of whom reported experiencing sexual misconduct (including a range of conduct from verbal sexual harassment to physical sexual acts) while at the College between the 1950s and the 2010s. We met with administrators across the College, including the President, current and former Chiefs of Staff, current and former Provosts, the Vice President for Administration and Finance, Senior Vice President for Student Development and Mission/Dean of Students, the Chief Human Relations Officer, the Director of Human Resources and Employee Relation, the Faculty Ombuds, the Director of the Counseling Center, current and former Title IX Coordinators, College Chaplains, the Director of Government and Community Relations, the Chief Risk and Compliance Officer, and the College's General Counsel. We also met with the external counsel who conducted prior investigations at the College.

We met with individual faculty members, as well as designated faculty groups, including the Academic Governance Council; the *ad hoc* Committee; the current and former Speakers of the Faculty; some members of the Dean's Advisory Group; the Grievance Procedures Committee; and faculty from Gender, Sexuality, and Women's Studies. Additionally, we met members of the CIOC and members of former committees, including the CIAG and SAFER, a multidisciplinary committee established in 2014-2015 to enhance the College's response to sexual and gender-based harassment and violence.

We met in person with students from Feminist Forum, as well as students who serve as Relationship Peer Educators.¹² We also met with 26 alumni spanning the last seven decades who shared their perspectives about faculty sexual misconduct, including three alumni who described misconduct by Dustin¹³ and four alumni who described misconduct by Christie. In total, we met with 19 alumni and two faculty members who disclosed their own experiences of sexual misconduct while enrolled as students at the College.

In each interview, we followed a consistent protocol. At the beginning of each interview, we described our role, the scope of our review, and how information shared with us would be used. We informed witnesses that information would not be personally attributed to them; rather, we would de-identify quotes or information provided to us, as well as aggregate themes and observations as a whole. We explained that the College intended to make our report available to the public. Cozen O'Connor provided each witness a full and fair opportunity to share information, ask questions, and follow up with

¹² Relationship Peer Educators serve are students who coordinate and provide developmental programming for peers and the campus community about sexual and relationship violence. See <https://www.holycross.edu/wellness-programming/peer-education/relationship-peer-educators>.

¹³ As noted above, Dustin denies that he engaged in misconduct. Dustin was found responsible under College policy for some, but not all, of the allegations against him. Our review did not make a finding that Dustin engaged in misconduct, but considered information shared with us as it informs our understanding of cultural, organizational, and structural factors.

any additional information. Relevant information from the interviews is set forth in the sections that follow, and Cozen O'Connor has maintained notes of each interview within our confidential files.

IV. INVESTIGATIVE OVERVIEW

A. Background and Qualifications

In the context of higher education, we bring a unique background and skillset cultivated by having dedicated more than five decades of our professional careers to the response and evaluation of sexual and gender-based harassment and violence, child abuse, and other forms of interpersonal violence. As career child abuse and sexual assault prosecutors, we observed firsthand the need for improved systems, expanded resources, comprehensive training and education, and the development of fair, impartial, and trauma-informed processes for investigation and resolution. As educators, consultants, and advisors, our service to institutions is based on the depth and breadth of our collective professional experience. The patterns we observed over decades are a direct outgrowth of working with thousands of individuals impacted by interpersonal violence in the context of the law, and our advice and counsel are informed by a deep and nuanced understanding of the dynamics of sexual and gender-based harassment and violence, and the impacts of trauma on individuals and communities, including hierarchical communities dominated by traditional power structures. Our commitment to these issues is evident in our professional histories, our continued pro bono work, our board service, and our multiple community based awards and recognition from victim serving agencies.

Over the past decade, colleges and universities nationwide have engaged in the proactive – and at times, reactive – assessment of policies and implementation practices related to issues of sexual and gender-based harassment and violence. During this time, educational institutions have sought to evaluate their compliance with complicated and ever-evolving law and guidance, and to improve the effectiveness of institutional responses to reports of sexual and gender-based harassment and violence. We have had the opportunity to work with hundreds of private and public institutions across the country in shaping policy, structuring systems, supporting effective implementation, and delivering training and education programs. We have also had the opportunity to work directly with the U.S. Department of Education's Office for Civil Rights ("OCR") and Clery Compliance Division, the negotiated rulemaking committee for the Violence Against Women Reauthorization Act of 2013 (which amended the Clery Act), President Obama's White House Task Force to Protect Students from Sexual Assault, the American Law Institute Project on Campus Sexual Assault, Futures Without Violence and ChildFirst Pennsylvania, among other government and community-based initiatives. We have also had the opportunity to present educational and training programs through the Clery Center, the Higher Education Prevention Network (HEPNet), and other professional organizations dedicated to improving campus responses to sexual and gender-based harassment and violence. We are committed to changing the conversation with respect to campus responses by building the framework to develop compassionate, trauma-informed, fair and impartial, and legally compliant practices that tend to the individual needs of students and employees.

B. Holistic and Values-Based Approach

Cozen O'Connor's Institutional Response Group relies on a three-tiered, holistic framework in conducting its work, recognizing that in addition to compliance with the ever-shifting legal and

regulatory framework, an institution's response to sexual and gender-based harassment and violence must also be guided by other vital considerations, including the psychological impacts (which require an understanding of the dynamics of sexual and gender-based harassment and violence, trauma, barriers to reporting, and other related concepts) and cultural context (an institution's unique policies, procedures, personnel, resources, culture, climate, and institutional values). An important foundation of our work is the incorporation of trauma-informed practices and procedurally fair investigative protocols.

In our work across the nation, we seek to bring a values-based approach that involves four key principles: humility, empathy, accountability, and collaboration. Humility is the recognition that "we don't know what we don't know" about another person's lived experience, about an institution and its history, or about other concepts. Empathy is grounded in humility. We articulate the concept as "flipping the lens" – taking the time to learn about another's perspective by listening with an earnest intent to understand. Accountability requires each individual to take responsibility for their own actions, to embrace the tension of difficult conversations or difficult concepts, and to have the courage to acknowledge and apologize for harm. Collaboration is the recognition that "together, we are better than the sum of our parts," and is fostered through shared governance, multidisciplinary teams, and campus partnerships. These foundational principles are a critical part of both how we do our work and how educational institutions can more effectively prevent and respond to sexual and gender-based harassment and violence occurring on their campuses.

C. Investigative Approach

Cozen O'Connor conducted this investigation with a commitment to open-ended exploration of the issues and sought to follow the facts wherever they led. The review process integrated investigative protocols to support a neutral, impartial, and thorough investigation and to report the information gathered in the investigation to the CIOC, President and Board in an objective, organized, synthesized, and dispassionate manner. Cozen O'Connor sought to gather all relevant information and rigorously tie our findings and observations to available contemporaneous documents and witness interviews.

As noted above, Cozen O'Connor had no prior relationship with the College, members of the Board, members of the administration, or members of the faculty. Our selection in this process followed an opportunity to interview with the CIOC to present our qualifications, investigative approach, and professional references. We have sought to honor the College and the CIOC's faith in our professional skills and to adhere with fidelity to the scope of our review, the integrity of our investigative process, our conscience, and our commitment to candor and "calling it as we see it."

During the course of the investigation, the College provided unfettered access to documents, information, and personnel, and was fully cooperative with the investigation. The College respected the impartiality of the external investigation process and took steps to reinforce the integrity of that process. Cozen O'Connor was not engaged to defend the College in response to any litigation by alumni or former employees. As noted above, members of the Institutional Response Group do not participate in any civil litigation, either for or against educational institutions.

Consistent with the scope set forth by the Board of Trustees, we were not engaged to determine whether misconduct occurred as reported, or whether such conduct constituted a policy violation. Rather, our goal in requesting and receiving individual narratives from survivors was to identify the manner in which abuse was reported to have occurred as it relates to cultural, structural, and

organizational factors. In this regard, our work was strongly informed by the personal experiences of individuals, and was more qualitative than quantitative. This process was designed to capture complex, sensitive, and subjective experiences and impacts.¹⁴

Along with this report, we are contemporaneously sharing information about any new reports we received during our investigation with the College's Title IX and Equal Opportunity Office ("Title IX Office") for further actions, including investigative or other remedial actions as needed. Where we have the permission of the individual witness to do so, these referrals include identifying information. Where we do not have permission to do so, the narratives are shared in a de-identified way. In many instances, the accounts we received have previously been reported to the College.

As described below, our work necessarily intersected with broader issues related to shared governance or structural considerations that the College is addressing through concurrent reviews by other consultants. We offer comments, observations, and recommendations on those intersections, but recognize that some of our recommendations may need to be integrated with the College's ongoing work. We have been mindful of staying within our lane of expertise and the scope of our engagement. In some instances, we identify a concern for further action, but leave the corresponding recommendation open-ended, rather than specific.

This report does not include encyclopedic reference to every fact or insight gleaned through interviews, documents, or lived experiences. Rather, in an effort to balance accessibility and ease of access for the broader community, we sought to identify themes and provide illustrative examples to provide the evidence base for our recommendations. At the conclusion of our fact gathering, we circled back to all alumni who spoke with us about their experiences to reflect back to them how their insights informed this report and to share information about the pending release of the report and how they could continue to engage with the College in response to the report. We expect that there may be additional information that comes forward following the release of this report and have recommended that the College create a mechanism to receive that information.

As we gathered information and spoke with campus constituents, we sought to understand individual perspectives and lived experiences. We heard many deeply held convictions or perceptions that, in some instances, have led to entrenched positions and perhaps some reluctance to re-engage given their past experiences. In our fact gathering, we intentionally do not speculate about intent underlying the actions of administrators or faculty. We presume good will and follow the information and inferences based on concrete actions. We stand firmly, however, on the recognition that in the context of an institutional response to sexual and gender-based harassment and violence, there is no one constituency who holds a monopoly on caring for survivors – these issues impact many, some more directly and more acutely, and others more peripherally in the support of those directly impacted. We also recognize that in an organization based on shared governance, administrators, faculty, and the

¹⁴ "Qualitative inquiry is widely recognized as the method of choice for generating insight into complex phenomena, the contexts in which they occur, and their consequences." Creswell, J. W. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches*. Los Angeles, CA: Sage. "Such methods are understood to be particularly well suited to foregrounding and illuminating the experiences and perceptions of those considered to be victims and others whose perspectives have been little voiced, or whose expected experiences have few precedents in prior research." Sofaer, S. (1999). *Qualitative methods: What are they and why use them?* *Health Services Research*, 34(5 Pt 2), 1101.

Board must work in partnership to confront sexual and gender-based harassment and violence.¹⁵

Shared governance requires drawing upon others' strengths across disciplines and roles, and successful team building requires the perspectives and subject matter expertise of a diverse set of administrators, faculty members, students, alumni, and Board members.

Last, in our work, we sought to avoid the *tyranny of temporal compression*, a phrase we have coined to refer to the tendency, in hindsight, to compress all facts learned over a period of time as if they were all known at one earlier point in time. To this end, we sought to refer to contemporaneous documents and other corroborative information when we considered information we received in the context of the broader chronology of events or actions over time. As highlighted elsewhere in this report, ensuring that information is consistently documented and shared centrally with the Title IX Office will help to ensure that there is good information and data to support informed decision-making about patterns of misconduct, eliminate pockets of information dispersed and held by individuals and departments, and deconstruct temporal compression to provide a clear accounting of reports, responses, and resolutions.

D. Naming Conventions

Given the highly sensitive nature of this investigation, and in deference to the privacy of current and former campus community members in the context of a public report, this report generally does not identify by name students, alumni, or faculty members. The decision to share one's identity and experiences – and in what contexts – is an important part of agency and autonomy. In designing this investigation, Cozen O'Connor specifically sought to create a space where individuals could speak with us directly without their comments being shared for personal attribution. We have sought to present as much detail as possible in sharing individual accounts, but have made the conscious and explicit decision to protect the privacy of individuals who reported having experienced sexual or gender-based harassment or violence. For this reason, we do not identify alumni by specific class years, but rather, by the decade of their graduation. With the exception of Christie and Dustin, whose identities were widely publicized, we also do not identify respondents by name. Consistent with the articulated scope of our investigation, we did not assess the credibility or veracity of alumni reports, but rather accepted them as true. The majority of the accounts we received concerned historical allegations of abuse where the faculty member is now deceased.

V. NATIONAL CONTEXT

The issues addressed in this report are not unique to Holy Cross. Across higher education, there has been a disconnect between expectations of care and support for campus community members and the comparative experience of navigating an increasingly complex compliance framework as it relates to sexual and gender-based harassment and violence. We recognize that the issues related to sexual and gender-based harassment and violence are nuanced and complex. Discussions about these issues can be both fraught and challenging. Nationally, we have witnessed cultural change across multiple dimensions, and, as a country, we are learning to embrace the tension and friction that arises as we

¹⁵ "Shared governance refers to the joint responsibility of faculty, administrations, and governing boards to govern colleges and universities. Differences in the weight of each group's voice on a particular issue should be determined by the extent of its responsibility for and expertise on that issue." FAQs on Shared Governance, American Association of University Professors, <https://www.aaup.org/programs/shared-governance/faqs-shared-governance>.

grow and evolve. For some, cultural change cannot come quickly enough; for others, cultural change engenders fear, anxiety, and resistance. While we may all share a commitment to eradicating sexual and gender-based harassment and violence, we may not all agree on how to achieve that goal – nor do we all trust that the individuals with whom we are in community or discussion are motivated by the same positive, aspirational goals. To add to the complexity, the demands of legal and regulatory compliance frameworks often taint administrators, boards, and staff with the perception of institutional bias, namely that they are presumed to favor reducing institutional liability by silencing survivors. That assumption often stands in the way of forward progress, meaningful collaboration, and effective partnerships.

Since April 2011, there has been a seismic shift in the legal framework shaping campus responses to sexual and gender-based harassment and violence. OCR’s April 4, 2011 Dear Colleague Letter articulated an intentional shift to focus on the needs of those impacted by sexual and gender-based harassment and violence.¹⁶ For the first time in a significant guidance document, OCR announced “sexual harassment . . . which includes acts of sexual violence, is a form of sexual discrimination.” This shift thrust colleges and universities nationally into the business of investigating and adjudicating sexual assault cases, all while tending to the academic and psychological needs of all parties. That focus was reinforced in guidance documents released in 2014 and 2015, and in a tsunami of OCR enforcement actions over the ensuing years.¹⁷ Following a change in national leadership, which resulted in a change in OCR leadership, the nation experienced what many have described as a pendulum swing in 2017 with the rescission of the 2011 and 2014 guidance documents and the issuance of new guidance documents that prioritized important principles of due process, which many viewed as a shift that harmed survivors.¹⁸ Significantly, in May 2020, after an extensive rulemaking process, OCR released new Title IX regulations, which for the first time incorporated detailed provisions for responding to sexual harassment into the law, rather than continuing to rely on shifting guidance documents.¹⁹ The regulations, on their face, also purported to elevate complainant agency and autonomy, but given the complexities of the required intake, investigation, and hearing processes, they have been perceived by many as creating barriers for complainants to participate in a process to conclusion. These complexities have included a heightened standard for emergency removal, restrictions on supportive measures that impact a respondent, extended delays caused by the complex evidentiary requirements, and the requirement that the parties submit to cross-examination at the hearing for substantive information to be considered. In June 2022, following another change in Presidential administration, OCR issued a new Notice of Proposed Rulemaking.²⁰ An initial review of the proposed regulations suggests that OCR now

¹⁶ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

¹⁷ See, for example, [Questions & Answers on Title IX and Sexual Violence](#) issued on April 29, 2014 and [Dear Colleague Letter on Title IX Coordinators](#) and [Resource Guide](#) issued on April 24, 2015.

¹⁸ See [Q&A on Campus Sexual Misconduct](#) issued on September 22, 2017.

¹⁹ The preamble to the August 2020 Title IX regulations notes, “These final regulations impose, for the first time, legally binding rules on recipients with respect to responding to sexual harassment.” Title IX Regulations, Preamble, 85 F.R. 30029 (May 19, 2020).

²⁰ See <https://www.ed.gov/news/press-releases/us-department-education-releases-proposed-changes-title-ix-regulations-invites-public-comment>.

seeks a middle approach between the two poles of former guidance – retaining the legal prescriptions, but also returning discretion to educational institutions in a number of areas, including more protective forms of supportive measures.

The current legal framework, at a high level, requires that an educational institution maintain and disseminate a notice of non-discrimination and grievance procedures, provide care and supportive measures upon receipt of a report, provide information about policies and rights under those policies, take prompt and equitable action to investigate and hold individuals accountable using a preponderance of the evidence standard, and monitor climate and take action to remedy individual and community harm caused by sexual and gender-based harassment and violence. The challenge with this legal framework is that Title IX and the Clery Act in many ways require educational institutions to be “all things to all people,” which creates a built-in perception of conflict of interest. This conundrum is especially vexing in the context of credibility cases, where the institution is tasked with making informed and sensitive decisions on difficult issues. In light of this context, many across the country, including at Holy Cross, view an institution’s Title IX Office as a mechanism for protecting colleges and universities from liability, rather than a valuable resource for supporting students, faculty, and staff that seeks to eliminate sexual and gender-based harassment and violence, prevent its recurrence, and address its effects. While that is not our experience or understanding of the function of a Title IX Office, overcoming that misperception requires concerted and sustained engagement with the campus community to demonstrate care and responsiveness, build relationships and trust, and reinforce the role of the office as a true report, resource, and response office.

Concomitantly, high profile cases over the past decade have brought attention to the issues of predation on campus. We have seen numerous examples of faculty or staff across the country who have been found responsible for engaging in significant sexual misconduct with dozens of students for decades. One needs to go no further than the *Chronicle of Higher Education* or *Inside Higher Ed* to follow the headlines that outline pervasive and persistent abuse. These cases have raised important questions nationally about how long-term abuse could occur in the context of values-based, mission-driven institutions. In response to these incidents, on the micro level, individual institutions have been evaluating gaps in policy, oversight, and training that may have contributed to an environment where abuse could go undetected, unreported, or undeterred; on a macro level, higher education as an industry has been seeking to identify effective practices, applying principles of enterprise risk management, and building compliance frameworks that seek to prevent, monitor, and detect abuse.

Higher education is not alone in the shifting foundational principles governing institutional and cultural responses to sexual and gender-based harassment and violence. Similar seismic shifts have occurred in many sectors of our community, including corporations, religious institutions, child-serving institutions, and non-profits. The popularization of the #metoo movement has helped to drive change as well, as has civil litigation, legislative initiatives, and enforcement priorities. For example, grand jury investigations and civil litigation have led to legislative changes regarding extensions to statutes of limitations or the creation of window legislation. Corporate practices have changed as well, with a movement away from non-disclosure agreements and settlement agreements that allow individuals to resign quietly rather than face termination or another form of accountability, to more expansive sharing of information about individuals who have been found responsible for harassment or discrimination, and shifts in traditional human resources practices that now skew towards greater candor in sharing of information when possible.

As we turn to the specific context at Holy Cross, it is important to consider the lessons learned, not only at other educational institutions, but also in the faith-based context and in corporate America. This broader contextual understanding is part of the drive towards a *care-compliance continuum*²¹ that recognizes the need for both supportive measures, resources, and care for the individual, as well as the formal legal structure with appropriate checks and balances to ensure that key elements of effective practices are set forth in policy, resourced in action, and monitored for effectiveness and sustainability.

VI. BACKGROUND AND RECENT EVENTS PRECIPITATING THE REVIEW

Much of the information and perspective individuals shared with us related to the College's response to the reports involving Christie and Dustin, including the multiple investigations commissioned by the College. We provide a high-level discussion of these investigations and perspectives for context, but intentionally do not revisit prior conflicts and concerns. While relevant to understanding the level of distrust and polarization that has occurred over time, the trust deficit related to the prior investigations is an outgrowth of the cultural, structural, and organizational factors identified in this review. To the extent that the breakdown in relationships is caused by structural or organizational factors, or impedes reporting or collaboration on campus, our recommendations seek to identify mechanisms to repair trust and build collaborative processes that build on the work the College has already engaged in under President Rougeau's leadership.

With these caveats in mind, we turn to a brief history of the College's response to the reports involving Christie and Dustin. We recognize that for many community members, including the majority of the student body, the details of the College's response and the timing of the various investigations are not readily accessible to many. This section discusses events thematically, rather than purely chronologically.

A. Reports involving Christie

In August 2018, multiple alumni contacted former President Boroughs to report that Christie had engaged in sexual misconduct with adult students dating back several decades and posed "an imminent danger to students." The College immediately placed Christie on administrative leave, barred him from campus, and barred him from contacting community members. President Boroughs also referred the alumni to the Title IX Office, then run by an Interim Director of Title IX Initiatives, and the Title IX Office initiated an investigation under the College's Sexual Misconduct Policy. Christie subsequently resigned his position with the College. On August 23, 2018, President Boroughs issued a [statement](#) to the community regarding Christie and a pending *Boston Globe* article. President Boroughs committed to a full and comprehensive review and stated, "Our first and highest priority is to ensure the mental, physical and emotional wellbeing of all members of our Holy Cross community, and we will continue our work to create a safe and caring educational environment at the College of the Holy Cross." Following

²¹ We have coined the phrase *care-compliance continuum* to capture the complexity of the task faced by higher education in implementing all aspects of Title IX in a manner consistent with institutional values and mission.

the release of the *Boston Globe* [article](#) on August 23, 2018,²² President Boroughs issued a second letter to the campus community, stating:

I am deeply saddened and disturbed to read the accounts of our alumni in today's Boston Globe, as I am sure those of you who have read it were as well. These alumni have shown tremendous courage to share their painful stories. I want them to know that I hear them. No one should have to experience what was related in today's article and I am profoundly sorry that they had these experiences with a person in a position of trust.

Words are not enough in moments like these, and while it is true that I will hold these members of our community in my heart and prayers, I also vow that the College will be aggressive and thorough in pursuing a full review of the issues and behaviors articulated in the Globe article. You have my commitment to address this situation head on. In addition to completing our current review into these specific allegations, we will immediately undertake a thorough review of culture, structure and/or procedures at the College to prevent misconduct. If issues are found, we will address them. Quickly.

The Title IX Office initiated multiple investigations into Christie's conduct under the relevant College policies in place at the time of the conduct. From September 2018 to June 2019, the Sanghavi Law Office, LLC, an external law firm with training and expertise in Title IX and sexual and gender-based harassment and violence, conducted multiple fact-gathering investigations on behalf of the College's Title IX Office regarding Christie. In total, Sanghavi investigated reports involving ten former students, five who came forward as complainants and five where the investigation was initiated by the College on their behalf because they chose not to be complainants for purposes of a Title IX investigation.²³ In conducting its investigations, Sanghavi interviewed 19 individuals and reviewed available documents. Christie, through his legal counsel, declined to participate.

In July 2019, Christie was found responsible under College policy for conduct between 1994 and 2018, ranging from boundary violations to explicit sexual acts and years-long relationships with students,

²² According to the *Boston Globe* article, a group of former students (all of whom were "Organ Scholars," a prestigious position that involved assistant duties and close studies with Christie) wrote to President Boroughs on August 3, 2018 that "[s]everal of us were sexually abused by Prof. Christie while we were Holy Cross students" and that Christie was "an imminent danger to students on your campus." The former students featured in the *Boston Globe* article described "a pattern of sexual harassment by Christie," which they said consisted of Christie "us[ing] his considerable artistic standing to manipulate and cajole students, dangling before them entrance to some of classical music's most rarefied circles." They said Christie created a "sexually charged environment that included lewd comments, large amounts of alcohol, and unwanted touching over a period between 1994 and 2017." This unwanted touching included "physically grop[ing] them, rubbing their thighs, proffering massages, and grabbing their rear ends." Two of the former students also described "long-term sexual relationships Christie initiated with them as undergraduates," which involved "unprotected sex in a variety of public spaces" on campus. Christie was also reported to have engaged in similar misconduct at multiple educational institutions.

²³ In 2018 and 2019, the College received four additional reports of misconduct by Christie. The individuals who made these reports did not participate in the Sanghavi investigations. The alleged misconduct reported by two of these individuals occurred in the 1980s (as early as 1985 and 1986) with one report of inappropriate language from as late as 2018.

occurring both on and off campus. The evidence reflected that Christie engaged in widespread and pervasive inappropriate conduct, including conduct of a sexual nature, that was not contemporaneously reported to College administrators. These behaviors consisted of grooming activities, comments and gestures of an explicit sexual nature, vindictiveness or retaliation towards those who did not reciprocate his advances or directions, prying and invasive questions about students' sexual activities, instances of physical touching (e.g. shoulder massages, touching of thighs, genital fondling), and, in some cases, explicit sexual acts (including oral and anal sex). These behaviors occurred both on campus and off campus. Two students reported that they had years-long, intimate sexual relationships with Christie that they believed at the time to be consensual but later realized were highly inappropriate. Although not the subject of a Title IX investigation, Christie was also reported to have engaged in sexual misconduct with two students as early as 1985 and 1986.

On July 9, 2019, President Boroughs informed the campus community that Christie had been found responsible for sexual harassment and misconduct, his employment terminated, and any awards or honors revoked. President Boroughs wrote, "I am deeply sorry for what our alumni experienced. It is simply unacceptable that anyone would experience this kind of behavior at Holy Cross. While we cannot undo past behavior, we are committed to supporting our brave alumni who came forward and to aiding in their healing."

B. Catanzano/Holland and Knight External Review of Culture, Policies, and Procedures

Concurrently, in the fall of 2018, the College initiated an external review of the its culture, policies, and procedures relating to the prevention and reporting of sexual misconduct, and the safety and wellness of the College community. This review was led by Phil Catanzano of Holland and Knight. The Catanzano review included a general review of existing policies, including an examination of the potential need for new or enhanced policies; a review of the College's organizational and reporting structure, as it relates to safety and wellness on campus; a review of the College's Sexual Misconduct Policy, as well as additional issues arising from the execution of that Policy; a general review of the physical safety of the campus, with a focus on security within various buildings on campus; and a review of the culture of the College, insofar as it related to preventing and reporting sexual misconduct. Catanzano interviewed approximately 70 individuals, including current and former students and employees, as part of his review. Catanzano provided periodic updates on the status of his review, including updates on November 14, 2018, March 1, 2019, and April 30, 2019.

On July 31, 2019, the College published Catanzano's written report, entitled [Review of the College of the Holy Cross' Culture, Structures, and Procedures](#). Catanzano found the following:

- policies relating to certain student, faculty, and staff activities were lacking or underdeveloped;
- campus community members reported a perceived history of unclear boundaries between faculty/staff and students that, whether true or not, may have lowered professional expectations or created the misperception that such conduct was appropriate;
- individuals had been appointed or hired who were perceived to fall outside of the College's internal organization and oversight structure, either because they had unique roles or were hired pursuant to a special appointment process;

- the process of appointing departmental or administrative leaders was unclear, leading to the perception by campus community members that appointments were based on personal relationships or other unknown factors, rather than objective criteria, and serving to harm morale given the lack of notice or consultation;
- there were barriers to reporting of misconduct tied to a fear of retaliation, a perception by campus community members that reporting would be a futile exercise, an assumption that others already knew about the conduct, and/or a distrust of Title IX, Human Resources, or specific members of leadership;
- faculty members were reluctant to make reports pursuant to their responsible employee reporting requirements because they worried that their reporting obligations could chill their ability to support students;
- there were challenges relating to the College's Title IX response, including that the Sexual Misconduct Policy was too long and complex, the Title IX Office was not responsive, there were extensive time delays in individual matters, there was not sufficient transparency in information about reports and outcome, and the Title IX Office bore the brunt of decades of institutional frustration.²⁴

In his [letter](#) sharing the report with the community, President Boroughs focused on two elements of the report related to reporting and civility. First, he highlighted Catanzano's observation that members of the community were reluctant to report information about possible inappropriate behavior due to "fear of retaliation, assuming that the information was already known, feeling that reporting would compromise a position of trust, distrust of certain offices or leadership, or concern that the reporter would be in trouble of some kind for not coming forward earlier." In response to these concerns, President Boroughs solicited historical reports by employees with reporting responsibilities and extended an amnesty period to make a report without consequence for not having previously made the report under the Sexual Misconduct Policy. President Boroughs also addressed "harmful and disrespectful treatment of any individual in our community," reflecting that:

Our mission calls us to build a community marked by freedom, mutual respect and civility. The responsibilities to live up to our core values, identify our shared commitments, listen carefully to each other and discern how to move forward together even when we disagree belong to each and every one of us. As we continue to work toward preventing misconduct on our campus, we will also be focused on enhancing our efforts around respect and inclusivity in the coming academic year.

Both areas of focus, three years later, are still relevant to the Holy Cross community.

²⁴ We have incorporated reference to Catanzano's findings throughout this report as they largely align with our observations and information we received through this investigation.

C. Reports Involving Dustin

On January 24, 2019, *Worcester Magazine* posted an [article](#) asserting that the College had mishandled sexual misconduct allegations against Christie and former Dean of the Faculty Christopher Dustin.²⁵ The article referenced the 2018 demotion of Dustin “amidst sexual misconduct allegations brought forward by a recent alumna.” The alumna, from the class of 2017, detailed her experiences with Dustin, which included being invited to take his seminar, being handpicked for a position that was traditionally for work study students, feeling pressured to write her Senior Honors Thesis under his mentorship, as well as being subjected to his romantic advances, “sexually-charged” comments, and psychological grooming that led to intimidating behavior and an abuse of power regarding her thesis grade. The article noted that the Title IX investigation into the alumna’s April 2017 Title IX complaint lasted 20 months, and reported that during the course of the investigation, Dustin was permitted to continue to work with female students, maintain his role as dean, advise theses, and teach courses. In addition, the article noted that Dustin continued in his teaching role at the College after the investigation, even though he was demoted from his role as dean and restricted in his interactions with female students or junior employees.

On January 30, 2019, President Boroughs shared with the College community that the College had conducted a thorough and extensive investigation into sexual harassment allegations against Dustin and that he had been found responsible and had been sanctioned for violating College policy; that the College received additional allegations against Dustin which would be investigated by an external investigator; and that Dustin had been placed on administrative leave.

The Title IX Office conducted multiple investigations into allegations against Dustin. Complaints related to Dustin were made to the College between 2017-2019 involving at least seven women (one staff member, and six students), with conduct reported to have occurred as early as 1995.²⁶ Three reports of sexual harassment made to the Title IX Office between March and June 2017 were investigated by the Sanghavi Law Office. As the College shared with the community in January 2019, Dustin was found responsible in August 2018 for sexual harassment pertaining to two of the three complainants (both student-complainants), and not responsible as to one of the complainants (the staff-complainant).

In the course of the College’s 2018-2019 investigation into the Christie allegations, additional information about Dustin came to light. Two former male students reported that Dustin sexually

²⁵ With respect to Christie, the article referenced the earlier *Boston Globe* article, and criticized the College’s response to outreach by five former Organ Scholars.

Dustin served as a Professor of Philosophy at the College from 1992 until 2020. He also served as Chair of the Philosophy Department and became Dean of Faculty on July 1, 2017.

²⁶ In May of 2017, a former student reported to the Provost that she had a consensual sexual relationship with Dustin from 1995 to 1997, when she was a student at Holy Cross. The Provost promptly reported the 2017 disclosure to the Title IX Office. The former student spoke with the Title IX Office at that time and indicated to them and to the Provost that she was not interested in pursuing an investigation at that time.

Consistent with policy frameworks across many institutions of higher education in the mid-1990s, there was no written policy prohibiting consensual relationships between students and faculty.

harassed two former female students between 1995 and 1998, that Dustin consumed alcohol inappropriately with students during this same timeframe, and that Dustin had a sexual relationship with a student.²⁷ In addition, on January 27, 2019, another female former student reported to the College's Title IX Office that she had been sexually harassed by Dustin during her senior year at Holy Cross in 2016-2017. The College engaged Hirsh, Roberts, Weinstein LLC, a law firm with expertise in Title IX and sexual and gender-based harassment and violence to investigate the new reports.

On August 26, 2019 a 2000s alumna made another report to the Title IX Office via email. She described behaviors by Dustin that consisted of "boundary-crossing," but said that Dustin did not touch her or make overt sexual comments to her.

There were no findings of policy violations for much of the conduct reported in 2019.²⁸ Dustin was terminated in September 2020 following a finding of a policy violation for violating the College's Duty of Honesty under the College's Sexual Misconduct Policy (in connection with a sexual harassment investigation which did not result in a finding of harassment). As noted elsewhere in this report, Dustin has denied the allegations against him and has filed a lawsuit against the College in connection with his termination. The College has filed a counterclaim against Dustin.

As described below, additional concerns related to the College's prior knowledge, if any, about Dustin arose in October 2019. The Executive Committee retained James Keller, an attorney with Saul Ewing Arnstein & Lehr LLP, an external law firm, to investigate those concerns, which focused on whether certain administrators at the College had received reports about Dustin prior to elevating him to leadership positions and, if so, whether the College failed to respond to those reports.

D. Student and Faculty Engagement

During the 2018-2019 academic year, students organized to protest the College's response to the Christie and Dustin cases, as well as other contemporaneous concerns, including a report of a bias incident in October 2018. On November 16, 2018, the College sponsored an ENGAGE Summit called "Where Do We Go From Here?" The Summit provided an opportunity for students, faculty, and staff to come together to discuss a range of topics related to discrimination and harassment. To facilitate participation, the College cancelled classes, athletics, and extracurricular activities. Campus community members engaged in dialogue and reflection through a wide variety of workshops and panels. During the fall of 2018, students also created an Instagram account, @sexualassaultonthehill, which ultimately had 128 posts and close to 3,000 followers.²⁹

As detailed above, on February 4 and 5, 2019, students organized a sit-in, which resulted in the President and student organizers meeting and the President agreeing to meet several of the student-protestors' demands. Their demands included an acknowledgement from the College that Dustin had been permitted to continue teaching despite the allegations and investigation, that the College terminate Dustin and revoke his 2004 Distinguished Teaching Award, that the College conduct an

²⁷ This is the same student who reported the conduct in May 2017. She subsequently participated in an investigation as a named complainant.

²⁸ In two instances, Dustin was found not responsible for sexual harassment. In the other two instances, the conduct was not referred to a hearing based on the limited nature of the information and Dustin's termination.

²⁹ The account is now "inactive" and on "indefinite hiatus."

external audit of its Title IX policies and program, and that the College issue a preliminary report of the Catanzano investigation.

On February 6, 2019, President Boroughs shared a letter with the community addressing student concerns; apologizing that “any student would feel that they were put into a position in which their safety was compromised;” acknowledging a gap between the College’s commitment to student safety and welfare and the students’ assessment of the College’s actions; specifically addressing students’ reactions to decisions around communication regarding allegations against Dustin, who remained in the classroom during a 20-month investigation; and commending the commitment of students.

On February 7, 2019, the Academic Governance Council created the *ad hoc* Committee, which was charged with reviewing the College’s response to reports involving Dustin, the College’s procedures for investigating and evaluating reports of sexual misconduct by faculty members, the protocol for reporting outcomes of investigations, and upcoming changes to the College’s Title IX policies. The *ad hoc* Committee articulated a concern that the College’s response to reports of sexual misconduct by Dustin and Christie had failed to uphold the College’s mission, leading to “an erosion of trust among students, faculty, and the administration.”

On March 26, 2019, the *ad hoc* Committee requested that the College engage “an independent external investigator to conduct a comprehensive investigation around recent Title IX cases and release a written report of the findings of this inquiry to the College administration and community.” The *ad hoc* Committee wrote, “The mandate charges the committee to address questions involving the vetting and appointment of candidates for administrative positions and the issuance and monitoring of sanctions in Title IX cases.” With respect to vetting, the *ad hoc* Committee noted, “[I]t is possible that a faculty member was elevated to a position of leadership despite past concerns about his personal conduct.” The *ad hoc* Committee also noted, “It appears that candidates for leadership positions were vetted in a way that left student, staff and faculty interests inadequately protected.” As it related to sanctions, the *ad hoc* Committee noted, “[I]t appears that there was insufficient communication with faculty supervisors who were in a position to monitor the sanctions imposed as a result of a Title IX case.” The *ad hoc* Committee identified the importance of these questions “to permit our Holy Cross community to re-establish the bonds of trust needed for our work in support of the College’s mission.”

On April 2, 2019, at a faculty assembly meeting, former President Boroughs denied the request for an external investigation, in part because of the ongoing Catanzano review. On April 2, 2019, the Faculty Assembly moved that the Board of Trustees hire independent counsel to fulfill the mandate of the *ad hoc* Committee by:

1. Conducting a comprehensive examination of patterns of faculty sexual misconduct;
2. Identifying cultural issues, policies, and practices that have enabled misconduct to occur;
3. Evaluating the integrity of administrative actions; and
4. Reporting its complete findings to this community within a reasonable timeframe, estimated at the outset of the investigation.

On April 5, 2019, the *ad hoc* Committee issued a statement expressing disappointment in the President’s decision not to appoint an independent investigator and reaffirming their “desire to work with all members of the Holy Cross community to seek resolution of these matters.”

On April 8, 2019, the *ad hoc* Committee wrote to the Chair of the Audit Committee of the Board of Trustees to request a meeting to present the April 2, 2019 motion approved by the Faculty Assembly and discuss the request for an independent investigation. The *ad hoc* Committee identified two specific incidents for examination by the independent investigator: whether Dustin had been elevated into leadership positions despite prior notice and knowledge of potential misconduct; and whether and how sanctions against Dustin were properly monitored. This meeting subsequently occurred on April 23, 2019. On May 7, 2019, and August 20, 2019, the *ad hoc* Committee presented interim reports on its work to the Faculty Assembly, as well as a report at the end of the 2019-2020 academic year.

E. Special Committee of the Board

In April 2019, the Board of Trustees created a Special Committee of the Board to review and evaluate the requests of the *ad hoc* Committee and whether the Board should initiate an investigation on its accord, despite the President's decision not to do so. In making this determination, the Special Committee sought to evaluate whether College administrators had properly addressed issues raised by the *ad hoc* Committee. The Board engaged Michael Baughman of Pepper Hamilton (now Troutman Pepper) to assist the Special Committee.

On August 1, 2019, the Special Committee responded in writing to the *ad hoc* Committee's request for an investigation. The Committee concluded that "it is not appropriate for the Board to undertake our own additional investigation or to appoint an independent investigator for that purpose." The Special Committee referenced its fiduciary and oversight role and focused its actions on evaluating whether President Boroughs and senior administrators were properly addressing the issues raised by the *ad hoc* Committee. The Special Committee wrote, "[W]e saw nothing that would call into doubt [the Provost's] statements to us that she was unaware of allegations of improper conduct by Professor Dustin prior to the decision to appoint him." Further, "[W]e are confident that Provost Freije – who was not involved in deciding the sanctions – had a plan in place to ensure that Dustin followed the imposed sanctions." Finally, "[W]e believe that the administration has appropriately addressed or is appropriately addressing the specific matters about which you have raised concerns and see no reason for the Board to appoint an additional investigator to look further into matters concerning Professor Dustin."

On August 12, 2019, the Special Committee provided a summary of the August 1, 2019 letter in response to the *ad hoc* Committee's request for information in a format that could be shared with the College community. The Special Committee wrote, "Having thoroughly reviewed your concerns, and having discussed them at length with the administration, and for the reasons set forth in our August 1, 2019 letter to you, we are satisfied that Father Boroughs and his team have addressed or are addressing every allegation that you raised concerning the named professor."

F. Keller/Saul Ewing Investigation re: Institutional Response to Reports about Dustin

On September 17, 2019, the Faculty Assembly hosted a session for faculty regarding faculty sexual misconduct wherein three survivors shared their experiences with the faculty. On October 5, 2019, and October 11, 2019, one of those individuals, a 1999 alumna, shared her experience, respectively, with *the Telegram & Gazette* and *The Spire*. According to the alumna, in the spring of 1997, she shared a report

of “boundary violating and other inappropriate behavior” by a professor with her then class dean, Margaret Freije (who later became Provost).³⁰

Based on this new information, the Executive Committee retained James Keller, an attorney with Saul Ewing Arnstein & Lehr LLP, to conduct a review into whether certain College administrators had been aware of potential misconduct involving Dustin before appointing him to various leadership positions. Keller conducted a detailed factual investigation to determine what information Provost Freije knew about Dustin’s alleged behavior or any allegations against him at various times in her oversight of Dustin. Keller interviewed 38 witnesses and conducted extensive document review involving thousands of documents, including large amounts of email correspondence by and between individuals involved.

On January 22, 2020, a report authored by Keller was shared, under privilege, with non-student members of Faculty Assembly and the College’s Executive Team. The report, entitled *Conclusions of Investigation*, summarized the evidence gathered, shared the core conclusions, and noted that extensive support for the analysis was maintained in Keller’s privileged and confidential file. In particular, Keller found that it was more likely than not that the 1999 alumna “did discuss unwanted attention and uncomfortable behavior by Professor Dustin in her meeting with Provost Freije, but it is more likely than not that she did not say the words ‘sexual harassment’ or ‘sexual misconduct’ or any word or phrases of that nature that would have suggested a more serious degree of alleged misconduct.” Keller also wrote, “Based on [the 1999 alumna’s] own description of that meeting, however, she was reluctant to share any graphic detail with Dean Freije. She also specifically told Dean Freije that she wanted to remain anonymous and that she did not want any action taken against Professor Dustin while she was still his student that semester – her hope was that action would be taken to benefit future students.”

On January 25, 2020, the Board of Trustees reviewed the Keller report and unanimously passed a motion: “On behalf of the entire Board of Trustees, we express our full and unqualified confidence and support for Provost Freije and very much hope she will resume her full duties immediately.” And on January 27, 2020, the Executive Committee of the Board sent a letter to campus community sharing the conclusion of the Saul Ewing investigation and noting, “It is the opinion of the Executive Committee of the Board of Trustees that the findings of this investigation do not provide evidence of misconduct or compromised judgement by Provost Freije.” Also on January 27, 2020, President Boroughs wrote,

Late last week, the Executive Committee let me know that the investigation had concluded. As the members of the Executive Committee have just shared with you, they found no evidence of misconduct or compromised judgment by Provost Freije. They and the full Board have expressed their full confidence and support for Provost Freije and their hope that she will resume her full duties immediately.

For some campus community members, including faculty members who were provided access to the Keller report, the statements by the Board and President Boroughs were perceived as exonerating the

³⁰ See Alumna Shares Statement Detailing Allegations, <https://hcspire.com/2019/10/11/alumna-shares-statement-detailing-allegations/>.

Provost, rather than reflecting what they believed was a more nuanced discussion of the facts and findings in Keller's report.³¹

G. Comprehensive Investigation Advisory Group (CIAG)

On October 22, 2019, the Faculty Assembly approved a motion as follows,

The members of the faculty assembly call upon the President of the College to authorize a comprehensive independent inquiry to identify the cultural, operational and organizational factors that allowed incidents of faculty sexual misconduct to occur and go undetected and/or unaddressed for decades. The full final report of the inquiry shall be shared with the campus community.

On October 30, 2019, President Boroughs committed to a comprehensive investigation to address the community's questions about the past: "How was misbehavior able to occur on our campus? Were there people who were aware of questionable behavior who didn't speak up? And most importantly, if so, why? These are important questions that speak to our culture."

On November 25, 2019, President Boroughs announced the creation of the CIAG to discuss the goals and focus for a comprehensive investigation regarding faculty sexual misconduct, the process for choosing the investigator and how to communicate the findings. The CIAG was composed of three faculty members and three administration members, and was chaired by the Chair of the Audit and Institutional Risk Committee of the Board.

On March 31, 2021, the CIAG issued a report to the Board of Trustees with a recommended scope of investigation. The report summarized the CIAG's discussions on a variety of topics, including the "many issues surrounding faculty sexual misconduct, and more generally, the climate and culture on campus and the relationships among faculty, and between faculty, the administration and the Board of Trustees" and the "general breakdown in trust between the faculty and the administration/Board." The CIAG also explicitly discussed concerns about the prior investigations. While not all members of the CIAG shared the same perspective about the relative strengths or challenges related to the prior investigations, the CIAG report identified the following: "[c]oncerns about the selection of and access to the investigator," a perceived lack of independence given prior work conducted by Catanzano and Holland and Knight, the perception that Catanzano's summary report omitted information that had been shared during the review, the perceived failure to close the loop with witnesses at the conclusion of the review, a perceived lack of accountability and failure to accept responsibility, a perceived lack of transparency, and a perception that the College has failed to follow the recommendations.³²

³¹ This perception was echoed by local media coverage, which posted an article entitled, Holy Cross Official Exonerated, <https://www.telegram.com/story/news/education/campus/2020/01/28/committee-finds-holy-cross-administrator-did-not-mishandle-complaints-against-faculty/1811150007/>.

³² In our review, we heard many of the same concerns from campus community members, including a general sense that the report did not include all of the information shared with Catanzano, that the pre-existing relationships between Catanzano and the College created, at a minimum, the perception of bias, and that the content of the report did not reflect the contributions by the individuals who participated in the review. Holland and Knight has previously served as external general counsel, had developed earlier Title IX policies, and had conducted an earlier hazing investigation within the Athletics Department.

The CIAG report focused on the goals, scope, oversight, and reporting elements of the investigation, noting that, “The specific purpose of the investigation, however, is to provide recommendations that will allow the College to take concrete actions to improve culture, work toward restoring trust, and decrease student vulnerability to faculty sexual misconduct.”

On May 18, 2021, the Executive Committee of the Board, with the endorsement of the full Board, approved a Comprehensive Investigation into Faculty Sexual Misconduct. Cozen O'Connor was subsequently engaged to conduct this investigation.

VII. AGGREGATE THEMES FROM COMMUNITY SURVEY AND CAMPUS LISTENING SESSIONS

We explicitly sought student, staff, faculty, and alumni perspectives by hosting listening sessions on campus for community members; developing an online form where all campus community members could share information anonymously; and meeting individual community members either at Cozen O'Connor's request, on the recommendation of others, or at the request of the individual.

A. Online Survey

At the outset of the review, Cozen O'Connor created an online survey to solicit feedback from students, staff, faculty, alumni, and other campus community members. The survey was designed to allow individuals to submit information anonymously or to request an opportunity to meet with Cozen O'Connor. Campus community members were invited to participate in the survey through a March 31, 2022 email from the CIOC. The link was distributed to students, faculty, staff, and alumni. The survey remained open until June 24, 2022.

The survey included the opportunity to provide narrative entries in response to open-ended questions which sought to understand:

- the nature of student-faculty interactions at the College, the ways that students engage with faculty outside of the classroom setting, and the circumstances, if any, where faculty and students socialize in a context that involves alcohol or other drugs;
- the norms or expectations around professional boundaries between students and faculty, and any concerns about settings or contexts that blur or compromise professional boundaries;
- the perception of the College's response to reports of sexual misconduct committed by faculty members;
- awareness of any reports of faculty sexual misconduct that have been downplayed, misunderstood, or mishandled;
- concerns about the impact of power imbalances or potential retaliation for making a report involving faculty sexual misconduct;
- experiences of retaliation by a faculty member, by someone acting on behalf of the College, or by any member of the College community in connection with a report of faculty sexual misconduct;
- the effectiveness and relevance of Title IX education and prevention programming and training provided by the College;
- the perception of campus confidential resources and reporting options; access to or the provision of supportive measures to students and employees;
- familiarity with campus policies regarding Title IX and faculty discipline;

- familiarity with sexual misconduct reporting provisions, investigations, and resolution processes generally;
- barriers to reporting;
- approach to responsible employee reporting responsibilities; and
- recommendations for the College about how to foster reporting, increase trust, and prevent faculty sexual misconduct.

The responses to the online survey were not shared with the College except in aggregate and summary form. No personally-identifying information was captured unless the survey participant voluntarily and manually shared it at the conclusion of the survey.

420 individuals accessed the survey: 289 alumni (from 1950 forward), 51 current students, 42 faculty members, 8 faculty members who are also alumni of the College, 25 staff members, 4 staff members who are also alumni of the College, and 1 trustee. Of the 420 participants, 145 provided narrative written responses to questions. Cozen O'Connor responded to requests from 13 survey participants to be interviewed, and met with 10 of those 13 individuals (three participants did not respond to Cozen O'Connor's follow-up outreach).

The majority of participants that commented on the nature of student-faculty interactions reported them as positive. Some participants shared either their direct experiences of sexual misconduct at the College or that of a friend who had such an experience. A pervasive theme reported by alumni from the 1980s forward, who either experienced sexual misconduct directly or indirectly, was a belief that there was an "open secret" or "subculture" of certain faculty members who had "boundary issues" during earlier time periods. Those who experienced sexual misconduct described classic grooming tactics used by certain faculty members. These grooming behaviors included using the facades of private counseling, mentoring, or advising to facilitate sexual misconduct; offering gifts and trips to students; socializing with students in settings that included alcohol and recreational drugs; and inviting students to stay with the faculty member over a school break in cases where the student could not return to their home for the break.

Participants had mixed perceptions of the College's response to reports of sexual misconduct. For some, their perception was based not on personal experience, but on recent media accounts. Those who had direct experience with the College's response questioned the "fairness" of the process and described the response as "half-hearted," "disheartening and ineffective," or "slow." Multiple participants asserted that the College "ignores" reports of sexual misconduct, whereas others noted "improvement" over the years. Some participants expressed their belief that the "school will always protect the school."

B. Student Perception Shared in Individual and Group Meetings

Students offered salient perspectives on the current culture at the College. Most of the students Cozen O'Connor met with in 2022 were not familiar with either Christie or Dustin, nor of the lengthy procedural history described above. They described limited knowledge or awareness of Christie, Dustin, or of the risks of sexual harassment by faculty or staff. Those who were aware of the reports involving Dustin expressed the concern that Dustin was not suspended and that based on their understanding, Dustin was still permitted to teach and interact with students. Given that four years have passed since the 2018-2019 academic year, three quarters of the student body were not yet enrolled at the College

when Christie and Dustin were employed by the College. The College's 2022 graduating class were newly matriculated first year students when the issues about Christie became public, and less than a quarter of the student body was present for the 2018 ENGAGE Summit.

Current students are directly engaged in prevention and awareness programming and initiatives regarding sexual and gender-based harassment and violence. The ENGAGE Summit had a positive impact on the student body and students relayed a strong desire to hold regular and recurring opportunities for dialogue and engagement. Students shared that they are hoping to host an annual ENGAGE Summit to address issues related to their current student experience, including the impact of sexual misconduct on a small campus. One student recognized that because "everyone knows everyone, everyone is 100 times more likely to protect perpetrators that they know."

In both the survey and the in-person meetings, students identified a need to learn more about professional boundaries with staff and faculty, in order to help students identify grooming behaviors and boundary violations and understand when conduct is out of the norm. Students also articulated a need for additional information about Title IX and the specifics of the Title IX process following a report.

Students also largely expressed faith and trust in the Title IX Office, in administrators, and in faculty. We observed positive working relationships between students and Title IX Office staff who serve as advisors for student groups.

VIII. ALUMNI REPORTS OF HISTORICAL ABUSE

During our review, 19 alumni spoke with Cozen O'Connor to share their experiences of sexual misconduct while enrolled as students at the College. We spoke with one alumnus from the 1960s, three alumni from the 1970s, one alumnus from the 1980s, seven from the 1990s, one alumnus from the 2000s, and six alumni from the 2010s. The reported incidents dated back to 1959 and generally fell into the following categories: overt sexual harassment and sexual violence towards women within the years after the College became co-educational (by students, faculty, and staff); extensive grooming and boundary crossing; sexual abuse and exploitation of students by faculty in a position of power; same sex (male on male) sexual abuse; instances of reported misconduct in Athletics; and an insufficient response by the College to reports of sexual misconduct. The individuals who shared with Cozen O'Connor their experiences of sexual misconduct at the College provide a framework for evaluating the questions set forth in our scope.

One alumnus from the 1970s who disclosed grooming and sexually inappropriate contact with a faculty member expressed appreciation for this process and for the College's continued outreach to inquire about their experiences:

I was really surprised to hear that they were interested in things that took place in the past If it wasn't for President Rougeau's [February 3, 2022] letter, which I thought was incredibly inviting, I probably wouldn't be talking to you. It's not a big story. I didn't get raped. I didn't have some of these horrible things. I definitely did feel dirty, as growing up a Catholic, I felt hugely dirty I never thought I would have the opportunity to relate my little tidbits to anybody.

A. Overt Sexual Harassment and Sexual Violence Towards Women Shortly After the College Became Co-educational

A 1970s alumna from the College's inaugural co-educational class described witnessing "a lot of stuff that would be frowned on today." She recalled being in the dining hall among 500 people and "all the men's eyes were on you." She also recounted a time when a group of women, who male students perceived to be "sexually promiscuous," were given nicknames by the students who, in an effort to shame these women, hung a white bed sheet out of the residence hall windows with the women's names in purple lettering. The alumna described feeling intimidated by the 10:1 ratio of men to women and the "double standard" that accompanied community reaction to women on campus. She recalled a time in 1974 when male students streaked across campus to the gates of Linden Lane, and were met by news cameras. She said the reaction was "all well and good – [just] boys having fun." A few days later, after a small group of women also streaked across campus from one hall to another, community reaction was "awful" and the female students were mocked and ridiculed.

An alumna from the late 1970s, the third co-educational class, described pervasive sexual harassment in the context of a patriarchal male culture. She recounted that she was a student-worker and her supervisor, an employee in the athletics department, frequently called her into his office to tell her "all of the sexual things he wanted to do with her." She recalled that other athletes tried to protect her from the supervisor, who outwardly engaged in unwelcome sexual advances toward her. The alumna described feeling trapped, as a 19-year-old student, as she was forced to sit in her supervisor's office and listen to sexually explicit overtures and advances. The alumna also described pervasive sexually harassing statements by male students and student-athletes, not being invited to the varsity banquet or receiving a varsity watch despite her athletic achievements, and inappropriate comments by her Jesuit professor ("the only reason he gets up for the 7:30 a.m. class is to see [the student] come in with her pants painted on.")

When the alumna graduated from Holy Cross, she described feeling beaten down and having lost her self-esteem. She detailed continuing effects from the trauma of her experience at Holy Cross. After graduation, she was paralyzed with fear at the thought of entering the working world alongside men. She described thinking, "If I get a job with all of these men, I will be harassed and be asked to have sex," and that fear prevented her from seeking out career opportunities. That fear has transcended decades.

B. Extensive Grooming and Boundary Crossing

"Grooming" is a term of art typically used in the evaluation of child abuse that refers to those behaviors designed by an offender to break down the normal barriers that might exist between the offender and the potential victim, in order to support or facilitate sexual victimization. The use of the concept of grooming has also been applied to other relationships that involve power imbalances, including in the context of sexual harassment of undergraduate and graduate students by faculty or staff.

Grooming is a process by which offenders gradually draw victims into a sexual relationship and maintain that relationship in secrecy. Grooming interactions usually involve desensitizing the victim to sexuality and emotionally manipulating the victim's response. Grooming often sets the tone or context for later abuse by preparing victims for, or making victims accustomed to, later sexual harassment, sexual assault or sexual misconduct. It serves as a means of ensuring victims' compliance and allowing the offender to maintain the abusive relationship. Through the grooming process, an offender builds a rapport and

emotional connection with a targeted victim in order to gain the victim's trust, then later distorts and manipulates the relationship to gain access sexually and maintain secrecy. Grooming can include positive behaviors that mimic affection or mentoring, as well as behaviors that are more directly and objectively inappropriate, often referred to as boundary violations because these behaviors violate appropriate professional boundaries between an adult and an individual in a more vulnerable position based on a power imbalance. The impact of the positive behaviors makes it more difficult for the victim to identify the offender's true intent. Common examples of grooming behaviors include: targeting a person for special attention, activities or gifts; slowly isolating a person from other social relationships; finding reasons for isolated, one-on-one interactions, such as sleepovers, trips, or private instruction; gradually crossing physical boundaries or engaging in activities that lead to "accidental" or incidental touch (e.g. tickling, roughhousing); and encouraging the victim to keep activities and conversations secret from others. The progression to sexual physical conduct often occurs simultaneously with non-sexual physical contact (e.g., hugging, rubbing, hair brushing, accidental bumping, wrestling, and tickling). This behavior may begin to occur more regularly, desensitizing the victim to more prolonged or explicit conduct.

Notably, an offender's grooming behaviors often expand beyond the victim. An offender may groom a potential victim's parents and caregivers, the victim's parents, the offender's co-workers, and other members of their shared community. An offender intentionally works to create a positive reputation in order to gain access to the potential victim, reinforce caregivers' trust in the offender, and minimize the chances that the potential victim will be believed if the victim discloses to individuals who trust the offender. The more effectively an offender can groom the individuals in the victim's environment, the less likely it is that the offender will be reported and the lower the probability that the reporting victim will be believed.

Four alumni from the 1970s, 1980s and 1990s detailed instances of grooming and inappropriate boundary crossing that for some resulted in sexual misconduct by the same "highly valued" faculty member at the College, now deceased.³³ Two of the four alumni, from the early and late 1990s, recounted being invited by the professor, as first year students, to expensive dinners where they sat at a secluded table and were encouraged by the professor to order whatever they wanted. One of the alumni recalled choosing an inexpensive meal and the professor "insisted" that he order something more expensive. The alumni each said that after dinner, the professor treated them to gifts at the grocery store, where he again insisted that they pick out cookies or chips. For one alumnus, the interaction escalated to inappropriate touching.

A 1970s alumnus recounted that the same professor held gatherings with more senior students, and when the alumnus was invited as a freshman, he felt "out of his league but very honored." The alumnus said when the evening broke up, the professor invited the alumnus to stay behind, which made the alumnus feel "doubly [and] triply honored." The alumnus described subtle but intentional advances by the professor, such as asking the alumnus about his life and asking for a backrub. At Thanksgiving, the alumnus did not have enough money to return home and the College let him stay in the residence hall. The alumnus said when the professor invited the alumnus to his residence, the professor was in his underwear and at one point, he kissed the alumnus on the lips and invited him to lay down with him.

³³ In our review of Title IX records, we identified additional historical reports involving the same professor. We also note that alumni expressed concerns that the professor has received honorifics by the College.

The alumnus said after that encounter, he avoided the professor, despite the professor sending him invitations and expensive gifts. The alumnus said he still took classes with the professor, but “stayed on the other side of the room so as not to encourage anything further.”

A 1990s alumnus said it was not unusual for the professor to invite male students to the sauna in the Hart Center or to his residence at all hours of the day or night. The alumnus observed that the professor had a particular interest in male student athletes and “would be there when their bus came home or their game ended.” He said that the professor also hosted male students on ski trips to New Hampshire and Vermont. Another 1990s alumnus also commented the professor gave “longer lasting hugs [that were] creepy.”

During the above interactions, the alumni shared that the professor made comments on students’ physical appearance that, according to one 1990s alumnus, were “completely inappropriate.” The alumnus noted there was “always a sexual charge in the air that he would instigate or elevate.” The alumnus observed there was a “definite sexual thrill for [the professor], even if nothing physical happened” and noted the professor created “a social-sexual circle” that was “his opportunity to ogle.”

Two alumni from the 1990s described sexual misconduct by another faculty member, also deceased, who has received honorifics from the College. A 1990s alumnus reported that he visited the professor’s home for a meal and that the professor engaged in sexually inappropriate conduct before the alumnus objected to the conduct and pulled away. The alumnus described his perception of grooming that led to the incident:

While very odd, I did not resist because [the professor’s] pattern of gradually escalating physical contact – commonly known as grooming – slowly desensitized me to violations of my personal boundaries. As he compromised my boundaries in small increments over time, things that would have immediately triggered my rejection if done initially seemed unobjectionable because there was such a little difference from the previous contact. Our multi-year mentoring relationship also made it difficult to criticize his behavior, since any objection would have had a negative effect on my future academic interactions with him.

A second alumnus from the 1990s shared a second hand account of a fellow student who fell asleep on the couch after having dinner with the same professor. He said that the professor lifted his shirt and rubbed his stomach. Both of the 1990s alumni expressed concerns about the College’s continued use of the professor’s name in connection with educational opportunities, awards, and honorifics.

An alumnus from the 2000s and survivor of Christie’s abuse described an atmosphere that included highly sexualized talk and jokes about penis size, coupled with back rubs following long practices. He said, as a 17-year-old freshman, it was for him “the beginning of not having a sense of appropriateness and boundaries” and a “toxic model” that prevented him from “knowing what normal engagement looks like.”

A 2010s alumnus and survivor of Christie’s abuse said Christie provided him with “ridiculous” access to campus buildings and rooms, and gave him his own parking spot as a freshman. In turn, the alumnus was at Christie’s “beck and call.” The alumnus observed Christie’s close relationship with leadership and said he had an ability to “groom the room.”

A 2010s alumna, whose account was reported in *Worcester Magazine*, described what she called “psychological grooming” by Dustin. She said he did a good job of making her feel special, but that his conduct evolved over time. She described the escalation of the conduct as follows:

As time went on, his language became more sexually charged. He told me I was “hot” and said that he would “love” to see my body. He told me he didn’t want to “share me” with anyone else and to stay away from certain other people. Once I began to resist his behavior more clearly, he reacted with anger and hostility, at one point calling me a “real bitch” and making other derogatory remarks. All the while, we never talked about my thesis. The year culminated in the total waste of an academic opportunity and a humiliating thesis presentation. It was a heartbreaking way to leave Holy Cross.

An observation from a 1990s alumnus highlights the complexity of differentiating between grooming and healthy dynamics in the faculty-student relationship. He observed, “Some of my best formative experiences are over a potluck or out to dinner with professor and family. I hope that can survive this, but let’s acknowledge that it is a danger zone.”

C. Sexual Abuse and Exploitation of Students by Faculty or Others in a Position of Power

Alumni provided firsthand insight into how an imbalance of power in a relationship can be exploited to create opportunities for sexual abuse or exploitation. The individuals who reported misconduct by Christie consistently noted the significant power differential between Christie and them. Not only was Christie an internationally recognized organist who had an expansive professional network in the New England area (and reportedly could make or break a student’s career by serving as a gatekeeper), but many of the individuals who made complaints were Organ Scholars (recipients of four-year, full tuition scholarships, renewable on a yearly basis) studying directly under Christie. As part of this scholarship, the students described being responsible for administrative duties for Christie (including running errands for him, and other duties befitting a personal assistant) and worrying that their scholarship would not be renewed by Christie if they did not please him.

Former students featured in the *Boston Globe* article described “a pattern of sexual harassment by Christie,” which they said consisted of Christie “us[ing] his considerable artistic standing to manipulate and cajole students, dangling before them entrance to some of classical music’s most rarefied circles.” They said Christie created a “sexually charged environment that included lewd comments, large amounts of alcohol, and unwanted touching over a period between 1994 and 2017.”

One survivor of Christie’s abuse from the 2010s discussed the compounding factors of “the religious overlay, the space about the master and the apprentice, they are isolated, and you have to practice so much, expressing yourself and your spirituality.” The alumnus articulated that these factors stitched together formed the foundation within which abuse could occur. He noted “the cognitive dissonance [he felt] of someone like [Christie] acting the way he did and then being so ingratiated with Holy Cross higher-ups.” He added that Christie was “skilled at using every dimension of his power to control and exploit [others].” The alumnus recalled “seeing how important Christie was,” and the times Christie told him and the others that they were getting his job when he retired, and explained how those impressions and beliefs methodically cemented his silence.

An alumnus from the 1990s shared his perspective:

Professors/priests with mal intent are attracted to these positions with authority, celibacy – so they can turn things to their own narcissistic efforts. We think that these offenders are such horrible, awful abusive people, so that it should be so obvious to all of us, but not so, they can be extremely talented, but can still be a horribly abusive person.

An alumnus from the 2010s shared, “Teachers and advisors have career power over students given our ethos as high achieving, hardworking students; teachers can take advantage of that power imbalance.”

D. Same Sex (Male on Male) Sexual Abuse

An alumnus from the 2000s shared his perspective, “Catholics are absolutely binary in their treatment of homosexuality. [It] creates a black market for purveyors of policy to create an underworld to make all the rules. For me, the big scarring was not so much that sexual abuse happened, but someone taking my full reins of sexuality.”

An alumnus from the 1960s shared that when he reported sexual misconduct by a Jesuit priest, the alumnus was assured by the College that the conduct would not happen again because the Jesuit was relocated. According to the alumnus, the then-President said the alumnus, a freshman at the time, would be ex-communicated if he told anyone about what happened with the Jesuit.

A 1990s alumnus shared his perspective that issues of sexual misconduct were like “a bomb living under the floorboards somewhere – the bomb we did not talk about, which was terrifying.” He explained,

I want as much as possible for the College to be able to put some of that fear to bed. That you have found as many bombs as you know about, that they are defused and out in the open, and we can try to make this a bomb free zone. No group of people should have to live with this abuse.

Another 1990s alumnus shared,

My experience at Holy Cross, the entire tenor of how things were run [was that] male survivors didn't exist, they were unacknowledged. . . . Male survivors just don't seem to appear on radar screens. That is disturbing and frustrating, something has to change on that as well One of the worst things about this is the feeling that you are completely alone. Knowing that there is someone else out there is extremely helpful. What I clearly saw was people using a student's insecurity or vulnerability about their sexuality as a means of ingratiating themselves and putting them into a position where they could be exploited.

E. Instances of Misconduct in Athletics

A 2000s alumna who reported, among other things, that a coach kissed her neck, was disheartened when she felt the College concluded that there was no intent to harm her and excused the coach's behavior as “that's just the way he is.” She reported she was retaliated against after she made the report and made to look to her teammates like she was the bad actor. She also believed the coach was insulated in his position, given that he and his supervisors were longstanding members of the Holy Cross community. She said that the institutional betrayal she felt from the College's response impacted her significantly. She reported that she does not want to return to the College because she does “not want [her] children to see how this affects [her].”

A 2010s alumna detailed ways in which she believed her coach groomed her during her freshman and sophomore years by giving her special attention and singling her out to talk about personal matters. The student-athlete and others reported the coach's behavior to the Athletics Department multiple times, but from her perspective, the leadership and compliance officers in Athletics excused his behavior because there were no prior reports of similar conduct. With respect to seeking help and intervention from the College, the student-athlete said, "[I was] never presented [with] where to go. I had to look at where to go. We should have been told where to go. It was always, put your head down and your college will be paid for. There needs to be a proper reporting structure and [students need to be] told about it."

F. Insufficient Response by the College to Reports of Sexual Misconduct

In addition to the above experiences shared by the student-athletes, multiple alumni reported the devastating impact of the responses they received from the College after they disclosed misconduct. We note that we did not investigate the College's response to each of these matters, but consider this information as it informs perception.

A 1990s alumna who made a report of misconduct by a professor following graduation said she only asked that the professor not be made a dean, which she thought the College could have done quietly. She said that the College did not comply with that request, and that years later, when the alumna learned of additional reports of sexual misconduct reportedly engaged in by the same professor, she felt a lot of guilt for not coming forward earlier. She explained, "I felt embarrassed and felt guilty. I was too ashamed. I was feeling that they needed me to do this – I was the only chance they had to get rid of him," which she described as a very uncomfortable feeling.

Another 1990s alumna shared that when she was a student, she reported a concern about a professor's behavior to her class dean. The alumna said the class dean was "dismissive from the outset" and did not seem "concerned or interested." The alumna concluded "that [the class dean] did not care, so [the alumna] did not give any more information."

A 1990s alumnus said the reaction of the College, from his perspective, is to "brush it under the carpet and shove it down." He said he made reports of harassment and discrimination that were "blocked" from moving forward. He described feeling dismayed when he was encouraged by a senior leader to "adopt a mindset of forgiveness" when he submitted his report.

A 2000s alumnus said that he made a contemporaneous report of sexual harassment by a professor to a dean. After he reported the misconduct, the professor "continued on business as usual." The alumnus heard years later that others reported misconduct by that professor and there was no record of his own report. The alumnus reported feeling generally very supported at the College, but noted "they were blind to a lot of things."

A 2010s alumna shared that after being sexually assaulted by a student, she scheduled an emergency counseling session for support. She said that, to her shock, the counselor told her that she drank too much alcohol and dismissed her report as "these things happen." She said that the counselor did not inform her of her reporting or resource options and the counselor's reaction impacted her healing.

Some alumni described the difficulty and despair they experienced when the College has publicly honored the individual who abused them. A 1990s alumnus noted his harasser was "very celebrated in

the community following his death, which may have made it more difficult for people to report his abuse.” A 1970s alumna said she was appalled when her harasser was honored by the College, and she has not since returned to the College.

A faculty member was discouraged to learn that in response to a report of misconduct she reported, faculty in leadership roles and on the determination and appeal panels discussed her report with others, even though she understood this process to be confidential. Another faculty member who experienced and reported misconduct shared their opinion that, “The administration has difficulties placing student priorities ahead of self and institutional preservation.”

Conversely, not all alumni reported a negative experience. A 1980s alumnus identified individuals in the administration in 2018 who he described as being “a daily support” for him when he disclosed that he had been sexually abused by Christie. Nonetheless, the alumnus said that he was very frustrated by the timeliness, pacing, and lack of follow up from the Title IX Office in 2018.

Others described disappointment in the College’s response, sharing a perception that the College does not care about survivors based on the nature of the responses individuals received in response to a disclosure or report. For example:

- “Even if the college acknowledged my experience, I never felt like they got that far.” (2010s alumna describing the College’s response to her report involving Dustin)
- “I am sick and tired of being treated like this is a dirty little secret.” (1990s alumnus describing the College’s response to his report of abuse)
- “The [College’s] response has to be trauma-informed. At the least, we should not feel like our trauma was used against us. If [the College] wants real change, they need to know that when a survivor comes forward it is the worst time of their life. The response that they gave was completely inadequate.” (A 2010s alumnus who reported sexual abuse by Christie).

Finally, notwithstanding the multiple written apologies by former President Boroughs, a number of alumni expressed the value in the College acknowledging their pain and offering what they believe to be a genuine apology for their experience.

IX. UNDERSTANDING HOW PERSISTENT OR PERVASIVE HARASSMENT MAY HAVE OCCURRED

One of the core questions in this review is how faculty sexual misconduct could have occurred in the Christie and Dustin cases, as well as in other instances of misconduct reported to us. Importantly, we are not making findings as to causation, as causation lies directly at the feet of the individuals who perpetrated the abuse. Instead, the question we sought to answer was whether there were cultural, structural, or organizational factors that might have contributed to instances of faculty sexual misconduct, or more broadly, might have contributed to an environment where faculty sexual misconduct can occur. In addressing this question, we incorporate information learned from our privileged review of all prior reports involving faculty members as respondents that are currently maintained in the Title IX Office, information shared by Christie and Dustin survivors in interviews with Cozen O’Connor, and information shared by alumni regarding their lived experiences with other Holy Cross faculty respondents over time.

The answer to this question is, of course, multi-faceted and complex, particularly where many incidents happened over a long span of time. If there were a simple rubric to understand how to prevent sexual and gender-based harassment and violence, these forms of conduct would be eradicated. We note that we gathered information from alumni ranging from the 1950s to the present, a time span during which our collective understanding of sexual and gender-based harassment and violence has evolved significantly. This reality is not offered to excuse misconduct reported to have occurred in earlier years, but rather, to place the conduct and institutional response in the proper temporal context to understand industry standards, norms, and knowledge. In this regard, the answer to the “how could this have happened?” question necessarily evolves over time as societal understanding and attention to the issue has evolved – and as the College has changed significantly as an educational institution. As noted elsewhere in this report, the College was all male until the 1972-1973 academic year and has long had a patriarchal, clerical framework drawn from its affiliation with the Catholic Church that many survivors have identified as relevant to the inquiry into how sexual misconduct could have occurred at the College. As well documented elsewhere, the process of becoming a co-educational institution, with all of its attendant implications, did not occur overnight.

A. Gaps in Awareness or Knowledge about the Dynamics of Sexual Misconduct

Alumni from the 1990s described a vastly different understanding than exists today of social norms and mores regarding relationships between students and faculty members. One 1990s alumnus recalled a professor dating a student who had been in his class; the professor divorced his wife and he subsequently married the student while she was an undergraduate student. The alumnus’s reaction was, “Oh, isn’t that interesting – not that it was so inappropriate.”³⁴

Other alumni described gaps in knowledge and awareness. A 1990s alumnus discussed the inability to recognize, identify, and respond to faculty sexual misconduct:

The idea that students over the age of 18 being technically possibly victims of sexual abuse or power simply would not have crossed many people’s minds. On top of that, decades of layering, from transition of being all boys school to coed in 1974, there was an insularity and protectiveness that went along with that.

An alumna from 1990s who reported being groomed by a faculty member for a sexual relationship shared her perspective that, “Professors know that they shouldn’t be sleeping with students, flirting with them, [and] drinking [with students]. I don’t think students knew that. I didn’t know it was wrong.”

One of the Christie survivors, a 1980s alumnus, explained his naiveté as follows: “My own naiveté and the cultural awareness – it didn’t occur to me to talk to someone at the College and say this was something that was going to be addressed. Was I going to walk down the hallway to [the President]? I would not have known what to do – I didn’t know there was something I needed to do.”

³⁴ In fact, the College did not have a consensual relationships policy that prohibited certain relationships between students and faculty/staff until the 2003-04 academic year, and even then, the implementation of such a policy was early for an institution of higher education.

Gaps in knowledge have continued until more recent times, including within the past decade. For example, an alumnus from 2010s said,

I am now 10 years out of college – I don't remember ever being told, "Hey, if a teacher seems really interested in your sex life, or your masturbatory habits, that is not ok," or, "Here is the avenue that you would go to do something like that." I would have loved to have the talk about grooming, what does it look like, what is going on. Looking back at my classmates, [I] think they had to navigate it alone or in an isolated way.

As recently as this spring, a student who participated in the College's climate survey expressed the need for additional educational programming as follows:

Understanding signs of misconduct, sexual or otherwise, by faculty. Given that Professors and other faculty members are in positions of power and authority relative to students, it can be hard for myself and other students to distinguish when exactly a faculty member is crossing the line and even more difficult to work up the courage to report such behavior.

In addition to challenges in identifying inappropriate conduct as outside of the norm, alumni from earlier years described a lack of awareness of reporting options and campus resources beyond counseling or the Chaplain's Office. A 1990s alumnus shared, "I was aware of the Chaplain's Office. There were people to talk to there – had I deemed it necessary, I would have felt comfortable to go to them. But I never did." As described above, the alumni who did choose to share their experiences with the College contemporaneously often went to a class dean as a first point of reference, and prior to 2015, there was no Title IX Office available as a reporting option.

B. Imbalances of Power in Higher Education

Members of the community reported issues relating to power dynamics, including actual and perceived power imbalances, the impacts of tenure or other positions of privilege, and perceptions of exceptionalism. One administrator observed that "the nature of higher education creates an environment in which faculty have power over, access to, and opportunities for extended, unobserved one-on-one contact with students." Other individuals within the College, like Christie or athletic coaches, arguably have the same ability to exercise influence over a student's success at the College. The administrator identified the following concerns:

(1) power differentials, in which students may tolerate ambiguous or direct boundary violations out of fear of losing a class, access to a program or mentorship, or a letter of recommendation; (2) hero-like worship of some faculty due to tenure or academic credentials; and (3) the normalization of one-on-one contact between faculty and staff in personal settings, including but not limited to office meetings beyond office hours, travel, coffee dates, dinner invitations, etc. While the overwhelming majority of these circumstances will not result in misconduct, they create an environment that normalizes early grooming behaviors.

In the academic structure, faculty determine one's grades, one's letters of recommendation, and in many instances, one's access to the professional sphere. That same rubric applied to Christie, who was

not faculty, but nonetheless occupied a position of prestige as an artist-in-residence. One alumnus from the 2010s who was abused by Christie shared,

Christie was clear about promoting his allies and cutting down those that he did not like. He said that Worcester was terrible. The only way to succeed was through him. He refused to write a letter of recommendation for anywhere else except for where he taught. He was skilled at using every dimension of his power to control and exploit.

Another Christie survivor from the 2000s reflected during the 2018 investigation that his relationship with Christie opened doors for him: “There’s no door Christie couldn’t open and there’s no door he couldn’t close. While the sun is shining on you, it’s all great.”

Another alumnus from the 1990s said he feared disclosing abuse because, “I was worried about my grade and [my abuser] finding out. I was worried about getting in trouble, about the repercussions against me.”

Similarly, a 1990s alumnus shared that the faculty member who harassed him “honed in on his [vulnerabilities] almost immediately” in a manner that illustrated how the power differential presents itself in the college setting:

At a university setting, especially a Catholic university setting, relationships between younger adults and older adults have far lower professional boundaries than exist anywhere else. Mentor, advisor, priest, spiritual advisor, confessor – all of those things were dynamics, which an abuser can exploit [and] sometimes manipulate themselves into a position that they can exploit. Dealing with much different dynamics. Also you can deal with these folks outside of the educational environment, can be after hours, fraught with more needs for boundaries and professionalism. Let’s be candid, also in an academic environment where people think you are supposed to disrupt those, expand your horizons, break out of the things that you were raised in your immediate families, be broader. Students are told to loosen up.

As it relates to the challenges of revoking tenure, one 1990s alumnus observed, “The threshold to be able to get a tenured professor out of the college is ridiculous.”

Alumni also noted the effects of exceptionalism. As it relates to Christie, an alumnus from the 2010s explained:

The special title, “Distinguished” artist-in-residence – he had this fiefdom and could act with impunity. His connection to people in power – he had a close relationship with [a member of administration] and the brazenness of those who did this. He was not subtle. Pedophiles “groom the room.” He was rarely appropriate. He would park in the President’s parking spot. He rammed his car into the security gate until the gate opened. He was not delusional. And he was a narcissist.

Another alumnus from the 2000s shared,

The College treated Christie differently than other professors. There was a “rogueness” to his character. He never went to worship planning meetings, never went to meetings, never explained his music choices. His ability to be so rogue – that was a flat – the

charismatic thing he had – the distinguished artist-in-residence, special – the rules do not apply.

Further, “There were never any course or faculty evaluations. There was no process or semblance of organization that applied to him.”

Another Christie survivor from the 2000s reported that Christie threatened to revoke his scholarship and made it clear to the alumnus that he reported only to the President. The alumnus shared, “I’m a first-generation college student. The notion of going to the college president to report a mentor, this figure who seemed larger than life, is not something I’m going to do.”

With respect to the faculty member identified above as having engaged in boundary violations with multiple male students during his tenure in the 1970s, 1980s and 1990s, a 1990s alumnus shared:

Any religious school will highly value an employee who is a believer, a person of faith – [the faculty member] fit that bill. He was a practicing Catholic . . . and he was willing to put way more than 40 hours of work into the week. He expended himself seemingly for the good of the students. He was a professor, he was a dean. He did a lot of work for the College. He was highly valued, logically very prized and valued. Maybe the seeming creepiness was outweighed by the good and life continues.

C. The Impacts of Grooming

We heard many cogent and articulate descriptions of grooming from alumni. Some specifically used the word to describe how the abuse occurred. An alumnus from the 1990s shared an account of a priest bringing an excessive amount of alcohol to a small gathering of students, drinking with students, and then engaging in sexual contact with severely intoxicated or incapacitated students. She shared that when she reported the conduct to the College, the process was terrible, but that the Jesuit priest “disappeared in the middle of the night.”

An alumna from the 2010s who did not pursue a report against Dustin, or identify his conduct as concerning, described the following:

Professor Dustin often referred to our one-on-one meetings to review my thesis progress as "dates" and had also spoken about not wanting to "share me" with other members of the philosophy department - phrases that appeared in the original article I read about his conduct. I never felt uncomfortable with the way Prof. Dustin spoke or acted with me and considered the turns of phrase to be word play, but fully recognize that just because I didn't perceive his comments as inappropriate does not mean that he was not inappropriate with others.

Others described the power of grooming as an effective deterrent to reporting. An alumnus from the 1990s portrayed grooming as follows:

Dinners in the apartment [with the faculty member] were not unusually one-on-one, more like, you should meet so and so, because they work in such and such. He was the spider at the center of the web. He would try to foster those social bonds between us. Looking back now, the more people you get feeling implicated, the more people you get to feel hesitant about tearing down the social network. The more people who know,

they feel complicit. You see entire communities split over accusations of abuse – intuitively, predators know that. It helps me understand what otherwise looks like pure insanity – for those who were so close in [to the abuser], the threat was so immense, that person is so close in that they are part of the blast radius, but everyone around them is in the blast radius too.

Another alumna from the 1990s shared the impacts of cognitive distortions that are created by grooming – by the perception the abuser creates about the nature of the relationship:

While I was at Holy Cross and for many years after, I was fully under the spell that [my abuser] had wrapped – power plays, seducers, prey upon strongest vulnerabilities, build upon that, he got me at a younger age. I never would have thought I was abused. He was so in love with me he was willing to cheat on his partner, so rare, so special. I really thought I had won this golden ticket, that most would never have this sense of how rare this love was.

In some instances, the grooming – and the consequences of that grooming – continue even after the abuse ends. An alumna from the 1980s reported that he confronted Christie on two occasions after his graduation because he needed to process his hatred for Christie and offer forgiveness. The alumna said that Christie assured him that he was the only one and that he believed Christie and moved on with his life. He shared that when he learned in 2018 that Christie had abused others, he fell apart. The alumna explained, “If I had the courage to speak up 30 years ago, these five would not have had to go through what I have been through.” He reflected, “I thought it was my silence the first time that caused some of this” and “the pain of knowing is what is really troubling me now.”

Another alumna from the 2000s described being isolated from other individuals, noting for example that “Christie had specifically told me never to talk to [another Organ Scholar] because he was a gossip [and other derogatory comments]. Christie really poisoned me against [the other alumna], who had been discarded for me. I don’t know what [the other alumna] was told about me.”

Alumni described the feeling that they could not have told anyone given the dynamics involved, including the effects of grooming. An alumna from the 1990s shared his perspective on his experience with a faculty member as follows: “Looking back at it, it seems pretty obvious that he was a well-established predator that people would not have had the ability to talk to anybody about. He took me out to dinners and to the grocery store to buy me groceries. He was very protected.”

An alumna from the 1990s shared,

I remember walking back from [the faculty member’s] apartment across the upper parking lot and thinking about my options and being absolutely terrified. My head was so conflicted because of all the pro-conditioning that had been done. Something that people really fail to talk about – dealing with an environment where young people are away from home for the first time, so isolated, dealing with family issues. [The faculty member] knew I was vulnerable.

An alumna from the 2000s said he did not report because he felt bad for the faculty member and this would mess up the faculty member’s life, but that the comments and behaviors just kept getting worse.”

Another alumnus from the 1990s shared, “People don’t like talking about this. It adds one more layer of traumatic isolation. People would just change the topic. I was very much alone.”

D. Retaliation

Alumni described the impacts of actual or perceived retaliation. A 1990s alumnus shared, “Holy Cross and its alumni community, particularly the older male alumni – is capable of great insularity, protectionism, circling the wagons, and punishing those who suggest all has not necessarily been well on The Hill. The College was not different enough from the ‘mother Church’ in that regard.” The alumnus shared that he was aware of people who “refrained from bringing incidents forward for fear of academic and/or professional repercussions.”

We also heard reports about actual retaliation. For example, a 1970s alumnus shared that following graduation, he was working at another educational institution and, without provocation, the faculty member who had harassed him later sent a letter to the alumnus’s employer alleging that the alumnus was not mentally stable.

A Christie survivor from the 1990s shared, “You don’t exist if Christie’s done with you. And he’ll make sure you don’t exist if he’s done with you – He would tell everyone that ‘you’re a failure, and that you’re a good for nothing whatever.’” A 2000s alumnus and survivor of abuse by Christie shared with the College that when he applied to a graduate program, Christie called the graduate program to offer an unsolicited recommendation not to accept the alumnus into the program due to his “compromised moral character.”

E. Perception that the Conduct is Known

Many alumni explained that they gauged their understanding of the inappropriateness of conduct by the reaction of other “adults” – including faculty and staff – to the conduct. They shared a perception, even if mistaken, that boundary violations were openly known and accepted by others, so they believed the conduct was perceived by others as inappropriate. A 2000s alumnus and a Christie survivor detailed abuse that occurred during the course of a recording session in the fall of his freshman year:

A recording engineer hearing and not wondering what is going on up there? A 17-year-old man alone in a loft with a man. I don’t understand it – to hear that going on and keep the tape rolling. It is creating whiplash right now – that was the beginning of not having [a] sense of appropriateness and boundaries.

The alumnus shared, “Professors who would have frequently been having dinner parties – I was such an obvious special companion to Jim Christie. I never asked anyone, but it would have been weird to have imagined that people didn’t think we were together. It is just the ride I was on.”

Another alumnus from the 2010s shared the perception that people knew about Dustin,

I knew for sure that people said that he was inappropriate. A professor who saw one interaction, and [others] who decided not to say anything. She saw strange interactions, a professor, but turned her back on the strange interactions. The philosophy department was all men – and they had no problem with these things.

F. Negative Perception of the Process or the College's Response

In his report, Catanzano observed, "Several individuals expressed concerns that they would be targeted by the College if they reported information about inappropriate behavior on campus or that reporting inappropriate behavior would be a futile exercise."

An alumna from the 2010s who worked with Dustin contacted Cozen O'Connor to say:

I wanted to mention 1st, that when the story about professor Dustin first broke, I was surprised that neither I nor a friend who also completed a honors thesis with Prof Dustin the same year were never contacted for additional information or to "check in." It has made me extremely skeptical of the subsequent investigation by the college and suspect the actions it has taken are driven more by a desire to save face than by concern for harm committed or desire to protect future students. If the college was truly concerned with the wellbeing of its students and alumni, surely it would have contacted students in similar positions to see if similar incidents had occurred. I also find the communications about what the college has uncovered severely lacking. While I know Prof. Dustin is no longer employed by the college I am not sure and do not know where to find out exactly what sort of misconduct the college uncovered. It makes the school's talk ring hollow when they didn't take basic steps to seek out other potential instances or share their findings widely.

Although not within the context of faculty sexual misconduct, a 2010s alumna shared that she was assaulted by another student when she was a senior. She said she scheduled an emergency counseling session because she felt guilty and confused, and she told the counselor about what happened, but did not use the word "rape" or "assault." She said that the counselor at no point told her anything about how to report and what her choices were, but he said that both she and her attacker had drank too much and that "things happened – that these things happen." The student said she was never asked if she wanted to go to the hospital or if she wanted to press charges.

One of the Christie survivors shared that when he reported his experience in 2018, "It became apparent immediately that they, the former students were the problem. . . . It was not at all about them caring about [the students] – it was about them protecting Holy Cross."

X. BROADER CONTEXT AT HOLY CROSS

While our review was focused on the cultural, organizational, and structural factors that may have contributed to faculty sexual misconduct, we recognize that these issues sit at the intersection of many aspects of College culture, organizational dynamics, and structure. Issues of sexual and gender-based harassment and violence do not exist in a vacuum; rather they are part of a broader institutional ecosystem that shapes the environment where abuse can occur, the mindset around reporting considerations, the framework for responses, and the potential for institutional accountability. We were mindful of staying within our scope (narrowly framed as faculty sexual misconduct), both as it relates to fact gathering and recommendations. At the same time, we must address the issues attendant to sexual misconduct in an integrated manner, given that the issues are inextricably intertwined in the broader context of a complex and evolving institution.

We also had the benefit of conducting our review following a recent change in College administration. Given the installation of a new College President, Vincent D. Rougeau (the first lay president in the College's history), one year ago, the College is well positioned to engage in institutional change, particularly as it relates to the relationships between and among the administration, faculty, and the Board. There has also been significant passage of time since the initial request by the faculty for an investigation in the spring of 2019. As detailed elsewhere, a number of steps occurred between the spring of 2019 and the final approval of the scope of the investigation in May 2021. There was also some delay in initiating the investigation related to the impacts of the COVID-19 pandemic. One concomitant benefit of the passage of time is that the College has made significant upgrades in policy, procedures, structure, and systems over the past several years. The College is, in many respects, a different organization than it was in the spring of 2019, and even a different institution than it was in the spring of 2021. That being said, there are still opportunities for continued growth, self-reflection, and expansion of efforts to prevent and respond to sexual and gender-based harassment and violence.

This section will address the broader context at the College.

A. Institutional Culture, Values, and Mission

We begin our discussion of cultural factors by considering the College's institutional culture, values, and mission. On a positive note, the College's mission provides a foundational platform to foster a culture free from discrimination and harassment. In contrast, challenges in culture include the impact of clergy sexual abuse in the Catholic Church, remnants of patriarchy and clericalism, exceptionalism, and issues related to sexual orientation.

We believe that adhering to the College's mission with fidelity and integrity is the roadmap for the path forward. Emphasizing humility, empathy, and collaboration – in a way that incorporates a nuanced understanding of individual responsibility and accountability, the impacts of our actions on other individuals, and our own individual responsibilities to set and perpetuate culture – can help drive a shift from blame to accountability, from divisiveness to collaboration, and from conflict to care and responsiveness.

Many tenets of the College's mission are aligned with the goals of a caring, empathetic organization that seeks to protect its constituents by establishing and zealously guarding clear behavioral expectations and professional boundaries, promoting permission for reporting and speaking up, and holding individuals accountable for conduct that violates College policy. The mission provides guidance in how to embrace difficult conversations. For example, it states, "When one person listens and insightfully interprets what another is saying — and then respectfully expresses their own experiences in turn — both individuals gain new understanding of themselves, their peers and the world."³⁵ It further asks, "What is the moral character of learning and teaching? How do we find meaning in life and history? What are our obligations to one another? What is our special responsibility to the world's poor and powerless?"³⁶ The mission holds central the concept of community, which is necessarily driven by prioritizing how we treat one another: "Informed by the presence of diverse interpretations of the

³⁵ <https://www.holycross.edu/faith-service/jesuit-tradition>

³⁶ <https://www.holycross.edu/about-us/mission-statement>

human experience, Holy Cross seeks to build a community marked by freedom, mutual respect, and civility.”³⁷ The mission speaks to “spiritual and moral development” and “the highest intellectual and ethical standards,”³⁸ and addresses the spirit and strength behind shared governance: “Shared responsibility for the life and governance of the College should lead all its members to make the best of their own talents, to work together, to be sensitive to one another, to serve others, and to seek justice within and beyond the Holy Cross community.”³⁹

This mission, of course, is rooted in the College’s Jesuit and Catholic roots. In the context of sexual and gender-based harassment and violence, those roots do not provide a foundation for trust in the institution given the significant and well-documented failures of the Catholic Church, nationally and internationally, in responding to issues of sexual abuse. The College has publicly acknowledged those failures, but nonetheless there remains, for many, healthy skepticism about the impacts of that history. Some alumni expressed the perception that Jesuits who engaged in sexual misconduct at the College were suddenly “disappeared;” we reviewed records from earlier decades that provided confirmation of reports of misconduct against at least four Jesuits. On January 15, 2019, President Boroughs shared that the USA Northeast Province of the Society of Jesus had released the names and current status of Jesuits or former Jesuits in the Province with one or more credible allegations of abuse of a minor or vulnerable adult since 1950; the Province identified three individuals with ties to the College, in the 30s, 70-80s, and 90s. President Boroughs noted that the conduct was all reported after the men had left the College, and involved incidents that took place elsewhere. During our review, four alumni described sexual misconduct by a Jesuit, one in the 1950s, one in the 1970s, and two in the 1990s that did not involve minors, and whose names were not included in the Province’s list (because they did not involve minors) or the College’s letter, but nonetheless are a part of the College’s history.

Some alumni, faculty, and staff members have identified patriarchy and clericalism at the College as a continuing concern – the idea that a few individuals hold power and authority while others exercise deference to those who are in power. The College was a single sex institution until 1972; while 50 years have passed, individuals still describe some remnants of male patriarchy. Traditionally, the College’s faculty and staff were predominantly clergy. A female faculty member hired in 1973 shared her perspective:

I would say it took us a good decade to get to the point where we recognized that simply adding rooms, renovating bathrooms, and buying uniforms for women’s teams was not enough to integrate women into the institution. By the end of the 1980s, one of the substantial changes we were making, in addition to language inclusion, was organizing the campus in a safer way and updating safety protocols.

Further, “Until the early 1980s, we would talk about how every female faculty member and administrator could fit at a dinner together. There were about a dozen of us.”

³⁷ <https://www.holycross.edu/about-us/mission-statement>

³⁸ <https://www.holycross.edu/about-us/mission-statement>

³⁹ <https://www.holycross.edu/about-us/mission-statement>

The composition of faculty and staff has slowly evolved over time to include more diversity in gender, race, and ethnicity. According to data provided by the College, 19% of the College's 342 faculty members are people of color, 6% are international, and 50% are female. Notably, President Rougeau is the first lay President in the College's history, and Helen Boucher recently became the first female Board Chair. As detailed in Section VIII.A., the experiences of female alumni from the first decade of co-education included, for some, being subjected to extensive sexual harassment by faculty, staff, and fellow students that has left lifelong impacts.

Other alumni, faculty, and staff members described the College as an institution that is susceptible to exceptionalism – the idea that the institution or its faculty, as a whole, are special or outside the norm of elite academic institutions. Individuals we spoke with expressed a concern that Holy Cross's exceptionalism creates the space for faculty members to act in manners that may not fall within professional boundaries. Exceptionalism also contributes to an environment where potential grooming behaviors may be excused by others because the faculty member in questions is viewed as special in some regard. Almost uniformly, individuals with whom we spoke highlighted the close, mentoring relationships that faculty members develop with students, holding those relationships out as something that makes the College unique. One faculty member shared, "The Holy Cross exceptionalism plays out in a lot of different ways: we are Holy Cross, how could such a thing have happened, or we are Holy Cross, we have these very important ways of intersecting with students." The faculty member observed that when the College first introduced the notion of mandatory reporting of sexual and gender-based harassment and violence to the Title IX Office, faculty members were concerned that it would impact their ability to develop relationships with students. As it relates to exceptionalism, another faculty member observed that viewing the faculty – or the College – as unique or special could create an environment attractive to potential predators. A faculty member observed,

It is one thing to say that you want to be the best liberal arts college. Christie enjoyed a very privileged place – he had been here for a long, long time. I could name on one hand the number of people who would have recognized him because he was physically and geographically isolated. A place that thinks of itself as exceptional can make space for someone like that – we are about something unique.

The faculty member observed, "I continue to hear that people just don't understand the relationship with students – it is all intellectual – part of the culture that the nature of the institution lends itself to."

The flip side to this concept of exceptionalism is that it has the potential to create deeper disappointment when institutional responses are lacking given the heightened expectations of the institution as a caring, pastoral, values-based entity. The sense of exceptionalism is exacerbated by the small size of the College, the academic rigor of the program and students, and the faith-based foundation. Throughout all of our interviews, we observed a great loyalty to the College as an institution. As one 2010 alumna shared, "Once you go, you are purple for life." Another current student remarked, "I was born bleeding purple," referencing the multiple generations of family members who attended the College before her. The depth of the issues related to trust and feelings of institutional betrayal by survivors stems, in part, from the depth of commitment and loyalty to the College and the College's faith-based mission, which causes campus constituents to view the College as more than just an institution of higher education. That sense of exceptionalism brings heightened expectations for care, the values behind institutional responses, and importantly, the communication of those values in

the College's action. The heightened expectations can be difficult to address, especially when those expectations about the College's responses may not be appropriately calibrated in light of the legal requirements – and limitations – governing the College's response.

As we conclude this section on culture, which admittedly is based on a snapshot of this moment in time and on the lived experiences and perspectives of only those who participated in the investigation, we highlight one additional aspect of culture that was implicated by our review: student, staff, faculty, and alumni perceptions of the College's approach to sexual orientation, gender, gender identity, and gender expression. Many community members perceived a continued disconnect between traditional Catholic teachings regarding homosexuality, the College's stated approach, and the lived experiences of College students and alumni, especially as those experiences have manifested over time. Some individuals who identify as LGBTQIA+, particularly alumni, still report considerable shame based on their interactions with the College or the Catholic Church. The College has been explicit in its values in this regard: "Holy Cross is committed to ensuring everyone, regardless of their sexual orientation, gender identity, and gender expression, feels supported in our community. We strive to provide a safe and affirming community for all LGBTQIA+ (lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual/aromantic) individuals."⁴⁰ The College affirms, "We want to ensure that all members feel included, welcome and celebrated at Holy Cross." To this end, the College explains:

Our approach to inclusion is grounded in the Catholic and Jesuit values and principles of justice, equality, and care for the whole person, cura personalis. Respect and reverence for the dignity and worth of each person are at the core of our identity as a Jesuit, Catholic college. Creating a community where all are welcome, celebrated and given opportunities to reach their full potential is central to our mission.

Despite this commitment, as noted in Section VIII.D., we heard from many male alumni who identify as gay or bisexual that their sexual orientation, in the context of the College's culture, created heightened vulnerability for abuse by faculty and staff. Alumni survivors described their initial explorations of sexuality being sexualized by adults who took advantage of their naiveté and youth and exploited pre-existing barriers to reporting. A 1991 alumnus shared, "LGBTQ students because they were not out, they tended to be more targets for faculty and priest faculty who did not always observe healthy boundaries."

B. Structural and Organizational Factors

During our review, we identified a number of structural or organizational factors that may impact the College's response to sexual and gender-based harassment or violence, or serve as an impediment to implement the recommendations identified in this report. The broader context of the College's legal, compliance, and Human Resources framework is the foundational framework that supports effective implementation of College policy.

Over the past decade, the College, like many educational institutions, has shifted from a relational framework to a more structured operational framework as expectations for higher education institutions have shifted. The College has historically had underdeveloped human resources, compliance, and legal frameworks until very recently. Although the College hired a full-time General

⁴⁰ <https://www.holycross.edu/lgbtqia-community>

Counsel in 2013, during 2014, external counsel from an experienced higher education firm, Holland & Knight, served as General Counsel two days a week following the departure of the former General Counsel. In December 2015, the College hired its current General Counsel, and in 2016, its first full-time compliance officer. The College's Chief Human Resources Officer (an elevated role from the former Director of Human Resources) arrived much more recently, in June 2021, and has been diligently working to build on prior efforts and continue to make the shift from a family model culture of operations to a business model.

As part of the effort to address needed organizational change, the College engaged Deloitte to conduct an organizational assessment. Deloitte recently identified a number of core challenges, including mismatched divisions and departments with reporting lines that have grown organically, lack of effective job architecture, and an operating model that is centered on individuals. Deloitte observed that Holy Cross's work is relationship-based, with reluctance to change existing processes. Deloitte also observed that roles and responsibilities at the College are often unclear and operating models for organization need to be addressed. Deloitte discussed the impact of this model on newer employees, who have difficulty navigating unclear processes. These same principles impact faculty sexual misconduct – relational frameworks provide room for insular loyalty by and between longstanding employees, which can lead to underreporting of concerns. Based on information shared with us, which aligns with Deloitte's observations, the College has historically not operated in a model with clearly defined roles and responsibilities, which can lead to diffusion of responsibility, challenges in coordination, or conflict in ownership. Although there have been recent improvements, these factors impede the ability for an institution to identify and respond to concerns about misconduct in a coordinated and effective manner.

As it relates to the role of legal counsel, the College's historical approach was more reactive and passive, rather than proactive. The role of legal counsel as an operational and legal partner is a newer model for the College, one that some campus community members have been slower to adapt to and accept. One campus community member shared the perception that the campus was not "used to a professional legal office, Student Affairs, Title IX Office, chief of staff, or public safety department" and that it took "a lot of moving folks from a family business to a community enterprise." That effort included adapting to a shift in the model of engagement with legal counsel. At the College, as at many campuses, the role of counsel is perceived as conservative and risk averse, which contributes to a heightened perception of institutional bias. That perception, however, is based on a narrow understanding of the role of counsel, which oversimplifies the role of counsel as protecting the institution from liability. Notably, that perception, which is shared by OCR and the Clery Compliance Division, is a one-dimensional view of the role. In reality, the role of counsel is far broader than the perception of institutional bias would infer and has become in recent years much more focused on advising about potential compliance risks, ensuring that policies are legally compliant, and that institutional actions consistently follow institutional policies. While defending the institution from civil liability is, of course, an important aspect of the role of general counsel, it is by no means the sole role. Conflating litigation defense and operational considerations has the potential to reinforce a perception of bias and a lack of trust. In the end, regardless of the scope of the role, legal counsel is an advisor, not a decision-maker, and campus administrators, the faculty, and the Board are decision-makers consistent with each of their roles in shared governance. As Holy Cross continues its efforts to more clearly define roles and responsibilities, campus community members may become more acclimated to the role of counsel and the importance of compliance from a risk management perspective.

These shifts in operational frameworks have evolved more quickly as the College has had to confront high profile examples of misconduct that have raised questions about institutional responses. Permitting the operational and structural issues described above to go unaddressed can increase the potential for faculty sexual misconduct to occur and create spaces for predation to occur. Without appropriate organizational and structural safeguards, individuals can push the limits or test boundaries in ways that are not recognized or reported by peers because of personal relationships, the effects of grooming, and insular loyalty. Further, in the absence of effective structures, when issues are reported, individuals in positions of power may discount or downplay those reports for the same reasons. A more rules-based approach with bright lines and clear standards for professional interactions and boundaries, can help enhance institutional responses and minimize the impacts of personal bias.

C. Relationship between Faculty and Administrators

We were tasked with providing recommendations for evidence-based actions to improve culture, restore trust, acknowledge accountability, and decrease student vulnerability as related to faculty sexual misconduct. The process of restoring trust necessarily begins with understanding the genesis of the breakdowns in trust.

The “breakdown in trust between faculty and administrators” has been longstanding and well documented, separate and apart from issues related to faculty sexual misconduct. The [January 2021 New England Commission of Higher Education \(NECHE\) Accreditation report](#) observed, “The Commission shares the concern of the visiting team that there “appears to be a lack of clarity regarding the roles and responsibility of faculty, staff, and administrators in shared governance” and that a “severe and potentially debilitating trust deficit” exists among those groups.” These trust issues have been tied to an actual or perceived lack of consultation and communication by the prior administration and faculty. Catanzano also observed a number of factors that impact trust, including a practice of hiring and promoting individuals from within the College without doing open searches, and a high occurrence of hiring alumni. Rebuilding this trust is crucial to the achieving culture change and effectively implementing the recommendations.

During our review, we heard examples of negative or counter-productive interactions between campus community members. For example, we reviewed documents and spoke with individuals to understand the concerns of the *ad hoc* Committee and the perspective of the administration and Board. Similarly, we met with the members of the CIAG, individually and as a group, to better understand how the scope of this investigation was developed. Through our discussions, we heard disparate narratives about the process that we do not view to be within our scope to reconcile or resolve.

What is within our role, however, is to evaluate how best to help the College create opportunities for better communication and good faith engagement, the absence of which will pose operational and structural barriers to effective responses and create conditions where sexual misconduct could occur unabated. As noted elsewhere in this report, treating campus constituencies as if they are monolithic – or as “other,” a concept we heard frequently – has a negative impact on the ability to engage with one another in a constructive and collaborative manner. The lessons that emerged from our understanding of past discord include the need for campus community members to approach one another with humility and respect, to listen to and be open to learning from one another, and to identify shared goals and approaches to reach those goals. Continuing to revisit past grievances can only serve to reinforce

entrenched positions, which leaves no room for reasonable inferences of honest error or miscommunication. We understand that for some, the breakdown of trust is still raw and palpable, and the factors that have led to distrust hindered the efficiency of processes because of the additional investment of time needed for breaking down differences and building relationships. Those efforts are critical, even when they slow down the process of doing the actual work. Ultimately, perpetual and reciprocal mistrust that is left to breed will not provide a framework or opportunity for disrupting the cycle without committed efforts by all parties to engage openly and in good faith.

We observed two positive examples of such collaboration – the CIOC and the Faculty Grievance Committee, appointed to draft grievance procedures for non-protected class concerns. The CIOC, composed of two Board members, two faculty members, and two staff members, has been an exceptionally collaborative and effective working group. We have been privileged to meet with the CIOC routinely and to be able to have healthy discourse and embrace the tension of difficult issues with individuals who are committed to the process. We also observed that the Faculty Grievance Committee was able to successfully agree upon a set of procedures, albeit with some early challenges in the process given the impacts of perception or bias; perseverance and continued dialogue were ultimately effective in reaching accord.

Despite the positive examples described above, the College's experience in seeking to implement the Catanzano recommendations as it relates to the development of guidelines and education about professional boundaries has been challenging. The distrust has negatively impacted forward-looking initiatives designed to prevent future harm and protect the integrity of the faculty-student relationship. The variety of responses to the College's efforts to implement guidelines for professional boundaries and to provide training on professional boundaries reflects just how impactful distrust can be. In his final report, Catanzano observed:

[P]rofessional boundaries must be reinforced so that individuals understand the inherent imbalance of power that typically accompany such relationships. This is particularly true at the College, where many individuals also expressed the strong desire to continue to maintain the close, supportive, and mentoring environment that currently exists for its students and faculty and staff. Such an environment can co-exist with healthy boundary expectations and more oversight opportunities.

We wholeheartedly concur with these observations and have sought to understand the challenges described to us in implementing the professional boundaries training on two separate occasions. In both instances, the College engaged national subject matter experts to present the training, engaging Praesidium in 2019 and the Beau Biden Foundation in 2021. On both occasions, trainings were not well received by some faculty members. Faculty reported being open to learning, but expressed concerns about the content or the presenter. While administrators acknowledged that the training could have been better tailored to higher education, rather than seek to learn the lessons offered, the response by some faculty was more dismissive. One administrator observed, "I have experienced on the part of the faculty an unwillingness to engage in uncomfortable conversations that call into question their participation in behaviors and patterns that promote this culture on campus." The administrator shared, "Somehow, we have to be able to call attention to the fact that – as an industry – we may all have engaged in and contributed to cultural norms that we may need to shift."

With respect to the potential implementation of guidelines for professional boundaries, one administrator observed:

It isn't fair or reasonable for faculty to want swift action in response to boundary crossings and exploitation and then not share in the compromise and sacrifice of establishing standards to prevent those kind of boundary crossings. . . . It is unreasonable for them to not find ways to be a part of the solution. Faculty have structures in place, but they don't seem willing to use their structures and authority to assume greater responsibility.

In contrast, one faculty leader observed, “Generally, faculty did not like how Praesidium framed these suggestions [potential professional boundaries guidelines]. They felt that it did not take into consideration the unique and special relationship between faculty and students.” Faculty also shared a perspective that the proposed boundary guidelines did not “take into consideration faculty’s vocation of helping students to discern their own vocations.” They also shared the following perspective:

The framing of faculty behavior through prohibitions such as these don't seem to fit the centrality of faculty-student interactions to our institutional commitment to cura personalis. How does it take into account the specific things that this commitment explicitly requires faculty to center in our work with students? It will take time and true conversation to reach consensus on these points.

These perspectives reflect the need to cultivate an openness to education and training regarding the dynamics that can contribute to sexual misconduct, including grooming and blurring of professional boundaries.

It is a truism to observe that while the members of the College community all share a commitment to eliminating sexual and gender-based harassment and violence, they do not all agree on how to achieve that goal. As a community, the College is experiencing a shift in societal expectations about professional mentoring and advising relationships between faculty and students. In the midst of this cultural change, some have expressed a desire to hold onto practices that have been rewarding and led to the development of appropriate, professional relationships and, as such, have demonstrated a reluctance to embrace more protective approaches that might inhibit those relationships. At the same time, there is growing recognition that those guidelines for professional boundaries are necessary in order to guard against the potential for abuse and to protect individuals in the context of a power differential. The dynamics of the power differential and the need for guidelines for professional boundaries is easier to see and understand in the K-12 context where the lines of professional conduct are clearer than in higher education. We understand that many do not want to lose the elements of the College that are so fundamental to its identity, but we emphasize the need to ensure that faculty-student relationships are not abused, which has occurred too many times in the College’s history.

D. Concurrent Initiatives

We want to re-emphasize that while we had the opportunity to speak with more than a dozen faculty, this is only a small percentage of the faculty. We are deeply appreciative of the faculty who chose to engage with us, some of whom have been consistently vocal in seeking to hold the College accountable and prevent future harm to students. We also recognize, however, that we have less clarity on where

the remainder of the faculty may land on these issues, and recommend that the College continue to engage with all faculty in a constructive, engaged matter. Under President Rougeau, this work has already begun. To address concerns about shared governance, roles and responsibilities, structural gaps and begin to rebuild trust, the College engaged Deloitte and another experienced higher education consultant as external subject matter experts.

The external consultant who specializes in shared governance in higher education was engaged to work with the Board, administration and faculty to achieve a common understanding of how shared governance at Holy Cross should be practiced and to focus on the various roles and responsibilities of the Board, the President (and by extension the Executive Team) and the faculty in terms of who makes key institutional decisions, who needs to be consulted and who needs to be informed. We understand that the findings have been shared with faculty and staff in a manner that protects the confidential and privileged nature of the report.

Deloitte was engaged to conduct an organizational assessment to identify strengths and challenges in order to create a future state organization design. We have referenced those observations throughout, which were shared in a campus town hall.

The College has also presented training to faculty leaders regarding performance management and evaluation processes through an external consultant.

We are hopeful that administrators and faculty alike will embrace the recommendations from these external subject matter experts, along with Cozen O'Connor's recommendations, and participate in dialogue that allows them to move forward in partnership.

E. Policy Frameworks and Organizational Considerations

We identified the following considerations regarding policy frameworks and organizational considerations, many of which were also identified by the College's previous or concurrent external reviews:

- the absence of written policies and procedures governing professional boundaries, which can lead to inconsistent and unclear expectations and standards about professional boundaries and impede efforts to prevent, track, monitor, and impose accountability for misconduct
- gaps in reporting by faculty and staff and reluctance to embrace responsible employee reporting
- some departments with unprofessional working environments, bullying, and incivility, which, if left unchecked, can contribute to an environment where the quality and nature of interpersonal interactions are not valued and reporting is decreased
- challenges in the College's Title IX responses, which were a function of turnover and instability in the office prior to 2020, gaps in documentation, and the relatively nascent Title IX structure
- challenges in institutional identification and ownership of issues
- gaps in supervisory structures and oversight mechanisms that allowed individuals to operate outside the lines of normal supervisory structures
- limited mechanisms to oversee the conduct of tenured and non-tenured faculty
- insufficient documentation practices, along with a lack of centralized reporting
- the structure and the role of department chairs as it relates to faculty conduct reporting and monitoring

- diminished expectations for participation in ongoing professional development, particularly for those in leadership roles.

Deloitte also observed that many organizational processes are unclear, undocumented, or nonexistent, which creates challenges for employees who are burdened with the additional task of identifying the proper channels for seeking answers, problem solving, and decision-making. Deloitte found that many cross-departmental policies, which drive collaboration and teamwork, do not have clear owners or champions, and as a result, the policies remain stagnant, needed modifications do not occur, and strategic concerns are not elevated.

Catanzano shared similar observations about the College's policy frameworks, noting, "[I]t became apparent that there were certain student, faculty, and staff activities where appropriate policy was lacking or underdeveloped." Catanzano provided examples related to off-campus interactions and trips, on-campus programming (Montserrat, Chapel), tutorials, concerns about alcohol and other activities that could erode appropriate boundaries between faculty/staff and students, and a history of unclear boundaries. Catanzano wrote, "[S]uch beliefs (whether true or not) may lower professional expectations or create the misperception that such conduct is appropriate."

From a prevention, tracking, monitoring, and accountability perspective, we concur that the absence of written policies and procedures governing professional boundaries leaves students, employees, and the College at risk in that it leads to inconsistent and unclear expectations and standards about professional boundaries and limits the College's ability to hold individuals accountable for violating professional boundaries.

We also observed concerns about gaps in reporting by faculty and staff. As noted above, many survivors perceived that the "adults in the room" observed the conduct and did not speak up, which contributed to their sense that the conduct was within the realm of the acceptable. We cannot emphasize strongly enough the need to normalize reporting, rather than normalizing the acceptance of unprofessional conduct. In this regard, a shift in cultural norms and expectations is needed. Catanzano observed, "Certain faculty and staff shared that they had not reported in the past because they felt that it was the faculty and staff who best knew and understood the student body and, thus, it was the faculty and staff who could best protect their interests." This reluctance to embrace responsible employee reporting creates a conundrum when individuals who may be extremely well intentioned and genuinely care about student welfare do not recognize that by not connecting students to the Title IX Office, they may be depriving students access to a wide panoply of supportive measures, informal and formal procedural options, and remedial measures. Another downside to not reporting suspected sexual or gender-based harassment or violence – or boundary violations that could be a precursor to harassment – is that the College's ability to develop a full and accurate picture of potential pattern conduct is severely compromised as information about potential misconduct will remain dispersed across campus, rather than reviewed holistically. The current Title IX regulations, as well as the College's approach, provide great deference to the agency and autonomy of complainants. Not elevating or withholding reports from the Title IX Office has the effect of creating pockets of disconnected information on campus, while also giving potential additional complainants the false impression that the College – or other adults – are aware of and condone the conduct. This lack of centralization creates gaps where predation can occur unabated.

We also heard information about a few departments with unprofessional working environments, and note that bullying and incivility, if left unchecked, can contribute to an environment where the quality and nature of interpersonal interactions are not valued and reporting is decreased.

Effective campus responses depend on the timely sharing of concerns about *potential* harassment. This approach serves as an early intervention opportunity and strengthens the College's ability to intervene and educate to address certain types of boundary violations or to identify potential patterns of conduct.

Overcoming the reluctance to report, however, is not sufficient. It is imperative that the College's responses be prompt, equitable, and consistent with College policy. As detailed below, the current campus perception of the Title IX Office is predominantly positive. That has not always been the case, especially during the 2018-2019 academic year, which was a period of great instability in the Title IX Office. A negative perception of the effectiveness and coordination of campus offices and resources can dissuade future reporting. We heard multiple accounts of historical challenges in administrative responses by the Title IX Office and other departments, including some challenges identified by Catanzano. We also heard individual perspectives about challenges in institutional identification and ownership of issues, which echoed Deloitte's organizational assessment observations that there are current challenges in identifying where to refer concerns that are brought forward. While the response to reports and referrals may be more clearly delineated in the Title IX context for conduct that is clearly identifiable as sexual or gender-based harassment and violence, the concern is that other types of concerns may not be shared in the same way. One faculty member described the difficult experience of shepherding a student from office to office to try to seek assistance with an issue the student was experiencing with a staff member and being frustrated by the inability to identify the appropriate College office or personnel to assist.

One of the concerns that was articulated in the Dustin and Christie matters related to supervisory structures and oversight mechanisms. As reflected above, we heard concerns that Christie operated outside the lines of normal supervisory structures because he was viewed as special or exceptional. Similarly, we heard concerns about Dustin, and observed that piecemeal pieces of information reportedly shared with members of administration or faculty leadership over the years were never integrated in a manner that allowed the College to have a full and accurate understanding of all available information. As a structural matter, individuals without sufficient reporting lines or evaluative processes are able to operate without sufficient monitoring of conduct and boundaries. When individuals are allowed to function outside of the norms or without appropriate oversight, it allows others to rationalize and justify behaviors that might otherwise be more promptly or readily identified as concerning.

We observed limited structures in place to oversee the conduct of tenured and non-tenured faculty. This oversight has typically fallen to peers who rotate as department chairs, which, as discussed below, has been largely ineffective. At the same time, Human Resources and employee relations have not typically been involved in responding to faculty conduct concerns at the early stages. In this regard, responses have not consistently been aligned with effective human resources principles.

Another downside of this failure to integrate coordinated processes for oversight is the potential for protective measures or sanctions to be less effective because there is not clearly articulated responsibility for supervision. The oversight of remedial measures, protective measures, and sanctions must involve a partnership between the Title IX Office, faculty leadership, and Human Resources. This

will allow for effective monitoring, redirection, and escalation of intervention efforts or more restrictive actions when needed. Failing to appropriately monitor concerning conduct can place future students at risk of harm and lead to the perception that “nothing will happen” if one makes a report. This perception undercuts trust in the institution and undermines the integrity of Title IX processes.

Another factor that may inhibit the College’s ability to be proactive in monitoring and identifying concerning conduct is insufficient documentation practices, along with a lack of centralized reporting. We both heard about and observed challenges in the College’s prior documentation practices. Those challenges are driven by many factors: the use of paper personnel files, rather than electronic records management systems, for staff and faculty; information being documented at the department level or in personal files, but not shared centrally; and, information not being documented at all. The ability to maintain effective documentation practices has also been stymied by turnover in key positions. Notably, under federal law, documentation of certain information for a period of seven years is a required compliance element. From the lens of effective practices, gaps in documentation and prior reports inhibit the ability to identify patterns of concerning conduct.

We also understand, given the relational aspects of the organizational culture, that many individuals hold their own archives of institutional history. In some instances, these materials are maintained in written records; in other instances, that institutional history is oral, not reduced to writing, and not accessible if there are reports of continued misconduct. As evidenced by the Dustin matter, this relational approach to institutional memory leaves room for error, miscommunication, and gaps in memory. Without sufficient documentation, the College loses the quality and caliber of the information, the ability to follow up, and the ability to evaluate the impact of successive reports. When combined with a lack of centralized reporting, the result is that bits and pieces of information remain scattered across the institution. During our review, for example, we heard accounts of reports being shared with class deans or department chairs that were not subsequently shared with the Title IX Office. A number of alumni asked us, “I made a report, is there a record of it?” Those alumni described verbal conversations that were not being contemporaneously and systematically recorded in a central, searchable, retrievable manner. In fact, one alumnus specifically asked that his account be documented now to ensure the information would be available to others in the future, should others come forward with complaints about the same individual; in his case, he made a report in 2007, which included a copy of an inappropriate social media message from a faculty member (who is no longer at the College) that was reportedly not accessible when a later report against this same faculty member was received by the College.

Even within the Title IX Office, the use of an electronic records management system is a relatively recent phenomenon within the past several years. We reviewed many paper files still maintained in filing cabinets, and understand that with each new Title IX Coordinator in recent years, the records management system varied. At least one faculty member shared a concern that their report about a colleague was lost in the transition from one Title IX Coordinator to the next. Lack of continuity in recordkeeping is a significant organizational risk that can contribute to ineffective institutional responses to faculty sexual misconduct. Deloitte made similar observations as it relates to the effective use of data College-wide, noting that gaps in data and documentation can lead to uninformed decision-making.

As it relates to the role of the department chairs, we heard significant concerns about whether and how department chairs should intersect with conduct issues of other faculty within the department. One faculty leader observed that faculty chair positions are one of the “administrative pressure points – a nexus in the organizational structure” without sufficient onboarding, training, and documentation practices. Department chairs typically rotate on a three- or six-year basis. At the completion of the term, the chair returns to be a general member of the department and a new chair is appointed for a three-year term. Faculty and administrators alike shared that due to gaps in training and a reluctance to exercise their authority, the department chairs’ management of faculty conduct is ineffective in its current structure. Faculty described the role of the chair as “a leader among equals.” One administrator observed that many department chairs lack an “understanding or willingness to oversee, supervise, and hold accountable other faculty who were and will again be their direct colleagues.” On serving as a department chair, a faculty member said:

These are your colleagues, they entrust you for three years to make the trains run on time, run the schedules, make sure all the awards get out, that the non-faculty staff get their evaluations, and evaluate for salary increases. I never felt like I had the authority to make anybody do anything. Even if I did, in three years, I am back to plain old [name]. I felt like a bit of an imposter, I guess, when it was up to me.

Another faculty member offered that “nobody needs feedback from [the department chair] after they have tenure. [Department chairs] are not selected because everyone wants them to be a leader and visionary.” That being said, we are aware that department chairs have significant other responsibilities unrelated to misconduct, and any potential restructuring or strengthening of the department chair role should continue to incorporate the positive aspects of the work, including culture work, hiring, course assignment, and the like.

We heard nearly universal agreement that onboarding and additional professional development were needed for department chairs to be able to function effectively. One administrator noted, “There is confusion regarding [the department chair’s] authority over other faculty. What responsibility and authority do [department chairs] carry in fulfilling their role?” One former department chair said she requested and received training from the College because she did not have prior managerial experience. But not all department chairs make such requests. An administrator recommended that “Academic Affairs develop, with input from Human Resources, a [department chair] manual and training that defines their role and responsibilities, particularly with regard to their supervisory responsibilities.” The administrator further recommended that “these responsibilities should be included within the job description and tied to any increases in salary and failure to fulfill these obligations should be subject to disciplinary review, including the potential revocation of their position.”

A faculty member shared, “I have seen a repeated pattern of infantilization of administrative power consolidation in upper roles, which then puts the chair role as a micromanaged minion without a lot of mission to set their own vision or advocate for their own department.” Conversely, other faculty leaders shared that, “Department chairs do have authority, but they do not want to exercise it. They dump almost everything on the Dean of Faculty.” A faculty leader also observed that the department chairs lack sufficient training to allow them to navigate conflict.

Finally, we observed that there were diminished expectations for participation in ongoing professional development, particularly for those in leadership roles. Leadership development is an important

element for many faculty and administrators alike and will help to reinforce the strategic work being done with respect to shared governance and organizational restructuring. For an institution that prides itself on its educational mission, as well as the Jesuit approach to inquiry, faculty and administrators should model an openness to continual learning, growth, and professional development.

F. Broader Framework Regarding Sexual and Gender-Based Harassment

In the history of higher education, the legal compliance framework related to sexual and gender-based harassment and violence is relatively nascent. The legal framework that recognized sexual harassment as a legally actionable form of sex discrimination did not arise until the late 1970s/early 1980s. In the context of higher education, the applicability of Title IX to sexual harassment occurred even later, first arising as guidance by the U.S. Department of Education's Office for Civil Rights (OCR) in the *1997 Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (1997 Guidance) and the *2001 Revised Sexual Harassment Guidance* (2001 Guidance).⁴¹ As noted above, in April 2011, OCR issued a Dear Colleague Letter explicitly setting forth expectations regarding institutional responses to sexual violence. In response to questions about implementation of the 2011 Dear Colleague Letter, on April 29, 2014, OCR released its [Questions & Answers on Title IX and Sexual Violence](#) (2014 Q&A), which provided additional guidance. In contrast to both the 1997 Guidance and 2001 Guidance, the 2011 Dear Colleague Letter and the 2014 Q&A were not subject to notice and comment, and controversy arose over what some viewed as an overreach by OCR. On September 22, 2017, OCR issued yet another Dear Colleague Letter (2017 DCL), rescinding both the 2011 and 2014 guidance documents and expressing its intent to implement a policy, through a rulemaking process, that considers public comment. OCR concurrently issued interim guidance in the form of a [Q&A on Campus Sexual Misconduct](#) (2017 Q&A), which remained in effect until the "final" Title IX regulations were made effective in August 2020. As of the date of this report, we are in limbo awaiting the outcome of the public comment period to the Notice of Proposed Rulemaking issued by OCR in June 2022, which will bring another wave of changes in campus processes once the new regulations become "final."

Throughout this evolution in legal framework, higher education has struggled to respond to rapidly shifting standards and expectation. The College was no exception. Despite the "call to action" of the 2011 Dear Colleague Letter and the heightened legal requirements set forth in the Violence Against Women Reauthorization Act of 2013,⁴² Holy Cross was delayed in its response as compared to peer institutions, many of whom moved more quickly to strengthen their Title IX programs or build one where none existed. As one longstanding faculty member who helped to build the early Title IX program observed, "Holy Cross, like other institutions of higher education, recognized only recently that we had to step up to establish clear principles, procedures, and protocols in the area of sexual violence." The College's early efforts to develop Title IX policies and frameworks were led by a collaborative committee, SAFER, which included faculty and administrators. In the 2014-2015 academic year, the College, with input from SAFER and the assistance of outside counsel, reviewed and revised the

⁴¹ The 2001 Guidance replaced the *1997 Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*. 62 Fed. Reg. 12,034 (Mar. 13, 1997). The 2001 Guidance, 62 Fed. Reg. 66,092 (Nov. 2, 2000), is available at <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>. Both the 1997 and 2001 guidance have now been rescinded. Nonetheless, they provide important historical context.

⁴² Public Law 113-4. VAWA regulations became effective July 1, 2015. 34 C.F.R. § 668.46.

College's Sexual Misconduct Policy. SAFER, which was grant funded, also developed a bystander intervention program, a core component of primary prevention and awareness programming required by VAWA.⁴³

G. Evolution of the Title IX Office

These collaborative partnerships set the stage for the hiring of the College's first full-time Title IX Coordinator in November 2015, who joined the College at the same time as the College's current General Counsel.⁴⁴

Notably, the College did not have a functional and effective Title IX Office until 2015. Although the College had policies governing harassment dating back to 1992, and prohibited consensual relationships between faculty and students in 2004, the Title IX framework was new to Holy Cross, as was the role of a dedicated Title IX Coordinator. While the regulation of sexual misconduct existed in policy, the creation of the Title IX Office in 2015 was significantly later than many educational institutions who acted more quickly in the wake of the April 2011 Dear Colleague Letter.

As the College built out its first Title IX Office, there was significant confusion on campus about the role of the Title IX Coordinator. Individuals involved in creating the Title IX Office described a "tremendous disconnect" and "maybe not a shared meeting of the minds of the programming or the 'what' the office should be." Some misunderstood the role of the Title IX Office and believed it should have been an advocacy resource for survivors, as opposed to a neutral and impartial office tasked with prompt and equitable responses that seek to eliminate, prevent, and address reports of sex discrimination. There were also varying perspectives on what information could or should be shared about matters reported to the Title IX Office that fueled concerns about transparency and secrecy.

The Title IX Office experienced significant instability between 2015 and 2020. During that timeframe, the College had five individuals who served in the role of Title IX Coordinator, some of whom served in an interim capacity. These Title IX Coordinators had the significant task of introducing and building a Title IX Office that was new to the College, that complied with the complex and ever-evolving legal and regulatory framework, and that meaningfully responded to incendiary and public allegations of historical abuse.

A common misperception we hear across the country is that Title IX offices are legalistic, not caring, compassionate, or empathetic.⁴⁵ We heard the same perception at the College. For example, in 2019, a faculty member described a feeling that the Title IX Office is a legal structure, rather than a resource to survivors of sexual misconduct. There was a perception that the overriding concern of the Title IX Office

⁴³ Bystander intervention under the Clery Act means "safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safer and effective intervention options, and taking action to intervene." 34 CFR § 668.46(j)(2).

⁴⁴ <https://news.holycross.edu/blog/2015/12/14/holy-cross-appoints-two-to-administrative-posts/>

⁴⁵ We have heard this same perception during nearly every external Title IX audit we have conducted over the course of the past year.

was the question, “What does the College need to do to protect itself legally?” rather than the more critical question, “What can the College do to identify and solve problems?” This perception is driven, in part, by the procedural rigor required in the current Title IX regulations, a factor not unique to the College; however, this perception at the College may have been exacerbated given the confluence of “professionalization” efforts across the campus. Notably, the current regulatory framework calls for the most prescriptive requirements to date, and incorporates undefined and complex legal and regulatory concepts like “directly related” evidence, relevance, and cross-examination in the context of a live hearing into more traditional administrative disciplinary processes. The laws that govern the College’s Title IX response to sexual misconduct add a layer of regulation that may have had the effect of desensitizing the College’s response. There are also intersecting federal and state privacy laws that govern the information the College is permitted to share about individual cases, which makes it more difficult for the College to communicate about the effectiveness of the policies and procedures in a manner that might help to shift campus perceptions. A staff member who supports students through the Title IX process reported, “The challenge that remains is how do you make the whole process more seamless, more user-friendly, more victim/survivor-centered so that people don’t trip over the legal process. We hear from students that they still feel challenged by that piece.”

Individuals uniformly reported that community stakeholders deeply cared about the issues related to Title IX, but the misunderstanding of the Title IX Office’s core functions may have inhibited its ability to effectively serve the community. For example, if individuals who seek assistance from the Title IX Office are expecting an advocacy-based response, or that the Title IX Office is primarily a resource center for survivors, the disconnect between their expectations and the reality of a more neutral and impartial response can create dissonance for individuals who intersect with the Title IX Office, which is often fueled by the perception of institutional bias.

Despite its late and difficult start, the College has engaged in significant efforts in recent years to implement Title IX functions with fidelity to core legal requirements and effective practices. With some stability now within the Title IX Office, the College’s current Title IX Coordinator has been able to focus on building community awareness of the Title IX Office’s functions. Added resources have allowed the College to expand the Title IX Office, which now includes the Title IX Coordinator along with two investigators⁴⁶ and an Assistant Director of Prevention and Education. The College has also made efforts to streamline the reporting process and increase awareness. Specifically, the College created a centralized reporting webpage called [Make a Report](#), for reporting concerns relating to, among other issues, sexual misconduct, bias incidents, students of concern, and academic integrity. The College also invested in [Ethics Point](#), a confidential reporting option serviced by a third party, to serve as an anonymous reporting portal with the ability to interact with the reporter.

Most recently, the Title IX Office partnered with Student Development to create College-specific training modules for students. There are two 90-minute modules, one addressing sexual misconduct and the other addressing alcohol and other drugs. Students participated in the development of the script and the production of the modules. The goal of the transition from the generic online training to tailored College programming was to improve engagement and understanding of behavioral expectations and College resources, including the Title IX Office, within the context of the College’s mission.

⁴⁶ One of the investigator positions is currently vacant.

Students offered an evolving perspective on the Title IX Office. A student and Relationship Peer Educator (RPE) from the class of 2022 recalled “watching the [Title IX] Office fall apart in front of us” during her freshman year. She said in her sophomore year, RPEs were tasked with developing sexual violence prevention programming, that according to the student, resulted in an uptick in reporting. The student concluded that students were “starting to trust the office again.” This perspective was echoed by another student who, through their role in Feminist Forum, worked closely with the Title IX Office in education and prevention programming. The student, a junior, said they had two older siblings who graduated from the College at a time when students did not engage with the Title IX Office. The student recognized that in the few short years since their siblings were students, student body interaction with the Title IX Office shifted in a positive direction.

At the same time, some faculty members reported a more negative perspective in their interactions with the Title IX Office. According to one faculty member, students did not feel that the Title IX Office “had their backs” and withdrew reports as a result. Likewise, the survey responses from students highlighted a need for additional training and education around the resolution process once a report is filed.

Ultimately, the effectiveness of the Title IX Office will impact its perception on campus. A positive perception can help to engender trust, foster increased reporting, and drive a culture and climate of accountability and responsibility. A negative perception can deter future reporting. The College’s prevention, education, and training efforts can support better campus awareness and reinforce the role of the Title IX Office as a report, resource, and response office that seeks to eliminate sexual and gender-based harassment and violence, remedy its effects, and prevent its recurrence. Clear definition of roles within the office can help maintain critical distinctions in functions, so that support and advocacy functions are appropriately separated from neutral investigation and resolution processes.

H. Spring 2022 Campus Climate Survey

In February 2022, the Director of Title IX and Equal Opportunity and the Office of Assessment and Research issued a climate survey to all enrolled students over the age of 18 to collect information about their attitudes toward, beliefs about, understanding of, and experience with, sexual misconduct. 3,103 students were invited to participate in the survey and 837 students answered at least one survey question, resulting in an overall response rate of 27%. Key data from the survey included the following:

- In terms of knowing about how to report sexual misconduct at the College:
 - High proportions of respondents agreed, in whole or in part, with most statements relating to knowing how they can report sexual misconduct ($\geq 82\%$ per statement).
 - However, a substantially lower proportion of respondents agreed, in whole or in part, that they understood what happens when a student reports sexual misconduct at the College (65%).
- High proportions of respondents agreed, in whole or in part, with all statements regarding having trust and confidence in the College in terms of how sexual misconduct reports are handled ($\geq 74\%$ per statement).
 - However, female respondents reported a lower level of agreement that they had confidence that College officials would take steps to protect the safety of the person making an official report of sexual misconduct compared to male respondents.

- When comparing these statements to similar statements that were asked in 2019 on the Campus Climate Survey, it was clear that respondents in 2022 agreed at higher levels to all of these statements compared to respondents in 2019.
- Over half of respondents (58%) reported never experiencing any sexual misconduct behaviors in the past year.
- Of the respondents who reported experiencing at least one sexual misconduct behavior in the past year:
 - The highest proportions reported that the perpetrators of at least one behavior were either other Holy Cross students not in their friend group (69%) or other Holy Cross students in their friend group (43%).
 - The lowest proportions reported that the perpetrator of at least one behavior was a Chaplain (0%), a student affairs/residence life staff member (1%), other administrators/staff (1%), athletic coaches or staff (3%), or faculty members (3%).
- Of the respondents who reported experiencing at least one sexual misconduct behavior in the past year, most indicated that they did not ever report their experiences (78%).
- Of the respondents who did not report at least one negative behavior:
 - Most did not report the behavior because they did not think that it was serious enough to report (72%).
 - Many reported wanting to deal with the problem on their own (48%).
 - The lowest proportions of respondents reported that they did not report because they did not want anyone to know drinking or drugs were involved (2%), they were threatened not to come forward (2%), or they were afraid that a report might prompt questions about their sexual orientation or gender identity (3%).
- A higher proportion of LGBTQIA+ respondents who did not report at least one negative behavior did not report the behavior because it might have prompted questions about or revealed their sexual orientation or gender identity compared to non-LGBTQIA+ respondents.
- A high proportion of respondents agreed, in whole or in part, that if they experienced sexual misconduct, they would contact the College to access resources (85%).

The survey respondents identified a need for training on what happens in the Title IX resolution process after a report is made to the College. Many respondents made direct requests for information on what to expect in the reporting process, the definition of consent, understanding signs of misconduct by faculty, and bystander intervention. Some students expressed a lack of confidence in the College's response, particularly in holding respondents accountable. One student wrote,

I do believe the College takes these concerns seriously. In my own experience, I found that those who I did speak to were deeply sympathetic, and wanted to help. While I do believe the college succeeds in providing support in making the reporting process as safe and comfortable as possible, I am afraid that it ends there.

That student added, “there seems to be no follow through in delivering consequences for these actions.”

Educating students on the College’s required Title IX response, including the circumstances when a respondent will be removed from campus pending an investigation, would help to demystify the process and resolve the likely misperception that the College is not responding to reports. The student survey echoed recommendations by alumni to educate students, as well as faculty, on grooming and boundaries.

XI. OVERVIEW OF ADDITIONAL COLLEGE ACTIONS

Since August 2018, the College has created many new policies and internal operating protocols where none existed before. Those policies include the development of a Historical Claims Process to address reports of sexual and gender-based harassment and violence by alumni; the Committee on Remedies, Education, and Community Healing (“REACH”) to provide counseling resources to alumni impacted by sexual violence; the [Policy for the Protection of Children](#); and, most recently, the [Policy on Travel with Students](#). The College is also developing a Naming Review Policy to address the rescission of honorifics and awards where there is credible evidence of sexual or gender-based harassment and violence.

XII. ENGENDERING TRUST AND MOVING FORWARD

We observed deep commitment across students, faculty, staff, and alumni to work together to better prevent and respond to all forms of sexual misconduct in a manner that is consistent with the College’s mission, and that deep faith in the College that can be drawn upon to support growth and learning as individuals and as a community. Despite this commitment, there is still a need for ongoing communication and restorative initiatives to help the College community foster increased trust. Engendering trust starts with every individual action, and with each of us holding ourselves accountable to ourselves and one another. In some regard, the passage of time has helped to repair some relationships. Nonetheless, the responsibility for moving forward as an institution is a shared one, wherein administrators, faculty, the Board, and students all play a vital role in preventing sexual and gender-based harassment and violence. While the College can provide the framework in terms of policies, procedures, and practices, as well as educational programming, achieving cultural change must be a community effort.

Because the survivor voices have featured so strongly in this report, we close with the perspective of an alumnus and survivor of abuse by Christie who was directly involved with the College at the time the allegations about Christie and Dustin became public:

So much of the cultural ethos to the College is the invitation to reflection . . . the individuals are being asked to reflect in this process, faculty are pointing the finger at the admin and saying you have to reflect, everybody else has reflected, who is asking the faculty to reflect? For this process to be complete, that has to be a part of it . . . they also need to engage in their own reflection, how have they as a body, a member of this larger institution, taken stock of themselves.

We are optimistic that this reflection has begun, as demonstrated through the positive engagement between faculty and administrators over the past year. We harken to the perspective of a faculty leader

who shared their own growth and perspective on the current dynamics between faculty and administration:

I personally have experienced a great deal of shifting around trust around my own idea of misunderstanding. . . . Over the last couple of years, my understanding has shifted to be more diffuse. I have less blame for particular institutional actors that two years ago I would have been very quick to blame. If you do enough talking and listening, the narrative becomes more complex; things that were portrayed to me by other faculty as clear instances of bad actors by administrators now look a lot more grey. I think there has been more shifting to more curiosity around how this could have happened – and some more of that complexity of being able to think a little bit more broadly about what is it about this community that may have contributed to providing a safe haven for some folks to do bad deeds.

The faculty member observed, “We have some key new leaders and what I have seen some of them do in the past year – to listen and try to understand as best they can and to be willing to try something different, that has been huge – being willing to say, explicitly and implicitly, nope, we are moving in a different direction.” Another faculty member who has been a fierce advocate for survivors shared their perspective about this investigative process, noting, “People are optimistic. They feel heard . . . and we are hopeful.”

We are exceedingly grateful to the many students, alumni, faculty, and staff invested in this work – and to the many who are committed to continuing to build trust, develop collaborative relationships, and reinforce community, care, and compassion for one another.

XIII. RECOMMENDATIONS

The primary goal of these recommendations is to address the cultural, structural and organizational factors identified through this review as potentially contributing to instances of faculty sexual misconduct at Holy Cross. As set forth in our scope, these recommendations are meant to identify “meaningful and significant evidence-based actions to improve culture, restore trust, acknowledge accountability, and decrease student vulnerability as related to faculty sexual misconduct.” To facilitate the restoration of trust and acknowledgement of accountability, the recommendations begin with restorative approaches for engagement with survivors.

As outlined in the report, the College has already engaged in significant efforts to build an effective Title IX program, develop infrastructure and policies, implement the Catanzano recommendations (in progress), and strengthen culture and climate through educational programming and campus initiatives. The recommendations below seek to support, enhance, and expand the College’s actions to prevent sexual and gender-based harassment and violence, and to provide meaningful institutional responses that demonstrate care and empathy and promote accountability and responsibility in the context of a fair and impartial investigation and adjudication process.⁴⁷

The recommendations seek by design to close the trust gap created by the revelations of faculty sexual misconduct at the College. It is our experience that trust is built on a foundation of steady engagement

⁴⁷ While this review focused on sexual and gender-based harassment and violence, many of our observations and recommendations also apply more broadly to other forms of protected class discrimination and harassment.

and consistent communication with representative constituents in a manner that demonstrates character, candor, care, competence, and collaboration over time. In that regard, for these recommendations to take root in the community, the design of the process for implementation is equally as important as the specific recommendations themselves. The implementation plan outlined below is deliberately high level and open-ended.

We have identified a number of recommendations that are based on legal compliance requirements, effective implementation, or the information (“evidence”) gathered in this review. While we provide categories of recommendations – some foundational, some structural, and some aspirational – unless otherwise noted, we believe it is the province of the College to evaluate and prioritize the recommendations, to identify the individuals best suited to drive effective implementation of the recommendations, to make decisions about the allocation of resources, and to identify the order of operations for institutional actions. We also recognize that the College must have the autonomy to continue to identify and implement tailored, evidence-based, and effective actions that strengthen College policies, systems, and culture.

These recommendations, and the effectiveness of the College’s prevention efforts, require pan-institutional commitment and partnership. As our observations in the report reflect, the cultural, structural, and observational factors that contribute to an environment where sexual misconduct can occur are complex and multi-faceted, and every campus community member must contribute individually to strengthening culture and safeguarding the College’s students. Campus constituents must recognize the responsibility inherent in shared governance between organizational power structures, including senior leadership, administrators, faculty, and the Board, in order to create safe environments that foster gender equity, encourage bystander engagement, provide permission and support for reporting, promote accountability, and reinforce prohibitions against retaliation. Students also have an integral role to play in fostering a diverse, inclusive campus community free from discrimination and harassment.

Consistent with the foundation of Jesuit traditions, all who come to shepherd and participate in this important work, including the Board, president, senior leadership, faculty, students, staff and alumni, should commit to the importance of understanding the complexity of the attendant legal, psychological and cultural frameworks surrounding sexual and gender-based harassment and violence in the educational context. The demonstration of this commitment is best modeled through attending required training and educational programming, dedicating time to participate in collaborative implementation efforts, and continuing to engage with one another in a respectful, constructive, and good faith manner. To that end, the CIOC can serve as a model of effective shared governance. Each member of the committee devoted substantial time, emotional and intellectual energy, and personal investment to listening and learning, both from the facts gathered, and from one another. The CIOC consistently demonstrated good faith engagement, trust in one another’s motives and intentions, and hope and optimism for moving forward. This collaborative, productive, and transformative process can serve as the springboard for the shared governance work that lies ahead.

It will be critical for campus leaders – in administration, faculty, and the Board – to continue to model informed, empathetic, and values-based leadership, in written communications and in-person engagement, and to actively communicate expectations, model care in their interactions, demonstrate civility and respect, and grant permission for all to advance culture change.

As the College moves forward in implementation, it will be important to continue to evaluate the evidence base that supports effective practices, including through mechanisms such as tracking and evaluating data about trends, patterns, and climate; continued campus engagement through regular feedback loops; periodic climate surveys; ongoing professional development and educational programming; and academic research.

Culture change does not occur overnight. It is our expectation that the College will implement these recommendations over a period of time, consistent with other institutional priorities. In this regard, the College's work will never be static. With the rapidly evolving legal framework, the enhanced understanding of sexual and gender-based harassment and violence, and an evergreen population of students, the College must have the flexibility and nimbleness to keep pace with changes in the law and understanding of the dynamics of sexual misconduct.

Informed by this review, the recommendations fall into five main categories: **restorative approaches** to address the past; **preventive work** that seeks to reduce the potential for sexual misconduct to occur through enhanced educational programming; strengthening of institutional **structures, policies, and practices** to shift the conditions that may have allowed misconduct to occur; steps to foster **increased reporting**; and, effective practices to enhance **responses to reports** should misconduct occur. We also offer an initial set of recommendations designed to ensure that the **process for implementing the recommendations** has the appropriate hallmarks of trust, accountability, visibility, and sustainability.

I. Restorative Approaches

1. Prioritize and center the College's responses to this report on those who have been harmed to demonstrate commitment to care and the core mission of Holy Cross
2. Acknowledge, apologize, and address reported harms through the lens of restorative practices
 - a. Consider engaging subject matter experts to design and shepherd the implementation of selected restorative efforts involving survivors (to the extent they wish to participate)
 - b. Consider offering a variety of restorative opportunities for impacted individuals that *may* include, for example: individual meetings and rapprochements; identifying a day of acknowledgement and recognition; offering a Healing Mass; hosting an annual speaker series on issues related to sexual and gender-based harassment and violence, social justice, diversity and inclusivity, civil rights, and equity; or other innovative and tailored opportunities
3. Employ best efforts to make outreach to former students who may have formally intersected with individuals identified in this review to discuss tailored and reasonably available remedial measures through the Title IX Office
4. Review, finalize, and publish a process for bestowing or removing honorifics or naming rights and apply process to individuals identified through this external review, with communication of those efforts as appropriate in order to reinforce institutional values, accountability, and integrity in a manner that is tangible, visible, and restorative
5. Consistent with individual interest, identify a mechanism for the survivors to participate in the College's work moving forward, perhaps by inviting one or more alumni survivors to participate in one of the committees identified below

II. Prevention, Education and Professional Development

1. Identify and evaluate sustainable models for a prevention and education program focused on holistic wellness, including coordinated attention to mental health, sexual and gender-based harassment and violence, alcohol and other drugs, and suicide prevention⁴⁸
2. Develop a coordinated and systemic approach to education and prevention that builds upon the ongoing work of the Title IX Office, as follows:
 - a. Ensure that the Assistant Director of Prevention and Education and Title IX Coordinator maintain oversight responsibility for coordination and vetting of all College training and educational programming related to and required by Title IX, the Clery Act, Massachusetts state law, and other regulatory bodies (NCAA)
 - b. Categorize all constituencies (students, faculty, and staff) to prioritize and tailor training needs, timing and content, and assign/delegate responsibility for meeting those training needs in a coordinated and timely manner
 - c. Continue to publicize training calendar and opportunities for ongoing professional development
 - d. Ensure that all education and training materials are clearly written, accessible, and reflect consistency with current law, guidance and policy
 - e. Consider holistic and multi-disciplinary programming to address issues of sexual and gender-based harassment and violence, gender equity, diversity and inclusivity, alcohol and substance abuse, discrimination and harassment, microaggressions and other issues that can impact campus culture and the development and education of students
3. In coordination with existing efforts, provide professional development and educational sessions to all Board members, members of senior leadership, and members of faculty leadership that address the issues identified in this report, including the impacts of grooming, the need for professional boundaries, the challenges of the *care-compliance continuum*, and how to promote accountability through trauma-informed and effective practices
4. Provide integrated, in-person (if possible) training to all employees, at least every two years, which addresses reporting responsibilities for campus employees under Title IX, Clery, child abuse reporting, and other aspects of Massachusetts state law
 - a. Supplement training with interactive training materials based on case studies and provide opportunities for the development of shared language designed to improve understanding, shift the culture around reporting, and demystify concerns that may cause barriers to reporting by responsible employees
5. Create, customize, and provide professional development regarding professional boundaries and healthy interactions *for students and employees* that seeks to maintain mentoring and

⁴⁸ See, for example, the Wellness Collective at the University of Southern California, <https://sites.usc.edu/studentwellbeing/>; Wichita State University Prevention Services Advisory Board, <https://www.wichita.edu/services/prevention/PreventionHome.php>; and, University of North Carolina, Chapel Hill, UNC Gender-based Prevention Advisory Group, <https://safe.unc.edu/awareness-and-education/#:~:text=UNC%2DCH%20has%20partnered%20with,the%20in%2Dperson%20HAVEN%20training>.

advising relationships that contribute to lifelong and transformational, intellectual and educational relationships between students and faculty *within* the bounds of professional engagement

- a. Incorporate faculty feedback in the selection and vetting of the presenter(s), if external, or consider developing the curriculum internally with external guidance and participation of multi-disciplinary stakeholders including, students, faculty, and staff.
 - b. Provide clear written guidelines for professional interactions, as well as explicit and unequivocal permission and a framework for reporting concerns, even if they do not rise to the level of a policy violation
6. Consider aspirational goals to expand student knowledge and understanding on these issues, including how to develop and build, with institutional support, a graduated four-year curriculum for students, that builds on content each year to provide information most relevant from a student developmental and contextual perspective, including preparing students for continuing roles post-graduation
7. Ensure that continued prevention and education efforts continue to incorporate information learned through climate surveys, review of the patterns, trends, and issues of concern arising on campus

III. Reporting

1. Continue to publicize reporting options through a campaign focused on giving permission to share concerns, addressing cultural barriers to reporting, reinforcing individual agency and autonomy, and educating about the available supportive measures and procedural options following a report
2. In addition to the recommended expanded training regarding responsible employee reporting responsibilities, consider how to best shift culture and understanding around the ethos and philosophy behind centralized reporting, including, for example:
 - a. Continuing efforts to streamline and encourage reporting of concerns for early intervention, including through MakeAReport and EthicsPoint
 - b. Supplementing existing materials and expand web content regarding confidential resources and reporting options with visual aids (flowcharts and infographics) and collateral resources for faculty and staff
 - c. Developing clear articulation of employee reporting responsibilities and the ethos behind those requirements
 - d. Reviewing policy language regarding employee reporting responsibilities to include the philosophical underpinning behind the requirement, what occurs after the reporting, and clear accountability for failure to report
3. Continue to promote confidential and care based options, including the Confidential Resource Provider,⁴⁹ the Faculty Ombuds, the Counseling Center, and the Chaplain's Office

IV. Actions to Strengthen Culture, Structure, and Operations

⁴⁹ <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter337>, Massachusetts Campus Sexual Violence Act, effective August 1, 2021.

A. Faculty Leadership

1. Engage Provost, deans, and senior faculty members to work collaboratively to change culture, articulate clear expectations about appropriate behavior, promote a safe space for reporting, and take action to hold individuals accountable
2. Evaluate selection processes for leadership positions to ensure equitable opportunities to apply for available positions and include a process step that assesses whether there are prior Title IX or Human Resources findings of violations against the candidate that would impact the candidacy
3. Consistent with the recommendations of the external consultant on shared governance and organizational structure, review the lines of hierarchy and oversight on both a College and departmental level
4. Under the leadership of the incoming Provost, review the role of department chairs, provide tailored and consistent onboarding and ongoing professional development regarding chair responsibilities related to misconduct or boundary violations:
 - a. Consider the creation of a written department chair manual to reinforce consistent process
 - b. Identify a mechanism for consistent documentation and coordinated centralized sharing of information to ensure that all reports of misconduct received by department chairs are triaged through a centralized Title IX or applicable Human Resources/employee relations process
5. Evaluate potential options for incorporating required elements of annual departmental reviews to include reporting on safety, diversity, equity and inclusion, and metrics on professional development and departmental responsibilities to assess support for a culture of accountability
6. As appropriate, consider anonymous and routine culture assessments of each department

B. Title IX Office

1. Continue to proactively promote the Title IX Office to raise awareness and visibility
2. Review internal operating protocols, template communications, the intake and outreach process, timeliness, separation of roles and responsibilities, any potential conflicts of role based on the structure of the process, and other organizational and structural aspects for effective functioning of the Title IX Office
3. Continue to provide the Title IX Office with access to outside Title IX counsel to consult, on an as needed basis, for support in this highly complex and evolving environment
4. Ensure that existing mechanisms are sufficient to ensure appropriate oversight of protective measures and sanctions to allow for monitoring of effectiveness, explicit delegation of oversight responsibilities, and routine checks for quality control and quality assurance

5. Continue to rely upon a robust records management system for all reports and resolutions (preferably an integrated enterprise-level reporting system) to track required information and institutional responses in a searchable format (supportive measures, communications, time frames, investigations, adjudications, sanctions)
6. Incorporate exit interviews or exit surveys for complainants and respondents to seek feedback and evaluate effectiveness of implementation
7. Conduct an annual policy review that incorporates lessons learned each academic year, and provides the opportunity for input from campus community members
8. Continue to conduct periodic campus climate surveys; include questions and survey metrics regarding professional boundaries to reinforce healthy relationships
9. Disseminate annual report that shares de-identified aggregate data about reported conduct and resolutions (potentially with a lag in the data to best protect anonymity) and updates on prevention and education programming and initiatives (already slated for release this fall)

C. Coordination of Institutional Response

1. Consider establishing a standing representative advisory committee, including faculty, staff, students, Board members, and alumni, to serve as ambassadors to represented constituencies and provide insight and feedback on proposed institutional efforts
2. Create a Title IX multi-disciplinary team for initial assessment, case management, and effective documentation that includes the Title IX Coordinator and other campus implementers with core responsibilities for providing care and resources and implementing conduct processes involving students and employees
3. Develop business processes and accompanying internal diagrams to map the response process for all forms of sexual and gender-based harassment and violence, other forms of discrimination and harassment, boundary violations, microaggressions and other conduct that might not rise to the level of a policy violation
4. Develop additional structures, as needed, to reinforce pan-institutional collaboration, coordination and communication to support trust building

D. Documentation and Records Management

1. Upgrade document management practices and systems in Human Resources and the Provost (faculty files) to a searchable, electronic system
2. Digitize information about historical reports of sexual misconduct to ensure accessibility

V. Ensuring Effectiveness of Recommendations

1. Designate a multi-disciplinary and representative committee of implementers, including faculty and administrators, to support the implementation of the recommendations
2. Ensure that the implementation committee has sufficient authority, training, and sits within a responsive reporting structure to support effective implementation of the recommendations
3. Identify a project leader with subject matter expertise to chair the implementation committee, facilitate implementation of the recommendations, communicate progress and updates with the campus community, and track and monitor completion
4. As a first step, the implementation committee should identify and articulate shared goals, triage and prioritize the recommendations, and develop a calendar for action items and communications
5. As part of the implementation process, implement a RACI decision-making project management model that identifies who is responsible (R) and accountable (A) for each aspect of the implementation plan, who is consulted (C) and informed (I) for context and feedback, and how progress will be tracked and success measured to drive collaborative, reliable and effective results
6. Ensure that all implementation committee members receive training regarding the legal and regulatory framework, effective practices nationally, and the key findings of this report
7. Provide at least one update each semester on the progress toward completion of the recommendations, either in community letters or through a dedicated website that tracks progress