

**CONFIDENTIAL REPORT
IN CONNECTION WITH THE INVESTIGATION OF
INAPPROPRIATE CONDUCT OF
TEACHER/COACH AARON THOMAS
PHASE 2**

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MARCH 14, 2022

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I. INTRODUCTION AND SCOPE OF PHASE 2 INVESTIGATION

The scope of my initial engagement was to undertake an independent, objective investigation on behalf of the North Kingstown Public Schools District Administration and School Committee (the “School Committee”) concerning complaints made by former students about inappropriate conduct on the part of Aaron Thomas in his administration of BMI/fat testing to high school students. Mr. Thomas was a long-tenured high school teacher and coach who was placed on administrative leave immediately upon receiving the following complaint on February 12, 2021:

I’m a 2006 graduate of NKHS.....I’m writing to you because I can no longer stay silent about the trauma I was subjected to by Aaron Thomas. Every month for my entire time at NKHS Thomas brought me into his office (protected by CCTV) and asked me to get naked, then touched me all over my body. He did this to dozens if not hundreds of boys over a ~10 year period to my knowledge. I beg you to question him about this “fat testing” regime and what purpose it served.

At that time, I was charged to determine if Mr. Thomas violated any rules, laws or policies to which teachers, staff and coaches must uphold. I concluded that he had, but the School Committee acted to terminate Mr. Thomas before my investigation was completed. Nonetheless, I submitted my Report and Recommendation to the School Committee on June 18, 2021. Following a closed meeting convened in executive session on November 6, 2021 under the Rhode Island Open Meetings Act, R.I. Gen. Laws §§ 46-42-4 and 42-46-5, the School Committee authorized me to expand the scope of my original engagement to determine who and when any School District Administrator knew of the inappropriate manner in which Mr. Thomas conducted “fat testing” of student athletes, and what, if any, reporting was made and responsive and protective measures were implemented to protect the health, safety and wellbeing of those student athletes and the entire student body.

II. METHODOLOGY OF INVESTIGATION

Since my original investigation focused on gathering information from individuals who worked closely with Mr. Thomas, I had a good sense of those I needed to re-interview and to interview those who had some relation to the athletic program or supervision of Mr. Thomas. In addition, my initial investigation revealed that it was not until June 2017 that any current administrator had any notice or knowledge of the fact that fat testing was being administered by Mr. Thomas alone with a student in his communication's office. Thus, I intended to reach out to parents, students, and former students to ascertain the degree to which the fat testing was known within the school community outside of the student athletes themselves. First, however, I wanted to gather electronically stored information ("ESI") on the School District's computer servers, focusing primarily on email exchanges by and between Aaron Thomas, the Superintendent, athletic directors, athletic trainers, coaches and assistant coaches, principals, and students by using search terms that I developed with Michael Waterman, the School District's Director of Information Technology. A copy of the search terms and "hit report" which resulted in the first round of electronic data is attached hereto as *Exhibit 1*. Generally, I asked for data dating back to 2017, but Mr. Waterman pulled information dating back to 2013. The ESI search resulted in the recovery of thousands of documents, all of which I reviewed and only a fraction of which was relevant to my investigation. I also worked collaboratively with Attorney Timothy Conlon and Judge Susan E. McGuirl. Mr. Conlon represents several former students involved in the fat testing by Mr. Thomas, and he has access to information received from his clients, including private email communications that did not originate from the School District's servers. Judge McGuirl has been engaged by the Town to conduct a parallel investigation. We have provided each other with information at our disposal, including data and email communications

dating as far back as 2005. Mr. Conlon also made available for interview one of his clients, John Doe #3. He provided me with a statement of another client, which is referred to in this Report and included as an exhibit.

Like Phase 1, my task was made more difficult as numerous other individuals whom I attempted to contact to obtain substantive information either never responded to me or told me they did not want to become involved. One critical witness was the long-time athletic director, Keith Kenyon. Mr. Kenyon departed the School District in or about 2010. He is currently the principal of Nauset Middle School in Orleans, Massachusetts. From what I could ascertain, Mr. Kenyon was the architect of the Athletic IQ testing first implemented in the School District in the early to mid-2000s. See samples of programmatic materials attached hereto as *Exhibit 2*. From all accounts, he was close to and familiar with Aaron Thomas, and it is evident that the fat testing program conducted by Mr. Thomas was an extension of the Athletic IQ testing program spearheaded by Mr. Kenyon. I attempted to contact Mr. Kenyon through phone numbers on file with the School District, all of which went unanswered. I also reached out to him at his work email to engage him for a conversation. He has neglected to respond to any of my inquiries. See email communication attached hereto as *Exhibit 3*.

Finally, another key witness to the circumstances surrounding the knowledge and existence of Mr. Thomas' fat testing protocol is now deceased. Richard D. Fossa served in the role of athletic director from July 1, 2017, until his passing on June 13, 2020. His tenure coincided with the period in which the Thomas testing protocol had come to the attention of the Superintendent and the directive to change it set in motion in September 2018. As athletic director, I would have inquired about his knowledge and understanding of existing conditions within the school athletic community, what, if any, complaints were received by students, how

he communicated the change in protocol to the coaching staff and trainers, and what, if any, monitoring of Mr. Thomas' activities were undertaken to ensure that Mr. Thomas adhered to the new, prescribed testing protocol and conducted himself in an appropriate manner with the School District students. Unfortunately, a review of his email communications was inconclusive of these issues. The results of my Phase 2 investigation, including interviews, findings and recommendations is set forth below.

III. INTERVIEWS

Dave Avedisian

I met on December 3, 2021 in my office with Dave Avedisian. Mr. Avedisian came to my attention through a review of email communications that reflected he attended a meeting with Aaron Thomas, Phil Auger, Denise Mancieri and Richard "Dick" Fossa in September 2018 over the subject of fat testing students. Mr. Avedisian is a history teacher at North Kingstown High School and in 2018 served as the designated building advocate for members of the faculty bargaining unit. Any time a teacher is summoned to report to an administrator over conduct that could result in discipline, the building advocate, or union representative, is asked to attend. By way of background, Mr. Avedisian obtained his undergraduate degree in history from the University of Rhode Island in 1992. He went back to school at Rhode Island College to receive a certification in teaching and obtained a master's in educational administration in 2007, also from Rhode Island College. He began his student teaching in the North Kingstown School District in 1997, did a short stint in Chariho, took a leave of absence, and returned to the School District in 1999 where he taught at the middle school until about 2001 or 2002. From 2002 to the present, he has been assigned to the high school.

Mr. Avedisian recalls being summoned to a meeting several years ago with Dr. Auger, Dick Fossa and Aaron Thomas concerning an issue involving the protocols in which Mr. Thomas conducted fat testing. Before the meeting took place, he ran into Howie Hague, who had indicated that Mr. Thomas was alone with a kid engaged in a testing protocol. He was summoned to the meeting because of his position as building advocate. He had little to do with the athletic program and claimed that his path rarely crossed with Mr. Thomas as the history department was located on the third floor of the building and he was unaware of the existence of fat testing by Mr. Thomas.

During the meeting, for which he has a vague recollection, he recalls that the discussion centered on ensuring that any testing be done in the locker room or athletic facilities with another adult present and that the testing would no longer be done in the communications office or classroom. I confronted him with an email in which he was copied. (*Exhibit 4*). He does not recall being copied on any email following the meeting in September of 2018. He does not recall any discussion or have a memory of any mention of a towel covering a student athlete or any mention of athletes being naked during any sort of testing, despite the contents of the email. His only involvement was to be the advocate in the event there was a potential discipline of Mr. Thomas. He does recall ending the meeting with a vague understanding and agreement going forward that testing would be done either in the locker room or some general area with another adult present.

Mr. Avedisian volunteered that the administration has shown inconsistency in reference to the handling of issues involving sexual harassment. For instance, he cited to the case involving a former science teacher, Jim Viner, who was fired in or about 2014 for uttering allegedly inappropriate comments to a student in a classroom. He believes the student later

recanted and yet the teacher lost his job. According to Mr. Avedisian, if you are well respected, and specifically possess the stature of someone like Mr. Thomas, you may receive preferential treatment or be given the benefit of the doubt. He feels there are two different standards applied to the teachers by the administration.

Overall Mr. Avedisian is familiar with the concept of fat testing as he played hockey and confirmed that to do the caliper testing one does not need to be naked to undertake that test. He claims that at no point in time did any student, faculty or staff member ever mention to him, prior to the meeting in September of 2018, that they were alone with Mr. Thomas or that there was any issue with fat testing.

When asked what, if any, training the staff receives on sexual harassment policies, he responded “We get no training on sexual harassment policies.” When I asked Mr. Avedisian if he found it unusual that a male student athlete would be tested while clothed in only a towel, he responded that he did not perceive anything wrong with any student athletes wearing a towel because “that just happens all the time, me being a hockey player as well as my son.” His primary concern, and that in which he counsels his own students, is the risks of engaging in or being subject to the rituals of hazing. When the school community learned that Mr. Thomas was suspended over revelations made about his conduct, he and “everyone at the school” was utterly shocked.

Kevin Gormley

I conducted a follow-up in-person interview in my office with Kevin Gormley on December 3, 2021, to clarify whether Mr. Gormley had any knowledge of the mechanics under which Mr. Thomas conducted his fat testing. In addition, he clarified a few timeline events in his work history during this second interview. He was an assistant basketball coach at North

Kingstown High School from the 1998-1999 season to the 2008-2009 season, after which he took a break as his children were getting older and he wanted to spend more time with them. He was asked to return to the program in the 2017-2018 season as there was an opening and he coached the team as an assistant through the 2020-2021 season. He also disputes the characterization in my original report as relayed to me by Dr. Mancieri that Mr. Gormley and Mr. Thomas were very close friends and socialized. He clarified that they were close in school as they taught and coached together on and off for 24 years but denies socializing with Mr. Thomas outside of the school environment, save for a quick dinner following a basketball game. Nonetheless, I asked him how it could be that he had no inclination that Mr. Thomas was testing students alone in his office and in a state of undress when he collaborated so closely with him. He explained that all the coaches from most sports, and the basketball team itself, engaged in Athletic IQ testing, or performance testing. The testing was performed and monitored with coaching and trainer oversight in the gym in groups while the students were fully clothed. Mr. Gormley provided me with a sample of the type of statistical data that was generated from this group testing. (*Exhibit 5*). His own son is a student at the school and started as a freshman in 2018. In speaking with him, Mr. Gormley learned that his son was never assessed with calipers but in fact had only been tested in the weight room using the In-Body 270 device. Indeed, his son's first fat test was in February of 2019, followed by a second test in December of 2019. He recollects his son showing him the printed results. His son never reported that he was ever unclothed in any manner. He claims that Mr. Thomas created these performance tests that were conducted in the gym, hallway or weight room and assisted by other coaches and in a group session. The issue of individual testing alone in an office and away from the athletic facilities

was never known or discussed between him and Mr. Thomas or any other faculty member or coach. He claims that as an assistant coach, it was not within his job description.

Had he become aware, he certainly would have reported it because “testing kids while naked is a hundred percent inappropriate.” Since Mr. Thomas’ departure from the school, he has been approached by several students who were affected by the fat testing. Mr. Gormley remains friendly and stays in touch with some of these former students. He regrets the fact that he was not viewed as being more approachable by some of the student athletes who felt uncomfortable with the testing procedure. He would have been proactive about it. “I’m a visible presence in the gym and at the school, and thus an easy target. I feel that I am credible with the student athletes and now regret that they did not feel comfortable to come to me with how they felt.” He also claims to have had many sleepless nights since this has become known, stating “if only one student had a problem with it, that is one too many.” His other regret is “the biggest misreading of [his colleague’s] character in my life.”

When I asked him whether the faculty and staff engage in training of students and staff on issues involving sexual harassment, he said it has been done over the years periodically, but not in recent years. He denies that anyone from the administration ever mentioned anything to him about the fat testing and he expressed concern that his name and reputation is being unfairly maligned from his association with the basketball program in general and Aaron Thomas in particular. When new information became known in or about April of 2021, he had dinner with several students, some of whom were tested with their clothes on and at least one who was assessed without clothes. In June of 2021 he received a call from Mr. Thomas seeking a reference and Mr. Gormley told him he could not provide one and instructed that he not use him

as a reference for any future employment opportunities. This June exchange was the last communication he had with Mr. Thomas.

Howie Hague

I conducted a follow-up telephonic interview of Howie Hague on December 7, 2021, a brief in-person meeting on December 17, and several follow-up conversations and email exchanges. The purpose was to clarify his earlier comments about a meeting he had with Superintendent Phil Auger in September of 2018 and to confirm whether he reported his observations in June 2017 to the Superintendent at that time. Mr. Hague also wanted to correct some comments that I made in my original report. First, he claims never having said to Dr. Mancieri that “I have it under control.” Rather, those were the words expressed to me by Dr. Mancieri of her recollection. Second, as for his observations about Mr. Thomas in June 2017, he states the following:

I saw Coach Thomas in his office (not classroom) as I walked in from Library, I did not engage/speak to him in conversation but said a Hello/How's it going to both he and the athlete as I walked by into the classroom which had a few students working after school. As I said hello, they responded back and Coach Thomas closed the door. This specific item is what I felt was not best practice, a boy behind a door alone, fully clothed or not. I told you this looked bad and wasn't best practice but I did not say this to Coach Thomas, I couldn't have he was with the student. You summarized this by saying the optics of that situation would subject him to scrutiny which is correct but it looks like I said that to him which is incorrect.

Third, “Dick Fossa didn't come to me with what was said to Aaron, we spoke at an NKHS football game, and I asked if he ever addressed that situation and he indicated Aaron Thomas was told to test the kids as a team.” Finally, “the line where I said you should never have to test below the waist was something I said to you not to Phil...I am pretty sure Phil and I never spoke about testing just what I had reported to Denise and Dick.”

Mr. Hague confirmed that his observation occurred in the afternoon. Although he did not feel like a student was in danger or in harm's way, he believed that students should be tested in a group setting like the way the wrestling coaches test their athletes. Since there were students in the classroom milling around, he believed the testing was more about privacy, but nonetheless a bad practice for a teacher to have a student behind a closed door. He thought about it overnight and for the reason mentioned about best practices, he felt it necessary to report it to the principal, Dr. Mancieri, the next day. When asked by Dr. Mancieri how Mr. Hague thought it should be addressed, he suggested to both Dr. Mancieri and Mr. Fossa that all testing be done in a group setting, "perhaps like the wrestling team does it."

Mr. Hague never reported the incident to anyone other than the principal, Denise Mancieri, and then athletic director Dick Fossa, because he claims to have been assured by both Dr. Mancieri and Mr. Fossa that they would handle the situation, which he said Mr. Fossa later confirmed to him.¹ It was not until he received a call from Phil Auger in September of 2018 and spoke with Dr. Auger over the telephone that his memory of his observation from June 2017 was triggered. Indeed, Dr. Auger wanted to know what he observed in 2017 and what he reported to Dr. Mancieri. From this report, Mr. Hague assumed that Dr. Mancieri mentioned the incident from 2017 to the Superintendent. According to Mr. Hague, Dr. Auger reported being approached in recent days by a former student at a wedding in which the former student expressed some discomfort or uneasiness with the fat testing protocol. Mr. Hague has a very vague recollection about any specifics, including the use of the term "shy or not shy" being used during his conversation with Dr. Auger. Mr. Hague was firm that Dr. Auger neither stated nor

¹ There is some impression that in June 2017 Mr. Fossa was the athletic director. I have confirmed with the School District that although Mr. Fossa may have spent a few days a week in the spring of 2017 volunteering some time transitioning into his new role, he was not officially hired until July 1, 2017. Thus, at the time of the June 2017 incident, Mr. Hague was still officially the athletic director operating under a Memorandum of Agreement. *Exhibit 6*.

implied that the former student had reported that the fat testing was conducted while this former student (or any other student athlete) was naked. He also recalls that Dr. Auger called him several days later, over the weekend, to report that the former student had just reached out to Dr. Auger to retract his comments.

Mr. Hague also volunteered that his observations in June 2017 was an “odd occurrence” and that the circumstances of a teacher/coach alone in his office with the door being closed “did not sit well with me.” “We don’t put people behind closed doors. That process couldn’t be continued.” Notwithstanding these feelings, when he walked into Mr. Thomas’ office² as the office door was being closed while the student was in his office, there was nothing that led him to believe that a student was being harmed or was at risk of harm, assault, or inappropriate touching. He underscored that it simply is not best practice to have a faculty member alone in his office with a student. He never became aware of nor was he privy to what changes in protocol were adopted as it related to fat testing of student athletes.

Barbara Morse

I conducted a telephonic interview with Dr. Barbara Morse on December 7, 2021. She was the assistant principal for teaching and learning for five years, from 2014 to 2019. In this role, she had no responsibility for faculty or student discipline. Prior to this appointment, she served as math department chairperson. Dr. Morse also taught at the middle school and started her career in the School District in September of 1997. She has been principal at the high school since the fall of 2019. She has degrees from Dayton College, University of Rhode Island, Providence College, and a doctorate in educational leadership from Johnson & Wales University. She knew Mr. Thomas well as a work colleague. Because he was involved as a communications

² My initial report cited Mr. Hague’s use of the term “classroom.” In this follow-up interview, he clarified that he meant Mr. Thomas’ office, which based on my inspection, is adjacent to the classroom in a remote corner of the high school building where the AV studio is located.

teacher, she would often go to him for certain announcements for various clubs, both as department chair and as principal. She understood him to be a successful coach and knew his wife who was formerly a guidance counselor. Since her children were not athletes but participated in band, she was not attuned to the existence of fat testing, or anything associated with performance testing of student athletes, including the new testing protocol put in place by Dr. Auger in September 2019. From her perspective, fat testing was a well-kept secret, and it never came to her attention until February 2021 when she was asked to return a phone call from Dr. Auger. At the time there were few people in the building because of the COVID restrictions but she recalls speaking with athletic director Chris Cobain about the need to return Dr. Auger's calls on the subject matter and to look for Mr. Thomas in the athletic area. She returned Dr. Auger's call and was advised by him that Denise Mancieri had received a complaint from a former student about an allegation of sexual harassment. At that time, she informed her assistant principal only and said little because of the reputational harm any allegation of inappropriate conduct may have on an employee's career. She was advised that he would be placed on administrative leave and that she was responsible for delivering the news and walking him out the door. She first looked for him in the athletic offices, but he was not there so she headed to the communications office where she recalls Chris Cobain and Mr. Thomas present and on the phone with Dr. Auger. Mr. Thomas then exited his office and Dr. Morse had to make sure that he left the building. While Mr. Cobain was there, Mr. Thomas had a white cardboard box with personal items which she did not check. The only conversation she had with Aaron Thomas on the way out of the building were his words to the effect of "This isn't true. There is a kid and I know who it is who is out to get me. In fact, his father wrote me a letter." She responded that it would be best to "contact your union representative or lawyer." At the time, she expressed a

degree of sympathy for him because he was on his way toward the bus with the basketball team for a scheduled game and he could not attend the game that night. Everybody was very upset and emotional, including the basketball players, by the manner in which Mr. Thomas was escorted from the premises and the team bus. She does not recall him leaving the building with a brown satchel, only a white box to collect his personal belongings.

Joseph Gilmartin

I met with Joseph Gilmartin in my office on December 8, 2021. Mr. Gilmartin is the head football coach for North Kingstown High School and a long-tenured history teacher. He has been with the School District periodically as both coach and teacher since the 1980s. He has taught at the middle school and high school and has coached football, basketball, and baseball over the years with Mr. Thomas. He knows Mr. Thomas very well. Indeed, he and his former wife would often date with Mr. Thomas and his wife; they would also travel and socialize together. They even attended each other's weddings.

He recalls that the former athletic director, Keith Kenyon, began an Athletic IQ program in the early 1990s. Mr. Kenyon employed the use of statistics such as speed, strength, vertical leap, extension, and the like to better condition athletes. These testing protocols were done in practices and in camps sponsored by the School District either at North Kingstown facilities or outside facilities such as the Meehan Auditorium at Brown University. It was not until 2010, 2011 that Mr. Gilmartin first knew that Mr. Thomas began a fat testing protocol. He never witnessed nor engaged in conversation with Mr. Thomas about the mechanics of the fat testing or the circumstances under which he conducted it. He assumed it was merely an extension of what was already in place involving further screening of athletes in a group setting or gymnasium. The purpose of it was to collect statistical data to enhance athletic performance.

Despite the fact he was aware that athletes were undergoing fat testing, believing it to be like the Athletic IQ testing, no student came to him and complained about any inappropriate behavior, nor did he hear rumors to the effect that the mechanics of fat testing were conducted outside a group setting or involved any questionable conduct on the part of Mr. Thomas. Indeed, his two sons, both of whom are recent graduates from the classes of 2018 and 2021, engaged in fat testing but neither child said anything occurred that was inappropriate or made them to feel uncomfortable. To the contrary, they were excited to share with him their test results which indicated measurable athletic improvement.

Mr. Gilmartin has now come to learn that one of his sons was assessed during his class advisory period. Yet, Mr. Gilmartin expressed confidence that nothing adverse or unfortunate would have occurred to his sons out of the friendship and loyalty that he shared with Mr. Thomas, but now acknowledges that the newly revealed allegations, if true, are “absolutely indefensible.” Over the years students chatted about testing, but nothing was mentioned by any student that ever raised an eyebrow with him; the testing in his mind appeared to be an extension of the data collection started long ago by Keith Kenyon. He has had no conversation with Mr. Thomas since he was suspended and let go by the School District. He claims that he spoke with several coaches, including Chris Canty, Jay Shabo, Kevin Gormley, and others, and they all professed to be stunned, according to Mr. Gilmartin. This is particularly painful to Mr. Gilmartin as he grew up in North Kingstown and attended North Kingstown High School. He admits that he never has and never will go into a room alone with any student unless the door is open. The whole situation just “boggles my mind.” When I asked him how it could be that he did not know the details of Mr. Thomas’s protocols given his relationship with Mr. Thomas, he commented that evidently it was someone he just did not know; that his office was isolated from

the rest of the building; and given his reputation in the school community it would be the last person he would suspect of any inappropriate activity.

Jay Shabo

I met with Jay Shabo with his union representative, Susan Warburton, in an office at the North Kingstown High School on December 9, 2021. Mr. Shabo is the strength and conditioning coach for the high school athletic teams as well as a full-time physical education teacher at the high school. He started part-time in 1995 as the strength and conditioning coach and became full-time in the 1996-1997 school year. He has been employed full-time at the high school since 1997. In that role, he spoke and interacted with Mr. Thomas every day. Mr. Shabo was aware that Mr. Thomas undertook the BMI composition using calipers measuring the skin folds which calculates the body fat. He indicated to me, however, that any testing on the thighs is done on the outer thighs, not the inner thighs. He was not aware of where Mr. Thomas performed the testing, he assumed it was in his office, but he was never there, nor at any time was he aware that any student was in any state of undress. He expressed a level of frustration with me for having to submit to an interview and to explain himself because his reputation and those of his colleagues within the School District has been sullied and unfairly maligned. “Do you think if I had any inkling that Aaron Thomas was meeting with students alone in a state of undress that I wouldn’t have reported that immediately to the superintendent? Of course, I would have.” At no point in time did he ever hear any whispering from any student or staff member that there was anything inappropriate concerning the mechanics under which Mr. Thomas conducted the fat testing. Indeed, Mr. Shabo himself undertook fat testing, primarily in his “fit for life” class in which he used a cheap version of a hand-held device which measured body fat. According to Mr. Shabo, that unsophisticated device contained too many variables to provide any level of confidence that

it could accurately measure athleticism. He did not consider it an accurate version of a measuring scale. His own mechanics would be to have the students go to a closet in the weight room and self-administer the test and he would keep track of the measurements. He did not track and repeat the testing as Mr. Thomas had. Mr. Thomas consistently posted the results outside of the weight room so that the numbers were available for everyone to see. A representative copy is attached hereto, as *Exhibit 7*.

Mr. Shabo does recall the change in protocol to the use of a more accurate and sophisticated device, the In-Body 270. This was implemented a few years back when Mr. Thomas made a casual comment that either the School Committee or Dr. Auger had concerns and they were looking into procuring the machine. This device would be self-administered and would eliminate the use of manual testing with the calipers.

He has not spoken with Mr. Thomas since he was placed on leave. Like Mr. Gilmartin he is a native from North Kingstown and went through the high school. He claims that this whole incident adversely affects his reputation. Mr. Shabo bitterly and adamantly denied that he had any knowledge of any inappropriate conduct on the part of Mr. Thomas.

Dave Petrucci

I interviewed Dave Petrucci over the Zoom platform on December 9, 2021. Mr. Petrucci has been an East Greenwich police officer since 2010. He was a volunteer wrestling coach for North Kingstown High School from 2008 to 2010 and then became the head wrestling coach for the high school in 2010. During the season which coincides with the basketball season, i.e., Thanksgiving through March, he is present at the high school 3 to 4 hours a day. He was approached by Mr. Thomas in 2014 about the fat testing program and became aware that Mr. Thomas was conducting it in connection with the basketball program. He asked him why he

needed it for basketball because it is a known test for wrestlers. Mr. Thomas responded that it was to get them in better shape so that they were at their peak weight for performance. In wrestling it is used more for safety precautions to ensure that athletes do not lose too much weight too quickly to move down a class. It is a known hazard that in the world of wrestling, student athletes could lose up to 15 to 20 pounds a year to move down a class, which can result in cardiac and other related ailments. He was also aware several years ago that the high school purchased a new scale, which he has never used. Per Rhode Island Interscholastic League rules, wrestlers undertaking any sort of BMI testing must be administered and overseen by a certified trainer and/or physician. The trainer usually conducts the fat test over the triceps, shoulder blades and front of the stomach using calipers to measure excess skin and thickness. There is also a hydration test as described by Mr. Cobain in his earlier testimony. He simply assumed that Mr. Thomas performed the testing in the same manner, but he really had no idea how often or under what circumstances Mr. Thomas conducted the fat tests. He would see Mr. Thomas every day during the wrestling season and in the summer during sports camps. He described his coaching tenure as hectic as he oversees twenty-eight student athletes over a 45-minute practice period.

Denise Mancieri

For the second time I interviewed the Assistant Superintendent, Denise Mancieri, in the presence of her attorney, Fausto Anguilla, in my office conference room on December 23, 2021. Dr. Mancieri fully comprehends that the scope of my inquiry is to determine what, if anything, she knew about the conduct of Aaron Thomas that would have raised a reasonable suspicion or belief that the physical and mental safety and wellbeing of any student was at risk. If she had such a suspicion, what, if any, protective or ameliorative measures were taken to address the

threat. Given this focus, I found Dr. Mancieri to be a pleasant individual who always has been forthright, cooperative, and sincere in responding to all my questions. Moreover, she was uninhibited in her responses. Thus, we focused on the incident I mentioned from our first interview when Howie Hague made her aware that Aaron Thomas was fat testing a student athlete in his office attired in his gym shorts with his tee shirt off.

In June 2017, while in her administrative offices at the front of the high school building, Mr. Hague met briefly with her to report that “while walking through the classroom in the communications area, he observed a male student whom he knew, RM, who was alone in his office about to be fat tested.” According to Dr. Mancieri, Mr. Hague reported seeing Aaron Thomas testing the back of the student’s arm, walked into the office, and engaged in limited conversation, primarily exchanging greetings of some sort. Both she and Mr. Hague agreed that Mr. Thomas’ office is not an appropriate area for this activity to occur. When I asked what she meant by that, she responded that “the communications area is an academic area with classrooms and offices, and not an area dedicated to athletic pursuits, testing, or training. That type of activity should be limited to the athletic facilities such as the gym or locker rooms.” She stated to Mr. Hague, “do you want me to talk to him about it?” to which Mr. Hague responded, “no, no; I’ve got it, I’ve got it.” Dick Fossa was not involved in this conversation, and it was her belief that although Mr. Fossa may have been around the campus a few days a week as he was going to be the new athletic director the following school year, Howie Hague was the athletic director at the time.

I asked Dr. Mancieri if knowing that the student was attired in gym shorts without wearing a tee shirt did it raise a concern or suspicion that the student may be at risk of physical harm. In other words, did it raise red flags that Aaron Thomas may be engaged in inappropriate

conduct. She said, “absolutely not” because she had a trusting relationship with Mr. Thomas. First and foremost, there had never been any complaint, rumor, or whisper of any sort from a student, parent, faculty, or staff member of inappropriate conduct on the part of Aaron Thomas. To the contrary, Mr. Thomas was viewed as a person of impeccable character and devotion to his job, school community and the student body. She has known Mr. Thomas since their high school days in Seekonk, Massachusetts. She also shared that there are occasions during the school day where male student athletes are attired in gym shorts without their shirts, for instance during athletic practices in the quad, school building (during inclement weather) or the gym. Although she is not particularly fond of this practice, she did not give it a second thought, nor did it raise a suspicion that RM was at risk. Because she neither received a direct complaint from the student, nor witnessed the event Mr. Hague reported, combined with the way the event was reported by Mr. Hague in a “matter-of-fact, casual, for your information” tone, as opposed to a sense of alarm, she had no reason to suspect that there was anything nefarious to the fat testing on that occasion. It was simply an improper venue in which to conduct the testing. Dr. Mancieri is aware of those circumstances that require reporting to DCYF, the police, the Superintendent and/or social services, and she has done so over the course of her career, but this incident from 2017 simply was not one of them nor did she think it was warranted with the information she had at that time.

Dr. Mancieri does not recall ever speaking with Dick Fossa about the June 2017 reporting by Howie Hague. She recalls that he was the athletic director in Narragansett at the time but spent some time at the North Kingstown High School in the spring and summer of 2017 so that “he could hit the ground running in August 2017.” An entire year expired before the issue of fat testing again arose in September 2018. She recalls a conversation with Dr. Auger in which he

reported that his personal trainer told him he was a student in the 2000's and was fat tested either in his underwear or with towel around him, she cannot remember. But reflecting on it as an adult he is now bothered by it. According to Dr. Mancieri, Dr. Auger spoke to her and Dick Fossa and a meeting was scheduled with the following individuals: Aaron Thomas, Denise Mancieri, Dick Fossa, Dave Avedisian and Phil Auger. There was an attempt by Dr. Auger to have the former student come to a meeting as well and identify if he knew of any other students, but he refused to provide any further information. Nonetheless, during a September 2018 meeting with these individuals in Dr. Mancieri's office, they came up with the plan. According to Dr. Mancieri, Dick Fossa was involved and vocal in the conversation and suggested a new devise that would be automated and not require the use of calipers or any physical testing of the students. Going forward, the testing was to be administered in the athletic area with two adults and use of the new machine. Dr. Auger asked and received assurance that no testing was conducted while any student was naked. It never dawned on her to report the incident from 2017 until she received the email from a former student in February 2021.

When asked if there were any efforts to monitor Aaron Thomas' conduct after the September 2018 meeting to ensure that he adhered to the plan, she responded that she assumed Dick Fossa, as athletic director, took control and she had no reason thereafter to monitor Aaron Thomas' conduct.

Philip Auger

I conducted a follow-up interview of the Superintendent, Dr. Philip Auger, as a part of my Phase 2 investigation on January 11, 2022. The interview was conducted over the Zoom platform and in attendance was his counsel, Jason Knight, and retired Superior Court Justice Susan E. McGuirl. The interview was extensive and covered many of the topics from the initial

interview. However, my focus dealt with (i) when Dr. Auger first became aware that Aaron Thomas was administering BMI/fat testing to the District's students; (ii) what he knew about the specifics regarding the administration of BMI/fat testing, including the mechanics under which Mr. Thomas conducted the fat testing; and (iii) at the time that he suspected that Mr. Thomas engaged in inappropriate behavior in the administration of the BMI/fat testing what, if any, remedial actions did he take as superintendent to ensure that the physical and mental health, safety and wellbeing of the School District's students was adequately safe guarded. I found Dr. Auger's recounting of what transpired in the 2018 and 2021 timeframes consistent with his earlier statements to me from our original interview. I also found him both times to be forthcoming, sincere, and honest. There were times that he either did not recall certain events or simply had no explanation for certain responses or inactions upon receiving certain information, which will be detailed below.

My first line of inquiry was to focus on what knowledge Dr. Auger had about BMI testing and/or fat testing that was undertaken by Mr. Thomas for the years he served in the School District prior to 2018. During my investigation, I received information that athletic testing, otherwise known as Athletic IQ testing, originated with the former athletic director, Keith Kenyon, who is now a middle school principal at a school on Cape Cod. Mr. Kenyon was a longtime athletic director and began an athletic performance testing program, as early as the late 1990s, but it was firmly in place in the mid-2000s. I inquired of Dr. Auger as to what, if any, information he knew about this program because Mr. Thomas was involved in that program along with the former athletic director. According to Dr. Auger, his first day on the job as assistant superintendent in 2009 was the last day of employment for Mr. Kenyon. Mr. Kenyon was terminated by the former superintendent, Phil Thornton. I asked him what he knew about

the circumstances of his termination, and he vaguely recalled that it had something to do with a financial report that was issued by the School Department auditors concluding that Mr. Kenyon was receiving supplemental income from a product that he was promoting and selling to student athletes. Beyond this general recall, Dr. Auger did not have specifics. Furthermore, he was unaware of the nature and extent of the Athletic IQ testing program that was employed by Mr. Kenyon. In fact, Dr. Auger claims to have been unaware prior to September 2018 that Mr. Thomas had been conducting BMI/fat testing of any student athletes within the School District. His first knowledge of the existence of such testing first came to his attention by his athletic trainer, John Doe #3, a former student of the high school who graduated in the 2007-2008 timeframe.

One year into Dr. Auger's superintendency which began in 2011, Howie Hague, a faculty member who taught math and engineering, was hired as the athletic director. Mr. Hague was a member of the teachers' bargaining unit. Traditionally the position of athletic director was an administrative position that was outside of the bargaining unit. However, there was an agreement between the administration and the teachers' union that permitted Mr. Hague to serve in this part-time administrative position. Mr. Hague served in that role until the end of the 2016-2017 school year. Dick Fossa was hired from Narragansett to serve as the full-time athletic director, effective July 1, 2017.³ Throughout Dr. Auger's career in North Kingstown, the athletic department and Mr. Thomas in particular ran summer camps and programs that was open to residents of North Kingstown and beyond, provided that the tuition was paid (approximately \$200) for which School Department employees, including Mr. Thomas, were paid a stipend. These programs were sponsored by the School Department, and they ran themselves without oversight by the Superintendent. Indeed, most of the administrative responsibilities of running

³ As noted earlier, Mr. Fossa is deceased, so I did not have the opportunity to interview him as a key witness.

these summer camp programs were handled by Mr. Thomas and the athletic director, and the finances and accounting functions would be handled through those individuals from a budget line item approved by the School Committee.

We next discussed the incident from June of 2017 when Mr. Hague walked by Mr. Thomas' office and viewed him closing the door with a student who was attired in his gym shorts without a shirt while in the process of being fat tested. This issue never came to Dr. Auger's attention until after a meeting with Aaron Thomas in September 2018. I asked Dr. Auger, if, given the circumstances described by Mr. Hague, would he have wanted to be made aware of that incident from either Mr. Hague or Denise Mancieri. He replied no, because "I have full faith and confidence in both Dr. Mancieri and Mr. Hague, both of whom are extremely trustworthy. I have confidence they can identify any risk of harm to a student." He went on to say, "I trust all my administrators to handle these types of issues appropriately at the principal level and to do the right thing." He stated that neither individual would shirk their responsibilities or disregard a subtle or obvious suspicion of misconduct, sexual or any other impropriety. Accordingly, there was no reason to involve his office.

I next inquired about training that is undertaken by the School District, specifically I asked how often and to what extent do faculty, staff and students receive education and training pertaining to sexual harassment, sexual abuse, child abuse and any reporting requirements as well as policies in effect regarding such misconduct. Dr. Auger admittedly could not provide specifics on this topic, except to state that the School District occasionally holds assemblies as part of professional development and that much of the training on this topic is delegated to and handled by the principals, legal counsel, Mary King, Chief of Operations, and Brian Lally, the Human Resource Director. In addition, Dr. Kim Carson, Director of Pupil Personnel Services, is

involved. At times Dr. Auger may be involved in team discussions regarding professional development and training, but it was clear that he does not spearhead these tasks. When I advised him that some employees whom I interviewed indicated that this type of training is not done consistently or on a regular basis, he responded that it was his belief it is done on an annual basis but deferred to the administrators. I also asked him if he took advantage of any programs that the Rhode Island Interlocal Trust provides to school districts and he was not certain that his district has participated in those programs and once again deferred to his administrative staff.

The next topic focused on the encounter that Dr. Auger had with his personal trainer in 2018. Again, the details of that encounter were outlined in my earlier report and are consistent with what he told me during this second interview. It bears repeating. In the August-September 2018 timeframe, Dr. Auger was a member at a gym known as Anytime Fitness located on Ten Rod Road in North Kingstown. He was assigned an athletic trainer who was one of three trainers working at the gym at the time. The trainer was John Doe #3 and he assumed he was in his 30s. He claims that Mr. Doe #3 was a very sociable guy and that he knew that he was a former student of the School District. They had normal discussions, they talked about the type of music that they liked, marriage and things of that nature. After several sessions, Dr. Auger sensed that Mr. Doe #3 wanted to have a conversation with him. Although it was not dramatic or urgent, he admitted that he was a soccer player, not a basketball player, and that he had participated in fat testing with Mr. Thomas. This is the first knowledge that Dr. Auger had that Mr. Thomas ever engaged in BMI/fat testing at the high school. When asked what he said to him, John Doe #3 disclosed that looking back on how the fat testing was conducted, he felt odd, strange, and uncomfortable because he did not understand why he had to go across the school from the athletic facilities to meet Mr. Thomas in his office to undertake the fat testing, as opposed to

having it conducted in the gym. Although Dr. Auger had never heard of the term “fat testing,” he was familiar with body mass index testing through his personal trainer. Dr. Auger was not aware of the mechanics of or extent of how the testing was performed, nor was it relayed to him by Mr. Doe #3, except that Mr. Doe #3 told him it involved the use of calipers and a pinch test. Dr. Auger assumed that the BMI testing was done electronically through a scale or a hand-held device. He understood that it measured height, weight, pulse, and other statistics related to muscles and body measurements. During the first encounter when they had this discussion, Dr. Auger claims that he was not only puzzled by it but expressed concern because Mr. Doe #3 indicated that he would undergo the testing while in his gym shorts or while wrapped in a towel. Dr. Auger told Mr. Doe #3 that he had to follow-up on it, and he needed him to know that. That is when he decided that he needed to confront Mr. Thomas about the situation. He does not recall if Mr. Doe #3 had indicated specifics as to where on his body the calipers were placed, but he is certain that he would follow up with Mr. Doe #3 to obtain more information. When Dr. Auger attempted to bring the issue up at his next session with Mr. Doe #3, it was evident that he simply did not want to talk about it at that time. I showed Dr. Auger the statement I received from Mr. Doe #3’s lawyer, Tim Conlon, because it contains information that he advised Dr. Auger that he was being fat tested while naked in Mr. Thomas’ office and that he was asked whether he was shy or not shy. A copy of the statement is attached hereto as *Exhibit 8*. Dr. Auger emphatically denies that Mr. Doe #3 ever told him that he was naked while in Mr. Thomas’ office, such a disclosure would have caused “alarm bells to go off in my head.” He also denies ever having been told that the caliper test, or pinch test, was done close to Mr. Doe #3’s groin or genitals, or that his genitals were exposed in any way. He claims that Mr. Doe #3 simply told him that looking back he is now uncomfortable because he is familiar with how BMI

tests are properly conducted, calipers are not current practice, and Mr. Thomas' office was not in the gym. Mr. Doe #3 indicated that Mr. Thomas produced a sheet of measurements after each session.

After Dr. Auger's encounter with Mr. Doe #3, he recalls convening a meeting with Aaron Thomas within a day or two. He does not now recall if there was a phone conversation that preceded the meeting. The meeting was convened in Denise Mancieri's office at the high school and Mr. Thomas was advised to bring union representation with him. When asked why he was requested to bring union representation, Dr. Auger said that this related to his job performance and even though it may not be required, it is his practice to have union representation anytime that a faculty member is called in to discuss an issue or anything related to job performance. At the meeting was Dr. Auger, Dave Avedisian, the union representative, Dick Fossa and Denise Mancieri. During the meeting Dr. Auger disclosed the conversation that he had with John Doe #3 and explained why he felt uncomfortable. Questions were asked of Aaron Thomas about the way the fat testing was conducted. Mr. Thomas responded that he had been doing this fat testing as a teacher and coach from the late 1990s in the old high school and that it was done with the full knowledge from "the athletic community and that no one had a problem with it." I asked Dr. Auger what he meant by "athletic community." He responded that Mr. Thomas may not have used that exact term but inferred that everybody knew about it, including faculty, athletic personnel, parents, and students alike. Dr. Auger stated to him that his concern was that he was conducting these tests alone while the students were in a partial state of undress in his office, and he wanted to be assured that nothing inappropriate was going on. Mr. Thomas responded that he in fact used consent forms and permission slips that were signed by the parents, of which Dr. Auger had no knowledge at the time. He did ask him directly if he had ever tested a student

while totally nude. Mr. Thomas responded, “absolutely not.” This conversation is confirmed in an email that was appended to my original report. At that point the parties discussed a new procedure to be put in place, namely that all testing of this nature would be done in the athletic facilities, primarily the locker room, with another adult present and with the use of a new electronic device to avoid any manual testing or the use of calipers. Asked if he thought this change in protocol was sufficient in his estimation to address the issue, Dr. Auger stated that he thought that the issue had been taken care of at that time.

Following the meeting he had a quick debriefing with Denise Mancieri and Dick Fossa. It was during this debrief that Denise Mancieri mentioned an incident in which Howie Hague had reported seeing Mr. Thomas conducting a fat test in his office with a male student who only had his athletic shorts on. Since no period or date was mentioned by Dr. Mancieri, Dr. Auger assumed that the incident was a more recent event. Given this revelation from Dr. Mancieri and his discussions with John Doe #3, I asked whether the existing circumstances “raised the stakes” in his mind such that something more than changing the testing protocol should have been done, such as an investigation or contact with former or existing students. Dr. Auger felt that there was no need because the issue had been addressed, he presumed that Mr. Thomas was being honest with him and had no reason to doubt his statements, and it was going to be handled by the athletic director. Accordingly, a solution was in place, and he did not feel the need to speak about it again with Mr. Thomas. When I asked what, if any, monitoring of the new fat testing protocol was instituted to ensure that Mr. Thomas adhered to the new protocol, he personally did not implement a monitoring plan, but delegated the matter to his appointed administrator, Dick Fossa, to monitor the situation. He did not feel further monitoring by him as Superintendent was necessary.

I also asked Dr. Auger if the School Committee had adopted any policies related to recommendations of employment of exiting or former employees about whom the employer may have reasonable suspicion that the employee engaged in sexual misconduct as required under the guidance issued by the US Department of Education pursuant to ESSA (“Every Student Succeeds Act”). Dr. Auger acknowledged that the School District does receive ESSA funds, but he was unaware of the requirement that a policy or regulation be in place involving restrictions on such recommendations. I also inquired whether there were any policies in place that prohibit employees of the School District from using personal emails to communicate with students. He was unaware of any such policy. He was not aware that Mr. Thomas was using his personal email to reach out on occasion to students to communicate with them about fat testing, until the recent discovery of this practice during this investigation. Dr. Auger made clear that he has a very trusting relationship with all his administrative staff. He is responsible for hiring them and he trusts their judgment. He concedes that in hindsight, knowing what he now knows, he wishes that he had made further inquiry into the fat testing practices when he first became aware in September 2018.

At this point, Judge McGuirl had several lines of inquiry. The first pertained to the reporting requirements between the athletic department and the high school and whether there were policies in place concerning the chain of command. Specifically, the question was asked as to whether the athletic IQ testing established by Keith Kenyon is the type of program that would need to be approved by the School Committee, and similarly, if student and parental consent forms of the type used by Mr. Thomas (see redacted version attached hereto as *Exhibit 9*) is something that needs to be approved by the School Committee. Dr. Auger responded that programmatic issues do go before the School Committee, so he believes that the Athletic IQ

testing that was initiated under Keith Kenyon's tenure would have been known and approved by the School Committee, but the content of consent forms or permission slips is typically handled administratively by the principals and does not make its way to the superintendent.

When asked about any collaboration between the athletic department and the health and physical education departments, Dr. Auger stated that there may be some opportunity in which these departments work together, but for the most part, the athletic department is independent and is managed by the athletic director. The summer camps are formed so that the students stay engaged in athletics over the summer and it serves as a fundraising mechanism for the athletic department, but the School Committee does authorize the budget that is formulated and presented by the athletic department for the summer camp programs. Dr. Auger also made it clear that at no point in time prior to February 2021 had any faculty or staff member ever brought to his attention a complaint about impropriety on the part of Mr. Thomas, nor had any student ever come to him about any issue of impropriety or sexual misconduct.

After receiving the complaint from a student in February 2021, Dr. Auger immediately reported it to the North Kingstown Chief of Police. Prior to that time, Dr. Auger was unaware that any former student had made a complaint to the North Kingstown Police Department in 2018 because there had been no communication from the Police Department to his office. Dr. Auger stated that had he been made aware of another complaint in 2018, aside from what was reported by John Doe #3, he would have most certainly done more investigating and would have called the police at that time. I asked him, given the information he had in 2018 that a student was being fat tested alone in Mr. Thomas' office in either shorts or a towel, wouldn't that have raised a suspicion of inappropriate conduct on the part of Mr. Thomas. He responded that whether you are in a towel or gym shorts, he treated them as the same. Judge McGuirl asked if

he spoke with the coaches in 2018 to get more information on the fat testing; he responded he had not. Dr. Auger assumed that Mr. Thomas used the calipers to test the upper body, but he did not inquire about the specific mechanics. It was not until a student in February of 2021 came forward with a lot more detail, specifically that he was touched inappropriately, that prompted his action to immediately suspend Mr. Thomas.

As Mr. Thomas was preparing to get on the bus to coach a basketball game, Dr. Auger called him to say another incident involving fat testing had come up and he needed to speak with him. Mr. Thomas responded, impatiently, that he had to get to a game. He was advised that he was suspended, and a meeting was set up with the School Committee to take action to terminate Mr. Thomas and to launch an investigation. When asked whether he had to take this action before the statutory March 1 deadline, a general discussion ensued about removal of records by Mr. Thomas from the high school offices. Dr. Auger admitted that permission slips are considered student records and should not be removed from the School District. He also conceded that even though faculty are given district-issued and funded laptops, many take them home to perform duties such as grading papers or preparing lesson plans. It was several weeks before the School District was able to retrieve Mr. Thomas' laptop, and there was no explanation for why it took so much time.

Dr. Auger denied that John Doe #3 ever reported to him that Mr. Thomas used the term "shy or not shy." Finally, a discussion followed about how Mr. Thomas came to be hired at Monsignor Clarke School. Dr. Auger claims that the principal at Monsignor Clarke had a conversation with Barbara Morse and that Dr. Morse stated that she would not be giving the parochial school a recommendation, only the dates of his employment.

Finally, I wanted to clarify certain comments made by Howie Hague that he attributed to Dr. Auger in a telephone conversation in September 2018. Through Dr. Auger's counsel I confirmed that Dr. Auger never told Howie Hague that John Doe #3 "retracted" his statement to him, that the approach by John Doe #3 was made at a wedding or stated that John Doe #3 was naked. He clarified that what he told Mr. Hague was that John Doe #3 did not want to get involved or meet with any administrators: "he just clammed up" according to Dr. Auger.

John Doe #3

On February 9, 2022, I conducted a Zoom interview of John Doe #3. Present was his attorney, Tim Conlon, and the Town's designated investigator, Judge Susan McGuirl. The purpose of this interview was to focus on the disclosures that were made between John Doe and Dr. Auger in September of 2018 when the issue of Mr. Thomas' fat testing was first brought to the Superintendent's attention. When asked how the subject matter of Mr. Thomas' fat testing came up, Mr. Doe stated that it was "fate" when he learned his client from the fitness center was the superintendent of the North Kingstown public school system where he attended. When asked what he meant by the term fate, he responded that he is a spiritual being with a strong moral belief and high value system such that he felt it obligated to tell Dr. Auger what he experienced as a freshman in high school. Mr. Doe, whom I found to be thoughtful and very credible, was specific in what he revealed to Dr. Auger at the gym. At the same time, he admitted to not recalling certain events. For instance, he recalls telling Dr. Auger that he underwent the fat testing in Mr. Thomas' communications office, alone, while attired only in a towel draped over his privates. He does not recall how he was attired before he made it to the office, whether in a pair of shorts or in a towel while arriving to his office. He told Dr. Auger that Mr. Thomas asked him if he was shy or not shy. If he were not shy, he could remove the towel. Since Mr. Doe was

not shy, he removed the towel and told Dr. Auger that he was naked. He explained that the fat test that consisted of hand and caliper pinch testing high up on his thigh near the groin area. He told Dr. Auger that Mr. Thomas moved him around in multiple positions at which time he raised his leg, and that Mr. Thomas was in a sitting position. He also told Dr. Auger that it made him uncomfortable, and that he knows of multiple people and close friends who underwent the same type of testing, one of whom was his brother. When asked what Dr. Auger's reaction was at the time, he said he was somewhat "emotionless," but appeared to take the story seriously.

According to Mr. Doe, Dr. Auger stated that "these are serious allegations and that I would like you to speak further with me and with others" in a more formal setting. When asked who the "others" were, Dr. Auger did not reveal the names or identities that he now recalls, but he is certain that Dr. Auger never advised him to report these allegations to the police.

At their next training session, Dr. Auger asked him if he had decided about sitting down with him and the others to provide a more thorough report. Mr. Doe replied at the time that he was not comfortable doing so. He never stated that he retracted any of the statements he made. He also disclosed to Dr. Auger that Mr. Thomas printed out some computerized measurements resulting from the fat testing. He further stated to Dr. Auger that he knew, based on his training and experience, that the manner of fat testing undertaken by Mr. Thomas was not consistent with his training and was inappropriate. He first came to this realization when he was 23 or 24, at the same time he received his physical performance training.

Mr. Doe did attend North Kingstown High School from 2004 to 2007 at which time he dropped out. He received his GED and went to CCRI for about a year and a half from which he received his personal training certificate. When asked by Judge McGuirl what type of positions or movements he was referring to during the testing process, he said that it was not so much

exercise but placement with his leg up and Mr. Thomas either kneeling or sitting. He engaged in a normal, friendly conversation such that he never discerned whether Mr. Thomas was sexually aroused at the time. When asked by Judge McGuirl how he came to become involved in the fat testing, he responded that he was asked to by Mr. Thomas. He did not attend any of his summer camps. Mr. Doe did affirm that *Exhibit 8* is an independent statement he provided to his lawyer, and that he gave a statement to the North Kingstown Police Department on March 12, 2021, a copy of which is attached hereto as *Exhibit 10*.

Jane Doe #1

During my investigation, I spoke with various individuals who insisted that despite the new protocol of fat testing implemented by Dr. Auger in September 2018, and clearly and unequivocally communicated to Mr. Thomas, he chose not to follow the protocol and continued testing as he had before. Indeed, I uncovered a series of emails that led me to believe that even after the change in protocol, the manual testing of students continued. See series of redacted emails attached hereto as *Exhibit 11*. Consequently, I attempted to reach out to parents of students who are recent graduates, many of whom were identified in an email communication from Mr. Thomas to various student athletes dated September 20, 2018. *Exhibit 12*. The email announced the acquisition of a new Body Composition scale testing machine that, ironically, would eliminate the need for manual fat testing. The machine would provide for convenient and efficient testing while displaying immediate results and measurements with a high level of accuracy. It will “eliminate the time consuming [sic] skinfold pinches and measurements to predict Body Fat.” Of course, this coincided with the change in protocol implemented by the Superintendent, which was to include testing performed in an open area with another adult present.

On February 9, 2022, I received a call from Jane Doe #1, the mother of a son who graduated two years ago. She has two sons, one a 2019 graduate and one a current student who is a member of the varsity basketball team. She responded to my email and confirmed that her 2019 graduate did receive the September 20, 2018 email describing the change in protocol in transitioning from skin fold and hand testing over to the In-Body 270 device. She claims that her son never dropped his shorts during the testing as he was a shy person. Further, following the September 2018 email he was only tested on the machine. She does know of other students who were privately tested in Mr. Thomas' office after September 2018, and she suggested that I speak with those parents and students who were seniors on the basketball team last year. According to Ms. Doe, there was a small group for which fat testing was offered by Mr. Thomas in a manner prior to the change in protocol wherein the skin fold test was conducted while students were naked. She asked that her name not be used or mentioned. She did follow up with an email that she sent to Dr. Auger in March of 2021 addressing the issue of Mr. Thomas' leave and indicating that she thought there was a lack of transparency and that Dr. Auger handled it poorly. She would have liked to have seen him reach out and speak with the members of the varsity basketball team, but no one in authority chose to do so. She claims that Dr. Auger responded that Mr. Thomas was on leave tending to a "personal" matter and not for a "personnel" matter. She thought this response exhibited a lack of transparency.

PM

In response to a phone message and email communication, I spoke with PM on February 10, 2022. Ms. M is the mother of a 2019 graduate of North Kingstown High School and one of the subjects of certain of those emails from the 2019–2020-time frame. *Exhibit 11*. She confirmed to me as true the rumors that Mr. Thomas circumvented the protocol. Ms. M advised

me her son JM confirmed to her that despite the purchase of a new scale and system by which fat testing would be administered, he continued to be tested individually without other adult supervision at his request. According to Ms. M, JM was and still is very fond of Mr. Thomas and voluntarily submitted to the fat testing because he was very much into body building competition. He even continued the testing during his college years. When she asked if he was naked at any time, he did not disclose it only to say that he was asked if he was shy or not, and he felt that it was no big deal and always had a choice in the matter. She also stated that her sister was neighbors with the Thomas family for 15 years and that she knew him through that relationship. Her sister never viewed Mr. Thomas as a threat to any of their children. She acknowledged that knowing what she knows now, his conduct was very inappropriate.

JM

I spoke over the telephone with JM on February 10, 2022. He is the son of Ms. M. He is a junior at URI majoring in communications. He played football and basketball at the high school and does recall when the new machine was purchased his senior year. He used it occasionally but claims that he asked to continue with the manual testing because the machine could not measure muscle mass and growth. Mr. Thomas did, however, offer the manual testing as an “option” after the machine was purchased, so he took advantage of it. He began testing his freshman year when he was approached by Mr. Thomas, admits that he was asked whether he was shy or not shy and stated that he never felt pressured by Mr. Thomas to drop his drawers. The first few times the test was administered he did not remove his underwear. Thereafter he did so but repeated that it was no big deal.

AC

Ms. C is another parent of two students who were athletes who played for and were coached by Mr. Thomas, LC (class of 2016) and TC (class of 2019). I spoke with her over the phone on February 10. Both were point guards. She called me in response to my email. She is speaking on behalf of her son TC, although the experience for her older son LC was identical. TC is too busy with school and work to speak with me. After the news of Mr. Thomas broke last year, she confronted her son and asked him if he was tested alone while naked. He turned red and admitted that he was. He explained that the testing was done in his communications office with the blinds turned down. He was asked if he were shy or not shy and that he would pull down his underwear and cup his genitals. Mr. Thomas never touched him in an inappropriate manner. Ms. C was unaware that her sons were in a state of undress and just assumed all along that they had their boxer shorts on. She told TC it was inappropriate and asked him why he removed his underwear. He said, “we just did what he wanted,” and she surmised from that statement that since he was the starting point guard, if he wanted to play, you submit to the test. She also confirmed with TC and the parents of other students who are recent graduates that the testing never really changed after 2018, despite the instructions from the Superintendent.

CC

I spoke over the phone with CC on February 10, 2022. CC is a graduate of the class of 2019. He is currently a junior at Brown University majoring in music composition and theater arts. CC began testing with Mr. Thomas in his sophomore year when he became more serious about playing football. Most of the football team had the fat testing done when he was a student. He tested on a bi-monthly basis. His description of the individualized testing is consistent with other students I have interviewed, except that he thought it was odd when Mr. Thomas would

press down rather hard on his muscles near the upper thigh. He too would pull down his underwear and cover his privates. Mr. Thomas would use the calipers and fingers to probe the muscles of his inner thighs. He admits that his demeanor during the testing was not out of the ordinary, nor did he ever believe Mr. Thomas was aroused. The testing lasted 15-20 minutes. He does recall using the new machine his senior year but admits that Mr. Thomas continued administering the manual test as he had previously. He never disclosed how he was tested to anyone at the school.

Kim Carson

On February 28, 2022, I met with Dr. Kim Carson along with Judge McGuirl at the Davisville Academy. The purpose of the interview was to determine whether the School District has made meaningful progress toward implementing the recommendations made in my Phase I report, and what, if any, involvement Dr. Carson has in that process. I find that the School District has taken my recommendations seriously and has made meaningful progress in the last eight months.

Dr. Carson is Director of Pupil Personnel Services. She arrived in the School District in 2014 as the Assistant Director of Special Education, later assuming the role of Director of Special Education and finally serving as Director in 2016 when Special Education merged into Pupil Personnel. She has responsibility for the overall operations and functioning of the School District's special education program, including 504s, IEPs, supervision of the nursing staff at the Academy and overall operations of social and emotional learning. She is also responsible for supervising and evaluating the staff psychologists and social workers at the various schools, with the day-to-day management of such specialists assigned to the building principals. Dr. Carson possesses several degrees, including a doctoral degree from Johnson & Wales University. She

has dedicated over 30 years to education, particularly in the field of emotional and social development and learning, having spent time at the Ladd School and the Central Falls and Warwick school districts.

Prior to the suspension of Aaron Thomas in February 2021, she knew little if anything about him and had no interaction with him at any point in her career. Moreover, she knew nothing about fat testing or any issues, or even the existence of Mr. Thomas, prior to February 2021 when she received a phone call from Dr. Auger alerting her that Mr. Thomas had been suspended for alleged inappropriate conduct related to athletic testing.

It is noteworthy that upon receipt of my Phase 1 Report, Dr. Carson took it upon herself to contact the high school psychologist, Paula Calitri, and social worker, Matthew Hughes, to inquire if they had received any information from either parents or students about inappropriate conduct or boundary-related issues on the part of Mr. Thomas. They both told her that no student or parent had ever come forward at any time and that remains the case to this day. When asked if the guidance counselors had also been approached and whether it is a subject that these counselors generally manage, she admitted that the roles of guidance counselors are more related to the academic side and are told to refer students who may be experiencing social, emotional or anxiety difficulties to the proper specialists, such as social workers or psychologists.

Dr. Carson detailed a series of trainings, professional development programs and resource applications that the School District has developed and employed at least since 2019 to address issues pertaining to threats to the mental and physical health and wellbeing of the student body, including trainings related to sexual harassment and abuse, teenage dating relationships, date rape, sexual abuse, as well as parental or guardian abuse. A summary of training programs, professional development and certain program offerings is attached hereto as *Exhibit 13*.

First and foremost, a subcommittee has been formed to conduct an audit of all School District policies. That subcommittee has been meeting once a month since the issuance of my report and is comprised of the following individuals: Dr. Carson; Lisa Hillebrand, Vice Chair of the School Committee; Jen Hoskins, member of the School Committee; Dr. Auger, Superintendent; Brian Lally, the Title IX Coordinator; Dr. Mancieri, Assistant Superintendent; and Mary King, Chief Operating Officer. Thus far they have updated the 504 policy and they intend on performing an update of all policies related to the physical and mental health and wellbeing of the students, including adopting policies that may relate to proper boundaries by and among teachers, staff, and students. The School District also undertakes annual training of the faculty and staff on the Title IX policy, usually conducted in the first semester every year for over a two-hour period. This training is undertaken by the School District's legal counsel. This March, Brian Lally will also be conducting a seminar for students and faculty regarding the updated Title IX policy. In addition, the School District takes advantage of programs delivered by independent contractors through available grant money to provide resources to students, both at the middle school and high school level. For instance, Day One provides a program "Your Voice Your View" which is a series of 45-minute sessions of evidence-based violence programming. Many of these programs are done during student advisory periods, including the initiation of a computer application known as "See Something Say Something." This was implemented three years ago in the middle school and high school to enable students to anonymously report an observation, encounter or experience that gave them pause, concern or a sense of discomfort. The text is sent through the application and received by the principal and his or her administrative assistant. Based on the nature of that notification, the threat is triaged, and a response of some sort generated. It can range anywhere from a matter involving a teacher

speaking derogatorily toward a student to something that could be considered more sinister, like a boundary violation or unwanted harassment or touching.

The School District also intends to undertake the new Nathan Bruno training program geared toward suicide recognition and prevention. Dr. Carson is awaiting the issuance of a model policy from RIDE but has scheduled some aspects of the training through outside agencies. Dr. Carson also heads the mental health crisis team which she considers to be near and dear to her. In the last two years, North Kingstown has experienced a high incidence of parental suicides and higher than normal hospitalization rate for students suffering from mental health ailments. According to Dr. Carson, the statistics have followed a national phenomenon, particularly with the isolation associated with the COVID-19 pandemic.

In addition to the programs described above, the School District has added three mental health professionals, all of whom are independent contractors. One is assigned to Davisville Middle School and two more at the high school. Currently, Dr. Carson thinks the staffing is adequate to address the needs of the students. She has noted that Dr. Auger has recommended additional psychologists in this year's proposed school budget for the secondary schools and a social worker at one of the elementary schools. Presently there is one social worker that handles three elementary schools. The social workers tend to act more as the emotional counselors, whereas the psychologist's role is related to IEPs, 504s and testing requirements associated required under IEPs and IDEA. The School District also engages the services of a clinical psychologist one day a week who is assigned to Davisville Academy. Dr. Carson described the efforts to develop early childhood social and emotional curriculum at the preschool level and the School District utilizes the services of many independent contractors and non-profits such as

Rhode Island Youth Guidance for a variety of counseling programs, all of which are funded through grants.

Judge McGuirl's questioning seemed to focus more on the boundary concerns – what, if any, curriculum, training, or counseling is offered in this field. Dr. Carson admits that the existing programs should incorporate boundary concerns, which would necessarily involve self-reporting to a trusted adult. She agreed that there could be more work undertaken in this area and as the students integrate back into the school environment from the isolation of COVID-19, this societal issue is starting to be addressed. Aside from unified basketball and volleyball sports programs at the middle and high school levels, the athletic department, like any other department such as math or science, is distinct and she has little interaction with the coaches and athletes. Many of the health, wellness, and training programs that she described in our interview are handled through the health curriculum, as opposed to the athletic department.

My overall assessment from speaking with Dr. Carson is that the School District is making a good faith, serious and concerted effort to audit and assess its current Anti-Discrimination policies and procedures and practices relating to them; to offer annual training to its faculty, staff and student body, including identifying and providing supportive measures that are available to students (and staff) who have been victim to conduct prohibited by the policies; and to provide annual seminars to educate the student body on the availability, use and purpose and remedial procedures related to School District policies to promote and encourage the reporting of offensive or abusive conduct by faculty and staff while ensuring there is no retribution for such reports.

John Doe #22

On March 4, 2022, I received the below statement from Attorney Timothy Conlon's office, who represents a graduate from the class of 2021. I am advised that there is a more detailed statement that has been given to law enforcement officials. I did not have the opportunity to personally interview this individual, as I was informed that the investigators from the Office of the Rhode Island Attorney General did not want multiple accounts or interviews of potentially key witnesses. My desire to personally meet with this witness to assess the veracity of his story notwithstanding, the account standing alone confirms what I had already determined from other witnesses: Mr. Thomas continued fat testing students alone in his office in the same manner he had for years, despite being directed in September 2018 to discontinue the practice. This account illustrates the complete lack of oversight over the inappropriate conduct of Mr. Thomas.

I was a student at North Kingstown High School from 2017 to 2021, while Aaron Thomas was the Varsity coach of the basketball team. I am cooperating with the investigation of the North Kingstown School District and the Rhode Island Attorney General regarding the conduct of Thomas during his time as a coach. I provided a statement to law enforcement that my attorney advised me will not be released at this time. That statement provides details on Thomas's testing me while I was unclothed, during my freshman, sophomore, and junior year, from 2017 to 2019. Although a machine to perform fat testing without contact had been purchased and put into use while I was a student, Thomas's practice with me was to use the machine either before or after a series of other tests which involved being alone with him and naked. Among other things, those tests included getting into various positions naked and during the course of some of them, Thomas was pressing on the inside of my groin with his thumbs. The nature of the examinations and contact was such that on multiple occasions, I became erect. On at least one of these occasions, I noted Thomas to become visibly aroused.

Exhibit 14.

IV. FINDINGS, ANALYSIS AND RECOMMENDATIONS

A. Governing Law and Policies

My earlier report identified the applicable law and policies that governed the conduct of the individual accused of inappropriate conduct in the administration of fat testing to the School District's student athletes. Given the scope of my work under Phase 2, I will outline what I believe to be the relevant law and policies that focus on the obligations imposed on the School District's administrators to provide a safe and secure educational environment free of harassment and physical and mental abuse as well as the duty to report and/or investigate any reasonable suspicion of child neglect, abuse, or sexual abuse. The law and policies cited in my earlier report are of equal importance and cannot be disregarded or considered in a vacuum. Rather, the following merely serve to supplement those laws and regulations.

First and foremost, the Superintendent is statutorily charged as the

chief administrative officer with the overall care and supervision of the public schools, including, but not limited to, implementing the policies established by the school committee...and to ensure compliance with provisions of federal and state law and local charter provisions and ordinances...and to oversee the personnel function of the school department consistent with personnel standards [and] policies.

R.I. Gen. Laws § 16-2-11. Principals are the educational administrators and managers of their schools. As such "they shall supervise the operation and management of their schools and school property, *subject to* the supervision and direction of the superintendent." R.I. Gen. Laws § 16-2-11.1.

One very general and aspirational policy in place, but for which amendment may be appropriate, is the School District's Safe Schools Policy NSBA #ADD. (*Exhibit 15*). This policy underscores the School District's commitment to a school system where students, staff and community members are free from harm, provides for a quality health education that is both

responsive and preventative in nature for each other's well-being and learning. Although broad in its language, this policy appears to have more to do with the physical facilities and has been the precursor to the development of the School District's crisis response plan, which each school is required to submit on an annual basis to the School Committee.

Many of the School District policies involving a safe school environment, free of harassment and abuse, are embraced in its Employee Handbook. (*Exhibit 16*). For instance, "no student, school employee, contractual agent, volunteer or any member of the school community shall, at school or work, engage in, solicit and/or encourage any other individual to engage in any action of harassing, intimidating and/or bullying any other person." *Exhibit 16*, p. 8. In addition, the School District "will maintain an educational and working environment free of sexual harassment in any form. Supervisors, administrators, and all other employees, as well as students, are absolutely prohibited from engaging in sexual harassment of employees, students, and visitors." *Exhibit 16*, p. 8. The administrators (and all employees of the School District) "must adhere to the highest standards of ethical conduct; respect the public trust and the rights of all persons; be open, accountable, and responsive; avoid the appearance of impropriety; and not use their position for private gain or advantage." *Exhibit 16*, p. 7. Finally, the handbook incorporates an educator's legal responsibility to report instances of suspected abuse. "As an employee of the North Kingstown School Department, you must be familiar with R.I.G.L. §40-11-3.3. If you witness or become aware of sexual assault, physical abuse, or neglect of a child, you are a mandatory reporter and must take action." *Exhibit 16*, p. 10. Although, the handbook is short on detail, it nonetheless references state law and the School District's policies pertaining to suspected abuse, which policies are in conformance with existing law. See School District Policies JLF and JLF-R attached hereto as *Exhibit 17*.

Finally, in 2016, the Rhode Island General Assembly passed a law that requires any person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program to report this information to DCYF within twenty-four (24) hours. R.I. Gen. Laws § 40-11-3.3. In 2018, this statute was amended to create a separate reporting protocol to be followed when the mandated reporter is an employee, agent, contractor, or volunteer of an educational program. It also required RIDE to promulgate guidance, policies, and regulations. The Commissioner did so, and they are attached hereto as *Exhibit 18*. Significantly, the Guidance document indicates that “the absence of a legal duty to report *other types of misconduct* and/or criminal conduct committed by persons working or volunteering in educational programs does not mean that such conduct should go unreported.” *Exhibit 18*, p. 3. More importantly, and for purposes of this investigation, the Commissioner provided definitional guidance as to what constitutes “reasonable cause to know or suspect” as referred to in the text of the statute. It means

that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to suspect child sexual abuse..... It does not require certainty that child sexual abuse has occurred, nor does it require a specific medical indication of child sexual abuse; any ‘reasonable cause to know or suspect’ is sufficient.

Exhibit 18, pp. 4-5. “Reasonable cause may result from personal observation, admission or response from a child or any communication (even if secondhand or hearsay) which would suggest to a reasonable person that a child has been the victim of sexual abuse.” *Exhibit 18*, p. 5.

B. Summary of Findings and Analysis

Aaron Thomas has admitted that he engaged in his fat testing protocol for well over 20 years. I earlier determined that the manner in which he conducted that testing was inappropriate.

It therefore begs the question: How could it be that over a 20-year time span, no teacher, coach, trainer, staff member or administrator had knowledge of the details of that testing, to wit a teacher coach alone with a student in a small office, behind closed doors with the student in a state of undress? On its face it may strain credulity that no current high school staff member or administrator had *any* knowledge of the details of the inappropriate and concealed nature in which Mr. Thomas conducted his fat testing protocol prior to June 2017. However, based upon my review of all the electronic data collected and interviews of various affected students, parents, teachers, coaches, and administrators, and/or the unwillingness of others to cooperate, I conclude that Mr. Thomas deliberately concealed his conduct from those in a position of authority. That is not to say that *no one* knew Mr. Thomas was fat testing. This was well known among the staff. Even trainer Jay Shabo acknowledged this fact. (*See Exhibit 19* reflecting email communications between Mr. Shabo and Mr. Thomas discussing fat testing and confirming testing administered by Mr. Shabo). Mr. Thomas was very clever and discreet in how he conducted this testing. However, I did find all interviewees to be credible when they emphasized that if they had suspected or known that Mr. Thomas was testing students alone, behind closed doors in a state of undress, they surely would have reported it to appropriate authorities. Yet, equally clear in my mind is that because of the level of trust and respect that all the work colleagues placed in Aaron Thomas, including close faculty and coaching associates, their blind allegiance to him allowed Mr. Thomas to evade scrutiny of his inappropriate conduct.

As reported earlier, there were certain individuals I feel may have a wealth of knowledge on the issue, and they refused to speak with me, one such individual being Keith Kenyon, the architect of the Athletic IQ testing. Certainly, former athletic director Marcello could not be reached, nor was Dick Fossa available due to his untimely death. My investigation leads me to

conclude that details of the concealed way Aaron Thomas conducted his fat testing protocol was not known to any current administrator until June 2017, at the earliest. This was by happenstance when Howie Hague stumbled upon Mr. Thomas in his office with another student. I also make this determination because those former students whom I did interview uniformly told me they did not disclose the testing protocol to their teachers, counselors, staff, coaches, administrators, or parents, with one exception.⁴ Any disclosure was later made only after Mr. Thomas' suspension in February 2021.

Applying the legal standard cited above, one of the determinations I had to make is whether there existed objective, tell-tale signs that would lead any person employed by the School District to reasonably suspect that Aaron Thomas was engaged in any inappropriate conduct in the way he fat tested student-athletes *prior to* the detailed report made by a former student in February 2021. Put differently, was there objective evidence by which an administrator should have been placed on actual or constructive notice to do something more to inquire, investigate and satisfy oneself that Mr. Thomas' fat testing protocol did not pose a threat to student health, safety, and welfare? What, if any, due diligence was required on the part of the high school administration prior to the known reporting in February 2021? Should something more proactive have been undertaken to protect the health, safety, and welfare of the current student body between June 2017 and February 2021? Whether the conduct had the appearance of impropriety, was considered "inappropriate," or gave rise to a suspicion of sexual harassment or sexual abuse is inconsequential. I say this because the reporting statute cited above and the

⁴ In my Phase 1 investigation, I spoke with a parent who claimed that her sons attended the high school and told her about how they were tested by Mr. Thomas. She claimed to have sent an anonymous letter to then-principal Denise Mancieri in 2016 alerting her to the fat testing. The parent did not keep a copy of the anonymous letter, and Dr. Mancieri confirmed to me that she never received any such letter. I attempted to contact the former students of the parent to obtain their account, but they opted not to cooperate. In reaching out to the family again for Phase 2, I was informed that they preferred not to get involved.

guidance from RIDE states that “the absence of a legal duty to report *other types of misconduct...*committed by persons working or volunteering in educational programs does not mean that such conduct should go unreported.” *Exhibit 18*, p. 3. The witnesses were consistent: an adult faculty member or coach meeting alone in a classroom with a student who is not fully clothed is a form of misconduct, regardless of the actor’s intention.

I must temper my findings by stating that I was not present when these events unfolded in real time, and so my perspective is with 20/20 hindsight. Having said that, I have no reservations whatsoever about the subjective good faith beliefs of the administrators who oversaw or interacted with Aaron Thomas. They were credible, sincere and did not attempt to fault or blame others for any neglect or oversight. I conclude that everyone I interviewed attempted to act with the best of intentions and in good faith. However, given the circumstances, I am asked to determine what ameliorative actions should have been taken to discontinue the fat testing protocol once it became known that it was administered inappropriately. Based on information received during this investigation, there are two time periods that must be examined to determine if high school administrators met their statutory obligations. The first occurred in June 2017 and the second in September 2018 and beyond. Those involved in the 2017 encounter and whose conduct needs to be scrutinized involve the following: Howard Hague, Denise Mancieri and Dick Fossa.⁵ Those administrators involved in the September 2018 encounter include Phil Auger, Dick Fossa, and Denise Mancieri.

June 2017

As reported by Mr. Hague in June 2017, he observed a student being fat tested in Mr. Thomas’ office, not in the gym, locker room or weight room. The student had his tee shirt

⁵ My review of Mr. Fossa’s conduct is limited to his email communications. Unfortunately, there were very few to consider on the issue of the fat testing.

removed. Although he did not believe the student to be in danger or risk of harm from harassment or abuse, he acknowledged that students should be tested in a group setting similar to how the wrestling coaches test their athletes. Since there were students in the classroom milling around, he believed the testing was more about privacy, but nonetheless a bad practice for a teacher to have a student behind a closed door. He appropriately reported it to the principal, Dr. Mancieri, the next day. When asked by Dr. Mancieri how Mr. Hague thought it should be addressed, he suggested to both Dr. Mancieri and Mr. Fossa that all testing be done in a group setting, “perhaps like the wrestling team does it.” There is a factual dispute between Mr. Hague’s and Dr. Mancieri’s account as to whether Dick Fossa, the incoming athletic director, was even involved in this conversation. Mr. Hague states that he effectively deferred to Mr. Fossa to address the situation with Mr. Thomas. Dr. Mancieri on the other hand denies that Mr. Fossa was involved and stated that Mr. Hague responded “I’ve got it; I’ve got it,” and by that statement assumed that Mr. Hague would address the matter with Mr. Thomas. These accounts cannot be reconciled. However, since I found both witnesses to be sincere and credible in their accounts to me, I assume that it has more to do with their respective memories than a desire to reconstruct the events. Although the incident occurred in June 2017, Mr. Fossa did not begin his tenure as athletic director until July 1, 2017. However, his contract was signed on June 27, 2017 (*Exhibit 20*). Thus, Mr. Hague’s recall that he was transitioning from the athletic director position at the time is indeed accurate. *See, e.g., Exhibit 6*. Yet, despite his reaction to what he witnessed, beyond reporting it to the principal, Mr. Hague did little else. His justification for his limited involvement is that as a bargaining unit member and per the terms of his MOA as athletic director, he had no authority to discipline any faculty member under the terms of his MOA. (*Exhibit 6*). Furthermore, given Mr. Thomas’ purported unimpeachable character and total

devotion and commitment to the school community, according to Mr. Hague and every other witness whom I interviewed, there was absolutely no reason to suspect that Mr. Thomas would engage in inappropriate conduct with any student. Notwithstanding these points, Mr. Hague as athletic director still had supervisory authority over all coaches and had to “support the high school and middle school principals and district administration to provide leadership...and evaluation of athletic coaches.” Accordingly, although the encounter that day in June 2017 may not have raised a reasonable suspicion in Mr. Hague’s mind that the student was subject to any harassment or abuse when considering the statutory indicia of abuse requiring a report to DCYF or RIDE, the circumstances of what he witnessed was sufficient to raise a red flag that the conduct was indeed inappropriate, warranting further investigation. Mr. Hague believed that his obligation was discharged after he alerted the principal and the incoming athletic director because he was assured it would be handled; however, given his supervisory authority he decided to turn a blind eye to the situation. At the time, he was director of all athletic programs, including athletic testing undertaken by any coaches. There is no evidence that Mr. Hague ever confronted Mr. Thomas about the situation to inquire and to ask the tough question, such as, “Aaron what in the world are you doing and thinking? Why are you testing students alone in your office instead of how we usually do this testing, in the athletic facilities in a group setting?” Those questions were never asked by Mr. Hague. This need of inquiry has little to do with whether Mr. Hague was empowered to discipline Mr. Thomas. Furthermore, given the principal’s response when he reported his observation and her hands-off approach, it would have been prudent to bring the issue to the attention of the Superintendent as well. At that point, the Superintendent could have made further inquiry through an appropriate investigation, even if the circumstances did not warrant reporting the encounter to DCYF, RIDE or the police at that point.

As for Dr. Mancieri's reaction to the news from Howie Hague, she was rightly troubled about the encounter with a student, but remarkably for the wrong reason. She never considered that the student was at risk for any harm, presumably because there was never any complaint received by the subject student or any other student that Mr. Thomas was meeting alone with students. Nor did she discern any objective indicia of signs of physical or emotional harassment or abuse by someone in a position of authority. Instead, she was more troubled by the fact that the fat testing was taking place in his office, an academic environment, as opposed to the athletic facilities. Thus, although the circumstance may not have given rise to a legal duty to report to DCYF or the police, the existence of a student alone with an adult in his office with his tee shirt off outside of the athletic facilities should have created a greater sense of urgency in the principal to do something more than simply have the athletic director "take care of it." As the administrator in charge of everything that takes place in the high school, and consistent with her contractual and statutory obligations to protect the health, safety, and wellbeing of the students under her charge, she had a duty to confront her subordinate and inquire about his conduct. This duty of inquiry should have extended to the student who was being tested at the time to obtain more information about his experience with the fat testing. In other words, given the circumstances that presented themselves in June 2017, a duty to inquire and to investigate arose, despite Dr. Mancieri's belief that Aaron Thomas possessed the highest degree of moral character and commitment to the students of the School District. Even though she delegated to Mr. Hague the task of "addressing it with Mr. Thomas" by restricting the testing to athletic facilities in a group setting, there is absolutely no evidence that this or any other ameliorative measure was implemented or monitored by Dr. Mancieri. Even assuming that task was delegated to Mr. Fossa, the fat testing continued unabated in the same manner, and there is no document that has

been uncovered between June 2017 and September 2018 that Aaron Thomas' conduct was ever monitored to ensure his testing protocols changed.

Given the above-described circumstances, I also believe it would have been prudent for Dr. Mancieri to report her discussions about this encounter to the Superintendent to put him on notice.

Perhaps there were discussions between Mr. Fossa and Mr. Thomas in the 2017-time frame about the impropriety of his testing protocol, and a plan was put in place. Since neither individual is available to me for interview, we may never know. Mr. Fossa did communicate by email on October 8, 2018, the prescribed plan following the September 2018 meeting, but to very few individuals. (*Exhibit 21*). It was limited to Aaron Thomas (basketball coach), Joe Gilmartin (football coach), Dave Petrucci (wrestling coach) and Jay Shabo (trainer). Beyond this email, there is no evidence that this directive was communicated to the entire athletic community. Moreover, there is no documentary evidence of any oversight to ensure compliance of this new protocol. What is now known is that the plan put in place in September 2018 was not followed.

September 2018

The first knowledge that the Superintendent had of individualized fat testing undertaken by Aaron Thomas was brought to his attention by his personal trainer in September 2018. The details are well documented in my Phase 1 Report as well as the interview summaries of everyone in this Report. Although Dr. Auger maintains that his trainer never mentioned that his testing was done while he was naked, as if this factor alone would have triggered a duty of inquiry or reporting, this is clearly refuted by the account of his trainer. The trainer was specific and detailed as to what he described. He was credible and forthright in his account. I find it unnecessary to resolve this factual dispute. In September 2018 Dr. Auger had information, at a

minimum, (i) that a former student from the early to mid-2000's was fat tested in nothing more than a towel, in a private office with no other adults and reported that he was uncomfortable; and (ii) more recently, a current student was behind closed doors alone with Mr. Thomas with his tee shirt removed, as reported by Dr. Mancieri. These factors should have raised a reasonable suspicion that *current* students may be undergoing private fat testing administered outside of the athletic facilities by a person in a position of influence and authority over students ranging in age from 14-18. Dr. Auger did not consider these circumstances alone posed a risk of harm to the student body that required a report to DCYF, RIDE or the police. Rather, he did undertake a limited inquiry. The limited inquiry was meeting with Mr. Thomas, obtaining his account and assurances, and implementing a new protocol. No action was taken to speak directly with the students or to advise the students' parents of the change in protocol. Even though Mr. Thomas advised that he had consent forms and permission slips, leading Dr. Auger to believe that parents were fully informed of the mechanics of the testing protocol by Mr. Thomas, he did not review those forms. Had he, he would have determined that they contained scant information about the testing. *See Exhibit 9.* These actions alone were insufficient to discharge his statutory responsibilities of Superintendent.

The circumstances of what Dr. Auger described in his account should have, at a minimum, triggered something more than a mere meeting with Mr. Thomas to confirm whether he conducted fat testing and the circumstances of that testing and a change in the protocol to avoid the appearance of impropriety. As Superintendent, even if one is to accept that the circumstances did not give rise to a duty to report because there were no objective indicia of harassment or physical or mental abuse or harm, from an objective perspective the Superintendent had a duty to investigate the circumstances beyond taking the word of Mr.

Thomas. His investigation should have included conferring with student athletes, members of the basketball team, and other coaches and trainers. He should have reviewed the consent forms and reached out to several parents to determine what information they had about the fat testing protocol. Instead, he accepted Mr. Thomas' word that no student was ever naked or inappropriately touched, because he trusted Mr. Thomas to tell the truth given his long, storied, and unblemished career and reputation within the school community. In other words, he turned a blind eye.

In delegating the implementation of the new protocol to Dick Fossa, Mr. Fossa agreed that he would follow-through with his coaches and trainers. (*Exhibit 21*). Mr. Fossa sent an email to a few recipients. They included Dave Petrucci, Jay Shabo and Joe Gilmartin. There is no documentary evidence that he sent a communication to the entire athletic community, including other coaches and trainers, the students, or their parents. Further, it was incumbent upon the Superintendent or his designee that having now implemented this new protocol, Mr. Thomas' conduct would be monitored for compliance with this new mandate. Dr. Auger admitted that he never monitored Mr. Thomas' conduct for compliance. Rather, he either delegated this task to his trusted athletic director, Dick Fossa, to do so, or assumed, wrongly, that the issue had been adequately addressed. As I mentioned earlier, Dr. Auger stated that a solution was in place, and he did not feel the need to speak about it again with Mr. Thomas. I found no evidence that Mr. Fossa monitored Mr. Thomas for compliance with the new protocol or even followed up with Mr. Thomas. This is underscored by the fact that the fat testing surreptitiously continued beyond the new protocol. I find it more troubling that the Superintendent, given what he knew at the time, never approached Mr. Thomas about the issue again until it broke open in February 2021. The abject failure and neglect of monitoring and oversight over Mr. Thomas'

conduct after September 2018 by the Superintendent can logically be considered neglect of duty. Clearly, based on my investigation, Mr. Thomas lied and deviated from the instructions given to him. There is no evidence of oversight by anyone in authority and that overall responsibility must lie with the Superintendent, consistent with his statutorily imposed responsibilities. R.I. Gen. Laws § 16-2-11. My investigation also leads me to conclude that the athletic department at the high school level acts independent of and siloed from direct management and oversight by the principal and Superintendent, instead relying on the athletic director alone. Like the other curricular departments and programs, the administration should take a more proactive role in the supervision and management of its athletic department.

In addition to these findings, as of September 2018 Dr. Mancieri (i) recalled the incident from 2017; (ii) was made aware by the Superintendent of a conversation he had with a former student who expressed reservations about the fat testing; and (iii) formed part of the group of administrators who met with Aaron Thomas when a new protocol was to be implemented. Given these circumstances, as principal of the high school in the 2018-2019 school year, she likewise had a duty of supervision and oversight to ensure that Mr. Thomas adhered to the plan. There is no evidence that she met this obligation.

C. Recommendations

I make no recommendation as to what action ought to be taken by the School Committee against these administrators relative to the failure to report, investigate or oversee the activities of Aaron Thomas or to ensure his compliance with legitimate and safe athletic testing practices of student athletes. That is purely within the authority of the School Committee. However, based upon the latest round of interviews and information, and given the limited scope of my charge, I submit the following recommendations to the North Kingstown School Committee:

1. Continue the good progress being made by Dr. Carson, and others, with respect to training of faculty, staff, and students in providing supportive measures that are available to students, especially education surrounding the encouragement of reporting any inappropriate, offensive, or abusive conduct or boundary violations by faculty and staff.

2. The School Committee should analyze and consider reviewing and updating its policies, human resource directives and job descriptions regarding reporting responsibilities, management, oversight, and supervision of employees within the athletic department to ensure greater oversight of the conduct of its coaches and any testing or training techniques that are employed with the student body.

3. The School Committee should adopt a Resolution urging the Rhode Island Interscholastic League to issue guidelines and offer training regarding appropriate testing protocols between coaches and students.

4. The School Committee should adopt a Resolution urging the Rhode Island Department of Education to offer yearly training sessions to supplement current training offered by School District counsel on Identifying and Reporting Child Abuse in Schools and Sexual Abuse by Persons Working or Volunteering in Educational Programs.

5. The School Committee should confer with its insurance liability carrier to offer training on recommended best practices to be undertaken by School Administrators relative to identifying, reporting, and responding to circumstances involving boundary violations, child abuse or sexual abuse by persons working or volunteering in educational programs.

6. The School Committee should consider adopting measures that will expand its efforts with parent and family engagement relative to identifying, reporting, and responding to

circumstances involving boundary violations, child abuse or sexual abuse by persons working or volunteering in educational programs, particularly with its athletic programs.

This Report is respectfully submitted to the North Kingstown School Committee on this 14th day of March 2022.

/s/ Matthew T. Oliverio
Matthew T. Oliverio, Esquire

APPENDIX

Exhibit List

Exhibit 1.....	ESI Search Terms
Exhibit 2.....	Athletic IQ Programmatic Materials
Exhibit 3.....	Investigator Email to Keith Kenyon
Exhibit 4.....	Dr. Auger Email to Aaron Thomas dated 09-13-18
Exhibit 5.....	Sample Statistical Data from Kevin Gormley
Exhibit 6.....	Athletic Director Memorandum of Agreement 2016-2017
Exhibit 7.....	Sample Statistical Data from Jay Shabo
Exhibit 8.....	Statement of John Doe #3
Exhibit 9.....	Sample Consent Form
Exhibit 10.....	Police Statement of John Doe #3
Exhibit 11.....	Sample Aaron Thomas Email Communications to Students 2018-2020
Exhibit 12.....	Aaron Thomas Email to Students dated 09-20-18
Exhibit 13..	Training, Professional Development and Resource Materials from Dr. Carson
Exhibit 14.....	Statement of John Doe #22
Exhibit 15.....	Safe Schools Policy
Exhibit 16.....	Employee Handbook
Exhibit 17.....	Reporting Policies
Exhibit 18.....	RIDE Reporting Guidelines
Exhibit 19.....	Jay Shabo Emails dated 04-10-13 and 08-06-18
Exhibit 20.....	Richard Fossa 2017 Employment Agreement

Exhibit 21..... Richard Fossa Email to certain Coaches dated 10-8-18

EXHIBIT 1

Account			
Query Name	Count	Matches	Terms
"body Composition"	119	7	"body composition"
"body fat"	137	8	"body fat"
"crab walk" together	1	1	"crab walk"
crab walk	4	2	crab AND walk
"duck walk"	41	6	duck AND walk
"duck walk" together	0	0	"duck walk"
"fat Composition"	1	1	"fat composition"
"fat test"	5	1	"fat test"
"muscle testing program"	2	1	"muscle testing program"
naked	121	8	naked
	31	2	to:ap17@verizon.net OR from:ap17@verizon.net
ap17@verizon.net	261	8	"BF" OR "body fat" OR "body fat index" OR "BFI"
BMI	79	8	BMI OR "body mass" OR "body mass index" OR "mass index" OR "body index"
concern	4842	8	concern
concern aaron	249	8	concern AND (aaron OR "coach thomas")
Consent	614	8	"parent consent" OR "parental consent" OR "consent form" OR "parent form" OR
	453	8	"parent permission" OR "permission form"
Hague to DM	127	1	from:howard_hague@nksd.net
Hague to PA	17	1	to:phil_auger@nksd.net AND from:howard_hague@nksd.net
Hague to PA or DM	134	1	(to:phil_auger@nksd.net OR to:denise_mancieri@nksd.net) AND
Hague to PA,DM - aaron	42	1	to:phil_auger@nksd.net OR to:denise_mancieri@nksd.net aaron
hernia	24	4	hernia
inappropriate	1267	8	inappropriate
muscle testing program	60	8	muscle testing program
Pinch	477	8	pinch
Pinch NOT "Lynn Pinch"	467	8	Pinch (NOT "Lynn Pinch")
Pinch test	28	8	pinch test
undress	3	2	undress
Shy or not shy	0	0	"shy or not shy"
not shy	10	5	"not shy"
Hague to RF	621	2	(from:howard_hague@nksd.net AND to:richard_fossa@nksd.net) OR
	264	2	(to:howard_hague@nksd.net AND from:richard_fossa@nksd.net) OR
Hague to AT	264	2	(to:howard_hague@nksd.net AND from:aaron_thomas@nksd.net) OR
Fossa to AT	1505	2	(from:richard_fossa@nksd.net AND to:aaron_thomas@nksd.net) OR
Fossa to PA	260	1	(from:richard_fossa@nksd.net AND to:phil_auger@nksd.net) OR
	1259	1	(to:richard_fossa@nksd.net AND from:phil_auger@nksd.net) OR
Fossa to DM	118	1	(to:richard_fossa@nksd.net AND from:denise_mancieri@nksd.net) OR
Fossa to PA,DM aaron	28	1	(to:phil_auger@nksd.net OR to:denise_mancieri@nksd.net) AND aaron
Fossa from PA,DM alone	6	1	(from:phil_auger@nksd.net OR from:denise_mancieri@nksd.net) AND aaron
Avedisian <-> Thomas	17	1	(from:david_avedisian@nksd.net AND to:aaron_thomas@nksd.net) OR
	181	1	(to:christopher_carty@nksd.net OR to:james_simmons@nksd.net OR
AT from CC, JimS, BP	302	1	(to:briana_pina@nksd.net) AND from:aaron_thomas@nksd.net
AT from BB, MZ, RA			(to:wbarry33@verizon.net OR michael_zito@nksd.net OR
			rauciar@balancedwealth.com) AND from:aaron_thomas@nksd.net

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("body composition") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("body fat") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("crab walk") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("crab AND walk") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(duck AND walk) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("duck walk") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("fat composition") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("fat test") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("muscle testing program") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(naked) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(to:ap17@verizon.net OR from:ap17@verizon.net) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("BF" OR "body fat" OR "body fat index" OR "BFI") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(BMI OR "body mass" OR "body mass index" OR "mass index" OR "body index") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(concern) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(concern AND (aaron OR "coach thomas")) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("parent consent" OR "parental consent" OR "consent form" OR "parent form" OR "parent permission" OR "permission form") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("permission slip") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(from:howard_hague@nksd.net) Accounts:(denise_mancieri@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(to:phil_auger@nksd.net AND from:howard_hague@nksd.net) Accounts:(phil_auger@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(to:phil_auger@nksd.net OR to:denise_mancieri@nksd.net) AND from:howard_hague@nksd.net) Accounts:(howard_hague@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(to:phil_auger@nksd.net OR to:denise_mancieri@nksd.net aaron) Accounts:(howard_hague@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(hernia) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

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Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(muscle testing program) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(pinch) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(Pinch (NOT "Lynn Pinch")) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(pinch test) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(undress) Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:("shy or not shy") Accounts:(phil_auger@nksd.net, denise_mancieri@nksd.net, howard_hague@nksd.net, aaron_thomas@nksd.net, and 4 more)

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Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:((from:howard_hague@nksd.net AND to:richard_fossa@nksd.net) OR (to:howard_hague@nksd.net AND from:richard_fossa@nksd.net)) Accounts:(howard_hague@nksd.net, richard_fossa@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(((from:howard_hague@nksd.net AND to:aaron_thomas@nksd.net) OR (to:howard_hague@nksd.net AND from:aaron_thomas@nksd.net))) Accounts:(howard_hague@nksd.net, aaron_thomas@nksd.net)

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Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(((from:richard_fossa@nksd.net AND to:denise_mancieri@nksd.net) OR (to:richard_fossa@nksd.net AND from:denise_mancieri@nksd.net))) Accounts:(richard_fossa@nksd.net)

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Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(((from:phil_auger@nksd.net OR from:denise_mancieri@nksd.net) AND aaron) Accounts:(richard_fossa@nksd.net)

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Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(((from:david_avedisian@nksd.net AND to:aaron_thomas@nksd.net) OR (to:david_avedisian@nksd.net AND from:aaron_thomas@nksd.net)) Accounts:(david_avedisian@nksd.net)

Type:(Gmail) Mode:(All data) [Exclude drafts] Sent between 2017-01-01 and 2018-10-31 Time zone:(America/New_York) Terms:(((to:christopher_carty@nksd.net OR to:james_simmons@nksd.net OR to:briana_pina@nksd.net) AND from:aaron_thomas@nksd.net) Accounts:(aaron_thomas@nksd.net)

wbarry33 <wbarry33@verizon.net Bill Barry>
michael_zito <michael_zito@nksd.net Zito, Michael>
veyyqpmvDfepergih1iepx12gaq\$Vsf1vxSR2\$EyyqpmvB
Emma Other
iejz1vDgliewiqemp2avk

EXHIBIT 2

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ATHLETIC DIRECTORS

AIQ is committed to providing High School Athletic Directors with a one-stop resource for evaluating and promoting the talent on their teams with a standardized evaluation program and comprehensive web site. AIQ is not a recruiting service.

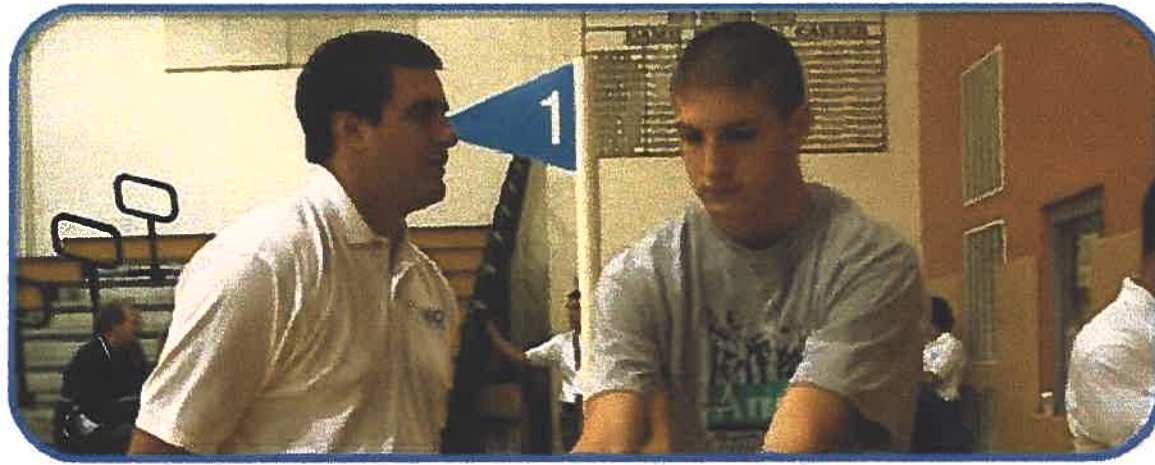
Plainly stated, AIQ opens the direct lines of communication between athletes and colleges and is endorsed by the NIAAA. You can rest assured that you're giving your athletes the best game plan available.



ATHLETIC SECTION

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TJC-000001



MEMBER BENEFITS



Student - Athletes

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

Athletic IQ is about creating opportunities: for you, your high school athletic department, and your student-athletes. [View more>](#)

Colleges & Universities

With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

[PRIVACY POLICY](#) [LEGAL DISCLAIMER](#) [RESOURCES & SPONSORS](#) [ABOUT AIQ](#) [CONTACT US](#)



THE AIQ EVALUATION

AIQ & YOU

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FAQ JOBS SEARCH

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FINANCIAL OPPORTUNITIES

A critical part of Athletic IQ's business plan is to give back to the community -- to the schools and districts that refer athletes or host evaluation events. That means that your school can hold an AIQ Evaluation event for your student-athletes, as well as those from nearby schools, and a portion of the proceeds will go directly to the athletic department.

This added revenue will not only augment shrinking budgets, but might equate to more program, more coaches, better facilities, new uniforms, and more! Plus, there are no out of pocket costs for your school.

To learn more about how your school can host an AIQ event, please [contact us](#).



INTRODUCTION

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AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So lets see how good you really are.

**BODY COMPOSITION
EMULATOR**[PLAY EMULATOR](#)**SPEED
EMULATOR**[PLAY EMULATOR](#)**UPPER BODY
EMULATOR**[PLAY EMULATOR](#)**LOWER BODY
EMULATOR**[PLAY EMULATOR](#)

TJC-000003



THE AIQ EVALUATION

AIQ & YOU

REGISTER FOR AN EVENT



FAQ JOBS SEARCH

VIEW YOUR RESULTS HERE!



You are here:

REALIZE YOUR DREAMS

Deciding which college to go to isn't about athletics alone. This choice is a representation of the person you are today and the successes you wish to achieve in the future.

AIQ makes it easy to consider all of these factors when searching for the perfect place to spend your next few years. When you create your student profile, you'll be able to search schools based on a number of criteria, including geography, athletic division, academic status, size, etc. Or you can simply select a college by name or state.

Once your selections are made, and options displayed, you can send your scores via email to the schools of your choosing. You can also control which schools view your profile as well as which ones can contact you.

With your talents, your parents' guidance, and the power of AIQ, your college years may be your best ones yet.



INTERSECTION

Students

Colleges & Universities

High Schools

Parents

AIQ CIRCUIT EMULATORS

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BODY COMPOSITION
EMULATOR

PLAY EMULATOR

SPEED
EMULATOR

PLAY EMULATOR

UPPER BODY
EMULATOR

PLAY EMULATOR

LOWER BODY
EMULATOR

PLAY EMULATOR

TJC-000004

MEMBER BENEFITS**Student - Athletes**

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

Athletic IQ is about creating opportunities: for you, your high school athletic department, and your student-athletes. [View more>](#)

Colleges & Universities

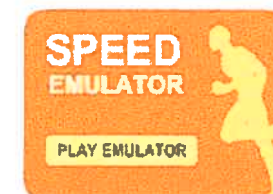
With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

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AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So lets see how good you really are.



MEMBER BENEFITS



Student - Athletes

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

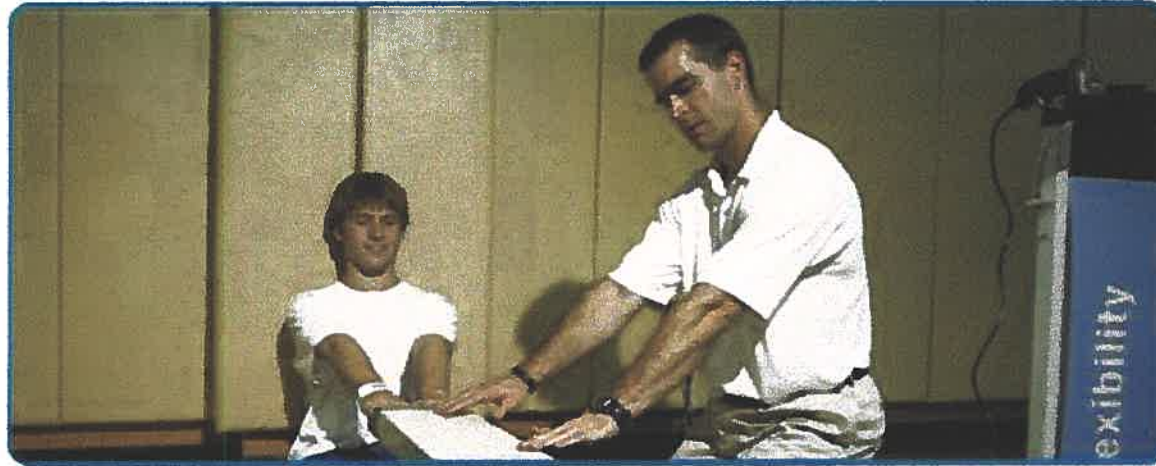
Parents

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High School Coaches & Athletic Directors

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TJC-000006



MEMBER BENEFITS



Student - Athletes

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Parents

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Colleges & Universities

With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

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FOR ENROLLMENT OFFICERS

Of the thousands of applications that cross your desk, only a few will be accepted. But what if two candidates look virtually identical on paper - how do you determine what makes one applicant the better prospect for your school?

AIQ offers an objective evaluation of core athletic potential, providing the only database with both standardized academic AND athletic performance data. This balanced student profile provides a deeper understanding of the candidate's ability, potential, and compatibility with your college or university. It's a reliable evaluation tool, one that will be finding its way into more and more applications.



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AVAILABLE CIRCUIT EVENTS

AIQ is currently offering several circuit dates in the northeast region. Plus, new dates and locations are constantly being added to the schedule. So if you don't find what you're looking for today, be sure to check back again soon.

Here are the AIQ available Circuit Events (click to select)

Event	Location	Date	Map
Boca Raton High School	Boca Raton, Florida United States	Tue May 22, 2007 8:00 AM - 10:30 AM	View directions
Park Vista Community High School	Lake Worth, Florida United States	Wed May 23, 2007 9:00 AM - 5:30 PM	View directions
Boynton Beach Community High School	Boynton Beach, Florida United States	Thu May 24, 2007 8:00 AM - 1:00 PM	View directions
Middlesex School	Concord, Massachusetts United States	Tue May 29, 2007 4:00 PM - 9:00 PM	View directions
PORTSMOUTH HIGH SCHOOL	Portsmouth, Rhode Island United States	Tue May 29, 2007 7:00 AM - 12:00 PM	View directions
Cranston East High School	Cranston, Rhode Island United States	Wed May 30, 2007 2:00 PM - 6:00 PM	View directions
West Warwick High School	West Warwick, Rhode Island United States	Fri Jun 01, 2007 8:00 AM - 11:45 AM	View directions
Sharon High School	Sharon, Massachusetts United States	Fri Jun 01, 2007 7:00 AM - 11:30 AM	View directions
	Franklin, Massachusetts	Mon Jun 04, 2007	View

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Franklin High School	United States	3:00 PM - 6:30 PM	directions
ATTLEBORO HIGH	Attleboro, Massachusetts United States	Tue Jun 05, 2007 2:00 PM - 7:00 PM	View directions
MILLBURY JR/SR HIGH	Millbury, Massachusetts United States	Tue Jun 05, 2007 7:00 AM - 12:00 PM	View directions
Uxbridge High School	Uxbridge, Massachusetts United States	Wed Jun 06, 2007 1:00 PM - 5:30 PM	View directions
EAST PROVIDENCE HIGH	East Providence, Rhode Island United States	Wed Jun 06, 2007 4:00 PM - 9:00 PM	View directions
Hope High School	Providence, Rhode Island United States	Thu Jun 07, 2007 8:00 AM - 11:45 AM	View directions
Stoughton High School	Stoughton, Massachusetts United States	Thu Jun 07, 2007 2:00 PM - 6:30 PM	View directions
North Kingstown High School	North Kingstown, Rhode Island United States	Fri Jun 08, 2007 7:00 AM - 8:45 AM	View directions
Catholic Memorial High School	West Roxbury, Massachusetts United States	Sat Jun 09, 2007 9:00 AM - 12:45 PM	View directions
Lincoln Sudbury High School	Sudbury, Massachusetts United States	Sun Jun 10, 2007 11:00 AM - 3:15 PM	View directions
Oliver Ames High School	North Easton, Massachusetts United States	Mon Jun 11, 2007 2:00 PM - 6:00 PM	View directions
Marshfield High School	Marshfield, Massachusetts United States	Wed Jun 20, 2007 10:00 AM - 12:30 PM	View directions
Burrillville Football Camp of Champions	Harrisville, Rhode Island United States	Wed Jul 11, 2007 9:00 AM - 1:15 PM	View directions



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PRIVACY POLICY

1. General

Athletic IQ respects the privacy of every individual who visits and uses the Web Site. This Privacy Policy outlines the information Athletic IQ will collect and how we will use that information. This Policy will also instruct you on what to do if you do not want your personal information collected or shared.

What information does this Privacy Policy cover?

2. Personally-Identifiable Information

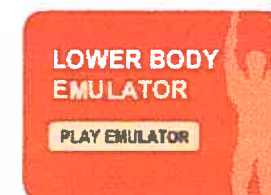
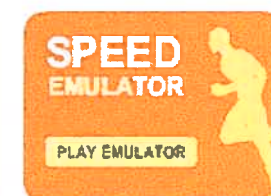
There are cases where Athletic IQ will ask you for personally-identifiable information such as your name, mailing address, and email address. For example, we request personally-identifiable information when you register as a member of the Web Site, for online shopping or transactions, or for other services that require registration or subscription. Athletic IQ will not collect any personally-identifiable information about you unless you provide it to us voluntarily. Remember, however, that in order to receive the Athletic IQ services (e.g., taking the tests), you must provide Athletic IQ with all of the information requested.

3. Payment Information

Athletic IQ may ask you for certain information (such as a credit card number and expiration date) when you register with Athletic IQ or order products or services from Athletic IQ. Athletic IQ may use this information for processing your order and may share this information with credit card processing companies, the merchants from whom you have ordered products, and any other third party that may need the information in order for your order to be processed. These organizations have their own privacy and data collection practices. Athletic IQ has no responsibility for these independent policies.

AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So lets see how good you really are.



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4. Non-Personally-Identifiable Information and Athletic IQ Test Results

Athletic IQ may also collect information about you that is not personally-identifiable. Registered student members of Athletic IQ will be asked to provide certain personal background, demographic, academic and other information. Athletic IQ will not collect any such information about you unless you provide it to us voluntarily. Athletic IQ test results will also be collected by Athletic IQ.

Such personal background information, demographic information, academic information, test results and other information may be disclosed to other members of Athletic IQ as well as third parties.

For instance, college faculty and administrative members will have the ability to search and access such information regarding student members and will be provided with a means of contacting student members that does not reveal such student members personally-identifiable information. Student members will have the ability to search and access demographic information, academic information and Athletic IQ test results of other student members without revealing other student members personally-identifiable information.

Athletic IQ may also aggregate this information and share such aggregated information with advertisers, business partners, sponsors and other third parties. For example, Athletic IQ may inform a sponsor that the membership of the Web Site is x percent females and y percent males. This data is used to customize the Web Sites content and advertising, and to deliver a better experience for our members and users.

Except as stated in this Privacy Policy, or as otherwise stated at the time non-personally-identifiable information is gathered, we will not provide non-personally-identifiable information to third parties.

5. Information Collected Automatically

Athletic IQ may also automatically collect non-personally-identifiable information about your use of the Web Site, such as the domain from which you access the Internet (for example, aol.com, if you are connecting from an America Online account), the date and time you access the Web Site, and the Internet address of the website from which you linked directly to our Web Site. This information will not be linked to personally-identifiable information. Athletic IQ may use this information to analyze and enhance the Web Site, and may aggregate this information and share such aggregated information with business partners, sponsors and other third parties.

6. Information We May Place Automatically On Your Computers Hard Drive

When you view the Web Site, we may store some information on your computer. This information will be in the form of a cookie or similar file and will help us in many ways. For example, cookies allow us to tailor the Web Site to better match your interests and preferences. With most Internet browsers, you can erase cookies from your computer hard drive, block all cookies, or receive a warning before a cookie is stored. Please refer to your browser instructions or help screen to learn more about these functions. Remember, however, that blocking or deleting cookies may limit your ability to access some or all of the features and services of the Web Site.

7. Children

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

Athletic IQ is about creating opportunities; for you, your high school athletic department, and your student-athletes. [View more>](#)

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The Web Site is not directed at individuals under thirteen years of age, and Athletic IQ does not intend to collect any personally-identifiable information from such individuals.

8. Links to Other Web Sites

The Web Site allows links to various other web sites. Athletic IQ assumes no responsibility for the information practices of sites you are able to access through the Web Site. These links to other sites do not imply affiliation or endorsement of a linked site.

9. Security

Please keep in mind that whenever you give out personal information online --- for example, via message boards or chat --- that information can be collected and used by people you dont know. While Athletic IQ strives to protect your information and privacy, we cannot guarantee the security of any information you disclose online and you do so at your own risk.

The importance of security for all personally-identifiable information associated with our users and members is of utmost concern to us. Unfortunately, no data transmission over the Internet can be guaranteed to be secure. As a result, while we strive to protect your personally-identifiable information, Athletic IQ cant ensure or warrant the security of any information you transmit to us or from our online products or services, and you do so at your own risk. Once we receive your personally-identifiable information, we will take reasonable efforts to ensure its security on our systems.

Your account on the Web Site is password protected so that only you can access it and view the member information relevant to the account. We recommend that you do not divulge your password to anyone. Athletic IQ will never ask you for your password in an unsolicited phone call or email. Ultimately, you are responsible for maintaining the secrecy of your passwords and any account information. Remember to sign out of your account on the Web Site and close your browser window when you have finished your work. This is to ensure that others cannot access your personal information and correspondence if your computer is accessible to others or if you share a computer with someone else or are using a computer in a public place like a library or Internet caf.

10. Your Acceptance Of These Terms

By using the Web Site, you signify your assent to the Athletic IQ Privacy Policy. If you do not agree to this Policy, please do not use the Web Site.

11. Changes to This Policy

Athletic IQ may occasionally update this privacy statement to reflect changes in Athletic IQs services and customer feedback. When Athletic IQ posts changes to this Policy, Athletic IQ will revise the "effective date" date at the top of this statement. If there are material changes to this statement or in how Athletic IQ will use your information, Athletic IQ will notify you either by prominently posting a notice of such changes prior to implementing the change or by directly sending you a notification. Your continued use of the Web Site following the posting or notification of changes to this Policy will mean you accept those changes.

12. Whom to Contact

If you have questions or concerns regarding this Privacy Policy, you should contact Athletic IQ by telephone at: (781) 821-1422; or by email to info@athleticiq.com

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STUDENTS

Sure, competing at the next level takes talent, determination, and hard work, but at AIQ, we believe it's also about finding the right fit. That's why we're committed to helping you pinpoint the college program that matches your needs.

To help you get where you need to go both athletically and academically, the benefits of AIQ don't end with the completion of the evaluation circuit. The members-only web site will give you the tools you need to improve - both on the field and in the classroom - and find the college or university that's right for you.

So whether you want to run at Nationals while majoring in Physics, or simply want to go to school near relatives in Maryland and play club ball, AIQ can help you find just what you're looking for.

Strengthen Your Skills



By completing the AIQ Circuit, you'll get a fair and accurate assessment of your athletic potential. Each station will give you a clearer understanding of your strengths and the areas that could use improvement. [View more >](#)

Objective Competition

Whether you're from The East Coast or The West Coast, or anywhere in between, play in a small-town field or big-city stadium, come from a long list of scholars or are the first generation

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SPEED
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EMULATOR

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LOWER BODY
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to go to college - AIQ provides you with the first truly fair athletic evaluation. [View more >](#)

College Selector



Deciding which college to go to isn't about athletics alone. This choice is representative of the person you are today and the successes you wish to achieve in the future. [View more>](#)

Your Student-Athlete Profile



The benefits of AIQ don't end with the completion of the athletic evaluation. After you receive your scores, you can log onto the Qmmunity and create your own AIQ profile. You can then compare your scores with peers locally, regionally, and nationally, as well as take advantage of a number of other online resources. [View more >](#)

College Admissions

Deciding which college to attend shouldn't be as hard as getting in. That's why AIQ offers a network of information and support that makes the right decision an easier and more informative one. [Learn more >](#)

MEMBER BENEFITS



Student - Athletes

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

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Colleges & Universities

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The Qmmunity



When you join the AIQ Qmmunity, you'll be surrounding yourself with all of the information and access you need to choose, apply, and get into the college of your choice.

As a member of the Qmmunity, you will enjoy 24/7 access to college coaches and enrollment officers at more than 2800 colleges and universities nationwide. You will also be able to create and edit your AIQ profile, which will allow you to manage and send your AIQ scores to colleges all over the country. You will also be able to contact and be contacted by the schools of your choice.

You will also enjoy access to tips and articles, student-submitted videos and photos, the AIQ bulletin board, newsletters, emulators, as well as the college selector. [Learn more >](#)

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STRENGTHEN YOUR SKILLS

By completing the AIQ Circuit, you'll get a fair and accurate assessment of your athletic ability. Each station will give you a clearer understanding of your strengths - where you really shine. Plus, you'll be able to pinpoint areas that may need improvement before you take your talents to the next level.

Say, for example, you want to play lacrosse at a Division 2 school but your AIQ Agility Run wasn't as good as another athlete who also wants a spot on the team. With the help of your coach, some hard work, and access to the Qmmunity, you may just be able to one-up the competition and take control of your future.

You can take on the AIQ Evaluation Circuit as many times as you like, charting your progress along the way. Unlike the SATs, there is no right or wrong answer.



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AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So lets see how good you really are.

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A LEVEL PLAYING FIELD

Whether you're from California, Connecticut, or anywhere in between, play in a small-town field or big-city stadium, come from a long list of scholars or are the first generation to go to college - IQ gives you the first truly fair athletic evaluation.

That's because, for the first time ever, athletes are offered a completely computerized, unbiased evaluation of core athletic potential.

The AIQ Evaluation Circuit simply measures you against the same standard as every other participating athlete. It also offers the same access and exposure, too. Which gives you the same opportunity to contact and be contacted by schools of your choice. You'll have the same chance to make the team. And you'll have the same chance to turn your college experience into something to be proud of.

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COLLEGE PLANS

From Ivy Leagues to Junior Colleges - how do you know what school is best for you?

AIQ can help you identify and discover what schools best fit your needs. You can also learn where you have the best chance of being accepted. As a member of the Qmmunity, you'll also have online access to coaches, athletes, and enrollment officers from more than 2800 colleges and universities nationwide. You'll find training tips, college advice, newsletters, and much more.



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YOUR STUDENT-ATHLETE PROFILE

Once you complete the AIQ Circuit and receive your scores, you can log onto the Qmmunity and create your very own online profile.

This student profile is basically all of your wants, needs, and desires all rolled into a detailed overview. Here, you'll post your AIQ scores, indicate which schools you're interested in, and see which schools are interested in you.

You can also see how you rate against the competition by creating customized searches. Compare your AIQ scores to those of other high school athletes. Compare your profile to that of the top athlete in your state or to all of the athletes applying to the same schools as you. You can even see how you measure up against the best college athletes in the sports and division of your choice.



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EMULATOR**[PLAY EMULATOR](#)**LOWER BODY
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AIQ CIRCUIT EMULATORS

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MEMBER BENEFITS**Student - Athletes**

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PARENTS & AIQ

Every parent or guardians wants what's best for their child, particularly if it's an investment in a college education. You want to find a school that is right for your child - both athletically and academically - AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential, as well as the colleges in which they're interested.

AIQ provides high school athletes with a standardized, unbiased athletic and fitness measurement and reporting. We also provide access to a wealth of information on colleges, coaches, athletic programs, the athletes who attend these schools, as well as which schools best fit your child's needs, abilities, and aspirations.

AIQ is a promising new standard for admissions, giving all participants a level playing field

Guiding



An unbiased, completely computerized evaluation of core athletic ability gives you the information and direction you need to help get your child on the right track. [Learn More >](#)

Student Benefits

There's no feeling more rewarding than helping your child get into the best college possible.

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AIQ CIRCUIT EMULATORS

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AIQ gives you the tools you need to make this dream a reality.

[Learn More >](#)

Student Profiles and the College Selector



AIQ's college search engine makes applying to college much easier. With this tool, you can compare your child's academic and athletic profile with other student profiles from across the country. [View more>](#)

MEMBER BENEFITS



Student - Athletes

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

Athletic IQ is about creating opportunities: for you, your high school athletic department, and your student-athletes. [View more>](#)

Colleges & Universities

With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

[PRIVACY POLICY](#) [LEGAL DISCLAIMER](#) [RESOURCES & SPONSORS](#) [ABOUT AIQ](#) [CONTACT US](#)



THE AIQ EVALUATION

AIQ & YOU

REGISTER FOR AN EVENT



FAQ JOBS SEARCH

VIEW YOUR RESULTS HERE!



You are here: [Home](#) / [AIQ & You](#) / [Parents](#) / [Guiding & Evaluating](#)

A TOOL FOR GROWTH

AIQ offers student athletes an unbiased, completely computerized evaluation of core athletic ability. Once your child completes this evaluation, otherwise known as the AIQ Circuit, they will receive a set of scores. These scores are posted on the members-only website.

As members of the AIQ online community, you and your child can create a student profile. This profile will indicate your child's wants, needs, desires, and talent.

Your child can send this profile to the schools of his or her choosing. And college coaches and enrollment officers can view your child's profile to determine whether he or she would be a good candidate for admissions. Your child will also be able to communicate with coaches, get admissions advice, and communicate with other student-athletes who are going through the same process.

INTRODUCTION

[Students](#)[Colleges & Universities](#)[High Schools](#)[Parents](#)

AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So let's see how good you really are.

**BODY COMPOSITION
EMULATOR**[PLAY EMULATOR](#)**SPEED
EMULATOR**[PLAY EMULATOR](#)**UPPER BODY
EMULATOR**[PLAY EMULATOR](#)**LOWER BODY
EMULATOR**[PLAY EMULATOR](#)

TJC-000031



THE AIQ EVALUATION

AIQ & YOU

REGISTER FOR AN EVENT



FAQ | JOBS | SEARCH

VIEW YOUR RESULTS HERE!



You are here: [Home](#) / [AIQ & You](#) / [Parents](#) / [My Child's Benefits](#)

LET YOUR CHILD SHINE

There are so many ways to help your child achieve success. Admission into a good college is certainly at the top of the list. That's why AIQ offers parents and guardians the support they need to give students the best chance at being one of the brightest stars out there.

Here are just a few reasons why you should sign your child up for AIQ today.

The AIQ Evaluation: Comprised of seven individual stations, the circuit is designed to quantify athletic potential. With fully computerized, laser-activated equipment, AIQ is the first organization to offer high school athletes standardized, unbiased athletic and fitness measurement and reporting. It's the athletic equivalent of the SAT test. [Learn more about the AIQ Circuit](#)

The Qmmunity: Becoming a member of AIQ's online community means enjoying 24/7 access to your child's AIQ scores and profile, not to mention thousands of colleges and coaches nationwide, admission information, online mentoring, and so much more. [Learn more about the Qmmunity](#)

College Admissions: As colleges become more and more competitive, so must the applicants. To get into the best school possible, your child has to stand out from the crowd. That's why student-athletes, coaches, and enrollment officers all count on AIQ - and you can too. [Learn more about College Admissions](#)

Peace of Mind: AIQ is officially endorsed by the National Interscholastic Athletic Administrators Association (NIAAA). As you may already know, the NIAAA is the professional organization for scholastic athletic directors and governs most high school athletic play. With the NIAAA on our team, you can be have confidence that AIQ is the best choice for your child. [Learn more about Endorsements](#)

INTERSECTION

[Students](#)
[Colleges & Universities](#)
[High Schools](#)
[Parents](#)

AIQ CIRCUIT EMULATORS

If you're wondering what an AIQ Evaluation is really going to be like, check out these AIQ simulators. So lets see how good you really are.

BODY COMPOSITION
EMULATOR

PLAY EMULATOR

SPEED
EMULATOR

PLAY EMULATOR

UPPER BODY
EMULATOR

PLAY EMULATOR

LOWER BODY
EMULATOR

PLAY EMULATOR

TJC-000032

MEMBER BENEFITS**Student - Athletes**

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Parents

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Athletic IQ is about creating opportunities: for you, your high school athletic department, and your student-athletes. [View more>](#)

Colleges & Universities

With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

[PRIVACY POLICY](#) [LEGAL DISCLAIMER](#) [RESOURCES & SPONSORS](#) [ABOUT AIQ](#) [CONTACT US](#)



THE AIQ EVALUATION

AIQ & YOU

REGISTER FOR AN EVENT



FAQ | JOBS | SEARCH

VIEW YOUR RESULTS HERE!



You are here: [Home](#) / [AIQ & You](#) / [Schools](#)

HIGH SCHOOLS & AIQ

Athletic IQ is about creating opportunities: for your students, your school, and your athletic programs. AIQ creates part-time jobs for coaches, pumps money back into high school athletics, and - for the first time - creates a level playing field for all participating students.

With a comprehensive, standardized athletic evaluation, and unparalleled web site access to college coaches, enrollment officers, and more, AIQ makes it possible for you to help your players identify the right collegiate opportunities, both athletically AND academically.

Athletic Directors



Make this college referral season your most successful and least stressful one yet. AIQ can show you how. [Learn more >](#)

Coaches

When it comes time to help your aspiring college athletes, turn to AIQ for the most comprehensive athletic evaluation, promotion tools, and collegiate access available. [Learn more >](#)

ATHLETIC SECTION

[Students](#)[Colleges & Universities](#)[High Schools](#)[Parents](#)



Guidance Counselors



AIQ gives you a clearer picture of your student-athletes and what colleges realistically meet their needs. [Learn more >](#)

Revenue Sharing



Host an AIQ Event. It contributes funds for your athletic programs, promises part-time jobs for coaches and other staff members, and provides an objective athletic evaluation for student-athletes. [Learn more >](#)

MEMBER BENEFITS



Student - Athletes

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically. AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

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TJC-000035

MEMBER BENEFITS**Student - Athletes**

Athletic IQ measures current athletic capabilities of student-athletes. Its reliable, accurate data that gives athletes and their coaches insight into their strengths and weaknesses. [View more>](#)

Parents

You want to find a school that is right for your child - both athletically and academically, AIQ is the first organization to offer parents an objective tool to evaluate their child's athletic potential as well as the colleges in which they're interested. [View more>](#)

High School Coaches & Athletic Directors

Athletic IQ is about creating opportunities: for you, your high school athletic department, and your student-athletes. [View more>](#)

Colleges & Universities

With a limited budget and thousands of high school athletes to choose from, you need to connect with the right candidates - right from the start. AIQ delivers. [View more>](#)

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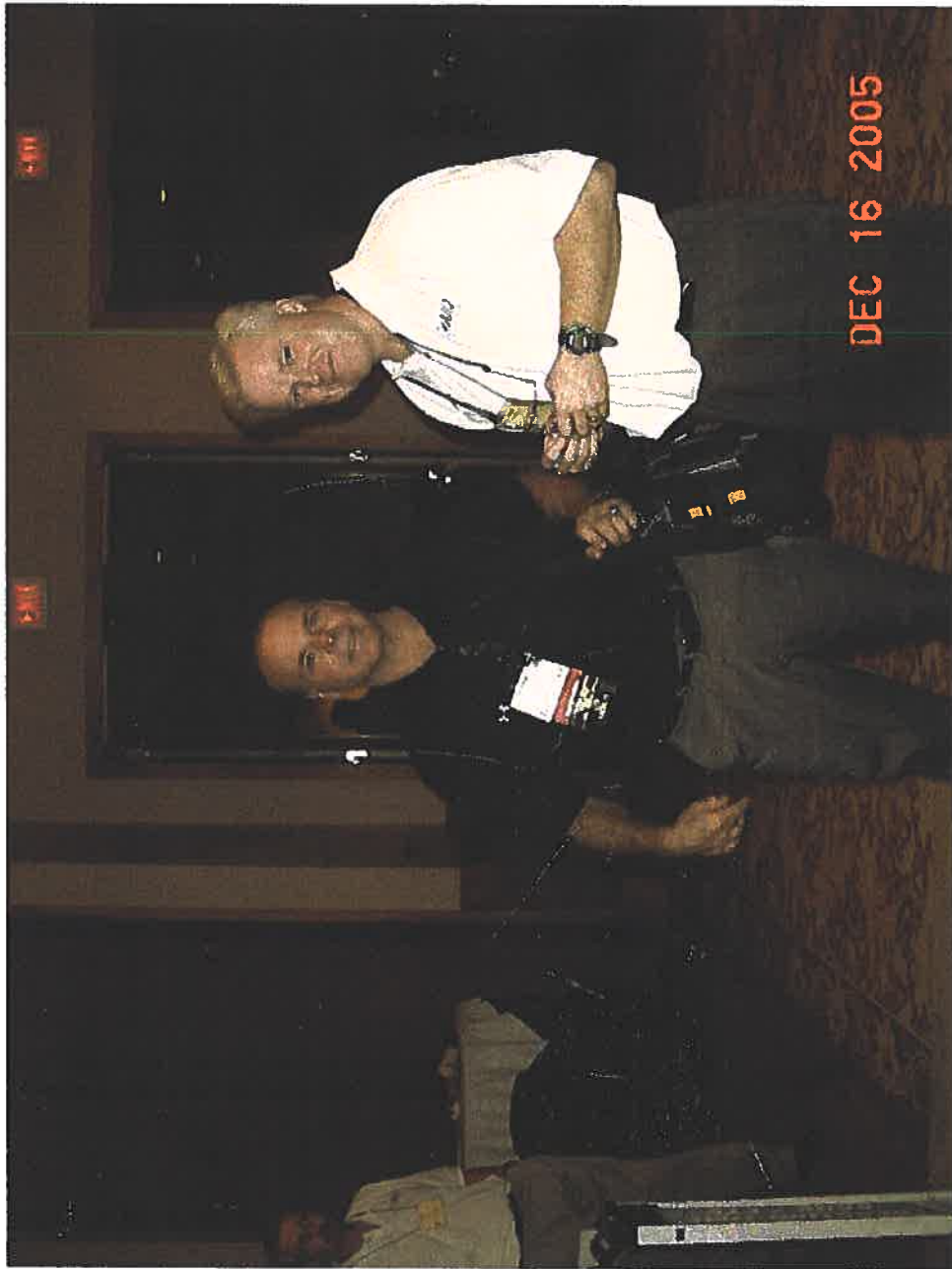
National Conference 2005 Orlando, FL

[photo properties]

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Gallery: RIIAAA Photo Gallery Album: National Conference 2005 Orlando, FL

5 of 10



Keith and Fred Balsamo

December 1, 2005

Maureen Buck
Director of Administrative Services
North Kingstown School Department
100 Fairway Drive
North Kingstown, RI 02852

Dear Maureen:

I would like to request the following cash advance for my trip to the National Athletic Directors Conference in Orlando, Florida on December 14-19, 2005.

Air Fare (Southwest Airlines)	\$155.40
Meals (\$30 per day - 6 days)	\$180
Housing (Marriott Hotel) 5 Nights @ \$156	\$780
Hotel Tax 11.5%	\$89.70
Rental Car	\$159
Total	\$1364.10

This money should be charged to account # 17415125 533301. I will provide receipts for this trip upon my return. Thank you in advance for your cooperation in this request.

Sincerely,

Keith Kenyon
Director of Athletics/Student Activities

TJC-000038

December 12, 2005

Gerry Foley
Principal
North Kingstown High School
150 Fairway Drive
North Kingstown, RI 02852

Dear Gerry:

I would like to request the following cash advance for my trip to the National Athletic Directors Conference in Orlando, Florida on December 14-19, 2005.

Air Fare (Southwest Airlines)	\$155.40
Meals (\$30 per day - 6 days)	\$180
Housing (Marriott Hotel) 5 Nights @ \$156	\$780
Hotel Tax 11.5%	\$89.70
Rental Car	\$159
Total	\$1364.10

This money will be reimbursed by the business office upon return from my trip. Thank you in advance for your cooperation in this request.

Sincerely,

Keith Kenyon
Director of Athletics/Student Activities

TJC-000039

December 21, 2005

Maureen Buck
Director of Administrative Services
North Kingstown School Department
100 Fairway Drive
North Kingstown, RI 02852

Dear Maureen:

I would like to request reimbursement for my recent trip to the National Athletic Directors Conference in Orlando, Florida on December 14-19, 2005.

Air Fare (Southwest Airlines)	\$155.40
Meals (\$40 per day - 6 days)	\$240
Housing (Marriott Hotel) 5 Nights @ \$136	\$680
Hotel Tax	\$78.20
Rental Car	\$159.57
Airport Parking	\$48
Total	\$1361.17

The check should be made payable to: "Keith Kenyon" and charged to account #17415125 533301

Sincerely,

Keith Kenyon
Director of Athletics/Student Activities

TJC-000040

Athletic IQ
Orlando - NIAAA
Booking Calendar

	Wednesday		Thursday		Friday		Saturday	
	MCB	Bd Room	Show	MCB	Bd Room	Show	MCB	Bd Room
8:00								
8:30								
9:00								
9:30								
10:00								
10:30								
11:00								
11:30								
12:00								
12:30								
13:00								
13:30								
14:00								
14:30								
15:00								
15:30								
16:00								
16:30								
17:00								
17:30	NIAAA Board							
18:00								
18:30								
19:00								
19:30								
20:00								

Daily staff meeting in Board Room

Booth Needs to be staffed

State Exec Direc. Meet

Booth Set Up

AD Advisory Committee Meeting

Exhib. Reception

President's Reception

See Below*

Sponsor Reception

Keith Kenyon
CAA (Certified Athletic Administrator)

23 Sycamore Drive

Westerly, RI 02891

Home: 401-322-8319 Mobile: 401-255-4656

keith_kenyon@nksd.net

EDUCATION

Springfield College

B.A., Physical Education May 1981

Syracuse University

M.A., Physical Education May 1983

EXPERIENCE

1985 – Present

North Kingstown School Department—Director of
Athletics/Student Activities/Head Football Coach

Responsible for Interscholastic athletic program grades 6-8 including two middle schools and one high school 9-12 with enrollment of 1600 students and administers an annual budget of \$600,000. Also responsible for over 30 various clubs and activities in grades 9-12.

1993 – Present

Athletic IQ, Inc.

Responsible for beta and electronic testing of Rhode Island and North Kingstown High School athletes annually. Additionally, conduct same tests of Rhode Island High School Football All Star players annually. In both testing situations, results are compiled, categorized, ranked and compared to past testing results.

1981 – 1983

Syracuse University—Graduate Assistant Football Coach under Coach Dick MacPherson while obtaining a Masters Degree in Physical Education.

1983 – 1984

United States Coast Guard Academy—Assistant Football Coach

HONORS

1993

Providence Gridiron Club Division 1 Coach of the Year

1993

Providence Gridiron Club Rhode Island Coach of the Year

1991

Rhode Island Interscholastic Administrators Assn.

“Athletic Director of the Year”

1992

Rhode Island Interscholastic Administrators Assn.

“State Award of Merit”

1997

Words Unlimited “Bill Cawley Award Winner”

2000

Rhode Island Football Coaches Association

“Hall of Fame Inductee”

2004

Rhode Island Interscholastic Administrators Assn.

“State Award of Merit”

2005

Rhode Island Track Coaches Association “Hall of Fame Inductee”

ACTIVITIES

1988-Present	President, Rhode Island Football Coaches Association. Executive Board member for 15 years
1992-94	President, Rhode Island Interscholastic Athletic Administrators Assn. Served on their Coaches Certification and Sports Medicine Committee.
1992-Present	Rhode Island Interscholastic Athletic Administrators Assn. Executive Board member
1994 – Present	Director, Big New England Football Clinic, Newport, RI
2002 – Present	Rhode Island Voting Delegate for National Federation Football Rules Committee
1998 – Present	Co-Director Rhode Island High School Football
1999 – Present	Founder and administrator of the RI/CT Governors Cup Football All Star Game which completed its 7 th year in June 2005
2001-Present	Member of Rhode Island Interscholastic League Hall of Fame Committee

Summary of Professional Career

As Director of Athletics, has established one of the finest interscholastic athletic programs in the Rhode Island while building a football program that is considered one of the states top programs annually. Has lectured at several football and athletic administrators conferences over the past 20 years.

Additionally, leads a program that currently has 27 varsity sports, 16 junior varsity teams, 3 freshmen sports and 1 club sport.

Over the past 20 years, North Kingstown has won over 85 varsity state championships and over 140 division or class championships. North Kingstown's Athletic Department has received the "School of the Year Award" from the Rhode Island Interscholastic Administrators Association five times (1992, 1995, 1998, 2000, and 2004). With the exception of North Kingstown, no school has won this coveted award more than once.

September 26, 2003

Mr. Jack Renkens
Recruiting Realities
239 W. Goethe Street
Chicago, IL 60610

Dear Jack:

Since your presentation at our school on September 8th, I've had the opportunity to reflect on your visit and I have some feedback to share with you. Please let me make it clear that the feelings expressed in this letter have nothing to do with my limited role with Athletic IQ, Inc. (AIQ).

First of all, we booked your third appearance at our school without knowing the cost of the presentation, and assumed it would be in the neighborhood of \$495, which is what we paid you in the spring of 2001. When I received the contract following the verbal booking with Susan Flood, I was shocked to discover that your fee had increased to \$995 (doubled in 2 years?!). Never in my conversation with Susan was the price increase discussed, and since these funds come directly from the dedicated efforts of our booster club, had I known, I would have thought differently about having you come to our school, again.

Since your presentation, several parents have approached me with their displeasure of the lecture, claiming it was informative, but a "smoke screen" to register athletes for a recruiting service. What disturbs me most about these comments is that I invited you here this year to deliver the same no-nonsense message that I believed in, and one that you had presented two previous times. Instead, we got a pitch about a recruiting service, of which several of our athletes have already signed on with. I honestly feel that your promotion of a "national recruiting service" lacks integrity, defies logic and was blatantly deceitful to all in attendance. If you are going to continue this practice, I would recommend that you provide schools advance notice of this relationship and then give them the option of whether to contract for your services.

I have also been questioned over the last couple of weeks as to whether I was receiving any compensation for allowing you to promote this service. The thought that families within our community might feel I was involved in this promotion is damaging to my reputation, and I makes me irate to think, that after 18 years in this position, I might have credibility issues because of your lecture. I strongly felt that your association with this group and subsequent promotion is hypocritical. After all, isn't this the very same issue that you speak so adamantly against in your presentation?

TJC-000044

Although I am sure you won't be happy with the tone or content of this letter, I can only be honest in my assessment of what took place that night. I believe that your increased speaking fee and your financial arrangement with a national recruiting service have compromised your original message to parents and student athletes. I'm disappointed that your message and business motivations have taken a different turn, and therefore cannot, and will not, allow the families in this community to be subjected to this biased philosophy in the future.

Jack, up until three weeks ago I was one of your biggest advocates in the Northeast and across the country, after having seen your presentation four times; unfortunately, I do not have the same confidence in your message following your latest visit.

If you'd like to discuss these matters with me, please feel free to contact me at the numbers below.

Sincerely,

Keith Kenyon
Director of Athletics
North Kingstown High School
150 Fairway Drive
North Kingstown, RI 02852
Office: (401) 268-6281
Mobil: (401) 255-4656

January 17, 2004

Jim Tressel
Head Football Coach
Ohio State University
Woody Hayes Athletic Center
2491 Olentangy River Road
Columbus, OH 43210-1166

Dear Jim:

I would like to thank you for securing the tickets for the recent Fiesta Bowl. The seats were great but the game was better. I have watched the majority of your games on TV since you took over at OSU, but being there in person is a great experience. I thoroughly enjoyed watching the OSU fans throughout the evening and the singing of the Alma Mater following the victory. Thanks also for allowing me to attend practice on Tuesday.

With your permission, I would like to come back to Columbus for spring practice during our April vacation (April 12-16). Last years visit was invaluable to our program and I would like to return with two of my assistants this year.

I have been mentioning to you that I wanted to speak with you concerning a business venture I am involved in with Randy Tyson who is a former scout with the LA Rams. You probably remember Randy from our days at Syracuse. The name of our business is Athletic IQ, Inc. (AIQ). We are developing a program that partners the National Interscholastic Athletic Administrators Association (NIAAA) and AIQ. The program provides electronic standardized athletic skill testing (similar to an academic SAT test) at certified high school performance labs and combines these physical tests with demographic profiles of the student athletes. The tests will be conducted at high schools across the country using state of the art equipment that will accurately measure, height, weight, agility, vertical jump, upper body explosion, 20/40 yard dash etc. We start the beta testing of this program this spring in Texas, California, Florida, Indiana and Rhode Island. There will be a national database where students can compare themselves with their peer group and this database will also be used to match the student athlete's abilities and interests with opportunities that are available at collegiate institutions. At the same time, the AIQ program provides much needed revenue to support the athletic programs in the communities and at the schools where these students are coming from. In addition we have formed a separate non profit foundation to support the AIQ program and provide financial assistance to both students and schools that demonstrate financial need so that everyone will have access to this program. I will give you more details when we speak but this idea is going to roll out this fall and will insure that high school athletes are tested the same across the country and the results will be valid. College coaches will have the opportunity to sort our data base by position, speed, height, weight, academic information etc. The long and short of this is that 75% of the revenues generated will stay in high school athletics. The reason I am explaining this to you is that I would like you to consider being a key member of our Advisory Board. I would not ask if I didn't feel that you would be comfortable endorsing a concept like this. I know you are extremely busy with recruiting following the Hula Bowl, but when you get a chance I would like to speak with you concerning AIQ and your possible involvement.

Thanks again Jim, I appreciate your generosity and friendship and look forward to seeing you again in April.

GO BUCKEYES!

Sincerely,

Keith Kenyon

TJC-000046

Athletic Directors in Maryland's Public and Private Secondary Schools

Maryland State Athletic Directors Association

msada news

May 2006

www.msada-md.org

MSADA Agrees to Partner with Athletic IQ

There are several benefits of this program to the MSADA and its member schools. By using the AIQ system of

evaluation, students and institutions can find each other. It allows students to match their desires with a college

that is right for their needs and abilities. AIQ's revenue sharing plan gives back to the schools and districts that

refer athletes to the program for evaluations. Even if your school does not host an event, your school can benefit

when you recommend AIQ. Hosting an event is simple, free, and an easy way to raise revenue for your school.

All equipment is supplied by AIQ. Set up and break down takes just a few hours. AIQ will train your staff to help

AIQ Alpha Testing North Kingstown High School October 29, 2005

8:00-8:45 Bay Computer will take coaches through testing stations explaining the use of technology at each station. Keith Kenyon & Randy Tyson will demonstrate & explain the proper testing techniques to be utilized

Testing Station Operators

Flexibility-Julie Maguire

Speed-Kevin Gormley

Upper Body Power-Joanne Fitts

Vertical Jump-Steve Froberg

Agility-Jason Shabo

Ht./Wt./Body Fat-Mike Rogers & Aaron Thomas

Group Leaders

Group #1-Lisa Curran

Group #2-Joe Davies

Group #3-Peter Clays

Group #4-Keith Higgins

Group #5-Rick Powell

9:00-10:00 Registration (Height, weight, wing span/picture, body mass index)
Bay Computer will handle registration

10:00-10:15 Welcome & demonstration of testing stations-Keith Kenyon
(During this session, the test operators will be at their station along with the group leader across from them as listed above. You will be demonstrating your station as I talk the kids through the process.)

10:15-10:25 Stretch & Warm-up (Paul Peloquin)

10:30-10:46 1st Testing Rotation

10:46-10:47 Rotate to 2nd Testing Station

10:47-11:03 2nd Testing Rotation

11:03-11:04 Rotate to 3rd Testing Station

11:04-11:20 3rd Testing Rotation

11:20-11:21 Rotate to 4th Testing Station

11:21-11:37 4th Testing Rotation

11:37-11:38 Rotate to 5th Testing Station

11:38-11:54 4th Testing Rotation

11:54-12:00 Return to Bleachers for closing comments

12:00-?? Checkout/Lunch in Cafeteria

12:30-?? Mint Advertising Survey of selected Students

Aug
2006
SUN 13

7:00AM

Practice Boys Varsity Football

7:00AM

School Event *Athletic Testing*

Athletic Testing

7:00AM

Facility: L Cranston Gym

Facility Start: 7:00am

Facility End: 5:00pm

Nov SUN 26

12:00PM

Practice Boys Varsity Basketball (Physical Testing)

Mar 07 TUE 13

School Event *March Testing*

6:00AM

School Event *Boys Open Gym*

2:00PM

School Event *Driver's Ed*

2:00PM

School Event *Baseball Testing*

March 06 MON 13

Shabo - Testing

2:00PM

Facility: L Cranston Gym

TJC-000159

Facility Start: 2:00pm

Facility End: 4:00pm

October 2005

MON 24

Kenyon Testing Session

5:30PM

Facility: L Cranston Gym

Facility Start: 5:30pm

Facility End: 7:30pm

Fri 28

Kenyon Athletic Testing Set up

8:00PM

Facility: L Cranston Gym

Facility Start: 8:00pm

Facility End: 9:30pm

Sat 29

Kenyon Athletic Testing

9:00AM

Facility: L Cranston Gym

Facility Start: 8:00am

Facility End: 2:00pm

Sept 2005 Tues 20

Testing

2:30PM

Facility: Gym 2

Facility Start: 2:30pm

Facility End: 3:00pm

TJC-000160

EXHIBIT 3

Matthew Oliverio

From: Matthew Oliverio
Sent: Friday, December 3, 2021 4:03 PM
To: kenyonk@nausetschools.org
Subject: Aaron Thomas and North Kingstown Public Schools Investigation

Dear Mr. Kenyon, I have been retained by the North Kingstown School Committee to undertake an independent investigation of accusations surrounding the conduct of former coach and faculty member Aaron Thomas during the time you served as Athletic Director for the North Kingstown School Department. Although it has been many years since you've been employed by North Kingstown, information you may have concerning Body Composition or Body Fat testing will be helpful to me in evaluating whether School Department employees were aware of the manner and protocol in which these tests were conducted by Mr. Thomas on student/athletes. I would appreciate the opportunity to speak with you at your earliest convenience. Would you mind responding to this email or call my office to schedule a time? Thank you for your anticipated cooperation.

Kind regards,
Matt

Matthew T. Oliverio, Esquire
OLIVERIO & MARCACCIO LLP
Please make note of our new office location:
30 Romano Vineyard Way, Suite 109
North Kingstown, RI 02852
(401) 861-2900
(401) 861-2922 Fax
Visit us on our website www.om-rilaw.com

EXHIBIT 4

Date : 9/13/2018 8:58:18 AM
From : "Phil Auger"
To : "Aaron Thomas"
Cc : "Denise Mancieri" , "Richard Fossa" , "David Avedisian"
Subject : BMI Discussion Follow-up
Attachment : image002.jpg;image004.jpg;image006.jpg;

Hi Aaron,

Thank you for meeting with me, Dr. Mancieri, and Dave Avedisian on Monday (9-10-18) to discuss an anonymous concern that came to me from a former student from the 2004 through 2008 school years. During the meeting I mentioned that the former student still feels "uncomfortable" that in those years he was in your classroom office area alone with one adult (you) to have his Body Mass Index measurement taken. The former student stated that he was only in a towel. He mentioned that his parent was aware and signed a permission slip to have the BMI measurement taken. The former student also mentioned that at no time was he touched inappropriately. In response you mentioned that over the years you have done these measurements in your office to have access to your computer and that at no time was any student naked while alone with you as these measurements were taken.

I mentioned that I wanted to have this meeting to ensure that these types of interactions with students are handled appropriately going forward, and that I am tasking Athletic Director, Dick Fossa, to compose and inform all coaches and PE teachers with a protocol that ensures there will always be more than one adult present when BMI and other close proximity interactions with students take place, that one of those adults is a qualified and trained for BMI measurements (such as an athletic trainer), and that these matters are handled in locker room spaces. This is being done for the safety of our students and for the protection of our staff members as well.

Thank you, again, for meeting with me and for your cooperation in making adjustments in this practice.

Phil Auger

Phil Auger, Ph.D.
Superintendent
North Kingstown School Department
401-268-6400
phil_auger@nksd.net



EXHIBIT 5

Player	Grade	H-T	W-T	Agility	VJ	Pacer	Express	Squat	P.Clean	Total	Ratio
1	9	67	115	4.87	25.5	93	90	115	75	280	2.43478260
2	9	66	120	5	23.5	79	95	115	85	295	2.45833333
3	9	68	110	4.84	23.5	100	80	0	0	80	0.72727272
	9	69	115	4.97	22	78	65	0	0	65	0.56521739
	9									0	0
	9	66	110	4.82	21.5	86	85	130	75	290	2.63636363
	9	71	234	5.44	18.5	41	115	0	0	115	0.49145299
	9	69	148	4.78	24.5	91	95	135	105	335	2.26351351
	9	72	147	5.22	26.5	86	95	0	0	95	0.64625850
	9									0	0
	9	73	135	4.56	23	90	105	180	115	400	2.96296296
	9	68	122	5.19	15.5	80	70	0	0	70	0.57377049
	9	69	124	4.96	26	112	85	0	0	85	0.68548387
	9	72	138	4.94	25	100	125	135	125	385	2.78985507
	9	74	187	4.72	24.5	85	120	155	115	390	2.0856149
	9	68	130	5.22	21.5	110	115	0	0	115	0.88461538
	9	63	91	5.31	16	101	65	0	0	65	0.71428571
	9	72	207	5.37	17.5	88	115	0	0	115	0.55555555
	9	68	120	4.78	25.5	100	90	0	0	90	0.75
	9	69	128	4.8	21.5	112	100	162	115	377	2.9453125
	9									0	0
	9	61	92	4.79	23	111	100	135	95	330	3.58695652
		1305	2573	94.58	424.5	1743	1810	1262	905	3977	30.7575542
Averages		65.25	128.65	4.729	21.225	87.15	90.5	157.75	113.125	198.85	1.537877714

Player	Grade	H-T	W-T	Agility	VJ	Pacer	Bpress	Squat	P.Clean	Total	Ratio
	9	6'2"	150	4.84	32	94	130	145	135	410	2.733333333
	9	6'8"	191	4.79	27.5	80	155	0	0	155	0.811518324
	9	5'10"	154	4.94	25	65	115	145	85	345	2.24025974
	9	5'5"	123	4.62	25	54	105	0	0	105	0.853658536
	9	5'11"	125	4.75	26	71	65	0	0	65	0.52
	9	5'9"	153	5.9	16	36	85	0	0	85	0.555555555
	9	6'4"	170	5.4	22	82	115	175	125	415	2.441176471
	9	6'1"	160	4.75	25	98	135	185	125	445	2.78125
	9	6'0"	172	4.82	26.5	83	145	195	135	475	2.761627907
	9	6'1"	142	5.13	22.5	83	95	130	0	225	1.584507042
	9	5'4"	122	4.78	21.5	84	115	115	90	320	2.62295082
	9									0	#DIV/0!
	9	6'1"	137	4.88	25	112	105	155	85	345	2.518248175
	9	5'9"	128	4.68	25.5	121	125	215	135	475	3.7109375
	9	5'8"	168	5.04	22	66	135	175	115	425	2.529761905
	9	6'2"	164	4.87	23	65	95	185	125	405	2.469512195
	9	5'4"	116	5.37	19	64	80	0	0	80	0.689655172
	9	5'6"	160	4.88	23.5	92	145	195	135	475	2.96875
	9	5'8"	138	5	21.5	75	120	145	115	380	2.753623188
	9	5'10"	127	5.33	17.5	55	0	0	0	0	0
	9	5'9"	123	5.13	22	66	85	0	0	85	0.691056910
	9	5'6"	103	5.43	16	89	70	105	75	250	2.427184466
	9									0	#DIV/0!
Totals			3026	105.33	484	1635	2220	2265	1480	5965	#DIV/0!
Averages			44.0952385	5.015714286	23.04761905	77.85714286	111	161.7857143	13.84615384	0.0476191	9.71249174

EXHIBIT 6

NEANK TO NKSE 3/25/16

Memorandum of Agreement

By and Among
NEANK/NEARI and
The North Kingstown School Committee

This Agreement is made and entered into on the 25th day of March, 2016 ~~9th day of June, 2015~~ by and among, the NEA North Kingstown (the Union) and the North Kingstown School Committee (Committee).

The parties agree as follows:

1. The Athletic Director's position shall be a full 1.0 FTE position that will remain in the NEANK bargaining unit for the 2016-2017 ~~2015-2016~~ school year. Said position will begin on July 1, 2016 ~~2015~~ and end on June 30, 2017 ~~2016~~.
2. For the 2016-2017 ~~2015-2016~~ school year the Athletic Director position will be considered part of ~~will be added to~~ Article IX-O of the NEANK/School Committee Agreement which includes the titles of the positions that are filled from within the bargaining unit by a committee composed of administrator and teachers. This position will not be included in the annual job assignment process.
3. The member appointed to the position shall receive the salary and benefits that he/she would have received as a full time teacher in the North Kingstown School Department as indicated in the Agreement between the North Kingstown School Committee and the National Education Association North Kingstown (NEANK).
4. The Athletic Director shall support the high school and middle school principals and district administration to provide leadership in the selection, assignment, and evaluation of athletic coaches. The job responsibilities will not include discipline of employees.
5. It is understood that in order to fulfill the requirements of this position, the Athletic Director shall be required to work beyond the normal work day. The Athletic Director shall be a certified teacher.
6. ~~For the 2015-2016 school year the Athletic Director position will be added to Article I-D of the NEANK/School Committee Agreement which includes the titles of the positions that are represented by NEANK.~~
7. If the Committee has not notified the Union by June 1 of any school year of its intention to end this agreement, this agreement will continue to be in effect for the following school year.

North Kingstown School Committee

NEANK

NK School Committee Chairperson

President

Date : 5/1/2017 11:02:15 AM
From : "Hague, Howard"
To : "Mancieri, Denise"
Subject : Letter
Attachment : Howie Hague LOR.docx;

Denise,

Attached is my official letter. We can sit down and discuss a transition for athletics next year. There are several things which need to be ordered for Fall to make sure they come in time for the season. Football starts on August 11th and the rest a week later. Aside from supplies such as balls, medical, etc... Both soccer teams need uniforms as well as Julie Maguire is asking for some as well. Hers are going on 6 years so she is correct. Footballs replacement uniforms are already in. Depending on when you bring someone in I can do these things to prepare for next year.

Obviously this a tough decision for me but one I feel is necessary for my family. I have enjoyed the past 5 years as AD and want to thank not only you but also Phil for being supportive throughout that time. I will work in any capacity either math or engineering which you feel I would be the most value. I always enjoyed my time in any classroom and am looking forward to getting back to the interaction with the kids. I am not sure if Joy is planning on doing internship again but I think we need to move that program towards establishing relationships with RI firms who offer engineering & finance internships to our students in the CTE program. While I would not want to push her out, if she steps down at some point, I think my background both as an engineer and an MBA in finance as well as my contacts around RI in the engineering world would be a good fit for that partial position if it is something you are moving towards.

regards,
Howie

EXHIBIT 7

Changes from 2016 to 2017 Testing_x000D_

Player	Grade	H-T	W-T	Agility	VJ	Pacer	Bpress	Squat	P.Clean	Total	Ratio
	9	72	160	4.82	24.5	102	125	135	105	365	2.28125
	10	73	169	4.94	25	110	155	265	155	575	3.402366
	1	9	0.12	0.5	8	30	130	50	210	.12111686	
	9	70	155	4.64	25	90	120	165	105	390	.51612903
	10	71	164	4.87	27	113	155	275	165	595	.62804871
	1	9	0.23	2	23	35	110	60	205	.11191974	
	11	73	140	5.24	26	96	115	155	125	395	2.82
	12	75	158	4.84	28	108	135	185	145	465	94303797
	2	18	-0.4	2	12	20	30	20	70	0.12	
	9	70	160	5.36	25.5	76	95	0	0	95	0.59375
	10	70	180	5.06	27	90	115	0	0	115	.5388888888
	0	20	-0.3	1.5	14	20	0	0	20	.45138888	
	10	68	127	4.5	26	110	115	205	115	435	3.43
	11	69.5	141	4.5	27.5	114	135	245	155	535	79432624
	1.5	14	0	1.5	4	20	40	40	40	100	0.37
	9	68	125	4.72	25.5	104	105	95	45	245	1.96
	10	69	136	4.59	25	110	125	165	85	375	.75735294
	1	11	-0.13	-0.5	6	20	70	40	130	.79735294.	
	12	73	178	4.57	27	93	155	315	155	625	3.51
	11	73	187	4.9	25	100	165	335	0	500	2.673796
	0	9	0.33	-2	7	10	20	-155	-125	-0.84	
	10	70	136	4.5	31	113	125	245	125	495	3.64
	11	71	148	4.84	32.5	136	165	285	165	615	4.155405
	1	12	0.34	1.5	23	40	40	40	40	120	0.52
	9	70	134	5	26.5	90	95	165	0	260	9.4029850

Changes from 2016 to 2017 Testing_x000D_

10	70	142	4.81	28.5	110	105	0	0	105	73943661
	0	8	-0.19	2	20	10	-165	0	-155	.20086188
9	66	121	4.68	22	100	65	0	0	65	.3719008
10	68	137	5.13	27.5	106	105	105	75	285	.08029197
	2	16	0.45	5.5	6	40	105	75	220	.54310188
10	79	217	4.92	19.5	89	110	0	0	110	0.51
11	79.75	242	5.1	23	90	115	195	0	310	1.280991
	0.75	25	0.18	3.5	1	5	195	0	200	0.77
9	70	149	4.31	29.5	126	115	135	105	355	.38255033
10	71.5	169	4.93	30	136	165	265	165	595	5.2071005
	1.5	20	0.62	0.5	10	50	130	60	240	.13815972
10	72	150	4.37	26	114	135	185	155	475	3.17
11	73	148	4.62	27	122	135	225	135	495	3.344594
	1	-2	0.25	1	8	0	40	-20	20	0.18
9	77	174	4.8	25	100	135	205	115	455	.61494252
10	78	201	4.59	28	102	205	275	190	670	3.3333333
	1	27	-0.21	3	2	70	70	75	215	71339080
9	67	109	4.87	21.5	102	65	95	45	205	.88073394
10	68.5	127	4.75	21	121	85	165	85	335	63779527
	1.5	18	-0.12	-0.5	19	20	70	40	130	75706133
9	72	173	5.06	22.5	100	135	175	0	310	.79190751
10	73	191	4.78	23.5	108	175	225	115	515	69633507
	1	18	-0.28	1	8	40	50	115	205	30442756
9	70	132	4.8	26	91	85	165	0	250	.89393939
10	71	145	5	26	107	120	215	115	450	10344827

Changes from 2016 to 2017 Testing_x000D_

	1	13	0.2	0	16	35	50	115	200	.20950888
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EXHIBIT 8

Statement of

John Doe 3

Attached is a copy of my statement to the North Kingstown Police, dated March 12, 2021, from which my counsel has redacted identifying information.

I spoke directly with Superintendent Auger regarding Thomas' conduct in 2018, including the fact that I, and other students during my tenure, had been 'fat tested' by Thomas while naked in Thomas's little office, after being asked if we were "shy or not shy."

I explained to him that I had now come to understand that these were not legitimate body fat tests, and that where he was testing me (in close proximity to my exposed genitals) was not appropriate or comfortable, nor consistent with how a body fat test was to be done.

Superintendent Auger brought up my going to others about this, but I explained that I was not ready to do so at that time.

Dr. Auger contacted me again in 2021, stating that another former student had now come forward and gone to the police about Coach Thomas.

I would like to be assured that my name will not be publicly released by you or by others, and ask that you cooperate with my counsel in that regard.

John Doe 3

12/15/2021

Dated:

TJC-000207

EXHIBIT 9

Weight Testing Agreement

The purpose of conducting body composition tests is to:

1. Accurately assess body fat percentage.
2. Measure Anthropometric sites to determine positive and negative growth.
3. Provide the athlete with areas that need improvement by testing muscle strength and development. (Structural Analysis)
4. Testing data will be compared to other athletes with the same body type.
5. Future Height & Weight predictions will be assessed.

Participation in the testing program is **voluntary**; athletes may discontinue the process at any time. Athletes/participants are required to be tested in the developed cycle. For most individuals the cycle is every three months though some will test monthly.

Involvement in this program will not positively or negatively impact your chances of making any athletic team. The program is designed to help athletes to reach their full potential.

By signing below I acknowledge the purpose and my involvement in the testing program.

Name

Signature of Athlete

Date

Signature of Parent

Date

Body Composition Tests Information

Name _____

Advisory Room _____

Address _____

Phone Number _____

E-Mail Address _____

Date of Birth _____ Age _____

Sports _____

Special Conditions (Ex. Asthma) (Broken Bones)

Height Prediction:

Mother's Height _____

Father's Height _____

Athlete's Height _____ Weight _____

Athlete's Exact Age _____

EXHIBIT 10

North Kingstown Police Department

8166 Post Rd.,
North Kingstown, Rhode Island 02852

WITNESS STATEMENT

CR#: Date: 03/12/2021 Time: 2:03 PM Place: North Kingstown Police Station

Name: [Redacted] John Doe 3

Address: [Redacted]

Date of Birth: [Redacted] Tel: [Redacted]

I, [Redacted] John Doe 3, voluntarily, without threats or promises, make the following statements:

Q: Are you making this statement today, Friday, March 12, voluntarily and of your own free will?

R: Yes.

Q: Are you here to give a statement regarding an incident of inappropriate behavior by a coach at the high school?

R: Yes

Q: Where did this occur?

R: North Kingstown High School

Q: When did this occur?

R: My Freshman year, 2003 – 2004 school year

Q: Who was the coach involved in this behavior?

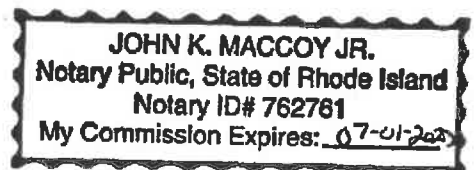
R: Coach Aaron Thomas

Q: Was he your coach?

R: I played freshman basketball and soccer. Coach Simmons was my freshman basketball coach and Coach Kyle and Dan were my soccer coaches. Coach Thomas was the varsity basketball coach.

Q: Do you recall being fat tested or having your body mass index tested by coach Thomas?

R: Yes.



[Redacted] John Doe 3

Signature

Address

Det. Christopher Murphy #38
Officer(s) witnessing statement(s)

Sworn to me this 12th day of March, 2021

Notary Public: *[Signature]*
Commission expires: 7-01-2023 000208

Q: Was that during your freshman year?

R: Yes.

Q: Do you remember where that occurred?

R: Yes in his little comm office, behind the comm room.

Q: Can you describe the fat testing process?

R. It was done in an office. I remember sitting naked with a towel over my private parts. He was asking if I was shy or not. I said I was not shy and the next thing I know I was naked. I remember being in multiple positions while naked and having the pinch test.

Q: How was the test set up?

R. Coach Thomas asked me to do the test. I remember going to his office for the test.

Q: Did you have to dress a certain way for the test?

R. I don't remember.

Q: Did he ask you to take your clothes off during any portion of the test?

R. I don't remember.

Q. Do you remember any of the positions you were asked to get into while you were naked?

R. The only specific position I remember was that I had to raise my leg for him to pinch there. I was moved around multiple times.

Q: Can you explain what you mean by pinch?

R. A body fat caliper pinch.

Q: Where on your body did he do that pinch?

R: It was very high up on the inner thigh.

Q. While you had your leg up during the pinch test, where was coach Thomas situated?

R: He was down, he was either on a knee or sitting in a chair. I was standing up while he is there and his head was near my groin.

Q: Where was that pinch relative to your groin or scrotum?

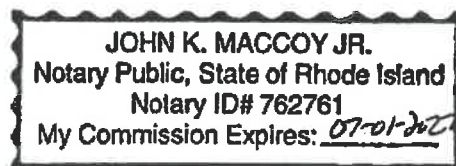
R: Just high up.

Q: Did coach Thomas ever touch your scrotum or groin?

R: No, not in my memory.

Q: Did he ever explain why you had to get naked for the tests?

R: I have no recollection.



John Doe 3

Signature

Address

Sworn to me this 12th day of March, 2021

Notary Public:

Commission expires: 07-01-2021

Det. [Signature] #36
Officer(s) witnessing statement(s)

Q: Do you remember how long the test lasted?

R: Not exactly. I remember it being longer than the ones I've done.

Q: Do you have any knowledge of the fat testing procedure?

R: Yes.

Q: How do you have the knowledge?

R: [REDACTED]

Q: [REDACTED]

R: [REDACTED]

Q: In your experience, were the fat tests done by coach Thomas similar to the way a fat test is properly conducted?

R: No.

Q: Can you explain why?

R: One, you don't have to be naked at all. You can do it with your shirt on. The pinch can be done lower, you don't have to be so high. The pinch is normally done just above the knee on the inner thigh, no where near the groin area.

Q: How many fat tests did you have done by Coach Thomas?

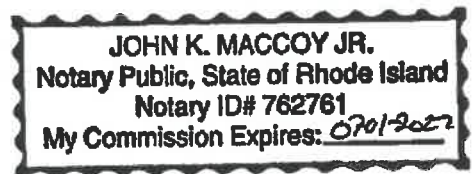
R: I remember having a piece of paper and I remember seeing that there were more than just one. I would compare and contrast them.

Q: Was there any sexual tone to the exams?

R: I remember it being friendly and that the pinch was high.

Q: Did Coach Thomas ever try to contact you outside of school?

R: No, I don't think so.



Q: Did he ever document the tests?

R: Yes, He had print out and had track of everything. Height, weight, and certain areas.

Q: Did he ever take pictures of you during the tests?

R: No, not to my memory.

Q: Did any other one else every give you a fat test while you were in high school?

R: No.

Q: Did any other coach or teacher refer you to have a fat test done by coach Thomas?

R: No.

John Doe 3

Signature

Address

Sworn to me this 12th day of March, 2021

Notary Public:

Commission expires:

TJC-000210

07-01-2022

Officer(s) witnessing statement(s) #30

Q. Did you ever have any conflicts with Coach Thomas when you were in high school?

R. Not that I remember.

Q: Is there anything you would like to add to this statement?

R: Not that I can think of.

Q: Is this statement true and accurate to the best of your knowledge?

R: Yes.

END OF STAMENT

JOHN K. MACCOY JR.
Notary Public, State of Rhode Island
Notary ID# 762761
My Commission Expires: 07-01-2021

John Doe 3

Signature

Address

Sworn to me this 12th day of March, 2021

Notary Public:

Commission expires: 07-01-2021 000211

Det. Philip M. #38
Officer(s) witnessing statement(s)

EXHIBIT 11

Date : 8/27/2020 10:02:24 PM
From : "[REDACTED]"
To : "Thomas, Aaron"
Subject : Re: Results

Hi Coach,

Thank you! I will definitely try and lower my body fat percentage. I think it would be good to get tested again right after soccer season. Thanks for attaching the additional exercises.

[REDACTED]

On Thu, Aug 27, 2020 at 9:42 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

Hi [REDACTED]

Attached are your results. The machine Body Fat was 17 % and skinfold was 18% so they are close. I'd like to try to lower that a little before the season. (13%) if possible. Next step would be to look at what you eat and when you eat.

The TM page has your 29 months comparisons which is pretty interesting. 36 lbs for one. Some gains over 4 inches.

The page with just your name has your rankings. Some have improved. Keep stretching and possibly add these exercises to improve flexibility.

Hip Flexibility

<https://www.youtube.com/watch?v=NG9qbvAN3gQ>

Vertical jump exercises

<https://www.youtube.com/watch?v=QRN1Yzo0hjU>

Let me know if you have any questions. We should do your body fat in about three months before the season.

Coach Thomas

This email originated from a student account managed by the North Kingstown School Department. If you believe it is being used inappropriately, please contact IT_Director@nksd.net.

Date : 8/28/2020 4:05:35 PM
From : "Thomas, Aaron"
To : "[REDACTED]"
Subject : Re: Results

Sounds good

On Thu, Aug 27, 2020 at 10:02 PM [REDACTED]
wrote:

Hi Coach,

Thank you! I will definitely try and lower my body fat percentage. I think it would be good to get tested again right after soccer season. Thanks for attaching the additional exercises.

[REDACTED]

On Thu, Aug 27, 2020 at 9:42 PM Thomas, Aaron <aaron_thomas@nksd.net>
wrote:

Hi [REDACTED]

Attached are your results. The machine Body Fat was 17 % and skinfold was 18% so they are close. I'd like to try to lower that a little before the season. (13%) if possible. Next step would be to look at what you eat and when you eat.

The TM page has your 29 months comparisons which is pretty interesting. 36 lbs for one. Some gains over 4 inches.

The page with just your name has your rankings. Some have improved. Keep stretching and possibly add these exercises to improve flexibility.

Hip Flexibility

<https://www.youtube.com/watch?v=NG9qbvAN3gQ>

Vertical jump exercises

<https://www.youtube.com/watch?v=QRN1Yzo0hjU>

Let me know if you have any questions. We should do your body fat in about three months before the season.

Coach Thomas

This email originated from a student account managed by the North Kingstown School Department. If you believe it is being used inappropriately, please contact IT_Director@nksd.net.

Date : 8/27/2020 9:42:15 PM

From : "Thomas, Aaron"

To : "[REDACTED]"

Subject : Results

Attachment : [REDACTED] BF.XLS; [REDACTED] TM.XLS; [REDACTED] Test.XLS; [REDACTED].xlsx;

Hi [REDACTED]

Attached are your results. The machine Body Fat was 17 % and skinfold was 18% so they are close. I'd like to try to lower that a little before the season. (13%) if possible. Next step would be to look at what you eat and when you eat.

The TM page has your 29 months comparisons which is pretty interesting. 36 lbs for one. Some gains over 4 inches.

The page with just your name has your rankings. Some have improved. Keep stretching and possibly add these exercises to improve flexibility.

Hip Flexibility

<https://www.youtube.com/watch?v=NG9qbvAN3gQ>

Vertical jump exercises

<https://www.youtube.com/watch?v=QRN1Yzo0hjU>

Let me know if you have any questions. We should do your body fat in about three months before the season.

Coach Thomas

Date : 7/6/2020 12:46:27 PM

From : "Thomas, Aaron"

To : "[REDACTED]"

Subject : Results

Attachment : [REDACTED]Tm.xls; [REDACTED]BF.xls; INBODY 270

Scores.docx; [REDACTED].docx;

HI [REDACTED],

Attached are your results

-Measurement Page

-Skinfold page

-More information about the numbers on the Machine test.

-(James McGovern) comparison page with some suggestions.

Let me know if you have any questions.

Coach Thomas

Date : 5/12/2020 7:55:38 PM
From : "Thomas, Aaron"
To : "[REDACTED]"
Subject : Re: Results

Hi [REDACTED]

The machine should be more accurate but it is affected by if you ate before or participated in physical activity. See the back side of the machine paper you have for details.

I'd like to think I am very accurate with the overall number of tests I have conducted but human error is possible with the skinfold test.

I run three body fat tests on you and take the average (9.39%)

These are on your sheet 9.92 8.79 9.47. Average **9.39**

July is fine. Just get in touch with me. I will bring home everything but the machine, in case I cannot get back into school.

Coach Thomas

On Tue, May 12, 2020 at 6:48 PM [REDACTED]

<[REDACTED]> wrote:

Thank you, Coach Thomas. I was wondering which test is usually more accurate? I'm assuming it's the machine but since I lost size in my waist I feel like I had to have lost some body fat. Could we do my next appointment early in July?

On Mon, May 11, 2020 at 2:38 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

HI [REDACTED]

Attached are your results.

Body Fat Machine Today 8.7 - Feb 8.5 = Difference + .2
Skinfold. Today 9.39--Feb 10.72 = Difference -1.33%

*Looks like your BF went down on the Skinfold test. -1.33% but slightly up on the machine. Either way your BF is very good between 8.7-9.39

Also, your waist measurement dropped -.75 which is usually a very good sign to lose body fat.

Nice work on your legs, Thighs up .75 Calves up .25 both have better physical definition. Keep up the Foundation work.

Let me know if you have any Questions and I'll wait to hear from you to schedule your next one, unless you have an idea of when that will be?

Coach Thomas

Date : 5/12/2020 7:58:02 PM
From : "[REDACTED]"
To : "Thomas, Aaron"
Subject : Re: Results

Okay sounds good, thank you!

On Tue, May 12, 2020 at 7:56 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

Hi [REDACTED],

The machine should be more accurate but it is affected by if you ate before or participated in physical activity. See the back side of the machine paper you have for details.

I'd like to think I am very accurate with the overall number of tests I have conducted but human error is possible with the skinfold test.

I run three body fat tests on you and take the average (9.39%)

These are on your sheet 9.92 8.79 9.47. Average **9.39**

July is fine. Just get in touch with me. I will bring home everything but the machine, in case I cannot get back into school.

Coach Thomas

On Tue, May 12, 2020 at 6:48 PM [REDACTED] <[REDACTED]> wrote:

Thank you, Coach Thomas. I was wondering which test is usually more accurate? I'm assuming it's the machine but since I lost size in my waist I feel like I had to have lost some body fat. Could we do my next appointment early in July?

On Mon, May 11, 2020 at 2:38 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

Hi [REDACTED],

Attached are your results.

Body Fat Machine Today 8.7. - Feb 8.5. =. Difference. + .2
Skinfold. Today 9.39--Feb 10.72 =. Difference -1.33%

*Looks like your BF went down on the Skinfold test. -1.33% but slightly up on the machine. Either way your BF is very good between 8.7-9.39

Also, your waist measurement dropped -.75 which is usually a very good sign to lose body fat.

Nice work on your legs, Thighs up .75 Calves up .25 both have better physical definition. Keep up the FOundation work.

Let me know if you have any Questions and I'll wait to hear from you to schedule your next one, unless you have an idea of when that will be?

Coach Thomas

Date : 5/11/2020 2:37:54 PM

From : "Thomas, Aaron"

To : [REDACTED]

Subject : Results

Attachment : [REDACTED] TEST.xlsx; [REDACTED] Tm.xls; [REDACTED] BF.xls;

HI [REDACTED],

Attached are your results.

Body Fat Machine Today 8.7. - Feb 8.5. =. Difference. + .2
Skinfold. Today 9.39--Feb 10.72 =. Difference -1.33%

*Looks like your BF went down on the Skinfold test. -1.33% but slightly up on the machine. Either way your BF is very good between 8.7-9.39

Also, your waist measurement dropped -.75 which is usually a very good sign to lose body fat.

Nice work on your legs, Thighs up .75 Calves up .25 both have better physical definition. Keep up the FOundation work.

Let me know if you have any Questions and I'll wait to hear from you to schedule your next one, unless you have an idea of when that will be?

Coach Thomas

Body Fat Testing

email: "[REDACTED]"
To: email: "aaron_thomas@nksd.net Aaron Thomas"

Tuesday, February 19, 2019 at 6:35:36 PM Eastern Standard Time

Hi Coach Thomas,
I was wondering if you were still doing the body fat testing? If so, could I do it after school one the days this week?
Thanks,
[REDACTED]

email: "aaron_thomas@nksd.net Thomas, Aaron" Tuesday, February 19, 2019 at 9:56:55 PM Eastern Standard Time
To: email: [REDACTED]

Hi [REDACTED],

Are you talking about the new body fat machine or the Body Fat and Measurements.

Stop by during Advisory and I can figure out a time for you

Coach Thomas

On Tue, Feb 19, 2019 at 6:36 PM [REDACTED] wrote:

Hi Coach Thomas,
I was wondering if you were still doing the body fat testing? If so, could I do it after school one the days this week?
Thanks,
[REDACTED]

This email originated from a student account managed by the North Kingstown School Department. If you believe it is being used inappropriately, please contact IT_Director@nksd.net.

Results

email: "aaron_thomas@nksd.net Thomas, Aaron"

To: email: [REDACTED]

Monday, July 6, 2020 at 12:46:27 PM Eastern Daylight Time

HI [REDACTED],

Attached are your results

- Measurement Page
- Skinfold page
- More information about the numbers on the Machine test.
- ([REDACTED]) comparison page with some suggestions.

Let me know if you have any questions.

Coach Thomas

Attachments:

[REDACTED] Tm.xls 24k

[REDACTED] BF.xls 26k

INBODY 270 Scores.docx 191k

[REDACTED].docx 78k

email: "aaron_thomas@nksd.net Thomas, Aaron"

To: email: "apt17@verizon.net Aaron Thomas"

Tuesday, July 7, 2020 at 6:17:46 AM Eastern Daylight Time

----- Forwarded message -----

From: **Thomas, Aaron** <aaron_thomas@nksd.net>

Date: Mon, Jul 6, 2020 at 12:46 PM

Subject: Results

To: [REDACTED] >

HI [REDACTED],

Attached are your results

- Measurement Page
- Skinfold page
- More information about the numbers on the Machine test.
- ([REDACTED]) comparison page with some suggestions.

Let me know if you have any questions.

Coach Thomas

Attachments:

██████████ Tm.xls 24k

██████████ BF.xls 26k

INBODY 270 Scores.docx 191k

██████████ .docx 78k

INbody Machine

email: "aaron_thomas@nksd.net Thomas, Aaron"

Friday, September 6, 2019 at 3:54:13 PM Eastern Daylight Time

To: email: "[REDACTED]"

Hi [REDACTED],

On the Inbody website, I did find information about things that may affect the correct Body Fat composition. Your arms would qualify as an issue. The good news is the machine will still tell you if your fat percentages goes up or down.

You are welcome to set up a time to do the previous testing technique (Pinches) if you want. Just let me know.

Have a good weekend

Coach Thomas

email: "[REDACTED]"

Saturday, September 7, 2019 at 4:31:08 PM Eastern Daylight Time

To: email: "aaron_thomas@nksd.net Thomas, Aaron"

Coach,

Thank you for the information that is good to know. I am available everyday after school so whenever you are available I would love to try the pinch test again to see if they is that much of a difference.

[REDACTED]

On Fri, Sep 6, 2019 at 3:54 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

Hi [REDACTED],

On the Inbody website, I did find information about things that may affect the correct Body Fat composition. Your arms would qualify as an issue. The good news is the machine will still tell you if your fat percentages goes up or down.

You are welcome to set up a time to do the previous testing technique (Pinches) if you want. Just let me know.

Have a good weekend

Coach Thomas

email: "aaron_thomas@nksd.net Thomas, Aaron"

Sunday, September 8, 2019 at 6:41:18 PM Eastern Daylight Time

To: email: "[REDACTED]"

Hi [REDACTED]

I will bring the Caliper machine to the weight room tomorrow after school to quickly test you.
I am interested to see if there is a difference.

Coach Thomas

On Sat, Sep 7, 2019 at 4:31 PM [REDACTED] > wrote:

Coach,

Thank you for the information that is good to know. I am available everyday after school so whenever you are available I would love to try the pinch test again to see if there is that much of a difference.

[REDACTED]

On Fri, Sep 6, 2019 at 3:54 PM Thomas, Aaron <aaron_thomas@nksd.net> wrote:

Hi [REDACTED]

On the Inbody website, I did find information about things that may affect the correct Body Fat composition. Your arms would qualify as an issue. The good news is the machine will still tell you if your fat percentages go up or down.

You are welcome to set up a time to do the previous testing technique (Pinches) if you want. Just let me know.

Have a good weekend

Coach Thomas

This email originated from a student account managed by the North Kingstown School Department. If you believe it is being used inappropriately, please contact IT_Director@nksd.net.

Date : 10/11/2018 7:32:52 PM

From : "Thomas, Aaron"

To : "Aaron Thomas"

BCc : "[REDACTED]"

Subject : Fwd: New Machine

Attachment : INBODY 270 Permission.docx;INBODY 270 Scores.docx;

Hello,

Attached is the new permission slip for anyone wanting to use the new Body composition machine. This is required just in case anyone has any heart issues.
Please see the warning.

Please sign and return the 1st page of the Permission document before or when you would like to try out the machine. (you can drop them off to me)

I will set you up on the machine the first time. I am expecting the machine to arrive by next week. Quick Test format.

Athletes may test next week or anytime before the Winter season starts, then choose their schedule.

Special thanks to the Booster Club, athletic department and several teams for purchasing this \$5000 machine.

I have also include a guide to help understand the scores you receive.

Please send me any questions you may have.

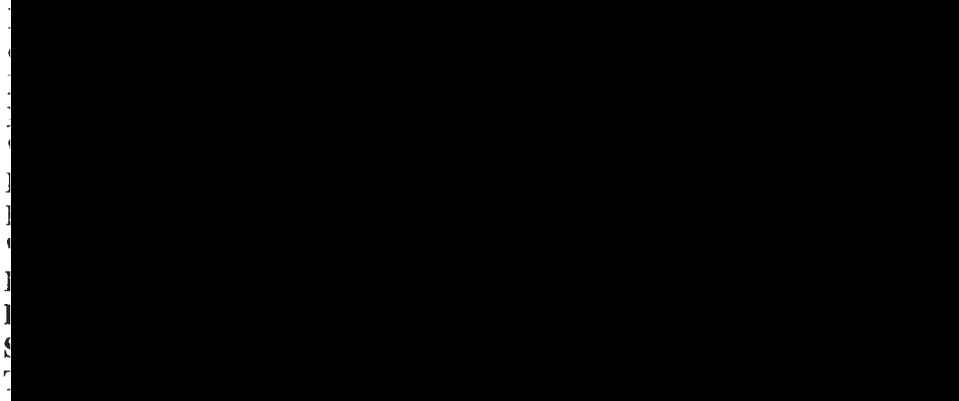
Coach Thomas

EXHIBIT 12

Date : 9/20/2018 8:32:42 PM

From : "Thomas, Aaron"

To : "Aaron Thomas"



Subject : Coming Soon An Accurate Composition Scale

Attachment : In Body.jpeg;

Hello Everyone,

I am excited to announce we are in the process of purchasing a Body Composition scale. I have requested funding from several sources.

I hope to have the scale available in the weight room in approximately 4 weeks.

The INBODY 270 is a Bioelectrical Impedence Scale that accurately measures the following:

Body Weight

Body Fat

BMI

Muscle/Fat/Water/Bone Weight

and much more. (see print out)

Athletes will receive a print out.

*This is the scale used by most Major League Sporting teams. (NFL etc...)

Advantages:

- This scale will be located in the Weight room (easy access) for your use when you want to use it.
- The process takes 1-2 minutes including the print out..
- Testing set up is quick and easy.
- Just clean your hands and feet with a wipe then stand on the machine (Scale) for 20-30 seconds.
- You can test on your schedule. (Every Month or every six months) Plus set your own reminders.
- Your results appear instantly--No calculation by me, plus you will be logged into the machine by your cellphone number. No names on your form and your results will store on the machine for future comparisons.
- Athletic teams can use it to quickly monitor the progress of their players.
- I can eliminate the time consuming skinfold pinches and measurements to predict Body Fat.

I will e-mail you when the machine is available for use. In addition, Coach Shabo will have access to the machine.

Let me know if you have any questions.

Thanks

Coach Thomas

EXHIBIT 13

Response to Investigation Recommendations to support SEL needs

Date	Activity	Follow Up
January 24, 2022	Principal training Title IX	Student and faculty presentations to be scheduled
February -March 2022	Student and Faculty Presentation coordinated by Title IX coor. and principals	Brian Lally to coordinate
March 14, 2022	Mental Health First Aid PD	Dr Carson to confirm with Lori Duffy, LCSW and Denise Mancieri
April 2022(sexual harassment awareness month)	Your Voice Your View High School Staff Community	• Dr Carson requested info for the proposed presentation. (completed on 12/23 and 1/12) • Upon receipt, it was determined to collaborate with Day One • Met with Day One • Coordinate with high school re: format and date(s)
TENTATIVE April 4-8/April 11-14	Mental Health Awareness Week expanded from middle to HS.	Dr Carson/Alison Robey - Coordination of activities across middle and high schools. Add Elementary day



Day One

Day One Prevention Team Training Menu

Population: High school-aged

- *Your Voice Your View (Four 45mins 1-hour sessions)*
 - *Your Voice Your View is an evidence-based violence prevention program based on social norms and trends within the community. The workshop is broken into four separate sessions: 1) social norms, 2) healthy boundary awareness, 3) myths and facts, and 4) bystander intervention. The workshop is age appropriate for 9-12 grade.*
- *Healthy Relationships and Teen Dating Violence (Two 45mins- 1-hour session)*
 - *We will discuss the importance of healthy relationships and boundaries in this session. Going over red flag behaviors, as well as how to help a friend who you suspect may be in an unhealthy relationship that can affect high school students, Teen dating violence can affect any highschoolers*
- *Internet Safety (1 hour)*
 - *This program outlines safe online behaviors and teaches youth to identify online situations that may make them vulnerable to exploitation. Issues such as sextortion and cyberbullying, as well as how to report online abuse are also covered.*

Population: Middle school-aged

- *Your Voice Your View (Four 1-hour sessions)*
 - *Your Voice Your View is an evidence-based violence prevention program based on social norms and trends within the community. The workshop is broken into four separate sessions: 1) learning what your peers think, 2) healthy boundary awareness, 3) understanding consent and sexual abuse, and 4) how to help a friend. The workshop is age appropriate for 6-8 grade.*
- *Healthy Relationships (Two 1-hour sessions)*
 - *While students in middle school may not necessarily be in dating relationships, knowledge of healthy relationships is valuable for all types of relationships, including friendships and within the family. This program discusses red flag behaviors and how to recognize yours and others' boundaries.*
- *Internet Safety (1 hour)*
 - *This program outlines safe online behaviors and teaches youth to identify online situations that may make them vulnerable to exploitation. Issues such as sextortion and cyberbullying, as well as how to report online abuse are also covered.*

Population: Adult community

- *Gender Diversity (2 hours)*

- This training session covers language and concepts surrounding gender identity, sexual orientation, and how the LGBTQIA+ community is disproportionately impacted by sexual and domestic violence. We will learn and have group conversations on how to support LGBTQIA+ youth and adults, create safe spaces, and connect to local resources. Target Audience: Professionals and Caregivers
- *Identifying & Responding to Bullying (1.5 hours)*
 - This program identifies the different types of bullying, including cyber, and how professionals can best respond. It also includes different resources that community members and professionals can use if they witness or hear about bullying.
 - Target Audience: Professionals and Caregivers
- *Online Safety Training (2 hours)*
 - This training provides parents and caregivers with information pertinent to keeping their children and loved ones safe while utilizing online platforms. This presentation will highlight how youth interface with today's ever-changing technology as it relates to social media, gaming technology and internet browsing. Our facilitators will also outline potential exploitation that youth may encounter on the web, and will provide evidence-based insight on how parents and caregivers can positively address these risks with youth in their lives.
- *Identifying & Responding to Child Sexual Abuse (2 hours)*
 - This program, which was designed specifically for parents and school personnel in mind, helps participants to identify signs that a child has been abused, as well as how to talk to children about prevention. Target Audience: Professionals
- *Child Sexual Abuse Materials (2 hours)*
 - This training is presented by Day One on the emerging issue of online child exploitation and covers the topics of child sexual abuse materials, sextortion and sexting. Learn about the unique dynamics and prevalence of child pornography and sextortion, victim impact, offender behaviors, online safety, and the new state protocol developed by the Rhode Island Human Trafficking Task Force to ensure victim safety and access to services. This training will also touch upon concerns of teen sexting, how this differs from child pornography, and the appropriate response given the Rhode Island state sexting statute. Target Audience: Professionals
 - Child Sexual Abuse Materials for Educators (1.5 hours)-Target Audience: Professionals

Teen Dating Violence for Caregivers and Professionals (1.5 hours) Coming Soon!

To book training or for additional information, please contact Yeimy Bakemon-Morel at ybakemonmorel@dayoneri.org . To ensure enough processing time, we kindly ask you to please book your training session at least two (2) weeks in advance.

Title IX

North Kingstown School
Department

What is Title IX?

- A Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities
 - This includes any forms of sexual harassment or sexual violence
- Title IX states:
 - No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.



What is Title IX? (continued)

- No student should be discriminated against because they are male, female, gay, trans, or gender non-conforming
- Harassing or assaulting a student because they are male, female, gay, trans, or gender non-conforming can be considered discrimination under

Title IX

- Other forms of discrimination under Title IX can include:
 - Sexual harassment conducted through texts or emails
 - Sexual touching or gestures
 - Sexual contact without consent
 - Verbal sexual abuse
 - Hazing

Sexual Harrassment

Per the NKSD School Committee Policy (ACA- Title IX Policy), *sexual harrassment* shall mean any conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school department conditioning the provision of an aid, benefit, or service of the School Department on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Department's education programs and/or activities; or
3. Any form of sexual assault, dating violence, domestic violence, or stalking.



Formal Complaints

- Formal complaints can be filed against other students, teachers, or other school staff
- If you, or someone you know, has been the victim of sexual harassment, or any other violation of the Title IX policy, during school or a school sponsored event, you can file a formal complaint.

- [NKSD Title IX Complaint Form](#)



NKSD Title IX Resources

❖ [NKSD Title IX Webpage](#)

❖ District Title IX Coordinator:

- Brian Lally
- brian_lally@nksd.net
- 401-268-6440

❖ [NKSD Title IX Policy](#)

**SEL District Initiatives to Date
SY 21-22**

1. SEL PD District wide
 - a. Quid - Conscience Discipline
 - b. Secondary - Restorative Justice
 - c. Districtwide - Keynote speaker re: Trauma Informed Instruction
2. SEL PD Mental Health Staff
 - a. Suicide Prevention/Kid Connects
 - b. Threat Assessment
 - c. Bridge RI Modules - Anxiety, Trauma, MTSS
 - d. Trauma in our schools - group work
3. SEL Preschool Initiative - training and materials (IDEA part B funded)
4. Request additional Social Worker to support at the elementary level (currently 2.5)
And Psychologist to support secondary schools
5. Effective School Solutions - secondary schools (Data to date provided)
6. Partnership with Day One for Sexual Abuse/Harassment Awareness training

Ongoing Supports

1. Open Circle Curriculum - elementary
2. Student Assistance Counselors through RI Youth Guidance(RIYG) - secondary
3. See Something Say Something - Collaboration with Sandy Hook Promise
4. Additional suicide prevention curriculum through the Nathan Bruno/Jason Flats Act (RIGL 16-21.7)
5. Individual, group therapies and crisis intervention, including risk assessments - Mental Health staff

SAY SOMETHING-ANONYMOUS REPORTING SYSTEM

Participate in the national *Say Something* Week, March 14–18, or join in the celebration any week in March.

Sign Up

Our Programs

SAY SOMETHING - ANONYMOUS REPORTING SYSTEM

We believe that Upstanders and Trusted Adults are critical to safer schools and youth organizations. The *Say Something*-Anonymous Reporting System (ARS) teaches students how to recognize warning signs and threats of someone who may be at-risk of hurting themselves or others and to “say something” to a Trusted Adult or report anonymously using our downloadable app, telephone hotline, or website.

***Say Something*-ARS teaches students three steps:**

1. Recognize Warning Signs and Threat

Learn what warning signs and threats are and where they are likely to be found.

2. Act Immediately; Take it Seriously

Learn strategies to take action when warning signs and threats are observed as well as how to be an Upstander rather than a bystander.

3. Say Something to a Trusted Adult or Submit a Tip

Learn how to tell a trusted adult when warning signs and threats are observed as well as how to submit a tip to a Crisis Counselor using the *Say Something*- Anonymous Reporting System.

The *Say Something*-ARS trainings and resources are flexible to use. *Say Something*-ARS is directly aligned with the social-emotional learning standards developed the Collaborative for Academic, Social and Emotional Learning.

Additional training for district personnel is required.

Registration is free. Be part of the *Say Something* movement and register today.

Register

Please note: the *Say Something*-ARS student training and resources are only available to educators and school personnel in districts or states with which Sandy Hook Promise has a partnership agreement. If you are interested in learning more about how to bring the program to your school, please email SS-ARS.leads@sandyhookpromise.org and

EXHIBIT 14

Statement of ~~John Doe 22~~

My name is ~~John Doe 22~~ and my date of birth is ~~XX/XX/XX~~. I am identified by my attorney as John Doe 22 in connection with the investigation of Aaron Thomas.

I was a student at North Kingstown High School from 2017 to 2021, while Aaron Thomas was the Varsity coach of the basketball team.

I am cooperating with the investigation of the North Kingstown School District and the Rhode Island Attorney General regarding the conduct of Thomas during his time as a coach.

I provided a statement to law enforcement that my attorney advised me will not be released at this time. That statement provides details on Thomas's testing me while I was unclothed, during my freshman, sophomore, and junior year, from 2017 to 2019.

Although a machine to perform fat testing without contact had been purchased and put into use while I was a student, Thomas's practice with me was to use the machine either before or after a series of other tests which involved being alone with him and naked.

Among other things, those tests included getting into various positions naked and during the course of some of them, Thomas was pressing on the inside of my groin with his thumbs.

The nature of the examinations and contact was such that on multiple occasions, I became erect. On at least one of these occasions, I noted Thomas to become visibly aroused.

~~John Doe 22~~

Signature

Dated: 3/3/2022

EXHIBIT 15

SAFE SCHOOLS POLICY

PURPOSE:

The purpose of the Safe Schools policy is to assure that the North Kingstown School Department provides and maintains an educational environment that is safe, healthy, and nurturing.

PHILOSOPHY:

It is the belief and intention of the School Committee that a policy in regard to safe, healthy, and nurturing schools is essential to facilitate the psychosocial, physical and intellectual development of each student to achieve excellence.

POLICY STATEMENT:

Building principals, staff administrators, and plant facilities personnel are primarily responsible, within the limits imposed by available resources, for initiating and maintaining the necessary precautions for the health, safety and nurture of staff, pupils and community members in the school system. All procedures will be derived from this policy in compliance with the rules, regulations, and laws governing health and safety.

Definitions: A safe school provides a climate where students, staff and community members in the school system are free from harm and the physical environment is well maintained.

A healthy school includes quality health education and provides an environment and services that are both responsive and preventive in nature.

A nurturing school is a caring community of adults and students committed to their own and each other's well-being and learning.

Each school will develop a plan to be submitted to the Superintendent and School Committee for annual update and review.

First Reading: April 11, 2001

Second Reading for Adoption: April 25, 2001

Amended: May 23, 2001

EXHIBIT 16



EMPLOYEE HANDBOOK

North Kingstown Public Schools
100 Romano Vineyard Way, Suite 120
North Kingstown, RI 02852

Office of Human Resources

Phone: 401-268-6440

Fax: 401-268-6445

www.nksd.net

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Welcome to the North Kingstown School System

The North Kingstown School Department Handbook has been developed as an introduction to North Kingstown's procedures and policies. If you are a new member of the North Kingstown School Department family, we welcome you and hope that you will find this guide helpful. For veteran employees, we hope this guide has been helpful.

This handbook contains statements of personnel policies and procedures. It is designed to be a working guide for personnel in the day-to-day administration of our personnel programs. It is not intended to be construed as a binding contract between an employee and the North Kingstown School Department.

For more detailed information on topics in this handbook or topics that are not covered, please consult your union contract or union representative, School Committee Policy, building administrator, the Human Resources office at 268-6440 or go to the North Kingstown School Department home page at www.nksd.net.

Disclaimer

It is the intent of the North Kingstown School Department that all procedures and information contained in this Employee Handbook are accurate and up-to-date as of the distribution date. The North Kingstown School Department reserves the right to add new policies, to delete existing policies, and/or change policies at any time. The North Kingstown School Department will make a good faith effort to do so in a reasonable and equitable manner and to inform employees of such changes in a timely manner.

If this handbook or any provision herein conflicts with any terms in an employee's contract or Collective Bargaining Agreement, except for federal or state law, the terms of the contract shall prevail. No administrator, principal or supervisor has any authority to vary, by contract or otherwise, the employment relationship between the employees and the North Kingstown School Department. This handbook, including the practices and benefits provided herein, do not constitute a contract between the North Kingstown School Department and any employee. Collectively bargained contracts may be found on the school department's website at www.nksd.net under Human Resources.

Collective bargaining agreements can be found at the following link:

https://www.nksd.net/apps/pages/index.jsp?uREC_ID=796097&type=d&pREC_ID=1187539

Statement of Nondiscrimination and Affirmative Action

AFFIRMATIVE ACTION / EQUAL OPPORTUNITY EMPLOYER

The North Kingstown School Department does not discriminate on the basis of race, age, sex, religion, sexual orientation, gender identity or expression, national origin, color, disability or veteran status.

Inquiries regarding compliance with North Kingstown Public Schools' Non-Discrimination Policy should be addressed to:

Office of the Superintendent
North Kingstown School Department
100 Romano Vineyard Way, Suite 120
North Kingstown, RI 02852
(401) 268-6400

OR

Office for Civil Rights Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-3921
Ocr.boston@ed.gov

A copy of the North Kingstown Public Schools Statement of Non-Discrimination and Affirmative Action (Policy) is available on the School Department's website.

This notice is provided as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act of 1975, Executive Order 11246 The Equal Pay Act, Section 402 of the Vietnam Era Veterans Readjustment Act of 1974, and the Immigration and Reform and Control Act of 1986 and the Americans with Disabilities Act of 1990.

Reference School Committee policy **GBA/AC/ACA/ACE/ACE-R/GBKA**

Whistle Blower Policy

The district's whistleblower policy is intended to provide a mechanism for the reporting of illegal activity or the misuse of district assets while protecting employees who make such reports from retaliation.

Reference School Committee Policy **GBKA**.

National Background Check (BCI)

Pursuant to **R.I.G.L. §16-2-18.1**, offer of employment is conditional upon not having any disqualifying information on a state and national background checks. All persons seeking employment with the North Kingstown School Department shall receive a criminal background check and shall including fingerprinting.

Reference School Committee Policy **GCF**.

Pre-Employment Physical

Please refer to School Committee Policy GCF-1 regarding pre-employment physical requirements.

Blood Borne Pathogen Exposure

The North Kingstown School Department has developed and maintains a Blood Borne Exposure Control Plan that complies with the Occupations, Safety and Health Administration (OSHA) requirements. The purpose of this plan is to create a healthy work environment through a plan to control or minimize occupational exposure to Hepatitis B virus (HBV), Human Immunodeficiency Virus (HIV) and other Blood Borne pathogens for employees who face a health risk from exposure to blood and other potentially infectious materials. For specific information please speak with your school nurse.

All employees as required by OSHA must sign off yearly with each school head clerk that they have been informed of blood borne pathogens and have watched the following video on blood borne pathogens.

<https://drive.google.com/file/d/0B4rblAm62R57aW54TGxGVjZRcmhVWThGNIJLeDh3SVJfZHj/view>

Reference School Committee Policy **GBG/GBG-R**.

Staff Hiring

The North Kingstown School Department recognizes that the recruitment and selection of high quality, dedicated personnel is key to accomplishing our mission of educating children. Therefore, the following personnel policy has been adopted to ensure the hiring of the best personnel available. Candidates will be selected on the basis of their qualifications, abilities, and the needs of the school system. The policy should be read in concert with the employment contracts in place and reaffirm the District's commitment to not discriminate on the basis of race, color, creed, national or ethnic origin, age, gender, religion disability, sexual orientation, gender identity or expression, disabled veteran or veteran of the Vietnam era, or citizenship status in its employment practices.

Reference School Committee Policy **GCD, GCF.2, GDD, AC, ACA, ACE**.

Attendance and Tardiness

The North Kingstown School Department considers their faculty and employees to be professionals and holds them in high regards in all respects. Therefore, it is the North Kingstown School Department's expectation that employees will report to their respective buildings to adhere to his/her assigned work schedule, to perform all assigned duties and to work all scheduled hours during each assigned workday, unless the employee has received approved leave.

All employees requiring a substitute shall enter their absences in SAMS/AESOP, or any other time entry system utilized by the District. Any time spent not working during an employee's scheduled workday must be accounted for in the appropriate absence recording software. This includes time spent away in professional development.

Hourly employees should refer to the State of Rhode Island Labor laws and/or applicable collective bargaining agreement regarding allowable breaks and meal periods and all forms of leave.

Important: All employees are responsible for entering their absences into SAMS/AESOP or other time entry system utilized by the District. In an emergency if, you are unable to enter an absence or not able to reach SAMS/AESOP @ 856-482-0300, please call the main office of your school or your department supervisor to report your absence.

The North Kingstown School Department does monitor attendance and absence frequency and patterns.

Return to Work

All employees must provide a doctor's note when returning from an illness/injury that is more than 5 days in duration. The doctor's note must state that the employee may return to full duty, no restrictions. Any restrictions must be approved by administration before an employee returns to the District. Please refer to your collective bargaining agreement or policy governing your employment for more information.

Change of Personal Status

It may become necessary from time to time to change personal information on file in the Human Resources and/or Payroll Office (i.e. new address, change in federal or state withholding, dependent additions/deletions to medical coverage, etc.). These changes must be made on the school department's website in the Employee Self Service module. All name changes must be made in the Human Resource Office by completing a new W-4 and showing new social security card with new name.

Conflict of Interest

North Kingstown School Department employees must adhere to the highest standards of ethical conduct; respect the public trust and the rights of all persons; be open, accountable, and responsive; avoid the appearance of impropriety; and not use their position for private gain or advantage.

The North Kingstown School Department shall at all times comply with **R.I.G.L. §36-14-1** known as the Rhode Island Code of Ethics in government.

Reference School Committee Policy **GBEBC, GBEBC-R**.

Confidentiality

North Kingstown School Department employees frequently come to know about confidential student, family, employee and District information. All information is strictly confidential whether medical or otherwise, and must never be discussed. Respect for students and the law requires that student issues are only discussed with employees and parent(s)/guardian(s) who need to know the information.

The following four laws protect confidentiality of staff, student and educational information:

- Family Educational Rights and Privacy Act (FERPA)
- Rhode Island Educations Records Bill of Rights
- Individuals with Disabilities Education Act (IDEA)
- Health Insurance Portability and Accountability Act (HIPAA)

Violations of these laws carry penalties, which can include individual liability. School department personnel are responsible for knowing and adhering to the confidentiality requirements established by these laws. Any violation of confidentiality may be cause for disciplinary action up to and including termination.

Dress Code

Employees are expected to dress neatly and professionally to set a good example as role models for our students.

Drug-Free Workplace

The North Kingstown School Department supports a drug-free workplace and does not tolerate any violation of the Drug and Alcohol policy.

Reference School Committee Policy **GBEC**.

Employee Evaluations

The District's certified staff are evaluated using the current RI Department of Education Evaluation system. Non-certified staff and non-unit staff are evaluated using the District's established evaluation model. Please refer to your respective collective bargaining agreement for further information.

Harassment

No student, school employee, contractual agent, volunteer or any member of the school community shall, at school or work, engage in, solicit and/or encourage any other individual to engage in any action of harassing, intimidating and/or bullying any other person.

Reference School Committee Policy **AC, GBA, JBA2.**

Sexual Harassment Policy

The North Kingstown School Department will maintain an educational and working environment free of sexual harassment in any form. Supervisors, administrators and all other employees, as well as students, are absolutely prohibited from engaging in sexual harassment of employees, students, and visitors.

Reference School Committee Policy **GBAA, AC. ACA.**

Health and Wellness

The District promotes healthy employees by supporting wellness, good nutrition, and regular physical activity as part of the total working environment and by maintaining a health and wellness committee. The District recognizes that improved health optimizes employee performance potential.

Reference School Committee Policy **JL/GBGC.**

COBRA

COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. 99–272, 100 Stat. 82). requires all employers to offer the continuation of group health benefits to the employee and their family members who are no longer eligible for company benefits.

Spouses and children of employees will be eligible for up to three years of continuous coverage at their own expense if the coverage ceased due to:

- a. The death of the employee.
- b. The divorce or legal separation of the employee.
- c. The employee becomes entitled to Medicare benefits.
- d. A dependent child ceasing to be a dependent under the requirements of the Plan.

Spouse, children, and the employee will also be eligible for up to eighteen months of continuous benefits at their own expense if their benefits ceased because of:

- a. Termination of employment (unless by employee's gross misconduct)
- b. Reduction of working hours.

However, no continuation of group coverage need be provided after:

- a. The failure to make payments to the Payroll Office within 30 days of invoice date.
- b. The qualified beneficiary is covered under another group health plan as a result of employment, re-employment, or remarriage.
- c. The qualified beneficiary becomes entitled to Medicare benefits.
- d. The employer ceases to provide any group health plan for its employees.

The law requires that the North Kingstown School Department must notify the qualified beneficiary within fourteen days of notification by the Plan Administrator of his/her rights to continuation of coverage in the event of the employee's death, termination of employment, or eligibility for Medicare coverage.

In the event of divorce, legal separation, or a child becoming ineligible, the employee or qualified beneficiary is required to notify the Plan Administrator.

Tobacco-Free Schools

Smoking or the use of any substance or item which contains tobacco, including but not limited to cigarettes, cigars, pipes, or other smoking tobacco, or the use of snuff or smokeless tobacco, or having in one's possession a lighted cigarette, cigar, pipe, e-cigarettes, vaping products and paraphernalia, or other substance or item containing tobacco by any person or persons including but not limited to contract or other workers on school property, school students, school administrators, school faculty, school visitors or any other school employee in all areas of all schools is prohibited. As used herein, the term "school or schools" shall also include but not be limited to school playgrounds, school administration buildings, indoor school athletic facilities, school gymnasiums, school locker rooms, school buses, other school vehicles, other school buildings whose use is not primarily residential, and outside areas within twenty-five (25) feet of any building. In addition, tobacco use is prohibited on school grounds, athletic grounds, or parking lots; or any school sponsored event off campus.

Reference School Committee Policy **JICD-GBED**. In accordance with R.I.G.L. §23.20.09 / §23.20.10

School Safety, Emergency & Crisis Response Plans

In accordance with **R.I.G.L. §16-21-23**, **R.I.G.L. §16-21-24** and **R.I.G.L. §16-21-25**, the North Kingstown School Department shall develop, shall review annually and, as necessary, revise a comprehensive school district safety plan to enable the School Department to effectively respond to crises and other emergencies. The North Kingstown School Committee shall review and adopt, in executive session, a comprehensive school district safety plan regarding crisis intervention, emergency response, and management.

Reference School Committee Policy **EBC, GBGB**.

Duty to Report

As an employee of the North Kingstown School Department, you must be familiar with **R.I.G.L. §40-11-3.3**. If you witness or become aware of sexual assault, physical abuse or neglect of a child, you are a mandatory reporter and must take action.

Reference School Committee Policy **JLF**.

School Closing and Emergency Procedures

1. GENERAL

All decisions concerning weather advisories and work requirements shall be made by the Superintendent or his/her designee. Such decisions shall be communicated by the Superintendent or designated Central Office Staff. In extraordinary circumstances, such as where some advance notice of extreme weather is given, all employees are encouraged to monitor local radio and television stations, in addition to our mass notification system, for information concerning specific instructions regarding work for that day. You may also sign up RI Broadcasters at <http://www.ribroadcasters.com/news-and-events/news/riba-needs-you/> to receive a text alert regarding school closings or delays.

2. DELAYED OPENING OF SCHOOL

Staff will report to work as directed by the message sent out by the District's mass notification system.

3. CANCELLATION OF SCHOOL

- a. All 180/184/185 day certified and non-certified staff will not report to work and will not be compensated for the day. However, if the lost time is made up as part of the school calendar year (if school calendar is extended), they are expected to report on the make-up day(s) and will be paid for that work day(s). If the day is cancelled due to State of Emergency, R.I. G.L. §16-2-3, there shall be no loss of salary or sick allowance.
- b. All year round staff are only to report to work if instructed to do so by the message sent out by the District's mass notification system.

Maintenance workers are considered essential personnel and are necessary personnel in a weather emergency and are expected to report to work during their assigned shift or as directed by the Superintendent, Chief Operating Officer, Supervisor of Plants & Grounds, Lead Foreman, or his/her designee. It is expected that all maintenance personnel make every effort to report to work as scheduled.

4. EARLY DISMISSAL

- a. In the event that students are dismissed early and school closes early for weather or other emergency related situations, teachers, clerical staff and other staff may request to be released at the discretion of the supervisor/ principal/director. Refer to your applicable collective bargaining agreement for further information.

Social Media Policy

As an employee of a school district we hold employees to the highest standards. The North Kingstown School Department recognizes and respects the First Amendment Rights of its employees and acknowledges that its employees have the right to speak out on matters of public concern through any and all media, including social media.

The North Kingstown School Department also recognizes that inappropriate content authored by employees can interfere with the educational process. Employees should avoid communicating with students and families regarding school or school related matters through personal social media accounts. No employee member shall “friend”, “follow” or interact with any students using personal social media. North Kingstown School Department employees who engage in any public communication, including personal social media, should be aware that any use which interferes with the educational mission of the district, breaches confidentiality obligations of North Kingstown School Department employees, or harms the goodwill and reputation of the school district in the community is not acceptable.

Reference School Committee Policy **IHAJ**.

Computer Network Acceptable Use

The North Kingstown School Department is pleased to offer authorized users access to district computers, the internet, and an array of technology resources to promote educational excellence. Authorized users include students, employees, and guests hereafter referred to simply as “users”. Each user is responsible for his/her use of technology whether personal or district-provided. While using district or personal technology resources on or near school property, in school vehicles, and at school-sponsored events, as well as using the district’s technology resources via remote access, each user must act in a manner consistent with school, district, and legal guidelines.

The North Kingstown School Department reserves the right to review, audit, intercept, monitor, access, disclose, copy and/or download any communication created, transmitted, or maintained on any of the District’s computer or electronic communication systems.

Reference School Committee Policy **INJDB, IJNDB.2, IJNDB.3, IJNDB-R**.

Guidelines for Communication using Email

The North Kingstown School Department uses email as a primary form of communication. It is the employees' responsibility to check their email frequently and respond to messages as soon as possible. It is important to communicate messages clearly and concisely, being careful with the sharing of personal information. The North Kingstown School Department owns any communication that is sent via email and can be accessed at any time.

Reference School Committee Policy **INJDB, IJNDB-R**.

Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) (Pub.L. 103-3; 29 U.S.C. sec. 2601; 29 CFR 825) requires covered employers to provide up to 13 weeks (RI) of unpaid, job-protected leave to eligible employees. The North Kingstown School Department shall provide leave under the FMLA Act to all "eligible employees". The North Kingstown School Department will use a "rolling" 12-month period measured backward from the date of any FMLA leave usage to determine the leave cycle. Employees are entitled to up to 13 weeks of leave as defined in **R.I. G.L. §28-48-2**.

Reference School Committee Policy **GCCAC**.

Health Insurance Portability Accountability Act (HIPAA)

All employees must comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. All employees should be aware that HIPAA restricts the sharing and transmission of private health information (PHI) to non-qualified parties.

Employees should never share private health information about themselves or others. In certain circumstances, such as with regard to colleagues who are ill or in the hospital, we realize this may seem contrary to the spirit and culture of caring for colleagues that we have established over the years at the North Kingstown School Department. While we always seek to maintain our caring culture, we need to recognize the personal protection provided under HIPAA and remain in compliance, for the benefit of all concerned.

Payroll

W4 and Exemptions:

All employees are required to complete an IRS form W-4 before a payroll can be processed. The IRS website or a professional tax advisor can provide guidance to anyone requiring assistance in completing this form.

Pay Period:

All employees are paid on Fridays on a bi-weekly basis. Holidays and inclement weather may alter this schedule. Please refer to the payroll calendar published each year for information regarding pay cycles.

Timekeeping:

All hourly employees are required to account for their hours worked using the current time and attendance recording process. Additional hours beyond a normal workday must be pre-approved by your supervisor. Employees are responsible for the accurate recording of paid time and attendance. Discrepancies in submitted timekeeping records could result in a delay of payment, non-payment, or in some cases, disciplinary action.

Accruals:

All sick days, personal days, vacation days, etc. should be noted on the paper time sheet/ electronic timesheet and in SAMS/AESOP or other time and attendance system used by the District. All leave without pay must be pre-approved by the Superintendent.

Direct Deposit:

All employees are strongly encouraged to participate in a Direct Deposit of their payroll. Direct deposit receipts are emailed to employees. It is the responsibility of the employee to enter updated information regarding their Direct Deposit financial institution into ESS (Employee Self Service) found on the NKSD website.

School Issued Time Clock Badges

All hourly employees will be required to clock in and out of the Electronic Timekeeping system (once implemented) in use and will be issued a School Department Time Clock Badge and will be responsible for the safe keeping of their badge.

Replacement Policy: The first badge will be issued at no charge. Should an employee misplace their Timekeeping Badge, the first replacement will be re-issued with a \$5 fee.

Deferred Compensation (403b)

All employees are eligible to participate in the North Kingstown School Departments 403(b) Salary reduction Plan. The Plan Document is available on the school department web site. Employees may only participate with the companies/vendors that are listed in the Plan Document. The Plan is managed by a Third Party Administrator as selected by the School Committee.

If you would like to begin contributing to the 403(b) Plan, you must contact a Financial Advisor from one of the companies/vendors that are listed in the Plan Document. The Employee must then complete the Third Party Salary Reduction Agreement which is available on the school department web site.

Once your information has been confirmed and approved by our Third Party Administrator, the Third Party Administrator will notify our payroll department to begin payroll deductions; this process could take up to two weeks.

Employees who would like to transfer their 403(b) funds to another company/vendor must contact the school departments Benefits Administrator who will guide the employee through the process.

Employees are encouraged to contact their personal financial advisor for guidance regarding deferred compensation plans.

Purchases made on behalf of the School Department

The School Department requires Purchasing and Reimbursement Procedures that are strictly enforced and followed by all employees purchasing goods, services, supplies, equipment, etc. on behalf of the school department. These Procedures are sent to all employees each school year.

Reimbursements will not be made to employees if these procedures are not followed.

Reference School Committee Policy DJC, DJF, DJF-R.

Travel and Expense Reimbursement

The District will reimburse employees the necessary expenses when authorized to travel on official school business, travel from one School property to another as required by their assignment or Professional Development. Paper expense reports are not acceptable. Employees must submit reimbursement claims thru the Employee Self Service, Expense Reports portal.

Reference School Committee Policy **GCID, GCID.1.**

Tuition Reimbursement

Teachers and Support Staff, please refer to the applicable bargaining unit contract.
Administrative staff, please refer to School Committee Policy GCB, GCB.2

A pre-approval form must be submitted to the Human Resource Office.

Employees must submit reimbursement claims thru the Employee Self Service, Expense Reports portal.

Personnel Records

A confidential personnel file is maintained for each employee in the North Kingstown School Department in the Human Resource Office per all applicable state and federal guidelines.

Access to employment records is limited to the employee, Superintendent, and any other appropriate personnel within Central Office.

Any employee shall have the right to review personnel records as permitted by state and federal laws during regular business hours. The North Kingstown School Department may copy any item in your personnel file for an employee.

Employee information available to the public is limited to the name of the employee, assignment, dates of employment, and compensation.

Workers' Compensation

The North Kingstown School Department is committed to the promotion of safety awareness and accident prevention. Occasionally, an employee may have an accident or suffer a work related illness. The North Kingstown School Department ensures that the employee will receive the appropriate medical care and treatment provided the employee provides immediate notification regarding a work-related injury, so that the employee can return to good health and employment as soon as possible.

In accordance with state law, the North Kingstown School Department provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. An employee injured on the job is required to report an injury immediately, or as soon as practical, to his/her direct supervisor/principal/director. The employee along with the supervisor/principal/director must complete the North Kingstown Department's "First Report of Injury" form immediately and submit it to the Human Resource Department. The "First Report of Injury" form may be found in each school's main office or on the North Kingstown School Department's website under the Human Resource Department. The

“First Report of Injury” will be submitted to the employer’s worker’s compensation insurance carrier and state reporting agency for any work related injury, which causes permanent or temporary disability resulting in compensation for lost time. Any employee who is unable to report to work after an injury must provide a doctor’s statement with an anticipated length out of absence. Before returning to work the employee must provide a doctor’s statement stating that the employee can return to work to full duty, without restrictions.

Pension

Eligible employees are required to participate in the State of Rhode Island’s pension system known as the Employee’s Retirement System of Rhode Island (ERSRI). This plan covers both certified and non-certified staff. Certified staff are covered under the Employees Retirement System (ERS) and non-certified staff are covered under the Municipal Employees Retirement Plan (MERS). This plan is also known as a Defined Benefit Plan. For specific information about your pension plan please visit Employee’s Retirement System of Rhode Island.

In addition to the Employee contribution to a Defined Benefit Plan above, a contribution is also required to be made to a Defined Contribution Plan through TIAA, contributions are applied to individual employee specific accounts. If you are transferring from another participating Rhode Island School District you will retain your account and contributions will continue in that account.

Effective the 2015-2016 School Year an individual with 20+ years as of June 30, 2012, employee and employer contributions to TIAA-CREF will stop. Contributions that have been made during the FY13, FY14 and FY15 will remain in your individual TIAA-CREF account. Withdrawal of TIAA-CREF funds is only allowed at retirement or separation of employment.

Teachers must work a least half-time (.5 FTE) to participate in both the Defined Benefit Plan and the Defined Contribution Plan as specified in **R.I. G.L. §16-16-1.**

Municipal employees must work at least 20 hours to participate in both the Define Benefit Plan and the Defined Contribution Plan as specified in **R.I. G.L. §45-21-8.1.**

Reference School Committee Policy **GCB, GCB.1, GCB.2.**

9/2019, REV. 2/2020

What You Need To Know When Retiring

If you are considering retiring from the District, please note the following:

- Refer to your applicable collective bargaining agreement for details on benefits and notification requirements.
- Notify the Superintendent in writing in the year you will retire (refer to appropriate contract language)
- Make an appointment with the Employees Retirement System of RI (ERSRI). You may also visit their website for contact information, FAQ's and forms.
- Make an appointment with Social Security Administration for specific benefits.
- Eligible employees must meet with the Benefit Coordinator to review benefit options as defined in the respective labor contracts/policy.

Student Fund Raising

Employees must comply with all school committee policies regarding Student Fund Raising.

Reference School Committee Policy: **JJE, JJE-R, GBECB, GBECB-R.**

Employee Self Service Portal

The North Kingstown School Department utilizes the employee self service module as part of our Munis Software package. This module will help you update personal information and access payroll data.

To log into the Employee Self Service portal, please go the districts website, click on Staff, then Employee Self Service.

Acknowledgement of Receipt

I acknowledge that I have received a copy of the North Kingstown School Department Employee Handbook. I understand that it contains important information on the personnel and benefits policies applicable to me and about my privileges and obligations as an employee. I have familiarized myself with the material in the employee handbook, and I understand that I am responsible for knowing and abiding by its contents.

Since the information, policies, and benefits described here are subject to change, I acknowledge that revision to the handbook will occur and that it is my responsibility to remain current on changes and additions in the policies of the North Kingstown School Department. Policies can be found on the North Kingstown School Committee website as referenced herein.

Further, when policy changes are approved by the North Kingstown School Committee, such information will be disseminated via the District email system or other means of mass communication to all employees in order to ensure changes and/or additions to District policies are properly communicated. Changes to this handbook will also be communicated to all employees via the District email system or other means of mass communication to employees.

I understand that I should consult with the Human Resources Office regarding any question not answered in this handbook. I acknowledge that I have read this Employee Acknowledgment form and have received a copy of the employee handbook. Further, I acknowledge that I have read the policies referenced herein and agree to comply with these policies.

This form MUST be signed, dated, and returned to the Human Resources Office promptly upon receipt of this handbook.

Signature

Printed Name

Date

EXHIBIT 17

REPORTING CHILD ABUSE

PURPOSE:

The purpose of this policy is to set forth the expectations of the North Kingstown School Committee as regards all employees of the North Kingstown School Department in dealing with incidents of suspected child abuse, sexual abuse, or neglect.

PHILOSOPHY:

The School Committee recognizes the fact that child abuse, sexual abuse, and neglect can seriously impact children and their educational environment, and teachers and other school personnel are in a unique position to identify and report suspected cases of such abuse.

POLICY STATEMENT:

The School Committee brings point to the Rhode Island General Law 40-11-3 which requires the reporting of suspected child abuse, sexual abuse, and neglect to the Department of Children and their Families. Further the School Committee states its position is that employees are expected to adhere to the statutes, and directs that procedures be developed to implement the required reporting.

Adopted: 12/5/83
Amended: 10/2/89
Revised: 3/24/09
Revised: 10/24/2017

ADMINISTRATIVE REGULATIONS

REPORTING CHILD ABUSE

PURPOSE:

This Administrative Regulation is established in compliance with the North Kingstown School Committee Policy of the same name and coding, and sets forth the procedures for implementation of said policy.

REGULATION STIPULATIONS:

Any employee of the North Kingstown Public Schools who suspects child abuse, sexual abuse, and/or neglect will utilize the procedures as outlined below:

1. Any person who has reasonable cause to know or suspect that a child has been abused or neglected will immediately inform the building principal or his/her designee and together they will contact DCYF. Said report shall be made within 24 hours.
2. The principal or designee will notify the school nurse-teacher, social worker or guidance counselor as appropriate, for the purpose of documenting any signs of physical or sexual abuse. (Note: This documentation will not become part of the permanent health records.)
3. The Following information will be shared with the Department of Children, Youth and Families:
 - a. The name, address, age and sex of the child.
 - b. The name and address of the child's parents or other person(s) responsible for the child's care.
 - c. The name and address of the person allegedly responsible for the abuse and neglect, if known.
 - d. The name of the siblings who may be in danger, if known.
 - e. The nature and extent of injuries and/or neglectful condition(s) or a description of them.
 - f. Any other information necessary to protect the health and welfare of the child.
4. In all cases, the initiator of the report shall either ascertain that a report has been made, or make the report him/herself as required by 40-11-3.
5. The Principal will complete the approved form, maintain the original in his/her office, and forward a copy to the Director of Pupil Personnel Services, and the Superintendent's office.

Approved: December 5, 1983

Revised: March 24, 2009

Revised: October 24, 2017

EXHIBIT 18

**A GUIDE TO IDENTIFYING AND REPORTING
CHILD ABUSE IN THE SCHOOLS**

**RHODE ISLAND DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION**



KEN WAGNER, COMMISSIONER

**255 WESTMINSTER STREET
80 WASHINGTON STREET
PROVIDENCE, RHODE ISLAND 02903**

5TH REVISION – MARCH 2019

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I. INTRODUCTION

A. The Reason For This Document

In May, 1981, the Rhode Island General Assembly requested that the Department of Education develop guidelines for local school personnel to use in reporting suspected cases of child abuse and neglect. In response to this request, the Department of Education developed A Guide to Identifying and Reporting Child Abuse in the Schools. This edition of the Guide has been updated and revised to reflect changes in Rhode Island's laws on child abuse and neglect and to reference current DCYF protocols for handling complaints of child abuse that it receives. The Guide has also been revised to provide additional resources to educators, including a sample Child Abuse/Neglect Reporting Protocol for use by districts and schools.

The second purpose of this document is to describe to school personnel their responsibilities under Rhode Island law for reporting suspected child abuse and neglect under §40-11-3 and to detail the resources of the Department for Children, Youth and Families to receive and respond to reports of suspected child abuse and neglect on a twenty-four-hour-a-day-basis. A child is "abused and/or neglected" when the child's physical or mental health or welfare is harmed, or threatened with harm, by his or her parent "or other person responsible for his or her welfare." A "person responsible for the child's welfare" is defined in §40-11-2. This definition includes parents, foster parents, guardians, persons residing in the child's home, employees of residential facilities, and those providing out-of-home care in child day care settings. The definition does not include an employee, agent, contractor, or volunteer of an educational program.

A separate Guidance document, entitled "Guidance on Reporting of Sexual Abuse by Persons Working or Volunteering in Educational Programs" has been developed to assist education personnel in fulfilling their separate and distinct roles as mandatory reporters of suspected cases of child sexual abuse perpetrated by an employee, agent, contractor, or volunteer of an educational program. In 2016 the R.I. General Assembly enacted §40-11-3.3 that created a separate and distinct reporting requirement for any person suspecting that any child has been the victim of sexual abuse perpetrated by an employee, agent, contractor, or volunteer of an educational program. This law was amended in 2018 to require that a separate reporting protocol be followed when the mandatory reporter is an employee, agent, contractor or volunteer of an educational program. The Commissioner's Guidance on Reporting of Sexual Abuse by Persons Working or Volunteering in Educational Programs" describes the protocol to

be followed by school personnel in making mandatory reports of child sexual abuse under §40-11-3.3.

B. The Law On Child Abuse

Rhode Island was one of the first states to recognize the problem of abused children and to enact legislation to combat child abuse and neglect. The present Rhode Island statute requires prompt reporting of any suspicion of child abuse or neglect¹. This law provides certain protections to anyone making a good faith report; however, it also attaches both civil and criminal liability to anyone who fails to report promptly a suspected case².

It is well recognized that schools can play an important role in preventing child abuse. Because of their close contact with children throughout the day, educators have the opportunity to promptly detect when a child is being abused or neglected. Quick detection and prompt action can mean the difference between life and death for an abused child. Prompt reporting by certified staff in accordance with the requirements of state law also fulfills a professional responsibility to report suspicions of child abuse and neglect to DCYF.

C. The Use of Guidelines

The guidelines portion of this document is organized to follow the sequence of detecting and reporting a child abuse situation within a school setting. Because of the variation in size and structure among local school districts, it is not feasible to disseminate a single procedure that can be used in all schools, however a sample child abuse reporting procedure (or “protocol”) has been developed as a starting point and is attached in Appendix V. It is strongly encouraged that each school’s procedure be developed in consultation with the superintendent of your district and with appropriate input from district legal counsel. It should be emphasized that all local procedures must reflect the reporting provisions in the law that have been designed to enhance DCYF’s capability to receive and respond to reports of suspected abuse. Furthermore, the procedure that is adopted and followed cannot relieve a teacher- or other member of the school staff- of reporting responsibility or pass such responsibility to an administrator because this would constitute a violation of the law.

¹Rhode Island General Laws, Section 40-11-3 (1956) as amended.

²Rhode Island General Laws, Section 40-11-4 and 40-11-6.1 (1956) as amended.

D. The Problem In Rhode Island

While educators have always recognized their moral and professional responsibility for dealing with child abuse cases, Rhode Island law requires the prompt reporting of any suspicion of child abuse or neglect. Not only could the failure to quickly report a case of child abuse or neglect threaten the life of an individual child, it could also result in serious criminal and civil liability for an individual school employee, teacher, school administrator, and the school district. The failure of an educator to comply with the legal responsibility to report a suspicion of child abuse or neglect could also have an impact on retention of his/her professional certificate.

E. A Policy On Child Abuse; A Protocol for Reporting

The process of protecting a child's safety in cases of child abuse involves three steps: identification, investigation and intervention. In almost all cases, an educator suspecting child abuse or neglect will not be involved beyond the identification stage. Investigation and intervention will be handled by professionals at the DCYF. Without cooperation in this important first stage, however, DCYF cannot begin to function to protect an individual child. Experience has shown that investigating and reporting suspected child abuse is a difficult and sensitive area for educators. An individual teacher may be hesitant to act in any but the most obvious cases of physical abuse. Many teachers may still be unsure of the indicators of child abuse, or unaware of the full dimensions of the child abuse problem and the danger that chronic abuse or neglect poses to the life or future well-being of a child. Fearing civil liability or personal embarrassment, some teachers may still be reluctant to become involved in reporting anything but the most obvious cases.

To dispel this hesitancy and fear, many school districts have developed a child abuse policy, i.e. a statement that clearly defines the problem of child abuse and emphasizes the necessity of all school personnel to assist in fighting the problem. A well-developed policy and protocol will specify the responsibilities of all personnel in the school for such activities as identification, reporting, multidisciplinary cooperation, public awareness, etc. However, it must be emphasized that all Rhode Island residents are mandated to report their suspicions of abuse and neglect to DCYF. A school protocol that passes reporting responsibility to someone else in the school, for example, the principal or school nurse, does not relieve a teacher of his or her legal responsibility to report.

F. Definitions and Indicators Of Child Abuse

Child abuse refers to any non-accidental injury or any pattern of injury or neglect to a child. Any physical or emotional trauma to a child for which there is no reasonable explanation should arouse a suspicion of abuse.

1. Physical Abuse

A physically abused child is any child under the age of eighteen who has been injured as a result of the actions or lack of action of the parent, sibling, or other person responsible for the child's welfare. Indicators of physical abuse include, but are not limited to, the following:

- a. insufficiently explained bruises, welts, abrasions, burns, fractures, etc.;
- b. reports of injury made by the child; or
- c. behaviors such as fear of returning home, fear of parents, or fear of contact with adults.

2. Mental Injury Or Emotional Maltreatment

Mental injury is emotional or psychological harm inflicted upon the child. It is often attributable to the unwillingness or inability of the parent to exercise a minimum degree of care for the child. Indicators of such maltreatment include, but are not limited to, the following:

- a. substantially diminished psychological or intellectual functioning;
- b. failure-to-thrive syndrome (unexplained lack of progress in intellectual, emotional or physical functioning);
- c. lack of control of aggressive or self-destructive impulses;
- d. habitual absences and/or truancy;
- e. habit disorders such as biting, rocking, hair pulling, etc.

3. Neglect

A neglected child is any child whose physical or mental health or welfare is harmed as a result of the inaction of his/her parent or other person responsible for his/her welfare.

Indicators of neglect include, but are not limited to, the following:

- a. consistent hunger, poor hygiene, inappropriate dress;
- b. consistent lack of supervision;
- c. unattended physical or medical needs;
- d. reports by the child that he has no caretaker or no one at home; or
- e. behavior such as a reluctance to leave school, constant fatigue, and begging or stealing food, etc.

4. Sexual Abuse

A sexually abused child is any child who has been used for the sexual stimulation of any adult, even if that person is a parent or sibling. Sexual abuse may include, but is not limited to, the following:

- a. incest;
- b. fondling of genitals;
- c. exhibitionism by parent(s) and/or older siblings; or
- d. sexual exploitation, such as using the child for pornography or prostitution.

Indicators of sexual abuse include, but are not limited to, the following:

- a. explicit reports or stories by the child of a sexual nature;
- b. torn, stained, or bloody underclothing;
- c. bruises or bleeding in the genital area;
- d. venereal disease or pregnancy; or
- e. pain or itching in the genital area.

G. Signals For The Educator

Certain signals should suggest to a teacher the possibility of child abuse. One or two of these signals does not necessarily indicate abuse. If, however, several of these signals are present, or there is a recurring pattern of these signals, a prudent person should suspect abuse.

Such clues occur when a child:

1. is habitually away from school and constantly late;
2. arrives at school very early and leaves very late, or indicates he/she does not wish to be at home;
3. is unusually or chronically compliant, shy, withdrawn, passive or uncommunicative;
4. is nervous, hyperactive, aggressive, disruptive, or destructive;
5. has any unexplained injury (e.g. missing hair, a burn, limp or bruises);
6. has an inordinate number of "explained" injuries over a period of time;
7. complains about frequent physical punishment;
8. goes to the bathroom with frequency or difficulty;
9. is inadequately dressed for the weather conditions;
10. has clothing that is soiled, tattered, or too small;
11. is dirty, has neglected teeth, poor hygiene;

12. is thin, emaciated, and constantly tired, suggesting malnutrition and dehydration;
13. is usually fearful of other children and adults; or
14. has been given inappropriate food, drink, or medication.

Educators should also suspect child abuse if the parents:

1. show little concern for their child's problems;
2. do not respond to school communications, never attend parent's nights, or never inquire about the child's schoolwork or progress;
3. take an unusual amount of time to seek health care for the child or show ignorance of a health condition of the child;
4. do not adequately explain an injury or are unaware of a child's injury;
5. give different or contradicting explanations for the same injury;
6. suggest that the cause of an injury can be attributed to a third party;
7. are reluctant to share information about the child;
8. respond inappropriately to the seriousness of a problem;
9. are abusing alcohol or drugs;
10. have unrealistic expectations for the child;
11. are very strict disciplinarians;
12. were themselves abused, neglected, or deprived as children; or
13. have taken the child to different doctors, clinics, or hospitals for past injuries (often called "doctor shopping" or "hospital shopping", i.e. the attempt to avoid suspicion by medical personnel).

It should be emphasized that one or two of these indicators in isolation may not be cause for a reportable suspicion.

II. GUIDELINES

A. Develop A Policy

A district or school policy regarding child abuse is a statement from the school administration which demonstrates recognition of the problem of child abuse and emphasizes the willingness of school personnel to assist in combating the problem.

A well-developed policy statement will explain to teachers and other personnel in the school district the need for certain activities, such as parent information and public awareness programs, teacher in-service training, etc. A good policy statement will define how the school district's child abuse prevention activities will be evaluated over the school year. Any policy which is adopted should be made available to all school personnel, volunteers, parents, and social service agencies in the community. (See Appendix VI for a sample policy).

B. Know The Law

It is important that all school personnel be made aware of the law concerning child abuse and how it might affect them. Sections of Rhode Island law pertaining to child abuse include: (See Appendix IV for the full text of citations)

Section 40-11-3 Duty to Report

Section 40-11-4 Immunity From Liability

Section 40-11-6.1 Penalty For Failure To Report

Section 40-11-7 Duties of Department – Investigation of Report;
Petition For Removal

Section 40-11-13 Confidentiality Of Reports

C. Understand The Problem

In addition to the child protective services provided by the Department of Children, Youth and Families, DCYF provides a link to other agencies and organizations in the community that provide various services to children through the “family care community partnership,” a group of service providers utilized by DCYF. As part of its follow-up on reports of child abuse and neglect, DCYF will identify (and sometimes require the family to utilize) community services and resources needed to support the child and his/her family. Services such as parent education and counseling may be provided by area mental health centers, the visiting

nurses association, and family service agencies. If necessary, DCYF will find temporary placement for the child while these resources and services are being provided to the child's family.

D. Have A Standard Reporting Procedure For All Schools

To prevent duplication of effort, confusion and unnecessary delays in reporting, each school district should encourage the use of a single procedure for reporting child abuse and neglect immediately to the DCYF 1.800. 742.4453 (1.800.RI.CHILD). The particular procedure developed for use should be in compliance with state law. Therefore, it is wise to have the superintendent of schools and the school attorney review the procedure and that it include, but not be limited to, the following elements:

1. A brief statement of the dimension of the child abuse problem statewide and the rationale for involving school personnel in reporting;
2. The title and citation of state law on child abuse as well as any town or city ordinances or policies on the subject;
3. The definition of child abuse, neglect and other reportable conditions;
4. A brief description of the Department for Children, Youth and Families 24-hour Hotline;
5. The information required in a report;
6. The expected conduct of the reporter for cooperation and assistance after the report is made;
7. The methods for safeguarding the well-being of the child during the reporting and investigating procedure;
8. The methods for insuring confidentiality of the reporting and investigative procedure;
9. A brief description of legal liability for failure to report, civil immunities, possible judicial or adjudicative proceedings which may occur after reporting, etc.;
10. The method to be used for disseminating the school system's policy and reporting procedures.

E. When A Member of the School Staff Suspects Child Abuse

1. The Law

- a. Who Reports: The duty to report rests with any person who has reasonable cause to know or suspect that any child has been abused or neglected. In a school setting, this means teachers, aides, volunteers, principals, custodians, school bus drivers, substitute teachers, secretaries, etc. (40-11-3). Reasonable cause may result from any personal observation, admission or response from a child or any communication (even if secondhand or hearsay) which would suggest to a reasonable person that a child has been abused.
- b. When To Report: The report must be made within twenty-four (24) hours after reasonable knowledge or suspicion (40-11-3).
- c. How To Report: Any person shall report within twenty-four hours to the Rhode Island Department for Children, Youth and Families or its agent (40-11-3). Reports are taken at the Child Abuse Hotline, 1-800-742-4453 (1-800-R.I.CHILD) twenty-four (24) hours per day, seven (7) days per week.

2. School Concerns

- a. Use Reasonable Judgment: The reporter should exercise some judgment to evaluate a suspicion and to determine whether the observed injury has a rational explanation for its cause. If there is a reasonable cause to **know or suspect** that the child has been abused or neglected, a report to DCYF must be made. A DCYF child protective investigator may request the school nurse to assist by examining the child, consistent with school protocols on the provision of health services to students.
- b. Talk To The Child: When a teacher recognizes possible abuse, he/she may wish to question the child concerning the suspicious condition. Often, it is difficult for a child to admit being mistreated. Children can be protective of their parents, and a child may be reluctant to admit the cause of an injury caused by a parent or sibling. Even a preliminary inquiry by a teacher should be conducted in a confidential manner and the teacher should merely seek to confirm the suspicion of abuse. Investigation should be left to DCYF, which will follow up on the report.

F. When the Report is Made from the School

1. The Law

- a. Immunity: Any person making a good faith report shall have immunity from any civil or criminal liability (40-11-4).
 - b. Penalty for Failure to Report: Any person who knowingly fails to report or prevents any person from making a reasonable report is subject to a fine of \$500.00 or imprisonment up to one year or both (40-11-6.1). (Appendix IV)
2. School Concerns
- a. Time of Report: If possible, a report should be made in the morning hours. This will allow time for the DCYF child protective investigator to conclude his/her investigation during the school day. (Appendix II).
 - b. Verification: If the child protective investigator determines that the report meets the criteria for Child Protective Services to initiate an investigation (see Criteria attached in Appendix III), he/she will call the building principal to make arrangements for the school visit. The return call will serve as verification that the report has been received, and will notify the building principal of when the child protective investigator will arrive at the school.
Depending on the severity of the abuse or neglect of which DCYF has received notice, the verification could be within minutes or twenty-four (24) hours.
 - c. Contents of Report: All reports made to the Child Abuse Hotline at DCYF should contain the name, age, and grade of the child and his/her present location, the name and telephone number of the person making the report, the school name, address and telephone number, contact information on file at school for the child's family, including the name, address and telephone number of the child's parent(s), the condition of the child and the reason for the suspicion. (See Appendix II "Child Abuse Reporting Form" for a summary of the information DCYF will request of the person making the report).

G. When a Report is Received by DCYF

1. The Law

- a. Investigation: DCYF's Division of Child Protective Services will investigate each

report that meets its four criteria (see Appendix III) and provide such social services and other services as are necessary to protect the child and preserve the family (40-11-7) (Appendix IV). It should be noted that in addition to requiring reports of abuse and neglect, R.I.G.L. 40-11-3 also imposes a duty to report knowledge or a reasonable suspicion that a child has been the victim of sexual abuse **by another child**. These reports should be reported immediately to DCYF and must be investigated immediately by the Child Protective Services Unit.

- b. Confidentiality: All records concerning reports are confidential. (40-11-13) (Appendix IV).

2. School Concerns

- a. Anonymous Reports: Although anonymous reports will be accepted, such reports may limit the ability of the Child Protective Investigator to complete the investigation and protect the child from further abuse and neglect. All records concerning reports of child abuse and neglect, including reports made to DCYF, are confidential, with certain limited exceptions. DCYF is under a policy mandate not to reveal the identity of any person making a report to the DCYF hotline.
- b. Protection: Every effort should be made to safeguard the child awaiting examination by DCYF. The meeting with the Child Protective Investigator should occur in a secure and confidential environment within the school, with or without school personnel present.
- c. Written Records: No written record of the initial report and/or investigation is required by law to be kept by the school, but district legal counsel may recommend that a child abuse reporting form be maintained to document that a report has been made to the DCYF hotline by a member of the school staff (see Appendix II).

H. When the Report is Investigated at the School

1. The Law

- a. Privileged Communication: Privileged communication between husband and wife

and any professional person and his/her patient/ client (except that between attorney and client) is abrogated in situations involving child abuse. It is not grounds for failure to report (40-11-11) (Appendix IV).

- b. Questioning of the child by DCYF: Pursuant to RIGL 40-11-7 any person required to investigate reports of child abuse and/or neglect may question the child victims of those reports with or without the consent of the parent or other person responsible for the child's welfare.
- c. Examination: Should an initial investigation indicate evidence of physical or sexual abuse, the Child Protective Investigator is required to have the child examined by a physician or a certified registered nurse practitioner. A report of the findings of the physician or nurse practitioner must then be provided to DCYF. (40-11-6) Appendix IV).

2. School Concerns

- a. Identification: Upon arrival at the school, the Child Protective Investigator will report to the building's principal and present proper identification.
- b. Cooperation: All school personnel should make every effort to cooperate with the Child Protective Investigator during the school visit.
- c. Records: The Child Protective Investigator will not ask to remove school records; however, if necessary, records of the child may be reviewed at the school during the visit.
- d. Notice to Parent(s): It is **not** the responsibility of school personnel to notify the parent(s) that a report has been made to the DCYF hotline, and/or that a DCYF Child Protective Investigator has conducted an investigation at the school. The Child Protective Investigator has the responsibility to notify the parent(s) that a child abuse/neglect report has been made and to inform the parent(s) of the status of his or her investigation.

I. If the Child is Removed from the School

1. The Law

- a. Policy: The public policy of the State of Rhode Island is to protect children whose

health and welfare may be affected by abuse and neglect and to provide a temporary or permanent safe environment when necessary. (40-11-1) (Appendix IV)

- b. Child Protection: With reasonable cause, a law enforcement officer or a DCYF Child Protective Investigator may take a child into protective custody without the consent of the parents or others exercising control over the child. (40-11-5) (Appendix IV)

2. School Concerns

- a. Release: Each school should prepare a written release to be signed by the Child Protective Investigator when the child is to be removed from the school by DCYF. (See Appendix I)
- b. Notification: Whenever the child is removed from school custody by DCYF, it is suggested that a parent or guardian immediately be notified by the school.
- c. Confidentiality: Every attempt should be made to restrict information concerning the reasons for and fact of the child's removal from school.

Note: If, after a report is made to the DCYF hotline, a DCYF Child Protective Investigator does not arrive by the end of the school day, and the child is considered to be at risk if he/she returns home, the DCYF supervisor at 1-800-RI-CHILD should be called immediately so that the principal can follow DCYF's instructions to ensure that the child will be protected.

J. When the Investigation is Completed at the School

1. The Law

- a. Confidentiality of Reports: All records concerning reports of child abuse and neglect must be kept confidential. The law provides fines of not more than \$200 or imprisonment for not more than 6 months, or both, for violations of confidentiality. (40-11-13) (Appendix IV)
- b. Immunity from Liability: Any person participating in good faith in making a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. (40-11-4) (Appendix IV).

2. School Concerns:

- a. Return: If the investigation reveals that no child abuse has occurred, the child should immediately be returned to the normal classroom situation. Every effort should be made to minimize any disruption to the child and confidentiality should be strictly observed.
- b. Records: It is recommended that any written record concerning the DCYF report and/or investigation be held on file only as long as district legal counsel recommends.
- c. Follow up with Reporter: Although neither the reporter nor other members of the school staff is informed of the outcome of the investigation of the report of child abuse or neglect (since all records are confidential under the law) any necessary follow up at the school level will be communicated to school officials by staff of DCYF.

NOTE

This document was prepared with the cooperation of the Division of Child Protective Services of the Department for Children, Youth and Families (DCYF). The information contained in this document is not intended to provide school districts, or school personnel, with legal advice and employees of school districts are encouraged to consult with the district's legal counsel to obtain such advice.

Questions with respect to the responsibility to report or the protocol for reporting should be referred to Stephanie Terry (401-528-3465), Assistant Director - Child Protective Services Unit.

III. APPENDICES

APPENDIX I ***RELEASE FORM***

IN ACCORDANCE WITH THE GENERAL LAWS OF RHODE ISLAND
SECTION 40-11-1 and 40-11-5,

Name of Child

IS HEREBY RELEASED TO THE CUSTODY OF THE DEPARTMENT FOR CHILDREN, YOUTH
AND FAMILIES.

NAME OF SCHOOL:

PRINCIPAL

*TIME OF RELEASE:

DCYF CHILD

PROTECTIVE

INVESTIGATOR:

DATE:

*At this time the parents have _____ have not _____ been notified.

APPENDIX II
CHILD ABUSE REPORTING FORM

CALL: Department for Children, Youth and Families
Hotline 1.800.742.4453

DATE and TIME of call:_____ **at**_____ **(a.m. - p.m.)**

1. Name of Child _____
2. Age of Child _____
3. School of Child _____
4. Grade of Child _____
5. School Address _____
6. School Telephone _____
7. Contact information on file at
school for the child's family
(include parent's (s') name,
address and telephone
number) _____
8. Condition of the child _____
9. Reason for the Suspicion _____
10. Present Location of Child _____
11. Name and telephone number
of Reporter _____

APPENDIX III

CHILD ABUSE AND/OR NEGLECT CASE

A. FOUR ELEMENTS OF A CHILD PROTECTIVE SERVICES (CPS) CASE

Every call accepted as a Child Protective Services case by the Call Floor Worker **must** contain the four items listed below:

1. A child under 18 years of age living in his/her own home or under 21 years of age if living in DCYF foster/institutional care or under 21 years of age if in DCYF custody, regardless of placement.
2. Harm or substantial risk of harm to the child must be present.
3. A specific incident or pattern of incidents suggesting child abuse and/or neglect must be identified.
4. The alleged perpetrator is a “person responsible for the child’s welfare”. For purposes of mandatory reporting of child abuse or neglect, a “person responsible for child's welfare" means the child's parent; guardian; any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child; foster parent; an employee of a public or private residential home or facility; or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center-based day care).

It is up to the Call Floor Worker to decide that these elements are present. Also, the worker must have “reasonable cause to believe” that abuse/neglect circumstances exists. “Reasonable cause to believe” is defined as: based on what “reasonable” people, in similar circumstances would conclude from such things as the nature of injury(ies) to the child, statement and demeanor of the parents or the child, conditions of the home, etc.

The person taking the report must bear in mind the following:

1. The reporter is referring this situation out of his/her own sense of “reasonable cause to believe.”
2. The above pre-supposes that the reporter has an accurate understanding of what constitutes child abuse and neglect.

3. The age of the child and his/her ability for self-care are to be taken into consideration.

Finally, the decision to accept or reject the oral report for investigation is based on the premise that, if the circumstances are true, they would constitute child abuse or neglect as defined in Rhode Island State Law. An abused and/or neglected child is defined by Rhode Island law as:

.....a child whose physical or mental health is harmed or threatened with harm when his parent or other person responsible for his welfare:

- a. Inflicts, or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment; or
- b. Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or
- c. Commits, or allows to be committed against the child, an act of sexual abuse; or
- d. Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or
- e. Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child; or
- f. Abandons or deserts the child
- g. Sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution as defined by the provisions in §11-34.1-1 et seq., entitled "Commercial Sexual Activity"; or
- h. Sexually exploits the child in that the person allows, permits, encourages, or engages in the obscene or pornographic photographing, filming, or depiction of the child in a setting that, taken as a whole, suggests to the average person that the child is about

to engage in, or has engaged in, any sexual act, or that depicts any such child under eighteen (18) years of age performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or

- i. Commits, or allows to be committed, any sexual offense against the child as such sexual offenses are defined by the provisions of chapter 37 of title 11, entitled "Sexual Assault," as amended; or
- j. Commits, or allows to be committed, against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows, or has reason to know, that the victim is a severely impaired person as defined by the provisions of §11-5-11, or physically helpless as defined by the provisions of § 11-37-1(6).

APPENDIX IV

LAWS

40-11-3. Duty to report -Deprivation of nutrition or medical treatment. – (a) Any person who has reasonable cause to know or suspect that any child has been abused or neglected as defined in §40-11-2, or has been a victim of sexual abuse by another child, shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families, or its agent, who shall cause the report to be investigated immediately. As a result of such reports and referrals, protective social services shall be made available to those children in an effort to safeguard and enhance the welfare of those children and to provide a means to prevent further abuse or neglect. The department shall establish and implement a single, statewide, toll-free telephone to operate twenty-four (24) hours per day, seven (7) days per week for the receipt of reports concerning child abuse and neglect, which reports shall be electronically recorded and placed in the central registry established by §42-72-7. The department shall create a sign, using a format that is clear, simple and understandable to students, that contains the statewide toll-free number for posting in all public and private schools in languages predominately spoken in the state, containing pertinent information relating to reporting the suspicion of child abuse, neglect and sexual abuse. This sign shall be available to the school districts electronically. The electronically recorded records, properly indexed by date and other essential identifying data, shall be maintained for a minimum of three (3) years; provided, however, any person who has been reported for child abuse and/or neglect, and who has been determined not to have neglected and/or abused a child, shall have his or her record expunged as to that incident three (3) years after that determination. The department shall continuously maintain a management-information database that includes all of the information required to implement this section, including the number of cases reported by hospitals, health-care centers, emergency rooms, and other appropriate health-care facilities.

(b) The reporting shall include immediate notification of the department of any instance where parents of an infant have requested deprivation of nutrition that is necessary to sustain life and/or who have requested deprivation of medical or surgical intervention that is necessary to remedy or

ameliorate a life-threatening medical condition, if the nutrition or medical or surgical intervention is generally provided to similar nutritional, medical or surgical conditioned infants, whether disabled or not.

(c) Nothing in this section shall be interpreted to prevent a child's parents and physician from discontinuing the use of life-support systems or no palliative treatment for a child who is terminally ill where, in the opinion of the child's physician exercising competent medical judgment, the child has no reasonable chance of recovery from the terminal illness despite every, appropriate medical treatment to correct the condition.

40-11-4. Immunity from liability – Any person participating in good faith in making a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

40-11-5. Protective custody by physician or law enforcement officer. --

(a) Any physician or duly certified registered nurse practitioner treating a child who has suffered physical injury that appears to have been caused by other than accidental means, or a child suffering from malnutrition or sexual molestation, shall have the right to keep such child in the custody of a hospital or any licensed child care center or facility for no longer than seventy-two (72) hours, with or without the consent of such child's parents or guardian, pending the filing of an ex-parte petition to the family court. The expense for that temporary care shall be paid by the parents or legal guardian of such child or, if they are unable to pay, by the department.

(b) Any police or law enforcement officer may take a child into protective custody without the consent of the parents, or others exercising control over the child.

(c) If the officer has reasonable cause to believe that there exists an imminent danger to the child's life or health, unless he or she is taken into protective custody, the officer shall immediately notify

and place the child with the director of the department of children, youth and families or his or her designated agent who shall care for the child; provided, however, that no child may be detained in protective custody longer than forty-eight (48) hours without the express approval of a justice of the family court.

(d) Any child protective investigator or social caseworker II employed by the department, may take a child into temporary protective custody without the consent of his or her parent or other person responsible for the welfare of the child, if the investigator or social caseworker II has reasonable cause to believe that the child or his or her sibling has been abused and/or neglected and that continued care of the child by his or her parent or other person responsible for the child's welfare will result in imminent further harm to the child. The investigator or social caseworker II shall have the child examined by a licensed physician or duly certified registered nurse practitioner within twenty-four (24) hours in accordance with the provisions of §40-11-6 (c); and provide further, that the child shall not be detained in protective custody longer than forty-eight (48) hours without the expressed approval of a justice of the family court.

40-11-6. Report by physicians of abuse or neglect. --

(a) When any physician or duly certified registered nurse practitioner has cause to suspect that a child brought to him or her or coming to him or her for examination, care, or treatment, is an abused or neglected child as defined in this chapter, or when he or she determines that a child under the age of twelve (12) years is suffering from any sexually transmitted disease, he or she shall report the incident or cause a report thereof to be made to the department as provided in subsection (b).

(b) An immediate oral report shall be made by telephone or otherwise, to both the department and law enforcement agency, and shall be followed by a report, in writing, to the department and law enforcement agency explaining the extent and nature of the abuse or neglect the child is alleged to have suffered.

(c) The department, upon receipt of such a report by a person other than a physician or duly certified registered nurse practitioner alleging that a child has been physically abused, shall investigate the report, and if the investigation reveals evidence of injury or that the child has been the victim of sexual abuse, the department shall have the child examined by a licensed physician or duly certified registered nurse practitioner. Any child protective investigator shall, with or without the consent of the parent or other person responsible for the child's welfare, have

the right to remove the child from the place where the child may be to secure the examination required by this subsection. Upon completion of the examination, it shall be mandatory for the physician or duly certified registered nurse practitioner to make a written report of his or her findings to the department.

(d) The department shall promulgate rules and regulations to implement the provisions of this section.

40-11-6.1 Penalty for failure to report or perform required act. -- Any person, official, physician or institution required by this chapter to report known or suspected child abuse or neglect or to perform any other act who knowingly fails to do so or who knowingly prevents any person acting reasonably from doing so shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than one (1) year or both. In addition, any person, official, physician or institution who knowingly fails to perform any act required by this chapter or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by that failure.

40-11-7 Investigation of reports - Petition for removal from custody Report to child advocate – Attorney General – Court-appointed special advocate. -- (a) The department shall investigate reports of child abuse and neglect made under this chapter in accordance with the rules the department has promulgated and in order to determine the circumstances surrounding the alleged abuse or neglect and the cause thereof. The investigation shall include personal contact with the child named in the report and any other children in the same household. Any person required to investigate reports of child abuse and/or neglect may question the subjects of those reports with or without the consent of the parent or other person responsible for the child's welfare. The interviewing of the child or children, if they are of the mental capacity to be interviewed, shall take place in the absence of the person or persons responsible for the alleged neglect or abuse. In the event that any person required to investigate child abuse and/or neglect is denied reasonable access to a child by the parents or other person, and that person required to investigate deems that the best interests of the child so require, they may request the intervention of a local law enforcement agency, or seek an appropriate court order to examine and interview the child. The department shall provide such social services and other services as are necessary to protect the child and preserve the family.

(b) In the event that after investigation it is determined by the department that the child is being or has been abused or neglected but that the circumstances of the child's family or otherwise do not require the removal of the child for his or her protection, the department may allow the child to remain at home and provide the family and the child with access to preventative support and services. In addition, the department is authorized to petition the family court for an order for the provision of treatment of the family and child.

(c) The department shall have the duty to petition the family court for removal of the child from the care and custody of the parents, or any other person having custody or care of the child if there is a determination that a child has been abused or neglected; which results in a child death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act which represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or neglect, the department may petition the family court for the removal of the alleged perpetrator of that abuse, and/or neglect from the household of the child or children when the child or children are eleven (11) years of age or older. It shall be the responsibility of the department to make the parent or other person responsible for the child's welfare aware of the court action, the possible consequences of the court action, and to explain the rights of the parent relative to the court action.

(d) The department shall forward immediately any reports of institutional child abuse and neglect to the child advocate who shall investigate the report in accordance with chapter 73 of title 42, and also to any guardian ad litem and/or attorney of record for the child.

(e) In the event that after investigation the department takes any action regarding placement of the child, the department shall immediately notify the child advocate of such action.

(f) In the event that after investigation the department has reasonable cause to know or suspect that a child has been subjected to criminal abuse or neglect, the department shall forward immediately any information as it relates to that knowledge or suspicion to the law enforcement agency.

40-11-13. Confidentiality of reports and records – Penalty for disclosure. – (a) All records concerning reports of child abuse and neglect, including reports made to the department, shall be confidential except as specifically provided by this chapter or as specifically provided by §42-72-8 or specifically authorized by the family court in furtherance of the purposes directly connected with this chapter.

(b) Any employee or agent of the department violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined not more than two hundred dollars (\$200) or shall be imprisoned for not more than six (6) months or both.

(c) Nothing in this chapter shall limit the right of the attorney general to receive all records and reports of child abuse when the office is engaged in the investigation of or prosecution of criminal conduct by another relating to the child or other children within the same family unit.

APPENDIX V
SAMPLE SCHOOL PROTOCOL FOR REPORTING
CHILD ABUSE AND NEGLECT

When any person employed by the _____ School Department and assigned to the _____ School has reasonable cause to know or suspect that any child, whether a student at the school or any other child, has been abused or neglected (as defined below) or has been a victim of sexual abuse by another child, the employee shall, within twenty-four (24) hours, transfer that information to the Department of Children Youth and Families by calling the Child Abuse Hotline at 1-800-RI-CHILD. The call may be made from the telephone in the school office, or the reporter's home or cell phone, as long as every effort is made to ensure confidentiality. Reports are taken at the Child Abuse Hotline twenty-four (24) hours per day, seven (7) days per week.

The employee should be prepared to provide the following information, if it is available, to the person answering the Child Abuse Hotline: name, age, and grade of the child; the school name, address and telephone number; contact information on file at school for the child's family, including the name, address and telephone number of the child's parent(s); the condition of the child; reason for the suspicion; present location of the child; name and telephone number of the person making the report.

At the time of making the report to the DCYF Child Abuse Hotline, or as soon possible thereafter, the reporter should complete the attached "Child Abuse Reporting Form" and immediately forward a copy to the school principal and another copy to the superintendent of schools. The original Child Abuse Reporting Form should be maintained by the reporter as verification that the mandated report to DCYF has been made. The reporter should make himself or herself available as needed to provide any follow up information to the Child Protective Investigator assigned to the case.

Any person making or participating in making a good faith report has immunity from any civil or criminal liability (RIGL §40-11-4).

Any person who knowingly fails to report or prevents any person from making a reasonable report is subject to a fine of \$500.00 or imprisonment up to one year or both (RIGL §40-11-6.1). Such person may also be subject to discipline up to and including termination of employment (Policy _____ of the _____ School Department).

All records concerning reports of child abuse and neglect, including reports made to the DCYF Hotline, are confidential and must not be disclosed, except when otherwise permitted by law. (RIGL §40-11-13).

Records maintained at the school or in the central office that are related to reports of child abuse and neglect should be retained separate from the student's educational records and retained only so long as deemed appropriate by the district's legal counsel.

Rhode Island law defines an "abused and/or neglected child" as a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- (i) inflicts or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment; or
- (ii) creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or
- (iii) commits or allows to be committed, against the child, an act of sexual abuse; or
- (iv) fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or
- (v) fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or
- (vi) conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child; or
- (vii) abandons or deserts the child; or

- (viii) sexually exploits the child in that the person allows, permits or encourages the child to engage in prostitution as defined by the provisions in section 11-34.1-1 et seq., entitled “Commercial Sexual Activity; or
- (ix) sexually exploits the child in that the person allows, permits, encourages or engages in the obscene or pornographic photographing, filming or depiction of the child in a setting which taken as a whole suggests to the average person that the child is about to engage in or has engaged in, any sexual act, or which depicts any such child under eighteen (18) years of age, performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or
- (x) commits or allows to be committed any sexual offense against the child as such sexual offenses are defined by the provisions of chapter 37 of title 11, entitled “Sexual Assault”, as amended; or
- (xi) commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person as defined by the provisions of § 11-5-11, or physically helpless as defined by the provisions of § 11-37-6.

“Mental injury” includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as: failure to thrive; ability to think or reason; control of aggressive or self-destructive impulses; acting-out or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however that the injury must be clearly attributable to the unwillingness or inability of the parent or other person responsible for the child’s welfare to exercise a minimum degree of care toward the child.

“Reasonable cause to know or suspect” child abuse or neglect is defined as “facts and circumstances based upon as accurate and reliable information as possible that would justify a reasonable person to suspect that a child is abused or neglected. The facts and circumstances may include evidence of an injury or injuries, and the statements of a person worthy of belief, even if there is no present evidence of injury”.

APPENDIX VI
SAMPLE POLICY ON CHILD ABUSE
AND NEGLECT PREVENTION

The _____ School Department is dedicated to the goal of protecting our students from child abuse and neglect and to responding effectively to incidents of child abuse and neglect. The _____ School Department recognizes that schools can play an important role in preventing child abuse and neglect because of the sustained contact that school personnel have with children on a consistent daily basis and the ability of educators to promptly detect when a child is being abused or neglected. Creating an environment in which student safety, health and welfare are protected not only ensures the wellbeing of our students, but also helps in removing obstacles to their learning and achieving at high levels. Our schools will work cooperatively with all agencies with responsibility for addressing child abuse and neglect, most especially with the Division of Child Protective Services of Rhode Island's Department for Children, Youth and Families.

Rhode Island General Laws §40-11-3 requires that any person who has reasonable cause to know or suspect that any child has been abused or neglected (or who has been a victim of sexual abuse by another child) shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families or its agent who shall cause the report to be investigated immediately. Reports are made by calling the Child Abuse Hotline at 1-800-RI-CHILD.

All employees of the district are mandated reporters and are required to follow the law and the Protocol for Reporting Child Abuse and Neglect established for each school in the district. Mandated reporters include teachers, paraprofessionals, principals, school custodians, bus drivers, secretaries and any other person, including volunteers, in the school setting. As a result of these reports and referrals, protective social services will be made available to those students in an effort to safeguard their welfare and provide a means to prevent further abuse or neglect. School employees who are mandated reporters and who fail to do so will be subject not only to the penalties provided by law, but also to disciplinary action, up to and including dismissal.

All employees of the district will be provided with annual training on the identification and mandated reporting of child abuse and neglect, including a workshop that provides information on the legal and psychological aspects of child sexual and physical abuse, the impact such abuse has on children, and the appropriate response to a child who has made an allegation of abuse.

The Superintendent of Schools or his designee shall have the responsibility to ensure that this policy is implemented throughout the district, that parents are made aware of how the district is addressing the issue of child abuse and neglect, that annual trainings are conducted, that each school has developed a protocol for reporting, that the protocol is being followed, and that appropriate records of reports and follow up are maintained by the district. Building principals shall have the responsibility to disseminate the district policy and school protocol on reporting child abuse and neglect to all school personnel and volunteers at the beginning of each school year and to make sure that the protocol is followed.

The Superintendent shall annually evaluate the effectiveness of the district's child abuse prevention activities and report to the School Committee on any revisions to this policy or to school protocols that might be needed to more effectively address the problem of child abuse and neglect.

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**GUIDANCE ON REPORTING OF SEXUAL ABUSE
BY PERSONS WORKING OR VOLUNTEERING
IN EDUCATIONAL PROGRAMS**



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MARCH 2019

INTRODUCTION

In 2016, the Rhode Island General Assembly enacted Section 40-11-3.3 of the General Laws. This statute requires any person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program, as defined in § 40-11-2 to report this information to the department of children, youth and families, (“DCYF”) or its agent, within twenty-four (24) hours. In 2018, this statute was amended to create a separate reporting protocol to be followed when the mandated reporter is an employee, agent, contractor, or volunteer of an educational program. The 2018 amendment also requires that the Commissioner of Elementary and Secondary Education “promulgate policies and procedures” for the creation and handling of reports made by¹ persons in charge of educational programs to provide guidance and consistency in reporting among the many diverse educational programs in the state. This Guidance thus contains information on the reporting protocols to be followed **only** in those situations in which the mandated reporter works or volunteers in an educational program. All other persons making mandatory reports of their reasonable suspicion that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program must transfer this information directly to DCYF, in accordance with the statute.

A separate Guidance document, entitled “A Guide To Identifying and Reporting Child Abuse in the Schools,” revised in 2018, has been developed to assist education personnel in fulfilling their separate and distinct roles as mandatory reporters of child abuse and neglect under § 40-11-3. Under this statute, enacted in 1976, whenever any person has reasonable cause to know or suspect that any child has been “abused or neglected” as defined in §40-11-2, or has been the victim of sexual abuse by another child, they must transfer this information to DCYF directly and within twenty-four hours. It is important to note that a child is “abused and/or neglected” when the child’s physical or mental health or welfare is harmed, or threatened with harm, by his or her parent “or other person responsible for his or her welfare.” A “person responsible for the child’s welfare” is defined in §40-11-2. This definition includes parents, foster parents, guardians, persons residing in the child’s home, employees of residential facilities, and those providing out-of-home care in child day care settings. The definition does **not** include an employee, agent, contractor, or volunteer of an educational program. For this reason, reporting of child sexual abuse suspected of being perpetrated by a parent or caregiver² is required in all cases to be reported directly to DCYF under §40-11-3 whereas reporting of child sexual abuse suspected of being

¹ The language of §40-11-3.3(b) indicates that the Commissioner is to issue guidance for the creation and handling of reports “made by” the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent. We have inferred that in order to achieve consistency across all educational programs, the General Assembly intended the issuance of guidance for reports made both by and to the person in charge of educational program.

² or when a child is suspected of being the victim of sexual abuse by another child. Such reports also fall within the scope of reports made to DCYF under §40-11-3.

perpetrated by those working or volunteering in educational programs is required to be reported according to the procedures set forth under §40-11-3.3. The General Assembly's enactment of §40-11-3.3 in 2016 specifically addressed child sexual abuse in the school setting. It followed a number of incidents in which allegations of child sexual abuse perpetrated by persons working in educational programs shed light on the absence of reporting protocols and the need for mandatory reporting of sexual abuse occurring in the school environment.

RIGL §40-11-3.3 requires reporting by **any person** with a reasonable suspicion of child sexual abuse perpetrated by an employee, agent, contractor, or volunteer of an educational program. The required report must be made regardless of whether the child attends or at any time attended the educational program and whether or not the alleged sexual abuse occurred on school premises. **Reports are to be made directly to DCYF,³ except when the mandated reporter is an employee, agent, contractor or volunteer of an educational program. For this subgroup of mandated reporters, the reporting protocol is described in this Guidance.**

Reporting of child sexual abuse pursuant to §40-11-3.3 is a Legal Responsibility:

While educators have recognized their legal, moral and professional responsibility for reporting child abuse and neglect under §40-11-3, **Rhode Island law now requires prompt reporting of any suspicion of child sexual abuse perpetrated by a person who works in or volunteers in an educational program.** The failure to report such child sexual abuse, like the failure to report child abuse or neglect, could result in criminal and civil liability for an individual teacher, school administrator, and the school district. The failure of an educator to comply with the legal responsibility to report such suspicion could also have an impact on retention of his/her professional certificate.

It should be noted that the absence of a legal duty to report other types of misconduct and/or criminal conduct committed by persons working or volunteering in educational programs does not mean that such conduct should go unreported. Every school and school district in Rhode Island should have a clear policy and protocol in place for reporting, documenting, and follow up on reports of other types of misconduct (both criminal and non-criminal) and a clear course of action prescribed, so that when credible reports of misconduct are received, immediate steps can be taken to protect the health, safety and welfare of students and staff pending an appropriate investigation by school officials, the school district and/or law enforcement.

In addition, reports of certain types of misconduct committed by certified educators are required to be made to RIDE by their “employing agencies” under Section **1.4 B. 5 and 1.4 B.6 of the Regulations Governing the Certification of Educators in Rhode Island (2018).**

³The statute requires DCYF to immediately forward the report to state police and local law enforcement. DCYF initiates an investigation of the allegations if it determines that the report meets the criteria for a child protective services investigation. See §40-11-3.3 (c)

Such reports are required to be filed with RIDE's Office of Educator Excellence and Certification Services.

The Law:

It is important that all school employees, agents, contractors, and volunteers be made aware of the law concerning reporting suspicions of child sexual abuse and how it might affect them. Sections of Rhode Island law pertaining to mandatory reporting of child sexual abuse perpetrated by a school employee, agent, contractor or volunteer include:

Section 40-11-3.3(a)	Duty to Report
Section 40-11-4	Immunity from Liability
Section 40-11-6.1	Penalty for failure to Report
Section 40-11-3.3(c)	Duty of DCYF to initiate an investigation and forward report to state police and local law enforcement
Section 40-11-13	Confidentiality of Reports and Records ⁴

DEFINITIONS:

“**sexual abuse**” is not defined in §40-11-3.3; it is also not defined in §40-11-2;

Sexual abuse is commonly considered to include:

- non-consensual sexual contact of any kind; or
- sexual offenses against a child as such sexual offenses are defined by Title 11, chapter 37, entitled “Sexual Assault,” as amended; or
- an act committed against a child involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows, or has reason to know, that the victim is a severely impaired person as defined by the provisions of §11-5-11, or physically helpless as defined by the provisions of §11-37-1(6).
- **use of the child for sexual stimulation**
- sexual exploitation, such as using the child for pornography or prostitution

“Reasonable cause to know or suspect” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to

⁴ Confidentiality under this section extends to records concerning reports of child abuse and neglect, including reports made to DCYF. An interpretation of this provision could be made to include records concerning reports of child sexual abuse under §40-11-3.3, but no such interpretation has been made as of the time of issuance of this Guidance.

suspect child sexual abuse.⁵ “Reasonable cause to know or suspect” does not require certainty that child sexual abuse has occurred nor does it require a specific medical indication of child sexual abuse; any “reasonable cause to know or suspect” is sufficient.

“**educational program**” means any public or private school, including boarding schools, or any home-schooling program.

THE PROTOCOL:

Who is required to report:

- I. Any employee, agent, contractor, or volunteer of an educational program who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program must immediately transfer that information to the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent.

The duty to report rests with the person who has reasonable cause to know or suspect that any child has been the victim of such sexual abuse. In a school setting, the person with the duty to report includes teachers, aides, principals, custodians, school bus drivers, substitute teachers, secretaries, persons working as consultants, persons working as independent contractors and volunteers. Reasonable cause may result from personal observation, admission or response from a child or any communication (even if secondhand or hearsay) which would suggest to a reasonable person that a child has been the victim of sexual abuse by any of the persons described above. The victimized child need not be a current student or have been a student at the school at any time and the sexual abuse need not have occurred during the school day or have taken place on school premises. Certainty is not required- only “reasonable cause to know or suspect” that a child has been the victim of sexual abuse perpetrated by an employee, agent, contractor, or volunteer of the educational program. The report must be made to the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent.

- II. The principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent must, within twenty-four (24) hours transfer that information to DCYF, or its agent.
- III. If the report made above is to a person in charge of a public educational program, or his or her designated agent, that person shall also notify the superintendent of the public educational program.

If you suspect that a child has been the victim of sexual abuse and you do not know or have a reasonable suspicion as to the identity of the perpetrator, you

⁵ The statutory definition in §40-11-3.3 (e) omits the word “sexual” here, however, the word “sexual” is used in the next sentence of the definition.

must report your suspicion directly to DCYF within twenty-four (24) hours by calling the Child Abuse Hotline at 1-800-742-4453 (1-800-R.I.CHILD). Reports are taken at the Child Abuse Hotline twenty-four (24) hours a day, seven (7) days a week.

When to report:

- I. The report made by the person⁶ who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program **is required to be made immediately** to the principal, headmaster, executive director, or other person in charge of the educational program or his or her designated agent.
- II. The report of the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, to DCYF **is required to be made within twenty-four (24) hours of his/her receipt of the information.**
- III. The report of the person in charge of a **public** educational program, or his or her designated agent, to the superintendent of the public educational program, **is required to be made immediately after⁷ the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent, has notified DCYF, i.e. within twenty-four (24) hours of his/her receipt of the information.**

Although the law does not require that notice be provided to the parent(s) or guardian of a child for whom a report has been made to DCYF under §40-11-3.3, the parent(s) of the child should also be notified by the person in charge of the educational program immediately after his or her report has been made to DCYF, i.e. within twenty-four (24) hours of his/her receipt of the information.

How to report:

- I. The report made by the person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program must be made by transferring that information verbally or in writing to the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent. The name of the child, the name and position title (if

⁶ Again, for purposes of this Guidance, the person reporting is an employee, agent, contractor, or volunteer of an educational program as defined in §40-11-2. For all other persons, mandatory reporting is directly to DCYF in accordance with §40-11-3.3 and is not covered by this Guidance.

⁷The statute does not provide a timeframe for the notice to the Superintendent, but from the sequencing of the required notices in the statute and the fact that the Superintendent of a public educational program in Rhode Island is responsible for the “care and supervision” of the public schools of the district, “immediately after” the notice to DCYF is a fair interpretation of this notice requirement.

- known) of the suspected perpetrator and the reason for the suspicion must be provided by the person making the report. The report must also include the name, title, and contact information of the person making the report and of every employee, agent, contractor, or volunteer of the educational program who is believed to have direct knowledge of the allegation.
- II. Upon receipt of this information, the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent, must immediately gather additional information for the DCYF report. The report to DCYF should include the school name, address and telephone number, contact information for the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent; the name, title, address, and telephone number of the suspected perpetrator; and, if the child is or has been enrolled in the educational program, the full name, age and grade of the child, contact information on file at school for the child's family, including the name, address and telephone number of the child's parent(s). The principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, must transfer all of the information received or obtained under Sections I and II to DCYF by calling the Child Abuse Hotline, 1-800-742-4453 (1-800-R.I.CHILD).⁸ Reports are taken on the Child Abuse Hotline twenty-four (24) hours a day, seven (7) days a week.
- III. The principal, headmaster, executive director, or other person in charge of a **public** educational program, or his or her designated agent, must transfer all of the information required under Sections I and II to the superintendent of the public educational program. The transfer of this information must be done verbally or in writing.

Although written reports and records are not required under the statute, a sample "Child Sexual Abuse Reporting Form" has been provided in Appendix A. This form summarizes information required to be transferred by §40-11-3.3 as well as additional information that DCYF will request.

Legal counsel for the educational program or district may recommend that the "Child Sexual Abuse Reporting Form"- or some other record- be maintained by the educational program to document that a report of child sexual abuse has been received from an employee, agent, contractor, or volunteer of the educational program, that the required information has been transferred to the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent, transferred to DCYF within twenty-four (24) hours and also transferred to the superintendent, if the educational program is public.

⁸ DCYF has indicated that reports of child sexual abuse under R.I. Gen. Laws §40-11-3.3 will be taken in the same manner as reports of child abuse and neglect under R.I. Gen. Laws §40-11-3.

Investigation of Reports:

DCYF will immediately forward the report to state police and local law enforcement. If DCYF determines that the report meets the criteria for a child protective services investigation, it will initiate its own investigation of the allegations of sexual abuse. The child will be referred to appropriate services and support systems. In the event DCYF substantiates the allegations of sexual abuse against an employee, agent, contractor, or volunteer of an educational program, it will immediately notify the state police; the local law enforcement agency; RIDE; the educational program; the person who is the subject of the investigation; and the parent, or parents, of the child who is alleged to be the victim of the sexual abuse, of its findings.

All school personnel should make every effort to cooperate with the Child Protective Investigator during the course of DCYF's investigation and with law enforcement personnel who may also be conducting an investigation.

Immunity:

Any person participating in good faith in making a report pursuant to §40-11-3.3 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report. (§40-11-4)

If at any time, questions should arise with respect to the responsibility to report or the protocol for reporting, you should contact RIDE's legal office at 401-222-8979 or the DCYF Child Protective Investigator's office at 401-528-3465.

APPENDIX A

CHILD SEXUAL ABUSE REPORTING FORM

(To be used for reports by employees, agents, contractors, or volunteers of educational programs when they have reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program. This form should be completed by the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent)

Date and Time of report: _____ at _____ (a.m. - p.m.)

Manner in which report was made: _____ Verbal _____ Written

If report was in writing, attach a copy of the report to this form.

Name of Child _____

Name and position of the suspected perpetrator _____

Reason for the suspicion _____

Name, title and contact information of every employee, agent, contractor, or volunteer of the educational program who is believed to have direct knowledge of the allegation

Name, title and contact information of person making the report ⁹

Name, title and contact information of the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, taking the report:

⁹ DCYF has indicated that it will follow up on anonymous reports, but reporters are encouraged to identify themselves as a means of confirming that they have satisfied their reporting responsibilities and of providing DCYF and/or law enforcement with sufficient information upon which to move forward with an investigation.

Additional Information to be included in the report to DCYF:

Name, address and telephone number of the educational program:

Full name, title, address, and telephone number of the suspected perpetrator

If the child is enrolled or has been enrolled in the educational program, the child's full name, address and telephone number and the contact information on file at school for the child's family, including the name, address and telephone number of the child's parent(s)

Date of Report to DCYF CHILD ABUSE HOTLINE: _____

Time of Report to DCYF CHILD ABUSE HOTLINE: _____

Identity of the DCYF Person Taking the Report:

If a public educational program: _____

Date of Report to superintendent: _____

Time of Report to superintendent: _____

Manner in which report to superintendent was made: _____ Verbal _____ Written

If report to superintendent was in writing, attach a copy of the report to this form.

Name of the Person in Charge of the Educational Program (or his or her designated agent)

Signature

Date: _____

EXHIBIT 19

Tomorrow Morning

email: [REDACTED]

Wednesday, April 10, 2013 at 10:12:45 AM Eastern Daylight Time

To: email: "jay_shabo@nksd.net"

Can I come in before school tomorrow and do a body fat test?

[REDACTED]

email: "jay_shabo@nksd.net Jay Shabo"

Wednesday, April 10, 2013 at 1:15:06 PM Eastern Daylight Time

To: email: [REDACTED]

sure

Jay Shabo

North Kingstown High School

Pe/Health Teacher

Strength and Conditioning Coach

401-268-6257

From: [REDACTED]

Sent: Wednesday, April 10, 2013 10:13 AM

To: jay_shabo@nksd.net

Subject: Tomorrow Morning

Can I come in before school tomorrow and do a body fat test?

Date : 8/6/2018 9:47:54 AM

From : "Shabo, Jay"

To : "Aaron Thomas"

Subject : [REDACTED]

Wondering if you can start with [REDACTED] for Body Fat

Jay

--

Jay Shabo

NK Pe/Health Teacher

Strength and Conditioning Coach

401-268-6257

EXHIBIT 20

NORTH KINGSTOWN SCHOOL COMMITTEE
DIRECTOR'S CONTRACT

This employment contract is entered into this 27th day of June, 2017 by and between the North Kingstown School Committee (hereinafter called the "Committee") and RICHARD FOSSA, (hereinafter called the "Director"). The Committee and the Director, for the consideration herein specified, the sufficiency of which is hereby acknowledged, agree as follows:

1. **TERM OF CONTRACT**

The Committee hereby employs, and the Director hereby accepts employment as Director of Athletics commencing on the 1st day of July, 2017 and ending on the 30th day of June, 2018. This agreement supersedes all prior written and oral agreements and may be amended by mutual agreement of both parties only in writing executed by both parties.

2. **PROFESSIONAL CERTIFICATION:**

The Director shall obtain, maintain and furnish to the Superintendent and/or the Committee evidence of, throughout the life of this contract, a valid and appropriate certificate to act as a Director of Athletics in accordance with the laws of the State of Rhode Island.

3. **DUTIES OF DIRECTOR:**

- a. The Director will faithfully and diligently observe, enforce and implement the rules, policies and regulations adopted by the Committee and amended from time to time.
- b. The Director will faithfully and diligently perform all the duties and exercise the powers which are set forth and described in the job description, School Committee regulations and policy, and instructions of the High School Principal, as the same may be amended from time to time.
- c. The Director shall, under the direction of the High School Principal, make recommendations with respect to and undertake such remedial action as may be reasonably required, in connection with any and all criticisms, complaints, evaluations and suggestions which the High School Principal may refer to said Director.
- d. The Director will faithfully and diligently perform, under the advice and direction of the High School Principal, such other duties and faithfully diligently exercise such other powers, as the High School Principal shall, from time to time, assign to said Director.

- e. The Director may at any time be assigned other duties or be transferred to other positions by the Superintendent of Schools for as long as the Superintendent deems necessary for the effective operation of the School District and/or the best interest of the students.
- f. The Director will devote full time and attention to the duties of Director of Athletics as set forth in this agreement and will faithfully and diligently perform the same and exercise the powers delegated and assigned in accordance with this agreement, to the full extent of his/her skill, ability and knowledge, it being understood, however, that with the approval of the Superintendent, in writing, said Director may undertake outside work consulting but not during school time.

4. COMPENSATION

- a. During the 2017-2018 school year the Director shall receive a salary of \$95,000. In no event shall the Director's salary be reduced, except for suspension, dismissal or leave without pay.
- b. Upon request of the Director, the Committee shall withhold and transfer a portion of the Director's salary to a tax deferred annuity program approved by the Committee.

5. OTHER COMPENSATION:

The Committee shall provide the Director with all benefits applicable to non-unit personnel in accordance with Policy # GCB of the North Kingstown School Committee Policy Manual.

6. PROFESSIONAL GROWTH:

The Director shall be encouraged to join those professional organizations, to attend those professional meetings, conferences and conventions as are approved by the Superintendent, with approved expenses to be paid by the School Department so long as the expense is approved by the Superintendent prior to the Director joining said organization or signing up for said meetings, conferences or conventions and is contained in the budget. Further the Superintendent reserves the right to deny payment of expenses by the District at his/her sole discretion, based on financial or staffing constraints.

7. VACATION AND HOLIDAYS:

The Director will receive twenty (20) days of vacation time. See North Kingstown School Committee Policy # GCB for specific holidays and personal days.

8. TIME TO BE WORKED:

- a. The Director shall devote such time and energies as are necessary to perform the duties specified. It is expressly agreed that the duties of this position require the Director to work during times beyond normal business hours.
- b. The work year shall be as designated in accordance with this contract.

9. LEAVE AND RETIREMENT

See North Kingstown School Committee Policy # GCB.

10. TRAVELING EXPENSES:

See North Kingstown School Committee Policy #GCB.

11. MEDICAL EXAMINATIONS

Upon the request of the Committee, the Director hereby agrees to submit to a comprehensive medical examination by a physician chosen by the Committee. The Physician's report shall be filed with the Superintendent. The cost of said medical examination shall be borne by the Committee. By signing this agreement, the Director consents to the delivery of the medical report to the Superintendent and/or the Committee and the completion of such paperwork as may be necessary to effect the above. The Director acknowledges that he/she is critical to the operation of the school system and as such cannot claim the accommodations offered non-critical employees.

12. INABILITY TO PERFORM:

Should the Director, in the opinion of the Committee, be unable to perform by reason of absence or other event and said inability exists for a continuous period of six (6) months or if said inability is, in the opinion of the Committee, permanent, irreparable or of such nature as to make performance impossible, the Committee may, at its option, terminate this agreement, whereupon the respective duties, rights and obligations hereof shall terminate.

13. EVALUATION:

By September 30th of each year, the Director shall receive from the High School Principal, or his/her designee, the Evaluation Instrument by which he/she will be evaluated, along with the schedule for the evaluation process. It is agreed and understood that on or before June 30th of each year the Director shall receive a written copy of his/her evaluation which shall contain a provision allowing for a written comment by the Director. Furthermore, a conference shall be held with the Director to discuss the

substance of the evaluation within ten (10) days of the evaluation. If said evaluation results in an unsatisfactory rating (below minimum expectations rating) in two or more appraisal factors as listed, then the Director will be given, in writing, suggestions for improving his/her performance.

The Director shall be given a probationary period of six (6) months from the date of the evaluation or the duration of the contract, whichever is sooner, during which time he/she shall be given opportunity to correct and improve on the designated deficiencies. Should the Director receive a second consecutive unsatisfactory rating (below minimum expectation rating) in any of the appraisal factors, that shall be considered as grounds for termination pursuant to Section 14 of this Agreement.

14. CONTRACT TERMINATION:

This employment contract may be terminated by:

- a. mutual agreement of the parties;
- b. retirement or resignation from position, inability or death of the Director. In the case of resignation, retirement, or leaving the District to pursue or take other employment, 90 days written notice from the Director to the High School Principal and the Superintendent is required. If 90 days written notice is not given, then the Director waives any and all severance benefits set forth in the Agreement.
- c. Termination by the Committee in accordance with the laws of Rhode Island for, but not limited to professional unfitness or inability to serve as role model;
- d. Annulment, suspension, lapse or revocation of certification;
- e. In accordance with the provisions of this Agreement;
- f. Failure to achieve satisfactory evaluations or
- g. Non-renewal by the School Committee.

It is understood and agreed that the Director shall be subject to suspension and/or dismissal by the Committee for cause, including but not limited to reasons such as incompetency, assault, cruelty, insubordination, neglect of duty, incapacity, conduct unbecoming of a Director (scandal, arrest, etc.) or failure, in whole or in part, to observe, perform and comply with the provisions of this agreement, the directions of the High School Principal, the Superintendent, the policies of the Committee, the laws of the State of Rhode Island or the applicable state regulations and rulings. Before any dismissal, the Director shall be given a written statement of the cause of such dismissal and shall be entitled to a hearing thereon. Upon such dismissal, this agreement shall forthwith terminate.

15. AFFIDAVIT:

The Director swears and affirms that he/she has not had any disciplinary action taken against his/her professional certificate as a Director in any state, that he/she is presently certifiable as a Director without

delay in Rhode Island and that he/she has never had criminal convictions regarding the treatment of a child or criminal or moral turpitude or a felony.

16. RENEWAL:

The parties hereto may, by mutual agreement in writing, extend or renew this contract for additional periods provided, however, that the extension, when combined with the existing term or balance thereof, shall not exceed three (3) years. In the event that the Committee does not affirmatively vote to extend or renew this contract on or before March 30, 2018, the contract is terminated as of July 1, 2018.

17. LENGTH OF WORK YEAR

The work year is 260 days. Holidays, vacation days, sick and personal days are as outlined in Policy GCB.

18. SAVINGS CLAUSE:

It is understood and agreed that this agreement is subject to the General Laws of Rhode Island and the rules and regulations of the State Board of Regents and Department of Education. If any portion of this contract is deemed illegal due to conflict with State or Federal Law, the remainder of the contract shall remain in full force and effect, further, this contract does not constitute any obligation either written or implied for re-employment beyond the term set forth herein.

NORTH KINGSTOWN SCHOOL COMMITTEE

Amy J. Healey
Witness

By: [Signature]
School Committee Chairperson

6/27/2017
Date

Amy J. Healey
Witness

By: [Signature]
Superintendent of Schools

6/27/2017
Date

DIRECTOR

Karen Fossa
Witness

By: Richard Fossa
Richard Fossa

6-29-17
Date

EXHIBIT 21

Date : 9/13/2018 11:01:39 AM
From : "Thomas, Aaron"
To : "Avedisian, David"
Subject : Re: BMI Discussion Follow-up
Attachment : image006.jpg;image002.jpg;image004.jpg;

Yes I did. All-set

It will be located in the Weightroom. Shabo and I are testing it out today.

Aaron

On Thu, Sep 13, 2018 at 10:46 AM, Avedisian, David
<david_avedisian@nksd.net> wrote:

Did you request the new scale purchase yet?

----- Forwarded message -----

From: **Fossa, Richard** <richard_fossa@nksd.net>
Date: Thu, Sep 13, 2018 at 9:00 AM
Subject: Re: BMI Discussion Follow-up
To: Phil Auger <phil_auger@nksd.net>
Cc: Aaron Thomas <aaron_thomas@nksd.net>, Denise Mancieri
<denise_mancieri@nksd.net>, David Avedisian <david_avedisian@nksd.net>

Will get that out to the coaches this week.

Dick

On Thu, Sep 13, 2018 at 8:58 AM, Phil Auger <phil_auger@nksd.net> wrote:

Hi Aaron,

Thank you for meeting with me, Dr. Mancieri, and Dave Avedisian on Monday (9-10-18) to discuss an anonymous concern that came to me from a former student from the 2004 through 2008 school years. During the meeting I mentioned that the former student still feels "uncomfortable" that in those years he was in your classroom office area alone with one adult (you) to have his Body Mass Index measurement taken. The former student stated that he was only in a towel. He mentioned that his parent was aware and signed a permission slip to have the BMI measurement taken. The former student also mentioned that at no time was he touched inappropriately. In response you mentioned that over the years you have done these measurements in your office to have access to your computer and that at no time was any student naked while alone with you as these measurements were taken.

I mentioned that I wanted to have this meeting to ensure that these types of interactions with students are handled appropriately going forward, and that I

am tasking Athletic Director, Dick Fossa, to compose and inform all coaches and PE teachers with a protocol that ensures there will always be more than one adult present when BMI and other close proximity interactions with students take place, that one of those adults is a qualified and trained for BMI measurements (such as an athletic trainer), and that these matters are handled in locker room spaces. This is being done for the safety of our students and for the protection of our staff members as well.

Thank you, again, for meeting with me and for your cooperation in making adjustments in this practice.

Phil Auger

Phil Auger, Ph.D.

Superintendent

North Kingstown School Department

401-268-6400

phil_auger@nksd.net



--

Dave Avedisian

History Dept.

NKHS room 315

Date : 10/8/2018 12:45:41 PM
From : "Fossa, Richard"
To : "Phil Auger" , "Denise Mancieri"
Cc : "Aaron Thomas" , "Jay Shabo" , "Joe Gilmartin" , "David Petrucci"
Subject : Body Fat Measurement Update

We have teamed with the NK Booster's Club and will purchasing an In-Body 270 Body Composition Analyzer - cost \$4,995.00. This will allow student's to step on a scale and the machine will print out and store information regarding weight, body fat, and other relevant measurements.

All measurements will be made in locker rooms with more than one "supervisor" present. For male athletes it will be either two or more male coaches which can include myself or Mr. Shabo. For females will be either two or more female coaches which can include the school athletic trainer (a female).

Any printouts will be confidential and kept in a locked file cabinet.

The breakdown for payment:

Boys Basketball \$1,000
Football \$1,000
Mr. Shabo Fit for Life Account \$500
Athletic Department Gate Receipts \$1,000
NK Booster's Club \$1,500

One of the concerns raised by the Booster's Club is that although it is available to all students-athletes and students in Fit for Life a coach cannot require a student to participate (mainly for females but also if a male was uncomfortable they cannot be required to participate).

Also, a recommendation was made to have a Sports Nutritionist to come speak to the student-athletes.

Dick