

Report of External Review

Curtis Institute of Music

Gina Maisto Smith, Esq.
Leslie Gomez, Esq.



September 22, 2020

Table of Contents

	Page
I. Introduction and Summary of Review	1
II. History and Scope of Review	4
III. Lara St. John	7
A. 1985-86: Overview of Abuse and Initial Disclosure	7
B. Fall 1986: Initial Report and Disclosure to Dean Fitzpatrick	8
C. 1995: Telephone Conversations with Mary-Jean Hayden and Mrs. Graffman	13
D. 2012-13: Emails with Anne O’Donnell	14
E. 2013-14: St. John Letter and External Investigation	16
F. 2015: Correspondence and Meeting with Charles Sterne	25
G. 2019: Email Communications Between Díaz and Judson	26
H. Conclusions	30
IV. Other Historical Reports	31
A. Information Received	32
1. 1960s	32
2. 1970s	32
3. 1980s	32
4. 1990s	34
5. 2000s	37
6. 2010s	39
B. Themes	40
V. Lighthouse Services Reports	42
VI. Discussion of Policies, Procedures, and Practices	45
A. Role of the Major Teacher	45
B. Consensual Relationships Policy	47
C. Title IX	48
D. Initiatives Related to Student Wellbeing	50
E. Policies and Procedures Regarding Minor and International Students	51
VII. Conclusion	52

I. Introduction and Summary of Review

In November 2019, the Board of Trustees of the Curtis Institute of Music (Curtis) engaged Cozen O'Connor to conduct an external review of historical allegations of abuse. The review was prompted, in part, by a July 2019 article in *The Philadelphia Inquirer* regarding former Curtis student Lara St. John's disclosure that she was sexually abused by former Curtis faculty member Jascha Brodsky (now deceased) in 1985-86.

In written correspondence to Curtis, in the account provided to the *Inquirer*, and in her interviews with Cozen O'Connor, St. John reported that Brodsky sexually abused her on multiple occasions during her first year at Curtis. At the time, St. John was 14 years old and her older brother, Scott, 15 years old, also attended Curtis. Both studied under Brodsky as their major faculty. St. John said that the abuse escalated over the course of the 1985-86 school year, beginning with kissing and touching of her breasts and genitals and culminating in rape (forced oral and vaginal intercourse). St. John said that when she rebuffed Brodsky's advances, he threatened to have her and her brother expelled from Curtis.

St. John reported the abuse to Curtis on multiple occasions between 1986 and 2019. Specifically, St. John said that in the fall of 1986, she reported to Dean Robert Fitzpatrick that Brodsky had touched her inappropriately, including under her underwear and bra, kissed her, and digitally penetrated her. St. John reported that Dean Fitzpatrick was dismissive of her account and failed to take steps to protect her from sexual abuse. St. John also said that when she again reported the abuse to Curtis in a letter to President and CEO Roberto Díaz in 2013 and follow-up email correspondence in 2019, Curtis's response was again insufficient. St. John said that Curtis promised to investigate her allegations, but did not take meaningful steps to do so, and has never apologized to her directly.

The scope of Cozen O'Connor's review included (i) St. John's historical allegations of sexual abuse and the institutional response to those allegations, and (ii) any other reports of similar misconduct at Curtis, past and present.

Cozen O'Connor conducted more than thirty interviews, including interviews with individuals who reported experiencing or witnessing inappropriate sexual harassment or abuse, former Curtis students and alumni, and current and former Curtis faculty members, administrators, employees, and members of the Board of Trustees, as well as other individuals with relevant information.¹

Cozen O'Connor found that St. John provided a credible account of sexual abuse by Brodsky. This determination is based on: the details and substantive content of her interviews with Cozen O'Connor and her demeanor during those interviews; the consistency of her narrative over multiple decades, as corroborated by several witnesses who observed relevant events in 1986 and/or to whom St. John made substantive disclosures at various points in time during the 1980s, 1990s, and 2010s; and St. John's lack of motive to fabricate during each of the time periods when she spoke with Curtis administrators about the abuse, including the fact that St. John shared her account publicly in 2019, at a time when Brodsky had long since passed away and when St. John had no

¹ Adam Shapiro, counsel at Cozen O'Connor, assisted in the external review.

remedies available to her through the courts. In addition, during our interviews, Cozen O'Connor found St. John to be refreshingly open, candid, and engaged in the process. Despite describing significant emotional and life-altering impacts that she attributed to the abuse and Curtis's failures in responding to notice of the abuse, St. John sought repeatedly to provide Curtis with the opportunity to acknowledge her experience and address the harm.

With respect to St. John, we find the following:

- In 1985, St. John enrolled at Curtis as a 14-year-old violin student studying under Brodsky as her major instrument teacher. During the course of the 1985-86 academic year, Brodsky sexually abused St. John.
- In the fall of 1986, St. John reported the abuse by Brodsky to then-Dean Robert Fitzpatrick, but did not tell Fitzpatrick that Brodsky had raped her. Fitzpatrick acknowledged that St. John said Brodsky “was touching her in ways that made her uncomfortable.” Fitzpatrick shared the information with Gary Graffman, Curtis's then-Artistic Director, and admonished Brodsky about the conduct. Fitzpatrick and Graffman assigned St. John to a new major instrument teacher. Fitzpatrick said that in hindsight, his response was inadequate and he should have done more. Graffman also acknowledged the disclosure, which he recalled involved inappropriate touching, but said that it was a different era and, had he known the conduct involved rape, he would have responded differently.
- St. John also disclosed the abuse to others at Curtis, as follows:
 - In 1986, in an in-person meeting with Naomi Graffman,² the wife of Gary Graffman, when Mrs. Graffman invited her to tea;
 - In 1995, in telephone conversations initiated by Mary-Jean Hayden, Counselor for International Students, and Naomi Graffman;
 - In 2012 and 2013, in emails to Anne O'Donnell, Director of Alumni and Parent Relations;
 - On August 12, 2013, in a written letter to Díaz;
 - In 2015, in an in-person meeting, and subsequently by email, with Charles Sterne, Curtis's Director of Principal Gifts and Planned Giving; and
 - In 2019, through Judson, in emails to Díaz.
- Each time, St. John provided Curtis administrators or agents with an opportunity to provide care, support, and resources; investigate her report of inappropriate touching by Brodsky; and take action to address her concerns.

² Mrs. Graffman was not an employee of Curtis, but she volunteered at the school in various roles and played an active role in terms of interfacing with students.

- In each instance, Curtis fell short in its institutional response, particularly with respect to St. John's 1986 report to Fitzpatrick regarding abuse by Brodsky and her 2013 and 2019 reports regarding the institutional response to her allegations.
- On each of those occasions, Curtis missed opportunities either to respond meaningfully to St. John or to demonstrate to St. John that it in fact took her reports seriously and/or had taken meaningful steps in response to her outreach.

With respect to the broader review of reports of misconduct, Curtis encouraged all community members to provide feedback through direct outreach to Curtis and/or Cozen O'Connor, through Lighthouse Services, Inc., and through Cozen O'Connor's online platform. Through these reporting channels, Cozen O'Connor received substantive information from more than two dozen former students, alumni, and other individuals. Eight of these individuals agreed to be interviewed by Cozen O'Connor.

The experiences shared represent those of a relatively small cross-section of Curtis alumni and may not be reflective of the experiences of all alumni. However, several recurring themes emerged not only from the information gathered in these reports, but also from interviews with community members more broadly, spanning more than 50 years, as well as from administrators and other individuals who participated in the review. Notably, administrators who worked at Curtis during much of the time period covered in this external review corroborated the themes expressed by former students and alumni. These themes included:

- Historically, there were insufficient policies, resources, training, or education about sexual or gender-based harassment or violence, sexual abuse, professional boundaries, and consent;
- Historically, there were barriers to reporting that inhibited reporting by students who experienced inappropriate conduct (including sexual, physical, emotional, and verbal abuse and/or boundary violations) by Curtis employees, driven, in part, by:
 - the perception – and reality – that students remained at Curtis at the discretion of their major instrument teacher, and speaking up risked repercussions (up to and including expulsion or threats of expulsion);
 - the power imbalance between Curtis faculty members and students, which contributed in part to the reluctance among some students to report issues for fear of retaliation; and
 - a perception that Curtis administrators were not responsive to student concerns;
- Historically, certain populations within the student body, especially minors and international students, identified as feeling particularly vulnerable and therefore least likely to be comfortable utilizing available reporting channels;
- Prior to 2010, there were no clear written policies or prohibitions regarding romantic or intimate relationships between Curtis students and faculty members; and

- According to students who previously or subsequently attended other institutions, Curtis lagged behind in terms of its support network, administrative infrastructure, and policies and procedures relating to student welfare.

As noted in Section VI below, Curtis has taken steps, albeit delayed, to increase access to resources, implement legally compliant policies and procedures, designate a Title IX Coordinator, and provide Title IX training to faculty, staff, and students. Over the past decade, Curtis has also engaged in extensive efforts to shift its culture and climate regarding the inherently challenging power differentials that can exist in the context of a traditional music conservatory, develop infrastructure, policies, and resources related to student welfare, and implement additional safeguards related to minors and international students.

II. History and Scope of Review

On July 25, 2019, the *Inquirer* published the article, “[Abused, then Mocked](#),” by Tricia Nadolny and Peter Dobrin. That same day, Curtis emailed alumni to advise them of the article and cautioned them “to refrain from discussing this matter publicly, online, or on social media.” On July 27, 2019, Curtis apologized for the July 25 communication, expressing regret for having “communicated with all of you in a way that was not consistent with our values.” Curtis did not communicate directly with St. John in July 2019.

On August 2, 2019, Curtis President and CEO Roberto Díaz and Chair of the Board Deborah Fretz emailed the following message to the Curtis community:

At Curtis, we condemn sexual violence, racism, discrimination, harassment of any type, or any form of intimidation. We are heartbroken that there have been times in Curtis’s earlier history when the voices of its community members were not heard at critical moments when they needed the school to listen with empathy and support. We profoundly apologize to and sympathize with anyone who may have had such experiences, and sincerely regret that our past institutional culture may not have always provided the safety net needed to thoroughly address the full gamut of our community’s needs. We have zero tolerance toward all forms of abusive behavior, and we will continue to go to great lengths to prevent it.

On August 9, 2019, Curtis set up a third-party hotline through Lighthouse Services, Inc., to provide a forum for community members to report concerns anonymously. Lighthouse Services provides a telephone hotline and online platform where individuals can make an anonymous report, but still communicate with Curtis through the platform. As described in a follow-up email from Díaz to the Curtis community, “[t]he purpose of this service is to ensure that any community member wishing to make a report of misconduct can do so in a safe space, without fear of reprisal.” Díaz wrote that the hotline service was intended to facilitate the “reporting [of] misconduct from the past or present.”

Curtis also engaged Cozen O’Connor in August 2019 to review and revise Curtis’s existing policies and procedures under Title IX of the Education Amendments of 1972 (Title IX) and relevant provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of

2013 (VAWA), and to provide legal advice about Curtis’s institutional response to current and historical reports. At the time, Cozen O’Connor recommended that Curtis conduct an external review of St. John’s allegations.

On August 29, 2019, Díaz emailed St. John to offer to meet with her. St. John responded on September 9, thanking Díaz for his note and discussing the logistics of meeting in New York or Philadelphia in October. On October 24, 2019, Díaz again emailed St. John to offer to meet with her. On October 30, 2019, St. John replied to Díaz’s outreach, expressing her continued disappointment in the 2013 response by Curtis and requesting that Curtis publicly acknowledge its failure to protect her as a minor; engage an external law firm to conduct a full investigation free from interference from Díaz or the Board of Trustees; publicly release a report of that investigation; and consider using a trauma-informed hotline, such as one staffed by the Rape, Abuse & Incest National Network (RAINN), in place of Lighthouse.

On November 7, 2019, Díaz announced that Curtis’s Board of Trustees had engaged Cozen O’Connor to conduct an external review of all reports of sexual misconduct at Curtis, past and present, as well as to examine Curtis’s policies for ensuring the safety and security of its students in the future. In the email correspondence, Díaz encouraged interested community members to contact Cozen O’Connor directly.

Also on November 7, 2019, Curtis shared an updated Title IX policy, [Sexual and Gender-Based Harassment and Interpersonal Violence Policy](#), with the Curtis community and offered the opportunity to submit comments and feedback on the policy.³

In January 2020, as part of the external review, Cozen O’Connor created an online platform where students, alumni, faculty, staff, and other Curtis community members could submit information directly to Cozen O’Connor. Individuals who shared information through this online platform could do so anonymously and could also request a follow-up interview. On January 23, 2020, Curtis issued a second communication regarding the external review. Fretz and Marsha Hunter, Chair of the Curtis Alumni Network Executive Committee, contacted all alumni for whom Curtis had current contact information to “ensure that all members of the alumni community received notice of the review and had an opportunity to participate in a manner that feels most comfortable.” Fretz and Hunter wrote, “We wanted to ensure that all individuals who wanted to participate in the review or share their experiences or observations had an additional and external mechanism that allowed for anonymity.”

Curtis, through Díaz, committed to making the results of the external review public upon completion of the review process. Curtis also committed to provide Cozen O’Connor access to documents and personnel as necessary to inform its review. To protect the integrity of the fact-gathering process, Cozen O’Connor met periodically with a Special Committee of the Board of Trustees, but did not report to members of the Curtis administration, including Díaz, or the Board of Trustees more broadly. The Special Committee did not interfere in Cozen O’Connor’s investigation; rather, it assisted Cozen O’Connor by facilitating access to relevant personnel and documents (including privileged documents held by a law firm engaged by Curtis in 2013).

³ As noted in Section VI, on August 14, 2020, Curtis implemented the final [Sexual and Gender-Based Harassment and Interpersonal Violence Policy](#) in compliance with the May 2020 final Title IX regulations.

Throughout our engagement with the Special Committee, they have remained steadfast and resolute in supporting Díaz’s commitment to sharing the report publicly, and as the facts were shared at the conclusion of the review, to making amends to St. John and other impacted alumni. Cozen O’Connor received full cooperation from Curtis, including unfettered access to current and former employees as well as information and records within its possession.

Cozen O’Connor conducted more than thirty interviews, including interviews with individuals who reported experiencing or witnessing inappropriate sexual harassment or abuse, former Curtis students and alumni, and current and former Curtis faculty members, administrators, employees, and members of the Board of Trustees, as well as other individuals with relevant information. Among others, Cozen O’Connor interviewed Lara St. John; her manager, Stephen Judson; her classmates, Carolyn Kalhorn and Eric Zivian; her friend, Louise Owens; former employees Anne O’Donnell, Elizabeth Warshawer, and Robert Fitzpatrick; Board of Trustees members Ned Montgomery, Sheldon Bonovitz, and Robert Mundheim; Morgan Lewis partner John C. Dodds; and current employees, including Roberto Díaz and Gary Graffman. Each of these individuals agreed to speak with Cozen O’Connor and acknowledged that the information they shared could be included in a public report.

As part of the review, multiple individuals chose to share their experiences with Cozen O’Connor anonymously through the online platform created by Cozen O’Connor. Others chose to speak with Cozen O’Connor directly, but requested that their identity and personally identifiable information be maintained as private, including from Curtis. Others, including St. John, gave permission for their names to be included in a public report. Cozen O’Connor respects the agency and autonomy of each individual’s decision and remains available should any individual wish to provide additional information, participate in an interview, or ask that their identity be shared with Curtis.⁴

In addition, since August 2019, Curtis has received nine reports through the Lighthouse Services Hotline. One of those reports was submitted by St. John. Curtis shared those reports with Cozen O’Connor during the course of the 2019-20 academic year. Curtis also received and responded to Title IX reports made directly to Curtis’s Title IX Coordinator.

Due to the historical nature of this review, limited documentary evidence was available. Cozen O’Connor reviewed relevant Curtis personnel files, student records, and Board minutes, and conducted a targeted search of email correspondence from 2019. Cozen O’Connor also reviewed information provided by St. John and her manager, Stephen Judson, as well as files provided by Morgan Lewis relating to the 2013 external investigation of concerns raised by St. John. Curtis agreed to share information related to the 2013 Morgan Lewis investigation, and Morgan Lewis attorneys provided client files and participated in interviews.

The findings and conclusions in this report are based on the information Cozen O’Connor obtained through interviews, documentary evidence, and feedback from Curtis community members who responded to outreach.

⁴ Curtis community members can contact Cozen O’Connor directly by emailing Leslie Gomez (lgomez@cozen.com) or Gina Smith (gsmith@cozen.com), or by using the online [forum](#) created by Cozen O’Connor as part of this external review. Submissions to the online forum can be made anonymously.

III. Lara St. John

A. 1985-86: Overview of Abuse and Initial Disclosure

St. John, who studied violin since the age of four, auditioned for and was accepted to Curtis in the spring of 1985. St. John enrolled at Curtis in the fall of 1985 at the age of 14. Her older brother, Scott, enrolled at Curtis a year earlier. Both St. John and her brother studied under Brodsky. St. John said that she was “super excited about everything” at Curtis. St. John also took lessons in New York from Arnold Steinhardt, whom she described as “a very cool and sweet guy.”

St. John said that during the course of the 1985-86 school year, Brodsky engaged in an escalating course of abusive conduct.⁵ She said that at the beginning of the school year, Brodsky began to take her to dinner after their lessons, which occurred at Curtis and the New School of Music. She said that he told her she was his favorite student and praised her playing, which made her like him and want to please him. St. John said Brodsky shared stories about the development of Russian and Eastern European music, which had fascinated her since she was a little girl. St. John said that by December 1985 or January 1986, Brodsky would sit on the couch with her after her lessons and would kiss her and put his hands under her clothing. St. John said that Brodsky cajoled and subtly threatened her by saying, “It’d be terrible if you ever had to leave.” St. John said, “I knew this was not right, but he would say, ‘It would be such a shame if you and your brother would have to leave.’” St. John said she worried that if she reported Brodsky, her brother would “get kicked out” of Curtis because of her.

According to an August 2013 letter from St. John to Díaz describing Brodsky’s conduct, “Eventually it escalated and by spring of 1986 he started forcing me to do oral things to his member, but he gave up on that after the third time I got sick. Finally he made me pull down my flowered jeans, and he raped me [vaginally] from behind.”⁶ St. John said she was “very naïve as a girl,” but that she was “old enough to know this could be a serious problem.” She recalled being angry and completely enraged, particularly because she was scheduled to return to Encore summer music camp, where she would have to study with him over the summer. As a result of her experience, St. John said she did not practice or play well that spring and summer, and her performance – and public perception of her work – suffered.

When St. John returned to Curtis in the fall of 1986, she confided in two friends, Eric Zivian and Carolyn Kalthorn, that something inappropriate had happened with Brodsky, but she did not disclose the full extent of the conduct. Both Zivian and Kalthorn were fellow Curtis students at the time. According to Zivian, St. John told him that Brodsky asked her to take her shirt off and felt her breasts, and that she was upset when she shared Brodsky’s actions with him. According to Kalthorn, St. John did not explicitly say she had been raped, but Kalthorn was able to infer that

⁵ Given the format of a public report, the information in this section is presented in summary format, but with sufficient detail to provide a candid and frank assessment of Curtis’s institutional response. Significant information about St. John’s experience is already available publicly, and St. John provided explicit permission regarding the sharing of information provided in this report.

⁶ St. John provided significant and additional details regarding her interactions with Brodsky. For the purpose of this report, which is focused on understanding and assessing the institutional response to St. John’s disclosures to Curtis, we include the most salient and relevant facts.

Brodsky had sexually assaulted St. John by what St. John shared with her. Kalthorn said that St. John alluded to being sexually abused by Brodsky, telling Kalthorn that “what happened [to her] was . . . basically the worst thing that you can imagine” and that her “first time . . . wasn’t supposed to be for [Brodsky].”

B. Fall 1986: Initial Report and Disclosure to Dean Fitzpatrick

As of August 1, 1986, Curtis was led by Artistic Director and President Gary Graffman. Robert Fitzpatrick served in the role of Dean. Although both Graffman and Fitzpatrick had former histories with Curtis, neither was present at Curtis during the 1985-86 school year, which was St. John’s first year at Curtis and the year when the abuse occurred.

Both Graffman and Fitzpatrick, each of whom participated fully in this review, described their administration as nascent and Curtis’s policies, systems, and infrastructure as immature or non-existent. According to Fitzpatrick, the previous Director, John de Lancie, had left Curtis in the spring of 1985, after which the school was run by a committee of four administrators. Fitzpatrick recalled that “for the 1985-1986 school year, no one was minding the store.” He referred to this period as “The Interregnum.”

Fitzpatrick explained that historically, and including the 1980s, Curtis had little to no faculty structure. He said that every faculty member was part-time, and there were no department chairs or faculty leaders. Rather, the faculty all reported to Graffman in his role as Artistic Director. Fitzpatrick said, “The only faculty that really counted were the major music faculty.” Current and former administrators confirmed this perspective and noted that Curtis did not have a designated Human Resources function until the late 1990s. Fitzpatrick explained, “In the 80s or 90s – it’s too strong to say it was out of control, but it was uncontrolled.”

Fitzpatrick also observed, “The major teacher had complete control over the student’s future.” In his written response to questions posed by Cozen O’Connor during the review, Fitzpatrick wrote, “[F]rom the beginning of Curtis, a student retained status according to the wishes of the major teacher who admitted the student. ‘Students are on probation for the duration of their enrollment and can be dismissed at any time...’ was clearly stated in the Curtis catalogue There was always fear of retaliation by the major teacher toward the student because the teacher was in a very autocratic position. Students had been summarily dismissed for a variety of reasons over the years”

Graffman confirmed this general context, but qualified the difference, from his perspective, between perception and reality. According to Graffman, “It is true that from the point of view of a student, that student may feel that even if it is not a little bit true, the teacher will drop her.” He said, “That kind of thing does happen,” but that when he was Director, “I would make sure I would get the student another teacher at Curtis.”

It was in this context that St. John reported to Dean Fitzpatrick in the fall of 1986 that Brodsky had engaged in inappropriate sexual conduct with her. St. John said that when she returned to Curtis in the fall of 1986 for her second year, “I realized it was going to destroy me if I had to keep going to these lessons.” St. John said that around October or November 1986, she made an

appointment with Fitzpatrick. Zivian and Kalhorn accompanied her to the meeting, which took place in Fitzpatrick's office.

St. John said that it was “really, really hard” to speak up. She said she blamed herself for “letting [the abuse] happen,” because Brodsky's threat had been “mental” rather than “physical coercion” – that he had power over her because of his threat that her brother might be forced to leave Curtis. St. John recalled telling Fitzpatrick that Brodsky had touched her beneath her clothing and performed sexual acts on her. St. John said she told Fitzpatrick that Brodsky made her kiss him and do things to him, and that Brodsky had also touched her and put his fingers inside of her. St. John said she did not tell Fitzpatrick at the time – or anyone else until 1995 – that Brodsky raped her, in large part because she didn't want anyone else to know she wasn't a virgin, especially by someone of Brodsky's age.⁷

St. John said that Fitzpatrick “kinda snorted” at her and scoffed, asking, “What do you want me to do about it?” She said that Zivian threatened to go to the police or the press. St. John said that she was surprised by Zivian's threat to report the conduct, and that she starting sobbing and said “no” to Zivian's suggestion. She said Fitzpatrick asked them, “Who do you think they'll believe, some kid or someone who has been with the institution for decades?” St. John said that Zivian also demanded that she receive an A in her coursework.

Zivian, Kalhorn, and Fitzpatrick all recalled the meeting, but had disparate memories of the specific details provided in St. John's disclosure. All, including St. John, concur that St. John did not tell Fitzpatrick that Brodsky raped her. They all recall, however, that St. John disclosed sexual abuse of some sort. Given the passage of time, they have conflicting recollections regarding the precise nature of the disclosure and Fitzpatrick's reaction to the disclosure.

Zivian said St. John disclosed conduct that was more than just “touchy feely” (as Fitzpatrick had described to the *Inquirer* in 2013). Zivian said St. John disclosed enough detail, similar to what she had previously told him, that he was surprised and disappointed that Fitzpatrick did not want to let her change her teacher or do anything else in response to the information. Zivian recalled Fitzpatrick saying that Brodsky was an asset to the department and was well liked as a teacher. Zivian did not recall threatening to go to the authorities, but thought that sounded like something he might have done.

Kalhorn said St. John did not go into graphic detail with Fitzpatrick, but she made it clear that there had been abuse. She said Fitzpatrick did not seem horrified upon receiving this information, and that he seemed to take it in stride. Kalhorn recalled Zivian saying they would go to the police if they had do. According to Kalhorn, Fitzpatrick said, “Well, who do you think they will believe? This little girl or this venerable teacher?”

Fitzpatrick emphasized that at no point in the meeting did St. John, Zivian, or Kalhorn mention the word “rape” or “any kind of sexual assault.” He said St. John told him she was uncomfortable with Brodsky because of his constant kisses and hugs before and after lessons, occasionally with other students there. Fitzpatrick said, “She did say that he was touching her in ways that made her

⁷ This is not an uncommon dynamic in child sexual abuse. As part of the disclosure process, a child will sometimes disclose only enough detail and information as is necessary to seek help in stopping the conduct.

uncomfortable.” He said the *Inquirer*’s description of the meeting, which described Fitzpatrick as saying that St. John “complained that Brodsky was too ‘touchy,’ and it made her uncomfortable,” was accurate in a general sense, but that the description of his tone was not accurate or was at least exaggerated. In his written response to Cozen O’Connor, Fitzpatrick wrote, “I believe that I did state that it could be her word against his which she seemed to understand and acknowledge.”

Fitzpatrick explained in his written response, “I had no reaction except to ask her what she would like me to do about it. She said that she just wanted me to know.” He also recalled, “I said that I would investigate further and possibly speak to Brodsky. I believe (but cannot swear to it) that she asked me not to do that or at least not to mention her name because of fear of retaliation of some kind). Other statements quoted in the [*Inquirer*] are possible but I do not remember saying them (such as Zivian stating ‘maybe we should call the police’ my reply ‘if that’s what you need to do, go ahead...’).”

St. John said that she left the meeting “in shambles.” She said that a couple of days later, Naomi Graffman took her to tea at the Barclay Hotel. St. John said that she told Mrs. Graffman the same information she had shared with Fitzpatrick, and that Mrs. Graffman told her Curtis was going to switch her major music teacher and that she would receive an A for her coursework. St. John recalled being happy and relieved that she wasn’t going to get “kicked out” or fail her course for what had happened to her. She said she viewed Mrs. Graffman as “a little bit of a savior” at that moment in time. St. John said that Curtis did change her teacher, but that her musical instruction suffered as a result. St. John described the rest of the year as incredibly challenging. She said she suffered from severe depression, began missing classes, and struggled for the remainder of the year. St. John described studying Brodsky’s schedule in an effort to avoid him, but said she nonetheless ran into him occasionally or smelled his cologne after he left a room, both of which upset her.

According to Fitzpatrick, shortly after his meeting with St. John, he asked Mr. Graffman to have Mrs. Graffman speak to St. John. He said he told Mr. Graffman that St. John had informed him that Brodsky had made her feel uncomfortable, and he suggested that St. John might feel more comfortable speaking to Mrs. Graffman because she was a woman.

Mr. Graffman explained to Cozen O’Connor that he liked St. John and her brother very much, and that they played well. He said he thought Fitzpatrick came to him right away, and they agreed to have Mrs. Graffman speak with St. John. Mr. Graffman said he was not aware of the extent of the reported abuse in 1986, and he did not believe that Mrs. Graffman was aware either. He said he knew that St. John had requested a new teacher, but believed it was because Brodsky had perhaps kissed her on the cheek or patted her on the buttocks. Mr. Graffman said, “The way my wife described it to me, it seemed not much more than patting her [buttocks], and maybe more than that, with her clothes on.” Mr. Graffman explained that such conduct “was obviously totally impermissible,” but said, “it didn’t seem like more than that.” He said that Mrs. Graffman would definitely have come straight to him if she had understood there to be an allegation of rape or sexual assault, but the problem was that St. John “never said rape.” Mr. Graffman also said Scott St. John believed there had been “backside touching” and that Scott had talked to Mrs. Graffman about that.

Both Graffman and Fitzpatrick added that the older Russian generation, Graffman included, always kissed students – both male and female – on the cheek before and after every lesson. Graffman said he didn't consider what had been shared with him to be a crime. He explained, "I thought that if [Brodsky] would be spoken to and [he] would be afraid to do anything, that would be enough to make it stop, and I knew he was retiring soon." Graffman said that if St. John had said "rape" to anybody, there would have been a different response. He explained, "It was a different era, and things have changed, in this case for the better."

Graffman said Curtis arranged for St. John to have another teacher, so there was no fear of her getting thrown out of Curtis, and that Fitzpatrick spoke to Brodsky about inappropriate hugging. Fitzpatrick said he subsequently spoke with Graffman to confirm that the meeting between St. John and Mrs. Graffman occurred. However, he did not speak with Mrs. Graffman about the meeting except to confirm that it occurred. Fitzpatrick said the Graffmans were always kind and caring toward all students, including the St. Johns.⁸

Fitzpatrick also spoke privately with Brodsky concerning what Fitzpatrick described as Brodsky's overt and inappropriate shows of affection toward some of his female students. Fitzpatrick said he cautioned Brodsky in general terms about his conduct with females, but did not mention St. John by name. Fitzpatrick said the two had a brief meeting (roughly 5 minutes), during which he reminded Brodsky not to smoke during lessons or auditions. At the end of that meeting, he told Brodsky there was another issue, namely that some of Brodsky's students were uncomfortable with his displays of affection when they were alone with him and in front of other students. Fitzpatrick said that Brodsky said he was surprised, but told him that he understood and would consider Fitzpatrick's advice. Fitzpatrick said this was their first and only discussion of the topic.

Fitzpatrick said he intentionally did not mention St. John's name to Brodsky because he was concerned about retaliation by Brodsky against St. John. Fitzpatrick explained that students at Curtis were permitted to study there only with the approval of the major teacher who admitted them. He referenced the line in the student handbook about students being on "probation" for the duration of their enrollment, during which time they could be dismissed by their major teacher at any time and for any reason. As noted above, Fitzpatrick said there was always fear of retaliation by the major teacher toward the student because the teacher was in an "autocratic position" and students had been "summarily dismissed" for a variety of reasons over the years. Fitzpatrick said his perception was that his advice to Brodsky went "in one ear and out the other," which he said was not uncommon at the time because it was the faculty members who had all the power at Curtis, even more so than the Dean. Fitzpatrick added that, even as Dean, confronting a faculty member at that time about the faculty member's personal conduct was "a revolution" and tantamount to "taking your life into your hands."

Neither Fitzpatrick, Mr. Graffman, or Mrs. Graffman shared the information St. John had disclosed with St. John's parents or reported the allegations to law enforcement or child protective services. Fitzpatrick told Cozen O'Connor that, based on St. John's description of the conduct, he did not consider reporting the conduct to law enforcement or any other external entities. He said he was unaware of any external reporting obligations, and that Curtis provided no training regarding child

⁸ Cozen O'Connor was unable to speak with Mrs. Graffman or Brodsky, both of whom are now deceased.

abuse at the time. As noted above, Graffman also did not believe the conduct to be criminal in nature.

Fitzpatrick said that he created a student handbook in the 1980s, but that there was no faculty handbook until the 2000s. He said there were no written policies that would have addressed sexual or child abuse.

Under Pennsylvania law at that time, Curtis was not required to report this conduct to law enforcement or child protective services. Between 1986 and 1988, Pennsylvania's Child Protective Services Laws (CPSL) mandated that anyone who came into contact with children through their profession, including school administrators, school teachers, and school nurses, report sexual abuse (and other serious forms of abuse) *if caused by* parents, the paramour of a child's parent, anyone residing in the home, or a "person responsible for the child's welfare" when the reporter had "reason to believe" that a child was an abused child.⁹ There was no reporting requirement for suspected abuse caused by a teacher, and the limited case law in an analogous context suggests that a teacher was not "a person responsible for the child's welfare" for purposes of the CPSL.¹⁰ Notably, it was not until 1994 that the Pennsylvania legislature created an alternative reporting structure for abuse committed *by school employees* that resolved this question and squarely clarified that an educational institution had to report suspected abuse by school employees.¹¹

Fitzpatrick said the accusation that Curtis did nothing at the time is not accurate, but that, in hindsight, he realizes that his actions were not enough. In August 2019, in the wake of the *Inquirer* article, Fitzpatrick sent Díaz a written apology letter and offered to apologize to St. John. According to Fitzpatrick's letter:

*At that time, I did what I thought was correct, but I now realize that my response was inadequate, especially in the eyes of the victim and according to current standards of institutional response. I also regret and apologize for the reaction to my 2013 blogpost on "Slipped Disc" which I offered in good faith to try to help others at the invitation of Norman Lebrecht. I realize that this article triggered Ms. St. John's animosity toward me, the Graffmans, and Curtis.*¹²

Fitzpatrick told Cozen O'Connor that, with the benefit of hindsight, he would have consulted with a mental health professional and sought the advice of the school's legal counsel before taking any steps. He added that Curtis did not have readily available counseling for students at the time, and that everything was "ad hoc" and handled informally by staff members. Fitzpatrick said he was the administrator who engaged the first health care professional in the 1990s, and the first mental

⁹ 11 P.S. § 2201 *et seq.*

¹⁰ *Pa. State Education Association v. Department of Public Welfare*, 449 A.2d 89, 92 (Pa. Commw. 1982)

¹¹ 23 PA. CONS. STAT. § 6352. (1994). Under the new student abuse reporting framework, school employees with reasonable cause to suspect, on the basis of professional or other training and experience, that a student coming before the school employee in the employee's professional or official capacity was a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee had a mandatory reporting responsibility to report that abuse. This law expanded reporting responsibilities for educational institutions to include both abuse within the home, as well as abuse within the school.

¹² A longer excerpt from Fitzpatrick's apology is included in Section III.G.

health professional in the late 1990s, and started the first Office of Student Services. He said, “It was a disaster, there’s no other way to frame it; that was why we started to make the moves that we did, which were with resistance, because the faculty only wanted to teach their lessons, go out and become rich and famous.”

Based on these facts, Cozen O’Connor finds that Curtis did not take sufficient action in 1986 to respond to the complaint raised by St. John. Specifically, Curtis: did not take steps to investigate St. John’s report; did not notify St. John’s parents, despite the fact that St. John was a minor; did not provide counseling or resources to St. John; and did not evaluate the risk of harm to other students of Brodsky. While Curtis at the time was not required under Pennsylvania law to report inappropriate touching of a minor by a teacher, Curtis nonetheless could have explored available resources – or access to subject matter experts – through external professionals, including counselors, child protective services, or law enforcement. Curtis also took insufficient action to prevent Brodsky from potentially committing conduct of a similar nature; beyond the admonition from Fitzpatrick, Curtis took no direct steps to address the reported conduct and did not restrict Brodsky’s access to minors. Curtis also failed to evaluate or assess the ongoing impacts to St. John’s educational experience or provide any ongoing support during the remainder of her time at Curtis.

Fitzpatrick and Graffman’s accounts of the culture regarding the power of the major teacher also support and corroborate St. John’s account that Brodsky alluded to the possibility of her and/or her brother being expelled from Curtis, and underscore that her fear of being expelled for reporting Brodsky was well-grounded.

Without speculating as to the intent behind Fitzpatrick or Graffman’s actions or inactions, the deficiencies in the 1986 institutional response reflect a lack of understanding of the dynamics of child sexual abuse, as evidenced by the lack of training, education, appropriate policies, and institutional infrastructure. Fitzpatrick and Graffman’s failure to respond appropriately resulted in significant and detrimental impacts on a 15-year-old student entrusted to Curtis’s care, including interruption of St. John’s educational development and long-term psychological impacts. Those impacts may have been mitigated had St. John been given timely access to counseling resources or had Curtis taken meaningful steps to restore St. John’s educational experience during the remainder of her time as a Curtis student.

C. 1995: Telephone Conversations with Mary-Jean Hayden and Mrs. Graffman

St. John said that in December 1995, she received a call from Mary-Jean Hayden, Curtis’s Director of Student Services (who worked with international students). She said that Hayden, whom she did not know well, told her that she had heard something happened to St. John while St. John was a student at Curtis and that Hayden knew why St. John left. St. John told Cozen O’Connor she tried to brush Hayden off by saying that she had put what happened to her behind her. However, St. John said Hayden persisted and told her that what happened was important. St. John said she told Hayden the entire story, all the way up to the rape, which she said was the first time she told

anyone the full story. St. John said she spoke to Hayden in confidence and did not want to draw attention to herself. It is unclear what triggered Hayden's outreach to St. John in 1995.¹³

St. John said that she immediately called her friend, Louise Owen, to share the details of the call. Owen, who has superior autobiographical memory, which allows her to recall information with great detail and chronological accuracy, recalled that on December 3, 1995, St. John called her immediately following the call with Hayden and that St. John was crying, upset, and absolutely distraught. Owen said St. John told her, with respect to Hayden's call, "I don't know why they are bringing this up now after they did nothing back then."

According to St. John, the following day, Mrs. Graffman called her and urged her not to discuss Brodsky with others. St. John told Cozen O'Connor that Mrs. Graffman said, "It was so long ago, there's no sense in bringing it up," and that St. John agreed with this sentiment. According to St. John, Mrs. Graffman said, "It's just not worth it. He's nearly dead and he is only teaching [one student]." St. John said she told Mrs. Graffman that this was exactly what she had told Hayden and that she did not want to talk about her experience with anyone.

As noted above, by 1995, the law regarding reporting of suspected child abuse in Pennsylvania had evolved to require reporting of abuse involving educators. The reporting requirement, however, applied to minors, and at the time of Hayden's outreach to St. John, St. John was in her mid-twenties. In addition, according to St. John, she did not want Hayden or others to take any action, and she sought to maintain the confidentiality of her experience. There is no available information that would shed further light on the motivation for Hayden's outreach. Apart from the telephone inquiry – and despite growing general public awareness of the impacts of sexual abuse over the prior decade – Curtis did not offer St. John any remedies or resources, such as counseling. Additionally, as reported by St. John, Mrs. Graffman's subsequent outreach reinforced her perception that Curtis was not genuinely interested in her welfare and was mainly concerned that she would speak up about her experience. While St. John concurred with Mrs. Graffman about not dwelling on the past, by this point, Brodsky had continued to teach at Curtis for nearly a decade following St. John's initial disclosure in 1986, and he was still teaching at Curtis, albeit in a limited capacity.

D. 2012-13: Emails with Anne O'Donnell

On December 12, 2012, St. John emailed Anne O'Donnell, Curtis's Director of Alumni and Parent Relations.¹⁴ In the email, St. John explained that another alumnus had inquired why St. John had not contributed financially to Curtis's fundraising campaigns. St. John wrote to explain, stating, "I'm not going to pull any punches." St. John wrote, "In my first year at Curtis, I was made to do things of a sexual nature with my major violin teacher because he told me that otherwise he would kick myself and my brother out of Curtis." She wrote, "In my second year at Curtis, the situation became intolerable. I realized at last that there was probably some way to not continue – my brother

¹³ Cozen O'Connor did not interview Hayden. According to the July 25, 2019 *Inquirer* article, "Hayden, who is in her 80s, recently told a reporter that she did not recall the conversation with St. John. She said she struggles with memory loss."

¹⁴ Curtis provided Cozen O'Connor with email correspondence between O'Donnell and St. John, including email correspondence from O'Donnell's personal account.

seemed pretty planted and so I went to the then Dean, Robert Fitzpatrick, and I told him some of what had been happening He asked me what I expected him to do about it, in a rather accusatory manner.” St. John wrote that Fitzpatrick conceded to change her major teacher, which she described as “something that was not done then.” She also wrote that she spoke with Mrs. Graffman at the time. St. John described to O’Donnell the resulting detrimental impacts on her education, her family, and her own well-being. In the email, St. John also described the outreaches she received from Hayden and Mrs. Graffman in 1995.

St. John prefaced her email to O’Donnell by writing: “This is going to be a little bit unexpected, for sure, so I’d just like to say a thing up front: this is a personal email; please do not show it or forward it to anyone at all. It is only for you.” St. John wrote to O’Donnell that she did not “want to ever have anything whatsoever to do with Curtis at all, anymore” and asked to be removed from the school’s mailing lists. St. John wrote, “I do not consider myself an alum of that school, and I’d be pleased if you’d do the same. I don’t care if records are erased. Scratch me out of the photo – whatever – I’d love to have no record of my time there.” St. John asked O’Donnell to maintain the email as “a personal email . . . [f]or no one else to see.”

O’Donnell told Cozen O’Connor that she was in shock after receiving this email and she did not know what to do in response. She said she sought the advice of two Curtis colleagues, as well as an outside resource with experience in supporting survivors of sexual assault. O’Donnell said that the external resource recommended that she respect St. John’s autonomy by honoring her request for confidentiality, so O’Donnell did not further elevate the issue to Curtis administrators. Rather, on December 18, 2012, O’Donnell replied to St. John’s email from her personal Gmail account. In that reply email, O’Donnell wrote, “I am so very sorry for what happened to you when you were a student at Curtis. It is shameful.” O’Donnell reflected that St. John had “walked a long hard road since then” and that she was “touched and amazed” by St. John’s “conquering human spirit.” O’Donnell said she would keep St. John’s report to herself and not solicit St. John with future fundraising requests. O’Donnell also assured St. John that Curtis “now has formal procedures to handle these offenses” under the Sexual Offense Policy, Procedures and Programs in the faculty handbook, and that faculty members were contractually obligated to abide by that policy. O’Donnell wrote that she was honored by St. John’s honesty and wished her complete healing.

On January 3, 2013, St. John replied to O’Donnell, “That’s really sweet – I don’t think anyone has got anything to worry about these days at Curtis. I never worried about that even then – it seemed to be a situation which dogged only me.” She thanked O’Donnell for taking her off Curtis’s mailing lists. St. John subsequently wrote that she was still very angry with Curtis, and that, “It wasn’t fair then, and it’s not fair now.”

On February 16, 2013, St. John forwarded O’Donnell a teaser for an article Fitzpatrick would soon be publishing in *Slipped Disc* regarding sexual abuse at musical conservatories. St. John wrote, “This is the guy who, if you’ll remember, snorted at me when I told him my story, and only after threats of publicity allowed me to change teachers. Then did nothing.” St. John also wrote, “If I were you, and in touch with [Fitzpatrick], I’d tell him it’s probably not a good idea for him to be commenting on this. Unless, of course, he’d like to explain how exactly he dealt with it.”

On February 17, 2013, after Fitzpatrick’s article was published in *Slipped Disc*, O’Donnell replied to St. John, stating that she did remember who Fitzpatrick was, and observing, “He covers your

situation when he acknowledges ‘a few failures.’” O’Donnell told Cozen O’Connor that, at that time, Fitzpatrick was no longer a Curtis employee and O’Donnell did not take any action in response to St. John’s email. She told Cozen O’Connor that she did not view St. John’s February 16 email as releasing her from St. John’s prior request for confidentiality, which she still wanted to respect.

St. John’s correspondence with O’Donnell came at a time when higher education as an industry was actively reviewing and revising policies in light of the April 4, 2011 Dear Colleague Letter from the U.S. Department of Education Office for Civil Rights (OCR), which provided significant guidance on institutional responsibilities under Title IX. In addition, across the country, and particularly in Pennsylvania, high-profile accounts of historical allegations of sexual abuse in the institutional context were receiving significant media attention. These high-profile accounts included the February 2011 Grand Jury report regarding the Archdiocese of Philadelphia and the November 2011 revelations regarding Jerry Sandusky at Pennsylvania State University.

As detailed further in Section VI, by the fall of 2012, Curtis had designated an administrator to coordinate Curtis’s compliance with Title IX and had implemented a Sexual Offense Policy that applied to students. Despite the formal designation, the Sexual Offense Policy did not reference Title IX or identify the Title IX Coordinator. The Staff Handbook in effect at the time included an Unlawful Harassment Policy, which required staff who experienced or observed any incident of unlawful discrimination, harassment, retaliation, or violation of equal employment opportunity laws to report that conduct, but on its face, appeared to limit the reporting requirement to the employment context. O’Donnell reported that she had not received any training regarding reporting responsibilities with respect to sexual harassment, sexual assault, or suspected child abuse or neglect.

Cozen O’Connor finds that O’Donnell acted consistent with St. John’s request. O’Donnell also acknowledged St. John’s experience, apologized on behalf of Curtis, and recognized St. John’s courage and strength. Further, as it relates to conduct involving students (or former students), O’Donnell was not subject to any internal reporting mandates pursuant to Curtis policy at the time. We note the challenges inherent in seeking to respect a complainant’s request for confidentiality, while at the same time taking action consistent with evolving expectations about reporting misconduct internally. At the time, O’Donnell consulted with an outside resource with experience in supporting survivors of sexual assault, who reinforced O’Donnell’s decision to respect St. John’s request to maintain the information she shared as private. We also note that in 2012-13, there was no imminent risk to students raised by the information St. John shared with O’Donnell, given that Brodsky had retired in 1996 and passed away in 1997.

E. 2013-14: St. John Letter and External Investigation

As referenced above, on February 17, 2013, Fitzpatrick published the article in *Slipped Disc* entitled “When Curtis Was Known as the Coitus Institute.”¹⁵ In the article, which was written in the wake of historical allegations of abuse at music specialist residential schools in the United Kingdom, Fitzpatrick opined that the “longstanding tradition of abuse of students” in musical conservatories dated back to the establishment of European conservatories in the 18th and 19th

¹⁵ The hosting site used in 2013 is no longer accessible. The article was [republished](#) on July 25, 2019.

centuries. Based on his experience at Curtis, Fitzpatrick outlined several “suggestions for successfully avoiding and, when necessary, dealing with cases of psychological, physical, and sexual abuse.” Fitzpatrick described an incident with an anonymized “female string player” – whom he later identified to Cozen O'Connor as St. John – as follows:

I know of an example concerning a 17 year old female string player at a conservatory who complained to an administrator about the overly aggressive kisses and hugs of an elderly teacher at the end of each session, often in front of the student waiting for the next lesson. The result was that two senior administrators spoke to the teacher (one speaking, the other as a witness) and requested that the behavior cease because of possible misunderstanding by the student(s) and the danger of legal action if the parents of the student(s) took that approach to protect their child. I was told that the actions stopped from that time forward. The teacher was someone who was educated abroad in the great ‘Euro-Russian’ tradition

Fitzpatrick noted in his article that Curtis “has made a lot of progress since the ‘coitus’ . . . days, and today has all of the above elements in place. There have been many success stories and, unfortunately, a few failures along the way. A great school learns to deal with both.”

On August 12, 2013, St. John sent a letter to Díaz in which she described her experience with Brodsky – including, as described above, Brodsky’s escalating course of sexual advances, which consisted of kissing her, touching her inside her underwear, forcing her to perform oral sex on him, and raping her – as well as her report to Fitzpatrick, her meeting with Mrs. Graffman, and her subsequent conversations with Hayden, Mrs. Graffman, and O’Donnell.¹⁶ In the letter, St. John described the detrimental impact on her life stemming from Brodsky’s abuse and Curtis’s failure to respond appropriately in 1986; she explained that she ultimately left Curtis after a suicide attempt and pursued her studies abroad in the Soviet Union, and then lived in England.

With respect to Fitzpatrick’s article in *Slipped Disc*, St. John wrote:

It is morally reprehensible, duplicitous and I strongly object to Mr. Fitzpatrick holding himself out as a former Dean of Curtis who was deeply concerned with the well being of the young people in his charge. He was in fact a facilitator, and did nothing to help me as a child. I am certain I was not the only minor child he failed to protect from sexual predators in the ranks of the staff at Curtis.

It is harmful and painful for me to have to hear about these events years after they occurred. I should not have to hear from people at Curtis ten and even 26 years after the events happened. It is particularly painful, when by their actions, members of the staff at Curtis through their statements abroad have sought to dismiss my own feelings and the irreparable physical and psychological harm caused to me by the abuse.

¹⁶ In explaining her delay in contacting Curtis following Fitzpatrick’s article, St. John told Cozen O’Connor that 2013 was a particularly difficult year for her and that she had sought to put her experience behind her.

I was a victim of a faculty member of Curtis. The response of Curtis violated the institution's legal obligations. Those staff of Curtis who knew I was raped violated their own legal obligations. Instead of alerting the authorities, they tried to convince me to be quiet about the crimes which were perpetrated upon me.

What happened to me, and likely to others, is cruel enough. It is made worse by the former Dean falsely boasting in the media that he protected us when, in fact, he actually enabled a rapist and acted to intimidate me when I sought his and the institution's protection.

I expect you to be in contact with Dean Fitzpatrick and compel him to cease all further comment about what he boasts were the steps he took to protect students from sexual abuse while employed by Curtis.

Unless I have a guarantee that you will make the above happen, I will explore the involvement of the legal system.

I am willing to put some of my time into helping you to understand the events described in this letter and the consequences of them

Upon receiving St. John's letter, Curtis took immediate responsive action, led by Díaz and Elizabeth Warshawer, Curtis's Executive Vice President and Chief Operating Officer. On August 15, 2013, Díaz and Warshawer contacted St. John's manager, Stephen Judson, by telephone. According to a contemporaneous transcript of the call, which was recorded by Judson, Díaz assured Judson that Curtis took her allegations "extremely seriously" and that Curtis was going to take action as a result of the information she provided. Judson expressed his appreciation, stating, "I think it's very difficult for [St. John] to talk about it."

On August 16, 2013, Curtis, through counsel, emailed Fitzpatrick the following: "Your recent post on 'Slipped Disc' . . . obviously affected many readers. It has prompted a private response from a former Curtis student making an allegation that some years ago you were at the center of a very serious incident involving her which you neither reported nor appropriately handled." Counsel for Curtis wrote, "Pending any further discussions or meetings, it is imperative, from Curtis' perspective that you immediately cease further publication, online or otherwise, and or speaking on the topics which were its subject."

Fitzpatrick responded by email two hours later, writing that he was "a private citizen now retired from Curtis" and that he intended to "continue to speak out on important issues both orally and in writing, privately, publicly and in the press when appropriate." Fitzpatrick said, "If I am accused of any inappropriate behavior or failure to act during my tenure at Curtis . . . , I stand ready to defend my record. My conscience is clear." He elaborated, "I know of one case which resembles your description which I did report to my superior at the time (in the 1980s) which could be described as harassment of a female student by a faculty member. To my knowledge, action was taken in the form of a reprimand and the activity ceased."¹⁷

¹⁷ A copy of this correspondence was subsequently provided to Judson in 2013.

Warshawer explained to Cozen O'Connor that when she first learned about St. John's letter from Díaz, she talked to Díaz, Gerry Lenfest, Chair of the Board, and Ned Montgomery, Vice Chair of the Board, about how to respond. She recalled that Lenfest did not believe there was a need to investigate St. John's report, given that the conduct happened so long ago and St. John was only seeking to silence Fitzpatrick and ensure the safety of current and future Curtis students. Warshawer said she subsequently discussed the letter with Sheldon Bonovitz, Chair of the Governance Committee, and that Bonovitz agreed immediately that Curtis needed to investigate the allegations. In addition, Warshawer sought legal advice through Curtis's legal counsel regarding any current reporting obligations or legal liability considerations in light of St. John's letter.

Warshawer's contemporaneous notes reflect her internal thought process at the time. Warshawer wrote: "Legal liability questions [sic] has been asked and answered. Much bigger question looms: What is our ethical obligations to investigate this allegation – especially in the wake of Penn State, the Catholic Church, Cleveland Institute of Music, Yeshiva University, etc.?" Warshawer concluded that it would be "'mal-trusteeism' not to look into these charges." Warshawer also wrote, "I'm not saying whether [Gary Graffman] was guilty of not reporting and/or of covering this up. I don't know whether the faculty member was disciplined. I do believe he and [Mrs. Graffman] should be made aware of this allegation and asked to answer it. If the answer is not acceptable to Curtis, he should be asked to resign (due to age, illness, whatever) or risk being terminated for cause." She added, "Strong reaction and belief in doing the right thing here!"

In an August 27, 2013 email to Warshawer, Montgomery also opined, "What is the moral, ethical, and legal issues [sic] that any institution has to investigate abuses which have not been reported or occurred and no one wants to bring charges? What we should do currently is different from what we are obligated to do about the past."

Bonovitz included Robert Mundheim, another Trustee, in the discussions, and Montgomery, Bonovitz, and Mundheim concluded that the investigation should be conducted by an external law firm with whom Curtis had no prior relationship. Warshawer observed to Cozen O'Connor, "[I]t became clear that this was a time to do something, not do nothing."

In an engagement letter dated September 27, 2013, Curtis, through a Special Committee of the Governance Committee comprised of Bonovitz, Mundheim, and Montgomery, engaged Morgan Lewis "to provide legal services to the Curtis Institute of Music . . . in connection with an internal investigation arising from matters described in a letter from Ms. Lara St. John, as well as a review of existing policies, procedures and training with respect to sexual harassment and sexual misconduct."

Warshawer, who was not involved in oversight of the Morgan Lewis engagement, explained her perception of the scope of the review: "Part one was verifying whether what Lara St. John said was true." Further, "I think the charge was to corroborate her story and then to look at our policies and procedures to make sure we were protecting our current and future students from abuse. So it was a twofold mission, and Morgan Lewis, I think, was also advising on whether Curtis might have any legal liability. Curtis, make no mistake, was also trying to protect itself in terms of legal liability, but [St. John] was clear with everyone at the time that she only wanted to shut up Fitzpatrick and have us look at our policies and procedures, and not sue us. Morgan Lewis would

have wanted to also make sure that Curtis was protecting itself, in addition to the investigation and policy work they were doing.”

The three members of the Special Committee that oversaw the external review by Morgan Lewis each had a similar recollection of the scope and contours of that review. According to Montgomery: “We were concerned about [St. John]’s letter, but much more concerned about what the current policies were, and in particular, under [Díaz]’s tenure, was there anything going on that we hadn’t addressed?” He added, “We asked Morgan Lewis to do three things, if I remember. The first was to look at [St. John]’s complaint and investigate what had gone on. The second was to review whether or not there were any current problems at Curtis, and we were looking in the recent past, like the previous ten years or so. And the third was to make sure the school’s policies and procedures were up to date, and to make any necessary updates. We placed no constraints on them, and we told them to do whatever they needed to do.”

According to Bonovitz: “We didn’t put any restrictions on Morgan Lewis. We told them to go wherever they wanted.” He added, “Morgan Lewis was engaged to investigate her allegation, wherever it took them in terms of who she told at the time about this. Were there others? How manifest was this? They were told to go as deeply as they wanted to go into this.”

Mundheim shared a similar recollection of the scope of the external review: “First, to look into the Lara St. John allegations, which involved sexual harassment by a particular faculty member, and then . . . since there was also a claim about her having gone to Bob Fitzpatrick, the Dean, that that needed to be looked at.” He added, “And we were also worried about whether her allegations were indicative of other things going on, things that would cause us to think about our procedures and whether they were good enough to handle those types of matters.”

Attorneys for Morgan Lewis, with Curtis’s permission, agreed to speak with Cozen O’Connor as part of this external review. John (Jack) C. Dodds, the partner who led the investigative component of the 2013 external review, framed his understanding of the investigative scope of the engagement as “generally advising the client on how to deal with the entire situation,” which he said included advising Curtis on the nature and level of investigation that was merited under the circumstances, conducting that investigation, and trying to resolve “the Fitzpatrick issue that gave rise to all of this.”¹⁸

On October 1, 2013, Warshawer shared with Judson that Curtis had engaged Morgan Lewis. According to a transcript of a contemporaneous recording of the call by Judson, Warshawer told Judson that Curtis had advised the firm to contact Judson, not St. John directly. Warshawer told Judson, “[T]hey are going to want to interview her if she’s willing and if she’s unwilling then he won’t.” Judson replied, “I don’t know I’d have to think about that.” Warshawer assured Judson, “We are really trying to do the right thing here. We can’t undo anything that was done.” According

¹⁸ Dodds referred Cozen O’Connor to Morgan Lewis’s final written report dated January 13, 2014, for a full description of Morgan’s Lewis engagement. That document states, “Morgan Lewis was retained to: (a) advise Curtis as to whether it had any reporting obligations based on St. John’s letter; (b) advise Curtis as to the type and level of investigation appropriate under the circumstances, and to conduct that investigation; (c) advise Curtis as to whether there is evidence raising any cause for concern about the welfare and safety of current students at Curtis; and (d) advise Curtis as to any enhancements in policies and procedures necessary to protect students going forward.”

to Warshawer, in that call, Judson reassured Warshawer that St. John was not interested in publicity and preferred that the matter be handled as quietly as possible.

Dodds explained to Cozen O'Connor that at the request of St. John, he interfaced with Judson rather than with St. John directly. Dodds communicated with Judson both in writing and by telephone. He emailed Judson on October 9, 2013, and they spoke over the phone on October 14, 2013. That call was not recorded. However, Dodds prepared a contemporaneous memo to file, dated October 16, 2013, summarizing the call. Dodds's notes reflect, "I told Mr. Judson that our objective – as instructed by our client – was to see that the right thing gets done under the circumstances. I explained that, while we cannot change anything about how Ms. St. John's concerns may have been handled when she was a student, we are determined to ensure that her concerns are properly addressed now." Dodds also wrote, "I assured Mr. Judson that we would do whatever is possible to achieve these goals without pulling Ms. St. John into something she does not want to be pulled into or otherwise causing Ms. St. John additional pain."

Dodds also noted, "In response to my question, Mr. Judson suggested that the best way to bring closure for Ms. St. John would be for Díaz to send her a letter describing what Curtis had done respecting Fitzpatrick's article and describing the institute's efforts to protect students going forward."

In their interviews with Cozen O'Connor, Dodds and Judson shared their recollections of their communications regarding St. John's willingness to participate in the investigation. Dodds said Judson "made it clear [St. John] had no interest in speaking with me." Judson said he told Dodds that, "for the time being," St. John preferred that Dodds interface with Judson, who could provide him with answers to his questions, but that such a posture did not mean St. John was unwilling to cooperate. Additionally, Judson said Dodds never in fact asked him questions about St. John's experience and "made little effort to elicit information from her through me."

With respect to Morgan Lewis's engagement, Dodds said that, as with any investigation, he intended to follow the evidence wherever it led, but in this case there were "peculiar circumstances" that inhibited his ability to gather evidence or that led him to believe it would be unwise to follow all available leads. Dodds said he requested St. John's participation but was told by Judson that St. John did not wish to sit for an interview, and that Judson knew everything she knew about the subject. Dodds said he understood and respected that St. John believed she had been treated insensitively in the past, and did not want to do anything, such as not fully respecting her privacy, that could cause her to feel similarly about Morgan Lewis's investigation. Dodds elaborated: "Because there was nothing that could be done about the perpetrator [who had passed away], the administrator [Fitzpatrick] was long gone and Curtis had no control over him, the victim had decided she did not want this to go to the authorities, and did not want to be publicly outed and did not want to sue Curtis, what can we do that shows the requisite sensitivity to her?" With these considerations in mind, Dodds told Cozen O'Connor that there was little he could do in his investigation to make things better for St. John, but "lots of risk that I could make things worse for her" by not fully respecting her privacy or otherwise treating her with the requisite sensitivity.

Dodds planned to contact Fitzpatrick and Graffman as part of his investigation, but ultimately concluded that taking steps to corroborate St. John's account by asking them directly about St. John's report would compromise St. John's privacy and potentially bring harm or unwanted

attention to her. In particular, he worried about Fitzpatrick's reaction as the school had no leverage over him and no ability to prevent him from speaking publicly about St. John. As a result, when Dodds spoke with Fitzpatrick and Graffman, he intentionally did not ask them about any concerns involving St. John. However, he said he asked them questions that he believed, had they been fully candid, should have elicited a response regarding St. John.

Dodds said he and Judson discussed his decision not to ask Fitzpatrick and Graffman about their recollection of St. John. Dodds's October 16, 2013 memo to file summarizing their October 14 conversation reflects that Dodds asked Judson whether, "consistent with the effort to be sensitive to Ms. St. John," he should speak to Fitzpatrick, and that Judson replied "there would be no benefit in doing so" because it could "incite additional conduct by Fitzpatrick that would further upset Ms. St. John." Judson told Cozen O'Connor, "I don't remember it that way. I see no reason why I would have proscribed his ability to interview them [Fitzpatrick and Graffman]."

In an internal memo dated December 3, 2013, Dodds summarized his November 7, 2013 telephone call with Fitzpatrick, whom he described as "open, cooperative and candid." Dodds wrote, "Fitzpatrick stated his essay was based on 'historical public record,' and merely described the state of affairs from 'the early days' that is 'not news to people' in the classical music industry. He also stated that, contrary to appearances, his essay did not describe any real events; as Fitzpatrick stated, there 'was no actual case cited.' For instance, the 17 year-old female student was actually 'an amalgam' of three different situations from several decades ago." Further, "Fitzpatrick denied knowledge of any student being subjected to sexual or physical misconduct during or after his tenure at Curtis."

Similarly, in an internal memo dated December 12, 2013, Dodds summarized his November 14, 2013 telephone conference with Graffman. Dodds wrote, "[Graffman] is aware of no serious issues having arisen during his tenure as an instructor or as head of the school." Further, "Graffman stated that he is unaware if [sic] any situation during his tenure as a faculty member or leader at Curtis involving sexual misconduct by a faculty member."

Beyond asking open-ended questions of Fitzpatrick and Graffman, Dodds took no other steps to investigate St. John's allegations. Dodds did not seek to interview other witnesses, and he did not ask Judson substantive questions about the allegations in St. John's August 2013 letter to Díaz. Dodds explained to Cozen O'Connor, "I assumed for purposes of our work that her allegation was true" and "I worked from the premise that the person I was dealing with was a person who had been sexually assaulted whose reporting about that was handled at a minimum insensitively, and who felt aggrieved by Curtis over time because of that, but who did not want to take action." Dodds said he was trying to do the right thing in terms of approaching the investigation with the appropriate level of sensitivity towards St. John, all while taking into account the "peculiar circumstances" under which the investigation arose, outlined above, and the notion that little could have been done to remedy the past harms suffered by St. John. Dodds elaborated, "I focused on whether my interactions with Judson were sensitive – and to convey an acceptance of the reality of what she had experienced." He said, "Not looking at it through the prism of representing Curtis, I obviously represented Curtis, but I thought the best thing I could do was be sensitive to her." Dodds concluded, "If I was looking at protecting Curtis in the traditional lawyer mercenary way, I would have done all the things I didn't do. I didn't think about this as a summary judgment, but

that was the standard I was applying – I presumed that she was telling the truth, and I proceeded from there. I was not trying to discredit to her at all.”

Morgan Lewis’s engagement also included a review of Curtis’s current student, staff, and faculty handbooks: the Staff Handbook (dated 2008); Faculty Handbook (dated 2013-14); and the Student Code of Conduct and Sexual Offense Policy (dated August 2011). Despite the April 4, 2011 Dear Colleague Letter and the March 2013 enactment of the Violence Against Women Reauthorization Act of 2013, which amended the Clery Act, Curtis’s staff, faculty, and student policies did not include any reference to Title IX or the Clery Act. Morgan Lewis recommended modest policy revisions and did not include analysis of legal compliance with respect to Title IX or the Clery Act. Morgan Lewis proposed edits in comments to the handbooks, recommending clarifications about the prohibition against retaliation, the policy prohibiting relationships between faculty and students, and reporting responsibilities regarding minors, including notifying parents and/or law enforcement – issues which were responsive to the concerns identified by St. John’s experience – but made no revisions to comply with the prevailing and applicable legal framework in higher education. The Morgan Lewis attorneys who conducted the policy review told Cozen O’Connor that while they were generally aware of Title IX and the Clery Act, they did not review the policies through that lens.

In its final written report to the Curtis Special Committee on January 13, 2014, Morgan Lewis concluded that Curtis’s policies and procedures “adequately protect the welfare and safety of students.” Morgan Lewis wrote:

Curtis maintains strict policies prohibiting sexual harassment, sexual abuse and sexual relationships among faculty and staff with students. Additionally, there are sound procedures and proper safeguards in place for handling any reports made by students or their families, all of which are consistent with applicable law and with Curtis’ focus on protecting students. We provided suggested language to enhance the current versions, but we conclude that the policies and procedures are sound in their current form and comply with law.

Morgan Lewis did not revise the policies; rather, Curtis revised the policies in early January 2014, prior to the start of the semester. Those revisions did not include any reference to Title IX or the Clery Act. In addition, although flagged internally by an attorney within Morgan Lewis, there is no indication that Morgan Lewis advised Curtis with respect to whether or not St. John’s report of rape should have been included in the school’s 2013 annual crime statistics required under the Clery Act.

Morgan Lewis sent its final written report to the Curtis Special Committee on January 13, 2014.¹⁹ In addition to the above conclusions about policy, the report described the investigative steps and decisions taken by Morgan Lewis, and included summaries of the interviews with Judson, Fitzpatrick, and Graffman. Morgan Lewis wrote that “the leads provided by St. John, both in her letter and in discussion with Judson, yielded no evidence of inappropriate conduct beyond Brodsky’s alleged sexual abuse of St. John, and particularly provided no reason to suspect more

¹⁹ The *Inquirer* obtained this report, a copy of which was linked to the July 25, 2019 article, from an unknown source.

recent or present abuse at Curtis.” It further stated, “We have followed the leads available in relation to the allegations before us, and do not believe that further investigation is warranted.”

Morgan Lewis also concluded that, “We have found no evidence to suggest any cause for concern about the welfare or safety of current students at Curtis, or that anyone associated with Curtis presents a danger to students.”

A fair reading of the report reflects that Morgan Lewis did not opine on the credibility of St. John’s account, nor did Morgan Lewis attempt to substantiate – or refute – St. John’s allegations. On page two of the report, Morgan Lewis wrote: “Judson made clear that St. John did not wish to provide any evidence or other information related to her alleged abuse by Brodsky.” Footnote two of the report stated: “Fitzpatrick’s denial regarding knowledge of any student who was subjected to sexual or physical misconduct during his tenure at Curtis was obviously at odds with St. John’s allegations. However, in light of my discussion with Judson and in deference to St. John’s wishes, I asked only general questions on this subject, and did not ask any specific questions related to St. John.” Similarly, footnote three of the report stated: “Gary Graffman’s denial regarding knowledge of any serious issues involving inappropriate sexual contact between faculty and students during his time at Curtis was also at odds with St. John’s allegations. However, as with Fitzpatrick, I asked only general questions on this subject, and did not ask any specific questions related to St. John.”

On January 13, 2014, Dodds wrote to Judson “to circle back to close the loop about the matter we discussed.” According to Dodds’s contemporaneous documentation, he and Judson spoke on January 15, 2014. As noted in Morgan Lewis’s written report, as well as in other contemporaneous documents relating to the investigation, Judson requested that Dodds send a letter to St. John (through Judson) summarizing the steps Curtis took in response to St. John’s August 2013 letter and describing the policies and procedures Curtis had in place for the protection of current students.

At Judson’s request, Dodds prepared such a letter. However, according to Dodds’s contemporaneous notes, Judson instructed him in January 2014 to hold off sending the letter for the time being because, at the time, St. John was upset by Fitzpatrick continuing “to put himself out there.” Dodds wrote that Judson would talk to St. John and get back to Dodds “over the next week or two.” In an email update to Curtis, Dodds wrote, “My inclination is to sit tight and check back in with Judson if I don’t hear from him in two weeks.” Judson’s recollection of their discussion differs; he said he did not ask Dodds to hold off on sending the letter, and that there was no agreement for Judson to reach back out to Dodds.

A draft of the letter was later circulated by Dodds to Montgomery in February 2014, and referenced in emails from Dodds to Warshawer and Bonovitz in April 2014.²⁰ In each instance, Dodds clarified that he had not yet sent the letter to Judson, at Judson’s request. The available documentation does not reflect any additional communications between Morgan Lewis and Judson, or between Morgan Lewis and Curtis, and the draft letter was never sent to Judson.

²⁰ Warshawer received a copy of the report on April 14, 2014, after she inquired about its status. There is no documentary evidence that the report was shared with Díaz in 2014, nor does Díaz recall seeing a copy at that time.

Based on the synthesis of available information regarding the 2013-14 response to St. John's August 2013 letter, we find that Curtis's institutional response, while initially promising, failed to meaningfully address St. John's concerns. Curtis acknowledged St. John's letter, contacted Fitzpatrick to request that he cease and desist communications that were the subject of his February 2013 article, and engaged outside counsel through a Special Committee of the Board. We found no evidence that anyone at Curtis interfered with counsel's independence or gave any direction not to pursue all leads. Curtis deferred to the expertise of counsel in identifying the scope of the investigation, but ultimately Morgan Lewis concluded that the level of investigation conducted was sufficient and did not reach any written conclusions about St. John's allegations or Curtis's institutional response. Further, there was nothing provided to St. John or Judson at the conclusion of the investigation. In short, Morgan Lewis did not seek to investigate St. John's allegations, either about the abuse or her 1986 report to Fitzpatrick, and it did not reach a conclusion about the allegations. Morgan Lewis's policy review also did not flag significant legal compliance obligations, and the final Morgan Lewis report provided an assurance of current safety without a sufficient foundation to support such a conclusion.

In addition, despite Dodds's view that St. John had been treated insensitively by Curtis in the past, Morgan Lewis did not suggest, nor did Curtis consider, any restorative or remedial response. Curtis did not evaluate whether there might be appropriate remedies, which may have included an offer of support or counseling, an apology, an acknowledgement of responsibility, an opportunity for St. John to re-engage in the Curtis community, or an opening of the external review to a broader population. Instead, Curtis deferred to Morgan Lewis to communicate with Judson at the conclusion of the investigation, which never occurred as planned.

We find that Curtis did not act in a manner that reflected outwardly to St. John the care and concern that employees and trustees reported feeling internally. Curtis did not follow through on the initial commitment by Díaz and Warshawer to take her allegations "extremely seriously" and take action as a result of the information she provided, nor did Curtis effectively communicate to St. John that they acknowledged her experience and were apologetic about Curtis's past failures. Instead, the nature of the communications, rather than reflecting the stated intent of the senior administration and the Special Committee to do the right thing, left St. John with no alternative narrative other than institutional betrayal and that Curtis had again failed her.

F. 2015: Correspondence and Meeting with Charles Sterne

In November 2015, Charles (Chuck) Sterne, Director of Principal Gifts and Planned Giving, reached out to St. John to invite her to meet in person for a meal in New York. Sterne hoped to talk to St. John about her experience with loan agreements for musical instruments. St. John said that she shared her experience with Sterne during their meeting.²¹ Sterne confirmed St. John's recollection. He said St. John told him because she wanted him to know why she did not want to be associated with the school. Sterne said, "I had not heard anything like that before. I am pretty sure I told her at the time I was really sorry and I would keep it confidential." He said, "[St. John]

²¹ Sterne said that Warshawer had shared with him in 2013 that Curtis was dealing with a very serious letter from an alumna who was making an allegation of sexual abuse. He said he subsequently learned that O'Donnell had also had contact with St. John in 2012-13.

said it was very painful to hear the name of the school, and I respected her for that, and told her when we left, that would be between me and her.”

In February 2016, St. John shared a copy of her August 2013 letter with Sterne. Sterne replied that he had not previously seen the letter. He wrote, “You’re an incredibly strong woman today and you know you have my full support – and admiration.” Sterne also wrote, “Out of respect for you, I’ll keep this correspondence private and add that I continue to cheer for your artistic success and love your holiday cards!” Sterne explained to Cozen O’Connor, “I was feeling very uncomfortable in that conversation, I still do, for anybody who had to go through what she alleges – it was very disturbing to me.”

G. 2019: Email Communications Between Díaz and Judson

St. John explained to Cozen O’Connor that around November 2018, she re-read Fitzpatrick’s 2013 response, which, along with the changing times, the impacts of the #metoo movement, and the highly publicized hearings regarding the nomination of Brett Kavanaugh for Supreme Court justice, motivated her to contact Curtis again, and ultimately contact the media to take her account public.

In January 2019, Judson emailed Díaz to request a copy of the report commissioned in 2013. On January 25, 2019, Judson wrote to Díaz: “When I spoke with Ms. Warshawer in October of 2013 following our August conversation, she indicated that the Curtis Board planned to commission a study of past abuse at the institution and would make recommendations on how to protect the student body against a repeat of what Lara St. John had experienced.” The subject line in Judson’s email referenced “Findings of the Montgomery McCracken Walker & Rhoads review of abuse at Curtis.” In his email, Judson requested a copy of the report.

On February 1, 2019, Díaz responded to Judson, “I want to assure you that I have members of my Staff looking into your questions. I am being careful to have the facts straight in my response to you which, because of my professional schedules, may take another day or two.”²² Díaz told Cozen O’Connor that this response was consistent with his normal practice: “I would totally defer to those who know how to deal with these issues – I have always been one to know my limits and to delegate when things are beyond my scope of knowledge.”

Díaz told Cozen O’Connor that he was unsure what report Judson was referencing, as he was not aware of a study of past abuse, or of a report commissioned by Montgomery McCracken. Díaz said that the institutional response in 2013 had been handled by Warshawer. He explained that it was “a very delicate matter on so many levels,” and not within his area of expertise. Díaz recalled being confused by Judson’s 2019 request. He said, “I don’t . . . have any recollection of the transition from us investigating [St. John]’s issue to us promising to investigate the history of these things at the school; those were two very different things.” Díaz explained that he was “in the dark on some of these things.” Following internal correspondence with other administrators, a draft letter to Judson was prepared that outlined Curtis’s current efforts regarding preventing and responding to sexual assault.

²² As noted above, there is no indication that Díaz received a copy of the Morgan Lewis report in 2014.

On February 5, 2019, Díaz wrote to Judson, “As promised, I am responding to your email of the 25th. You are probably aware that Ms. Warshawer left Curtis in 2015 and Mr. Fitzpatrick in 2009. Curtis has engaged in substantial efforts to ensure a safe environment for all members of our community. This includes school-wide training and education, so all community members understand their rights and obligations. Orientation, constituent handbooks, and our Annual Security and Fire Safety Report each address and outline our policies and procedures. In addition, we vigilantly perform background checks and the three required Pennsylvania Act 153 background certifications on all employees and volunteers who interact with minors. I trust this serves to answer your questions and alleviate and concerns about the seriousness with which we view the issues of sexual harassment or violence. Preventing and confronting such problems are key in keeping Curtis a safe and positive place for learning and career development.”

Judson responded that same day, “I gather from your response that the report Ms. Warshawer and your attorney referenced as having been in the works, at the time I spoke with them, was not ultimately commissioned.” On February 6, 2019, Díaz replied, “I am actively looking for the additional information you speak about. I have seen no reference to this report as of know [sic].”

In March 2019, the *Inquirer* contacted Curtis and Díaz agreed to submit to an interview. Contemporaneous correspondence reflects that there was internal discussion about the Morgan Lewis report, and that a decision was made to maintain the attorney-client privileged nature of the report. That decision was communicated to the *Inquirer* on April 5, 2019. Curtis wrote that the Morgan Lewis report was privileged, but that Morgan Lewis, in its 2013 investigation, “followed leads available in relation to the allegations and did not believe further investigation was warranted.”

On April 29, 2019, Judson emailed Díaz: “I write to follow up on our email exchange of February 6, 2019. Have you had the opportunity to ascertain if Montgomery McCracken . . . or another source rendered a report following the Curtis Board’s examination of Ms. St. John’s experience while a student at the Institute? You had earlier indicated that you were uncertain a report had been written. If a report was created, Ms. St. John would like to have a copy to review.”

On May 1, 2019, in internal correspondence, Díaz wrote to Montgomery and another administrator suggesting that Curtis communicate with Judson through counsel since they had already “gone to the paper with this issue.” On May 6, 2019, following additional follow-up from Judson, Díaz ultimately responded to Judson:

Curtis engaged Morgan Lewis to conduct an independent investigation. The firm advised Curtis that it could not confirm Ms. St. John’s allegations. In addition, the firm found no evidence to suggest any cause for concern about the welfare and safety of current students. Curtis will not provide a copy of the report as it is privileged and confidential.

In his interview with Cozen O’Connor, Díaz did not have any independent recollection of reading the Morgan Lewis report in 2014 or 2019, or of drafting this email, which he described as tone deaf and unfortunate. Díaz explained that he would have consulted with other senior administrators

and counsel, but would not have written the language himself.²³ Our review of internal email correspondence confirms this assertion.

The brevity and sharp tone of the email to Judson also belies Díaz's prior and subsequent expressions of concern for St. John's well-being. Instead, the email conveyed disbelief and lack of support, empathy, or apology – and echoed the 1986 statement of disbelief by Fitzpatrick.

On May 23, 2019, Judson replied to Díaz:

Thank you for our email . . . informing me of the Curtis investigation and report. As you are no doubt aware, Morgan Lewis did not interview Ms. St. John. Nor, as I understand it, did Morgan Lewis interview the two people who accompanied her to the meeting with Dean Fitzpatrick at which she describes having been abused sexually and during which meeting she pleaded with the Dean for Curtis' protection from its employee, the sexual predator. In light of this information, I have difficulty arriving at the same conclusion as you that the Curtis investigation was either thorough or complete. Ms. St. John is available to assist and provide information should Curtis wish to reopen and properly complete the investigation.

Curtis did not respond to Judson's May 23 email and there was no further outreach to St. John or Judson prior to the July 25, 2019 *Inquirer* article. Curtis administrators shared their perspective that such an outreach would not have been fruitful given the involvement of the media.

As detailed in Section II of this report, Curtis took a number of steps following the July 25, 2019 *Inquirer* article, including implementing the anonymous reporting hotline and contacting St. John. Those steps also involved a series of actual and perceived missteps in Curtis's public communications on July 25 and 27, 2019. Curtis also received feedback from a number of alumni who expressed their disappointment in Curtis's response and offered suggestions for how to better prevent and respond to sexual and gender-based harassment and violence.

On August 2, 2019, Curtis President and CEO Roberto Díaz and Chair of the Board Deborah Fretz emailed the following message to the Curtis community:

At Curtis, we condemn sexual violence, racism, discrimination, harassment of any type, or any form of intimidation. We are heartbroken that there have been times in Curtis's earlier history when the voices of its community members were not heard at critical moments when they needed the school to listen with empathy and support. We profoundly apologize to and sympathize with anyone who may have had such experiences, and sincerely regret that our past institutional culture may not have always provided the safety net needed to thoroughly address the full gamut of our community's needs. We have zero tolerance toward all forms of abusive behavior, and we will continue to go to great lengths to prevent it.

²³ Dodds was not consulted about Judson's inquiry in 2019. He told Cozen O'Connor that he would have protested describing his 2013-14 investigation in this manner, and that it was "unfortunate" that Curtis did so. According to Dodds, the description was "technically and literally . . . true, but . . . in context, it's not." He said the language was "politician and lawyer speak."

As noted above, on August 6, 2019, Fitzpatrick sent a written apology to Díaz. He wrote:

I want to express my personal apologies to you and to Curtis for the events concerning Lara St. John that occurred in 1986 which the Inquirer reported recently.

At that time, I did what I thought was correct, but I now realize that my response was inadequate, especially in the eyes of the victim and according to current standards of institutional response. I also regret and apologize for the reaction to my 2013 blogpost on "Slipped Disc" which I offered in good faith to try to help others at the invitation of Norman Lebrecht. I realize that this article triggered Ms. St. John's animosity toward me, the Graffmans, and Curtis.

As you probably know, I have remained silent and have not written any additional articles or made any public comments on this situation: sexual abuse in music schools in general, or the case of Lara St. John. I am now prepared to take whatever steps might be necessary to move forward in a positive manner for all concerned.

It is apparent that Jascha Brodsky committed the alleged acts during the 1985-86 school year. Gary and Naomi officially joined Curtis as Artistic Director and First Lady on June 1, 1986. The transgression did not happen on their watch. I rejoined Curtis on June 1, 1986 at Gary's invitation after an absence of 17 months because of my termination by John de Lancie as of December 31, 1984 when you were still a student, I believe.

My reaction to Lara St. John's accusation of Brodsky's kissing and touching which made her uncomfortable (rape was never mentioned at that time) was to speak to Gary and we mutually agreed that Lara should speak to Naomi alone and in confidence. I then spoke privately to Jascha Brodsky concerning his overt and inappropriate show of affection toward some of his female students without mentioning Lara's case. That was the extent of the Curtis response at that time. The accusations that Curtis did nothing are not accurate. With hindsight, I realize that these actions were not enough.

* * *

Again, I apologize and offer my deepest regrets for a situation which neither you nor the current team at Curtis deserve. I am also prepared to apologize to Lara St. John in writing or by phone if you think it would help.

Curtis did not share Fitzpatrick's letter with St. John. On August 17, 2019, Díaz wrote to Fitzpatrick, "Thanks for reaching out about Lara. I appreciate your concern. In 2012, Lara requested that Curtis not contact her directly and we continue to respect that. If you feel the need to contact her personally, feel free to do so." Fitzpatrick replied that he would not have direct contact with St. John given the animosity she expressed in a subsequent Facebook post. Fitzpatrick wrote, "I stand ready to help or answer any questions that you, the Board, or your attorneys might have to try to remedy this situation."

On August 29, 2019, Díaz emailed St. John to offer to meet with her. St. John responded on September 9, thanking Díaz for his note and discussing the logistics of meeting in New York or Philadelphia in October. On October 24, 2019, Díaz again emailed St. John to offer to meet with her. On October 30, 2019, St. John replied to Díaz's outreach, declining to meet with him until a number of conditions, including this external review, were completed.

Ultimately, on November 7, 2019, Díaz and the Board of Trustees made the decision to engage Cozen O'Connor to conduct an external review, as requested by St. John. At the same time, Díaz publicly committed to share the results of the external review publicly.

Cozen O'Connor finds that the response by Curtis between January and May 2019 failed to appropriately prioritize the issues. Curtis failed to carefully review and understand the 2013 response, which may have avoided the resulting misrepresentation of the 2014 report. Further, despite St. John's *continued* offer on May 23, 2019 to engage with Curtis to reopen and complete the investigation, Curtis did not move forward with an external review until November 2019 – and then, only at the instigation of continued requests by St. John and other alumni.

H. Conclusions

Based on the information provided by St. John, as corroborated by her fellow students and current and former Curtis employees and senior leaders, Curtis had multiple opportunities to respond in a meaningful way to St. John's concerns. At times, Curtis respected St. John's stated desire to not take action and/or to keep her experience private and confidential. At other times, Curtis did not take sufficient steps to remediate the harm and/or did not respond in a manner that was subjectively or objectively compassionate and empathetic. And at other times, even when Curtis did in fact seek meaningful action to respond, it failed to effectively communicate those steps to St. John and Judson.

Curtis did not provide St. John with a clear and transparent accounting of its remedial and proactive actions, or the obstacles it encountered in responding to her allegations, nor did it acknowledge her experience or apologize for its missteps. Rather, through the absence of communication or instances of actual miscommunication, Curtis reinforced the view that it did not care about St. John or her experience.

Curtis engaged in additional missteps following the publication of the *Inquirer* article in 2019, including directing alumni not to discuss the matter and not sharing Fitzpatrick's apology letter to Díaz with St. John. Curtis's response reflected a lack of compassion and a lack of understanding of the dynamics of sexual abuse of a minor in the institutional setting. Its response did not reflect an understanding of a number of fundamental characteristics of child abuse, namely: the isolation the child may feel, the child's fear that no one will believe the child, the child's belief that the abuse was somehow the child's own fault, and the child's belief that the child was the only one. Curtis's response did not recognize that, in some instances, validation and apology, coupled with a comprehensive commitment to learning from past lessons, may be the only remedy available to such an individual. Even as late as 2019, Curtis did not appreciate that such an approach may have been the only meaningful recourse it could have offered to St. John.

IV. Other Historical Reports

Cozen O'Connor's scope included a review of accounts of abuse, past and present. Cozen O'Connor gathered information from two primary sources: individuals who contacted Cozen O'Connor directly, by telephone or email, and individuals who submitted information to a platform provided by Cozen O'Connor to allow for the anonymous submission of information. In a few instances, Cozen O'Connor became aware of additional accounts through publicly available sources (e.g. in *Slipped Disc* or on a public Facebook page). We note that each of the accounts described in this report reflects a snapshot of Curtis at a particular moment in time, and many of these accounts are historical in nature and do not reflect the current environment for students and employees at Curtis today.

Cozen O'Connor received information through these various channels from more than two dozen individuals. The majority of those accounts were anonymous. Eight individuals, however, chose to speak with Cozen O'Connor directly. The following is a summary of the substantive feedback from all posts, emails, and telephone calls. The reports are listed chronologically based on the reported date of occurrence and with intentionally limited identifying information, unless an individual explicitly gave Cozen O'Connor permission to share identifying information. With respect to complainants or third parties who voluntarily came forward with information, Cozen O'Connor informed them that they would not be named unless they explicitly agreed to be named. Some individuals told Cozen O'Connor that they wanted to share their experiences but not their names. In such cases, Cozen O'Connor took steps to protect the anonymity of the individual and has taken extra care to safeguard their identities in the context of a small community, including in some instances using gender neutral pronouns and removing details about the individual's instrument or other characteristics that could serve to identify the reporter.

Consistent with the scope of our review, we did not reach a determination as to the relative merits or credibility of individual accounts of abuse. The reports included varying levels of detail and ability to corroborate the account, especially where the report was anonymous. Because much of the information was anonymous and not presented in a format that could be effectively investigated, we have not named the individuals accused. Where we knew the identity of the individuals involved, we reviewed student files and personnel files. For the purposes of inclusion in this report, we presumed the information presented was an accurate depiction of the individual's experience. In many instances, there is no indication that this conduct was reported contemporaneously to Curtis, nor was the concern documented in personnel files. Where there was information to suggest that Curtis had notice of the misconduct, we sought to understand the institutional response to that notice, to identify whether any common themes permeated the students' accounts, and to share the information gathered to inform Curtis's current processes and any appropriate restorative actions. What emerged was a powerful picture about the power dynamics in the conservatory setting and its impacts on student well-being and educational opportunities.

A. Information Received

1. 1960s

Report 1: Cozen O'Connor interviewed a 1960s alumna, who said one of her teachers was anti-Semitic and failed her for telling her in advance that she was not coming to class on Yom Kippur. She said this incident caused an "uproar" when Curtis's then-Director, Efreim Zimbalist, learned of it and the teacher was fired as a result. The alumna also said she felt very connected to St. John and her circumstances, because the alumna had also been a younger student. The alumna had positive things to say about Brodsky; although he did not teach her, she said she found him to be "respectful" and a "kind gentleman" when they interacted. The alumna also spoke highly of Naomi Graffman, whom she described as a caring person who "wanted to make sure about the safety and best possible experience of all of the students." The alumna described Curtis as nurturing and sensitive.

Report 2: Cozen O'Connor received an email from a third party reporting that she spoke with a 1960s alumna at an October 2019 alumni reunion event. The 1960s alumna told her that that Brodsky "did it to me too" – referring to what happened to St. John – but that the alumna had never reported the conduct to Curtis. The third party did not share the identity of the 1960s alumna, who requested that her anonymity be maintained.

Report 3: Cozen O'Connor reviewed a [publicly-available article](#) on *Slipped Disc*, written by a man, unaffiliated with Curtis, who wrote that in the 1960s, he was raped by his piano teacher, a Curtis faculty member at the time, when he was approximately eight or nine years old. The faculty member was not named in the article.

Report 4: A 1960s alumnus reported to Cozen O'Connor through the online platform that he did not experience abuse himself, but that he heard second-hand stories of misconduct by faculty members. He described the environment at Curtis as "unhealthy," in part because of "the real threat that one could be dismissed for any reason at any time." He reported that this fear of retaliation made it "essentially impossible" for students to report abuse.

2. 1970s

Report 5: A 1970s alumna reported that one of her teachers, now deceased, "bullied" her during her first year at Curtis, including by ridiculing her accent and chastising her for not "gyrating" while playing her instrument. The alumna said the teacher also called her "not wonderful."

3. 1980s

Report 6: A third party reported to Cozen O'Connor that a 1980s female student was "accosted" in an elevator by a Curtis night guard, identified to Cozen O'Connor only by his first name, and that "the burden of deciding whether or not he should keep his job fell upon [the student] . . . [who] let him keep the job."

Fitzpatrick told Cozen O'Connor that he recalled hearing about this incident. He said the incident occurred a year or two before he became Dean, and that he was later told about it second-hand by the then-Chair of the Board.

Report 7:²⁴ Cozen O'Connor interviewed a female student who did not attend Curtis. The student reported that, as a teenager, she took lessons with Brodsky at the New School and at a summer music camp,²⁵ and that Brodsky engaged in inappropriate conduct of a sexual nature, including: commenting that she dressed attractively and had “sexy legs and hips”; leering at her and trying to look down her blouse during lessons; coming up from behind her and “nuzzling” or kissing her neck; touching her back and buttocks on several occasions; and fondling her breasts on one occasion. She said she would “freeze up” in response to Brodsky’s actions and that she became “self-conscious” as a result. This individual said Brodsky “sometimes apologized for his actions,” but that he also threatened her that if she told anyone, she would not be admitted to Curtis or even be allowed to audition. She also reported that Brodsky would hit her “very hard” on her head with a violin bow during her lessons. She said she reported Brodsky’s physical conduct, but not his sexual conduct, to her mother, who terminated her lessons with Brodsky immediately. This individual said she never wound up applying to Curtis, in part because she knew Brodsky would not accept her after she decided to stop taking lessons with him.

Report 8: Cozen O'Connor learned from a social media post that a 1980s female student stated she was abused by her teacher while at Curtis. The name of the teacher was not included in the post.

Report 9: A 1980s female student reported to Cozen O'Connor that a faculty member, now deceased, invited her to his hotel room to review music and that, once inside his room, he nibbled on her ear and tried to kiss her, until she pushed him away. The student said she did not report this incident.

Fitzpatrick recalled that this teacher had a “reputation” outside of Curtis, but that he never received a complaint related to sexual misconduct.

Report 10: An anonymous 1980s female student reported to Cozen O'Connor through the online platform that following her audition for Curtis, her “private teacher,” now deceased, asked if she had a boyfriend, drove her to the train station, and kissed her goodbye on the lips. She said that their lessons were private and the faculty member would tell her about his sexual exploits with women who were not his wife during their lessons. She wrote, “He threatened that I would be kicked out of Curtis continually over my two years there, and although he never directly said this, I always understood that my position at Curtis would perhaps be more secure

²⁴ This student submitted an anonymous report on Lighthouse Services on October 3, 2019.

²⁵ This student reported that she was a contemporary of St. John and attended the same summer music camp with her. She said that her lessons with Brodsky at this camp followed St. John’s lessons with Brodsky, and that she routinely heard St. John scream or cry during and after her lessons. She said she was not aware of St. John’s abuse until the July 2019 *Inquirer* article.

if I were to perform acts on my teacher, which I never did.” She also said that Fitzpatrick used intimidation and she did not report these incidents while she was at Curtis.

Fitzpatrick recalled that this teacher had a “reputation” outside of Curtis, but that he never received a complaint related to sexual misconduct.

Report 11: An anonymous student reported to Cozen O’Connor through the online platform that their teacher was emotionally abusive and that the student was diagnosed with PTSD because of the student’s experience with the teacher.²⁶ The student said Dean Fitzpatrick was aware of this teacher’s reputation for emotional abuse and, when students complained about him, Fitzpatrick would “point at the door” and explain that other candidates would love to take their spot if they wanted to leave. No date or year was provided for this report, which could have occurred between 1986 and 2009, based on Fitzpatrick’s tenure at Curtis.

Fitzpatrick told Cozen O’Connor that this teacher was “tough, artistically tough, and very demanding.” He said this teacher was “no bed of roses” and had himself been trained musically by “a long line of abusers.” Fitzpatrick said this teacher was “a pussycat” in comparison to those musicians. Fitzpatrick also said he “absolutely” would have responded to a student’s complaint by pointing to the door and telling them they could leave if they wanted to. He recalled doing so with one student as a motivation tactic, and that the student in question later thanked him for convincing him to stay at Curtis.

The teacher’s personnel file included a 1987 letter from a student to Graffman and Fitzpatrick in which the student described the teacher’s pedagogical shortcomings and also stated: “Besides being always easily irritable when I would start a conversation, he once tried to throw a music stand at me in front of all students present at . . . class. Such attitude was unexplainable. He never apologized.”

4. 1990s

Reports 12, 13, and 14 all refer to the same individual, a former Curtis faculty member, now deceased.

Report 12: Cozen O’Connor interviewed a man who reported that his former fiancé (who was not herself a Curtis student) was raped on a weekly basis for approximately one year by her teacher when his fiancé (the Complainant) was approximately eight years old. The abuse was reported to have occurred in another state prior to the teacher joining the Curtis faculty in the 1990s. The Complainant committed suicide in 1991, but according to the fiancé, had by that point confided in him the details of the abuse and decided to share her account publicly.

According to her fiancé, this conduct occurred during private lessons in the teacher’s home. The Complainant told her fiancé that she would cry and scream throughout the sexual encounters, and that each lesson would end with the teacher rocking her on his knee while he soothed her by playing his instrument. The fiancé said the Complainant lived in constant fear

²⁶ This teacher is also the subject of an August 15, 2019, Lighthouse Services anonymous report, described in Section V below.

that her parents would find out what was happening, both because she felt they would be ashamed of her and because the teacher made her think that her parents would lose their jobs at the orchestra where the teacher held a senior role. He said the Complainant ultimately changed instruments because eventually she physically could not be near the instrument.

The fiancé said the Complainant filed a police report against the teacher in 1989, when she was 33 years old, but that the statute of limitations had expired. The fiancé said that the teacher worked in multiple cities over the years because he was “notorious” and got into trouble wherever he went. According to the fiancé, the teacher had an “egregious reputation [] of sexual abuse and pedophilia . . . going back to . . . the early 1960s.” In 1991, after learning that Curtis had hired the teacher, the fiancé wrote a letter to Gary Graffman. The fiancé said he wrote to Graffman “expressing deep concern for students” because he had heard from two recent (at the time) Curtis grads and another individual the teacher “was still harassing students and was abusing a girl living at his home in Philadelphia.” The fiancé said that Graffman reached out to him, but that the two did not ultimately speak. He said that in 1991 or 1992, he also told another individual, a prospective Curtis faculty member, about the Complainant’s experience. The prospective faculty member was “very distressed” and said he would raise the issue of the teacher’s conduct to Curtis, but the fiancé did not know if he ever did so.

Report 13: Cozen O’Connor interviewed an alumna who attended Curtis from 1988 to 1994. The alumna said she dated her teacher during and after her studies at Curtis, and that they dated for approximately seven years, beginning when she was a 22-year-old student in her fifth year at Curtis. She said the teacher was in his 70s – “50 years her senior and a horrible person” – and Curtis allowed her to study with him for two extra years. The alumna said the teacher invited her to his home, “ostensibly to listen to recordings of music.” She said the teacher “made so many moves on me that I laughed off, but ultimately he finessed his way in.” She said she first rejected these advances, but she ultimately “relented” because she knew that it was “inevitable” and “what was expected of me.” She said she also broke up with her boyfriend at the teacher’s request; she explained that, at the time, she felt outclassed by her gifted classmates, and the teacher exploited her insecurities because he knew she would do anything to improve musically.

The alumna said she lost contact with her family and friends and “had to pretend like it wasn’t happening to the outside world.” She said she had to avoid eye contact with other students and that the teacher would deny to others that their relationship existed because it seemed embarrassing to be with such a young girl. She said, “He was continually denying it to other and making me deny it to others too.”

The alumna did not disclose her relationship with the teacher to Curtis while she was a student, but she described it as an open secret. She said she lived with the teacher and that the Registrar would send mailings to her at the teacher’s address. She also said Gary Graffman must have known about the relationship because he once came over to their home to play a concerto and she and the teacher were there. The alumna recalled being friendly with Curtis’s first mental health professional, hired by Fitzpatrick in the late 1990s. She recalled that the therapist saw her and the teacher socially. The alumna shared her belief that after she graduated, Díaz, who as of 1996 was the principal viola with the Philadelphia Orchestra, was also aware of the relationship.

The alumna said the teacher was “mean and abusive” to her and others. She said he “hit me a couple of times” when she was upset and crying, “ostensibly to calm me down and bring me to my senses.” She described that during their lessons, he was “up in my face screaming that I wasn’t talented and that there was no pill he could give me to make me play better.” The alumna said “there were always resources, but I was brainwashed.” She described the relationship as unhealthy and inappropriate.

She also said that two of his male students were hospitalized because of his emotional abuse. She said that after she and the teacher stopped dating, another former Curtis student told her that the teacher had made sexual advances towards her as well.

In his interview with Cozen O’Connor, Graffman said he knew that the alumna was living with the teacher while she was still a student. However, he said the student was over 21 years old and, at the time, there was no Curtis policy prohibiting teacher-student relationships.

Fitzpatrick said he recalled that the teacher became very attached to one female student, and that after she quit Curtis, she started living with the teacher. Fitzpatrick said he was sure the relationship started while she was a student, but that no one knew about it. Fitzpatrick also shared that this teacher ultimately resigned from Curtis because he tried to force a student (one of the two identified by the alumna as suffering emotional abuse caused by the teacher) to leave Curtis and Graffman refused to follow the teacher’s directive. Fitzpatrick said Graffman found another teacher for the student and when Graffman stood up to the teacher, the teacher left. According to Fitzpatrick, for this teacher, “Artistic standards are all that count; people don’t count.”

Report 14: A third party reported to Cozen O’Connor through the online platform that an unnamed friend and fellow student had a sexual relationship with her teacher from approximately 1992-94. The reporter said that the female student switched teachers to a senior male teacher and began to housesit and spend her free time with him. The female student told the reporter that she and the teacher were romantically and sexually involved. The reporter wrote, “While I fully recognize that this student was over 18 years old at the time of the relationship, the teacher-student dynamic would seem to present a gross differential of power – and thus a violation of professional standards of ethical conduct. I do not know for certain that Curtis staff had knowledge of this relationship, but I think it likely that they had at least some idea. Nothing, to my knowledge, was ever done to stop or address this issue.” He also wrote, “I have not been able to get out of my mind the harm that [the teacher] might have done my old friend, nor the pattern it fits in a larger system of mismanagement.”²⁷

Report 15: An anonymous 1990s student reported to Cozen O’Connor that they observed and experienced “inappropriate sexual harassment” by their teacher.²⁸ The student said the teacher “groomed” students and threatened to make or break their careers. The student said the teacher “hugged, pressed himself against me, and attempted to kiss me on the mouth” in the student’s first week at Curtis, which the teacher said was “a test” of how far their relationship would go.

²⁷ The information provided by this third-party reporter is consistent with the alumna’s account of her own relationship with the teacher, described immediately above in Report 13.

²⁸ Report 20 also pertains to this same faculty member.

The student said they refused the teacher's sexual advances, who politely pretended as if it didn't happen, but, from then on, the student was not a favorite. The student said, "Favorites were treated quite differently" by the teacher as well as his successor. The student also reported that the teacher openly engaged in a sexual relationship with another Curtis student, and kissed another student "full on the mouth" during a lesson, which caused the other student "serious emotional damage." That student avoided classes for a week and refused to speak of the incident. The student reported that, prior to coming to Curtis, they were warned by their music teacher "to never get too close or to be alone with" this teacher. The student said, "My time at Curtis was not a good experience. It lead, in part, to me pursuing other careers outside of music."

This teacher is no longer employed at Curtis.

5. 2000s²⁹

Report 16: Cozen O'Connor interviewed Jenny Chai, who attended Curtis from 1997 to 2004 and reported that Charles Dutoit, a member of the Philadelphia Orchestra who was not employed by Curtis, kissed her on the mouth in front of a group of her friends while they were backstage at the Philadelphia Orchestra.³⁰ Chai was a teenager at the time, and said she did not know what to do. Chai did not report the incident to Curtis. She explained that Curtis did not provide any information or safe environment for students to speak up at the time.

Chai was a Chinese international student who came to Curtis in 1997 as a 13 year old. Chai described feeling alone and vulnerable as a young international student at Curtis. She said she initially lived with her father, but when she turned 16, her father returned to China and she lived alone – which she said Curtis knew about and which she said was consistent with Curtis policies. Chai reported that when she lived alone, she would eat one meal per day and that, at one point, she became seriously ill and "nobody was paying any attention to me." She said she did not realize that anyone from Curtis was supposed to care for her health until she disclosed her illness to another teacher who was furious with the school for neglecting her.

Chai said her experience at Curtis – and the experience of many of her young friends – was "dark." She said she had a great relationship with her own teacher, but she knew it was "impossible" for others to switch their teachers because they could get "kicked out" of Curtis for making such a request. She also said she did not report the incident with Dutoit in part because "Curtis . . . was not a place where anyone wants to share anything because we would not get the proper care and support." She said she perceived a lack of reporting avenues at Curtis because all students were on full scholarships and students could be (and were) expelled

²⁹ In addition to the reports described in this section, a 2000s alumnus reported to Cozen O'Connor that the doors at Curtis had windows on them because of historical sexual harassment issues. The alumnus said he did not experience abuse at Curtis himself, and had generally positive things to say about the school. Similarly, a 2010s alumnus reported to Cozen O'Connor that "back in the day," the school put windows in the teaching studios "to make sure nothing happened." This student wrote that he did not personally experience abuse at Curtis.

³⁰ Chai's account regarding Dutoit has been reported publicly by several media outlets.

for “speaking up.” Chai said that after Curtis, she attended another music conservatory, where she was much happier and which she described as a “normal school” in comparison to Curtis.

Report 17: Cozen O’Connor interviewed a female alumna (late 1990s to early 2000s) who reported that her teacher leered at her in a sexual way, favored one of her classmates who dressed more provocatively, and routinely subjected her to public embarrassment in front of her classmates when she played her instrument. She said, “Nothing mattered to [the teacher]; he would be hysterical and even when I played impeccably, it was like public embarrassment and he would make it like a trial.” The teacher is no longer employed by Curtis.

The alumna also reported that a family member of a classmate was frequently present in the Curtis hallways, informally coached several Curtis students, and subjected the student to mistreatment. She described her interactions with this family member as horrifying.

This alumna was an international student who said she never reported her experience to anyone at Curtis because her fellow international students told her that students at Curtis would get expelled for complaining. She said she didn’t speak English, so she didn’t say anything. She also said, “I chose not to be a fighter, but instead just to work hard.” The alumna described feeling vulnerable and depressed as an international student, but said she did not want to lose her opportunity to study in the United States by speaking up. She said she never went to Graffman because she felt “too small.” She explained, “I felt so insignificant and scared – and to bother such a big, famous person as Graffman.” She said she was scared about being expelled if she made a claim. The alumna also said that she subsequently studied at two other institutions, which she said had better and more accessible student support resources than Curtis.

Report 18: Cozen O’Connor interviewed an alumna (2003 to 2007) who said she dated a prominent older musician when she was approximately 20 years old and a student at Curtis. The alumna said the musician was not a Curtis faculty member at the time but traveled in the same circles as Curtis faculty members, including teaching “Master Classes” at Curtis and serving on the faculties of summer music camps alongside several Curtis faculty members. The alumna said she did not report the relationship to Curtis, although she believed her faculty mentor at Curtis was aware of the relationship and, in hindsight, she believes he should have intervened.

This alumna also criticized certain aspects of her experience at Curtis. For instance, she said she was the only female in her studio. She also said that, in comparison to another institution she subsequently attended, Curtis had pedagogical shortcomings, its staff was not as professional, and it did not have the same infrastructure in terms of policies and support systems for the students. She commented that an important part of pedagogy is to be able to make and learn from mistakes, and that in her experience, Curtis did not foster such an approach. She also said that the faculty members at Curtis wielded too much power, which resulted in an unfortunate situation whereby students had no “protection” unless their primary teachers liked them.

The alumna said that in her second year, she approached Fitzpatrick to report that she was not progressing enough with her primary teacher and she asked if she could change teachers.

According to the alumna, Fitzpatrick told her she should leave Curtis if she was unhappy. The alumna subsequently approached Gary Graffman, and he honored her request and changed her primary teacher.

The alumna told Cozen O'Connor she withdrew from the Curtis alumni community because of her negative experience at the school. She expressed remorse for this decision, noting that in hindsight she realized she missed out on potential career opportunities by doing so.

Report 19: The alumna in Report 18 said that one of her closest friends (2003 to 2008) was sexually harassed by a Curtis faculty member at a music festival in the summer of 2007 or 2008. She said that the faculty member professed his love for her friend and gave her gifts. She said her friend, who was over the age of 21, at the time, found this flattering, but it made the alumna uncomfortable.

6. 2010s

Report 20: Cozen O'Connor interviewed an alumna (2007 to 2010) who reported that her teacher, referenced above under Report 15, was verbally and emotionally abusive to her and others. She said the teacher over-emphasized the importance of sexuality in musical performances as part of his pedagogy, and created a “toxic environment” and “culture of sexualization” in his department. She described her experience at Curtis as “horrible” and said the environment was “harmful” and significantly worse than at two other institutions where she studied. This teacher is no longer employed at Curtis.

The alumna said her teacher wielded too much power and ran his department as a one-man “fiefdom that he defended from incursion by the outside.” She said he relished his freedom and wanted to do things his way. The alumna said most of the students in her department were accepted at Curtis not because of their auditions but because of personal connections with the teacher, who “called all the shots.” She noted that the teacher taught at a summer music camp that served as a “feeder” for Curtis.

The alumna said the teacher was known to play favorites. Because he wielded so much power and “could make or break your career,” she and her classmates knew they had to stay on his good side in order to get coveted opportunities to perform and advance their careers. The alumna said she was not among the teacher’s favorites, so she did not get chosen for performance opportunities or introduced to those who could help advance her career. She said that when the teacher “soured” on her (decided he didn’t like her), he never gave her another private lesson for the remaining year and a half of her time at Curtis. She said the teacher “may ignore you if he’s not interested in you for whatever reason” and that “they can toss you out at any time they want.”

The alumna said that, in comparison to Curtis, another music conservatory she attended was “a more professional environment” where there was “more institutional-like architecture and structure in place” and where the administration was more involved in running the school. She also said there were more faculty members within her department at that institution, which meant that no one person could call all the shots. The alumna said she knew “they [could] toss

you out at any time they want.” She added that she never reported any complaints to Curtis administrators because she did not know what her reporting avenue would have been.

Fitzpatrick recalled receiving a complaint about this teacher in the early 2000s, perhaps the 2003-04 academic year. He said a student complained about the atmosphere in the department, which was very sexual and that this teacher was the “worst of all.” Fitzpatrick consulted with Graffman and another administrator and arranged to have the student receive her degree. Fitzpatrick said to her father that he was sorry that she felt the atmosphere was not conducive, and that he agreed that she should leave. Fitzpatrick said he took no further action with respect to this teacher.

The teacher’s personnel file contained a 1996 memorandum in which a Curtis employee wrote that the teacher should be told, “that this is a school, [and] that if he wants to run a . . . studio himself, to go and do so!” The employee also wrote that applicants to his program should be required to submit tapes as part of the application process and only qualified applicants should be invited to audition.

B. Themes

This constellation of reports, spanning more than 50 years, provides insight into the culture and climate at Curtis as it relates to the power differential between a major faculty and a student. In the unique context of a music conservatory, the role of the major faculty, if left unchecked, can, at best, inhibit a student’s educational progress, and, at worst, undercut student welfare and physical and emotional safety. The themes identified by Curtis alumni were corroborated by Fitzpatrick and other current and former administrators. One former administrator observed:

I know lots of adult Curtis alums, and there was an unhealthy power relationship at Curtis, like in other music conservatories. Your major teacher was responsible for determining if you were doing to be a success in the music world. It’s a perfect setup for abuse.

At Curtis there was psychological and emotional abuse, and lots of students had to see a psychiatrist. There was a clear abusive nature to how some of the European teachers taught their students, both male and female. It was everything short of the yardstick on the fingers.

It was not a glamorous experience being a student at Curtis. People would come to Curtis wanting to be soloists; they didn’t come to us wanting to just play in an orchestra. Only like the top tenth of the one percent will ever go on to have solo careers. It’s a rough go, and it could be a really rough relationship with your major teacher.

A current administrator shared, “The difference between [Graffman’s] Curtis – if you came forward [and asked to change your teacher], one of the potential results was you would have to leave school.” The administrator explained, “There was a perception in the late 1980s and for many years – you were kind of beholden to that faculty member.” The administrator said that teachers were proprietary and didn’t have an interest in sharing their students with other teachers. The administrator said at that time, “Changing teachers was a very big deal, and not looked on

favorably by the teacher.” Another former administrator observed, “Things are different now” as compared to the past, “In every music conservatory, in music, this was normal behavior, and people were not fired unless you got the person pregnant or something.”

The salient themes that permeated student and employee accounts included the following:

- Historically, there were insufficient policies, resources, training, or education about sexual or gender-based harassment or violence, sexual abuse, professional boundaries, and consent;
- Historically, there were barriers to reporting that inhibited reporting by students who experienced inappropriate conduct (including sexual, physical, emotional, and verbal abuse and/or boundary violations) by Curtis employees, driven, in part, by:
 - the perception – and reality – that students remained at Curtis at the discretion of their major instrument teacher, and speaking up risked repercussions (up to and including expulsion or threats of expulsion);
 - the power imbalance between Curtis faculty members and students, which contributed in part to the reluctance among some students to report issues for fear of retaliation;
 - a perception that Curtis administrators were not responsive to student concerns;
- Historically, certain populations within the student body, especially minors and international students, identified as feeling particularly vulnerable and therefore least likely to be comfortable utilizing available reporting channels;
- Prior to 2010, there were no clear written policies or prohibitions regarding romantic or intimate relationships between Curtis students and faculty members; and
- According to students who previously or subsequently attended other institutions, Curtis lagged behind in terms of its support network, administrative infrastructure, and policies and procedures relating to student welfare.

V. Lighthouse Services Reports

On August 9, 2019, Curtis set up a third-party hotline through Lighthouse Services, Inc., to allow community members to report concerns anonymously. Lighthouse Services provides a telephone hotline and online platform where individuals can make an anonymous report, but still communicate with Curtis through the platform. Since its inception, Curtis has received eight substantive reports through Lighthouse, as follows:³¹

- On August 15, 2019, an individual who identified as a student called the hotline to report their concerns regarding the student's major instrument faculty.³² The student, who chose to remain anonymous, stated, "My main complaint is the constant psychological abuse." The student characterized the teacher's interactions as verbally abusive, involving a hostile tone and screaming in the student's face that the student was not going to "amount to anything." The student said the teacher made them perform the instrument in a very distressing and painful position and that the teacher threw things at the student, including the instrument, music stand, and pencils. The student said they were very discouraged by the method of teaching. The student described the teacher strapping rulers to students' hands and strapping the student's head to the wall. The student described the teacher as self-obsessed and wanted students to go to the teacher's concerts. The student said the teacher threatened to kick them out of school for not attending his concert, and the student ultimately took a leave of absence and was not permitted to return to Curtis. The student said, "Everyone knew that he was an abusive professor and what he did to his students daily." Patricia Carpino, Director of Human Resources, responded to the student through Lighthouse on August 16, September 25, and November 6, with no further response by the student.³³
- On August 27, 2019, an anonymous individual submitted an email alleging that a current trustee "has the young people over to his house where they are subjected to his sexual advance." The anonymous individual asserted that the chaperone turned her back while the conduct occurred and wrote, "Please do not let him host the kids anymore." On August 30, 2019, Nicholas Lewis, Title IX Coordinator, replied through the platform informing the reporter that Curtis planned to open a preliminary investigation and requested additional information from the reporter about the conduct, including when the conduct occurred. On August 30, 2019, the reporter replied, "In April 2019 the [trustee] hosted a group of kids. I walked by a room and saw [the trustee] in there alone with the girl. He had his hands on her shoulders and was trying to kiss her and she was resisting." Lewis made additional outreaches on September 6 and September 25, specifically requesting the opportunity to speak by telephone and requesting any additional information about the nature of the incident, the identity of the chaperone, the identity of the female student, and the circumstances of the event. The reporter replied on September 27, 2019: "I didn't realize

³¹ There were nine reports in total, one of which was a partially completed report that was subsequently submitted as a complete report.

³² This is the same teacher as Report 11, above.

³³ Patricia Carpino formally changed her last name Lombardo to Carpino. For ease of reference, this report refers to her as Patricia Carpino throughout.

this was a law firm hired by the school. Your interest is to minimize and cover up. Do not let the students alone with the donors, you are putting them at great risk. Your donors are engaged in similar behavior to the NYC ballet donors. I am sure you read that one. I have only personally seen [the trustee] engaged in this behavior.” Lewis reached out again on October 1, 2019 and November 6, 2019, with no further response by the reporter.

Notwithstanding the anonymous nature of the report, Curtis took steps to investigate the report, including reviewing school event records for the spring of 2019, reviewing known events at trustees’ or donors’ homes in the spring of 2019, and reviewing the sponsor student/host family assignments for the trustee, none of which aligned with the information provided in the anonymous report. Concurrently, Curtis also concluded an ongoing review of the Family Host Program, and following survey results from students and feedback from hosts, ended the program. A current administrator explained, “We made a very definite decision to do away with that program,” explaining that Curtis wanted to “make sure that students are not placed in positions where something like that could ever happen.”

- On October 3, 2019, a former student of Brodsky submitted an anonymous report alleging that he hit her, called her darling and sweetheart, and told her she was very attractively dressed and that she had sexy legs and hips during lessons with Brodsky at the New School of Music in the mid-1980s. The student also said that he leered at her, tried to look down her bra, kissed or nuzzled her neck, and stood with his arm around her and his hand would gravitate down her back to her buttocks. The student said at their last lesson, he fondled her breasts, and she jumped away. The student said she told her mother Brodsky had hit her with a bow, and her mother terminated the lessons. The student also said that she and St. John went to summer music camp for two years and that her lessons with Brodsky came after St. John’s lessons with Brodsky. The student recalled St. John leaving the lessons crying and “terribly upset.” On November 6, 2019, Nicholas Lewis made outreach through the platform, with no response. As noted above, Cozen O’Connor later interviewed this individual, who shared additional information about how this experience precluded her ability to apply to Curtis. The additional details are included above, at Report 7.
- On October 15, 2019, an anonymous student reported that during their first year as a student, the student met with a Curtis administrator, now deceased, in October 1985. The student said that an older student had made a complaint about the student and the student was called into the administrator’s office to address the complaint. The student said they told the administrator the older student was “pursuing me.” The student said the administrator responded by asking why the student was not reciprocating the older student’s affections and that the administrator “groped [the student] inappropriately.” The student left the office and did not report the conduct contemporaneously. On November 6, 2019, Lewis made outreach to the reporter through the platform and was notified that Lighthouse had no ability to contact the reporter.
- On October 30, 2019, an anonymous former student (later self-identified as St. John) reported sexual abuse by Brodsky occurring in 1986. The account of abuse included inappropriate kissing, touching under the clothes, oral sexual intercourse, and rape. On November 6, 2019, Lewis made outreach to the reporter through the platform. St. John

later informed Cozen O'Connor that she had contacted Lighthouse Services to report the abuse with Brodsky.

- On November 5, 2019, a student from 1986 to 1988 reported that her teacher, now deceased, was not mentally well. She reported that he would fly into rages, scream for the students not to look at him, belittle the students, blow smoke in students' faces, and throw his music stand across the room. The student said that the stress affected her health, and when she reported the conduct to Dean Fitzpatrick, he said "we stay at the pleasure of the teacher." The student said that her playing suffered as a result of this stress. She said that the teacher "decided to kick her out of school." The student wrote, "If you abuse a child like I was I would have been turned over to the police. I wish I would have been saved." She said she shared her concerns with Graffman in the 1990s, with Díaz in 2009, and in a letter to certain Curtis board members in 2018. She said she received a response in 2009 saying that Curtis took it seriously, but that the teacher still remained on faculty at that time. She did not receive a response in 2018. The student wrote, "I am very angry and think molestation and child abuse is wrong. There is no excuse for this to have happened. They wanted to get in with the Marlboro crowd. They wanted status." On November 6, 2019, Carpino made outreach to the reporter through the platform and was notified that Lighthouse had no ability to contact the reporter.

Cozen O'Connor asked Fitzpatrick about his recollection of this teacher. Fitzpatrick said that this teacher was "a monster" in terms of "psychological mistreatment of his students." As noted above, Fitzpatrick said that when students came to him threatening to quit, he "absolutely" might have pointed to the door and told them they could do so if they wanted but that other applicants would gladly take their place.

Cozen O'Connor reviewed this teacher's personnel file, which included a 1989 letter from Fitzpatrick to a student noting that the teacher had placed him on probation and suggested that the student strongly consider studying at another school. In other school records, there was a 1995 complaint letter addressed to Fitzpatrick from the parents of a daughter who auditioned with the teacher. The letter stated that the teacher was "verbally abusive" to their daughter and his "abrasive and derogatory assault left their daughter with "emotional scars." Fitzpatrick later replied to this letter, apologizing for the behavior of Curtis and stating that he would raise the issue with the teacher.

- On March 6, 2020, an employee made an anonymous report of gender discrimination within a particular department. On March 11, 2020, Lewis made outreach to the reporter through the platform. On August 27, 2020, Lewis provided an update to the reporter, noting that Curtis took steps to address the reporter's concerns by initiating a climate assessment, speaking with all of the employees in the department, and remedying individual concerns identified through the climate assessment.
- On August 19, 2020, an employee made an anonymous report alleging that the recent restructure efforts with respect to a particular employee were a form of retaliation. On August 27, 2020, Carpino informed the reporter, through the platform, that Curtis was conducting a preliminary inquiry into the report. This matter is ongoing.

In addition, although not submitted through Lighthouse Services, on August 15, 2020, multiple members of the Curtis community received an email message entitled, “From a Concerned Curtis Alum.” The email message, which was anonymous, raised concerns about Díaz, including the response to St. John, the recent layoffs and major restructuring, and concerns about retaliation. The email also raised concerns about “inappropriate” and “insulting” conduct and comments by Curtis administrators based on gender and race and describes the climate at Curtis as “one of low morale and fear.” Curtis shared the email with Cozen O’Connor, who responded to the email on August 15 inviting the author to contact us (directly or through a manner that preserved the author’s anonymity) and to share our outreach with others who may have information. To date, we have received no response, but remain willing and available to pursue a review of the information.

VI. Discussion of Policies, Procedures, and Practices

With the exception of the relevant time periods for our review relating to St. John – 1986, 1995, 2012-13, and 2019 – our review did not include a chronological audit of Curtis’s policies and procedures from the 1960s to present. For this reason, we focus this section on the obvious deficiencies in policies, procedures, and practices identified through this review, and identify where steps have been taken to correct those deficiencies. Our review encompassed policies, procedures, and practices related to: 1) the role of the major faculty; 2) the creation of a consensual relationships policy; 3) Title IX; 4) initiatives related to student well-being; and, 5) policies and procedures regarding minors and international students.

A. Role of the Major Teacher

A core theme that emerged in this review involved the power of the major teacher – both perceived and actual – over a student’s educational experience and continued enrollment at Curtis. Based on our interviews with current administrators – including Díaz; Dean Paul Bryan; Jeanne McGinn, Chair of the Liberal Arts Department; Larry Bombback, Senior Vice President of Administration & Treasurer; Nicholas Lewis; and Patricia Carpino – Curtis has engaged in extensive efforts over recent years to shift the role of the major teacher and promote systems that reinforce healthy pedagogical relationships between students and their major teacher.

As a preliminary matter, on August 12, 2020, Curtis removed the following sentence from the Student Code of Conduct: “*All students are on probation during their entire period of enrollment and may be officially withdrawn at any time for failure to maintain the required standard of work or the inability to engage in the basic required activities necessary to obtain an education.*” This same language was previously included in admissions acceptance letters, but was removed within the past few years. Current administrators shared that this sentence was a vestige from prior practices and did not accurately reflect the manner in which Curtis currently focuses on student retention and well-being. Administrators described a much more supportive environment for students with attention to a wide range of student support services. Dean Paul Bryan, who attended Curtis from 1989 to 1993, explained, “I very much look at myself to be the student’s advocate.” He shared his perspective that students have multiple avenues to seek help or share concerns, that there is a much healthier amount of communication between students and administrators now compared to when he was a student, and that the attitude of how students are to be approached is dramatically different. Bryan said, “We have made it very apparent that when you have a concern,

our doors are open. The mission of Curtis is its students, not its teachers – the teacher is a resource, but the student is the focus.”

Key initiatives with respect to the role of the major teacher have included:

- Expanding the faculty to create studios with more than one major teacher. Administrators described their shared goal in this regard as having every studio become a multi-teacher studio. Under Díaz’s tenure, Curtis has engaged more than 50 new faculty members across the school’s departments, with particular attention being given to creating more multi-faculty studios in performance areas. For the 2020-21 school year, just under 80% of the student body now studies in majors served by more than one faculty member. As described by administrators, this change enhances the students’ educational experiences and creates greater transparency within the school. Rather than being limited to one major faculty member, students now engage with several teachers each week in lessons, studio classes, repertoire classes, small and large ensembles, and classes.
- Piloting the concept of shared or group lessons, where other students observe another’s private lesson. Administrators have been evaluating the educational benefits of this concept, which would allow students to observe and learn pedagogy and teaching style, as well as the deterrent effect for abusive behavior that having a third person present may provide. Curtis is still evaluating the relative pros and cons of this model, which may help provide the opportunity to create a more open community of students and teachers.
- Creating the Curtis Faculty Council which first met in December 2018. The body currently includes 15 faculty representatives. The Council endeavors to enable all students to flourish during their enrollment and uphold the best educational practices across all departments and provides a forum to discuss issues, create consensus, and advise the school’s administration with one voice.
- Creating an open door policy and working to establish a supportive climate as detailed below.

Most recently, in August 2020, Curtis announced a significant restructuring of the administration focused on both Artistic Excellence and Inclusive Excellence. Under the reorganization plan, Curtis created a “Musician Life Cycle Team” to support and engage applicants, students, and alumni. To support this function, Curtis is appointing a new Senior Associate Dean of Student Affairs to oversee student support functions and a new Senior Director for Community Equity and Belonging to work across departments to advance equity and promote inclusion. The plan also calls for the creation of cross-institutional working groups, including one focused on Student, Staff, Alumni, and Faculty Well-Being. These multi-disciplinary, pan-institutional responses serve as an important check-and-balance on the power of any individual faculty member vis-à-vis a student.

B. Consensual Relationships Policy

In 2010, Curtis adopted its first consensual relationships policy. Several current and former administrators describe Dr. John Mangan, who served as Dean from 2009-12, as the primary driver in creating and professionalizing the school's policies and procedures. Mangan, along with Richard Woodland, the Associate Dean of Student Services and Financial Assistance, Warshawer, and Carpino, worked to create policies and procedures, including policies defining and governing inter-constituent relationships.

Mangan and Carpino drafted the policy, which prohibited sexual and romantic relationships between students and faculty. The May 28, 2010 policy draft read:

Relationships between Students and Faculty or Staff

Under no circumstances should a faculty or staff member enter into a sexual or romantic relationship with a student, even if that student is not under their direct supervision. Not only are such relationships unethical, but they can be professionally detrimental and personally damaging for all parties as well. They can also lead to subsequent disciplinary and legal claims of sexual harassment or assault. Such a relationship, by nature of the fundamental inequality of status and power, is inappropriate. Therefore, Curtis prohibits faculty and staff members from engaging in sexual or romantic relationships with students.

If faculty or staff members find themselves in a supervisory position with a student with whom they have a romantic or sexual history, we ask that they remove themselves immediately from this situation and discuss the matter confidentially with the president, the dean, or the human resources and benefits coordinator.

It is also inadvisable for faculty and staff members to enter into financial arrangements with students, such as purchasing an instrument, subletting an apartment, or paying for travel expenses. Such arrangements, even though well intended, could expose faculty and staff members to claims of conflict of interest, coercion, or related concerns.

Relationships Involving Faculty and/or Staff

Faculty and staff are advised that even though a direct supervisory relationship may not exist between parties, even a consensual relationship may create a conflict of interest. Such relationships can make the professional relationship vulnerable to accusations of unfair or biased treatment.

If faculty or staff members find themselves in a supervisory position with another colleague with whom they have a romantic or sexual history, we ask that they remove themselves immediately from this situation and discuss the matter confidentially with the president, the dean, or the human resources and benefits coordinator.

Any questions about these policies should be directed to the human resources and benefits coordinator.

The current policy regarding prohibited Relationships between Students and Faculty or Staff is contained in the current Faculty and Staff handbooks in nearly verbatim format from the 2010 policy.

C. Title IX

Title IX requires that all colleges and universities that receive federal funding designate a Title IX Coordinator who is charged with implementing and monitoring the institution's response to sexual and gender-based harassment and violence and ensuring compliance with Title IX. While this requirement has always been included in Title IX's implementing regulations, it did not become a consistent practice – or the subject of regulatory enforcement – until after OCR's April 4, 2011 Dear Colleague Letter.³⁴

Internal correspondence shows that administrators were attuned to the need to revise policies and procedures in 2011. In June 2011, Curtis instituted its first Sexual Offense Policy, which addressed sexual harassment and sexual assault, and was largely cobbled together from other Philadelphia-area colleges' policies. The Sexual Offense Policy, however, did not address Title IX, include the required notice of non-discrimination on the basis of sex, or identify a Title IX Coordinator.³⁵ Contemporaneous internal correspondence from June 2011 regarding the implementation of the policy referenced an awareness of these requirements under the Dear Colleague Letter. According to a March 12, 2012 internal correspondence by Dan McDougall, Human Resources Associate, "We're on the road to training and identifying a Title IX Compliance officer (a requirement). From that point forward, their contact info will need to be integrated into HR, Admissions, and Student documents and policies." As of the 2012 Annual Security Report (October 1, 2012), the Assistant Dean of Residence Life was the individual designated to oversee Title IX compliance. In subsequent years, this oversight function appears to have been shifted to the Interim Associate Dean of Academic Affairs and Registrar (Spring 2013), Assistant Dean of Student Affairs and Residence Life (November 2014 to May 2016), and Associate Dean of Student and Academic Affairs (June 2017 to June 2018). Between 2011 and 2018, Curtis largely relied on existing student conduct and faculty or staff processes – and personnel in those departments – to respond to sexual and gender-based harassment.

In July 2018, Curtis formally designated Nicholas Lewis as the Associate Dean of Student and Academic Affairs and Title IX Coordinator; Lewis was the first administrator to hold the formal title of Title IX Coordinator. In January 2019, Patricia Carpino, Director of Human Resources, was named Deputy Title IX Coordinator. Under Lewis and Carpino's leadership, Curtis has engaged in a more intentional, focused, and sustained effort to build an effective Title IX

³⁴ This letter was rescinded in September 2017; the requirement to maintain a Title IX Coordinator was not.

³⁵ This was the policy reviewed by Morgan Lewis in 2013.

compliance program.³⁶ According to multiple administrators with whom we spoke, Curtis has engaged in coordinated efforts to educate community members and encourage reporting of all forms of misconduct, including sexual misconduct. In November 2018, Curtis worked with Yale University's Office of the Provost to develop a new Title IX/Bystander Intervention program and began to pilot the program with all Curtis staff in December 2018. The program was provided to all students, staff, and faculty affiliated with Curtis's Summerfest programs between May and July 2019. During the 2019-20 academic year, Curtis provided the Title IX/Bystander Intervention training program to various constituencies, including: resident coordinators and New Student Orientation counselors in August 2019; all Curtis students in October 2019; and Curtis staff members and resident faculty in December 2019. Participation in and completion of Title IX trainings for all students and employees is now mandatory. Notably, in 2019 Curtis updated the "Goals and Standards" section of the Faculty Handbook to reinforce this mandate and expand training to all areas of diversity, equity and inclusion. To further strengthen this commitment, Curtis updated faculty employment agreements to tie the fulfillment of these training obligations to compensation and benefits.

Curtis has also taken steps to improve documentation and data management systems, which prior to Lewis, did not exist in any meaningful manner. In July 2019, Curtis contracted with SafeColleges, a web-based training management system, to provide an updated, trackable Title IX training platform for employees. In August 2019, Curtis procured software to provide a centralized reporting and recordkeeping system for Title IX and other conduct-related documents.

As noted above, in August 2019, Curtis implemented an anonymous reporting channel through Lighthouse Services, a third-party hotline service. This reporting channel is intended to (i) give community members a safe, anonymous place to report possible misconduct from the past or present; and (ii) encourage community members to report concerns.

On November 7, 2019, Curtis also posted an updated Title IX policy, [Sexual and Gender-Based Harassment and Interpersonal Violence Policy](#), and offered the opportunity for the Curtis community to submit comments and feedback on the policy.

Most recently, in August 2020, Curtis published a revised [Sexual and Gender-Based Harassment and Interpersonal Violence Policy](#), which applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, dating violence, domestic violence, and retaliation for all students, staff, and faculty. This comprehensive Policy, which was implemented in response to Title IX regulations promulgated by the Department of Education in May 2020, contains information about available confidential resources, reporting options, supportive measures, and prompt and equitable resolution options for formal and informal resolution. The Policy encourages prompt reporting of prohibited conduct and prohibits retaliation against persons making such reports. Under the policy, all Curtis employees are required to promptly share with the Title IX Coordinator any information about conduct prohibited under the Policy. This Policy, along with

³⁶ The March 12, 2012 email from McDougall reflected that he and Patricia Carpino had been working together on Clery Act compliance and the Annual Security Report since 2007, and that they attended Clery Act compliance training through Security On Campus (SOC) in 2007, 2010, and 2012. SOC is now known as the [Clery Center](#).

other relevant student and employee handbooks, are accessible on Curtis's intranet and on Curtis's publicly-accessible website.

Also in August 2020, as part of the reorganization plan, Curtis committed to recruiting and appointing a new Director of Equal Opportunity and Chief Title IX Officer.

D. Initiatives Related to Student Wellbeing

Curtis maintains a [Student Wellness Guide](#), which outlines available resources for health services and medical care, psychological counseling and emotional wellbeing, and general well-being and self-care. Primary care is provided by the University of Pennsylvania's Student Health Service as part of Curtis's student health services fees. Counseling is available through Curtis's Counseling Team, comprised of local practitioners who are available to provide counseling to Curtis students. The health services fee includes five free counseling sessions, but the Student Wellness Guide notes that special arrangements may be available for students requiring extended care. In addition, Curtis maintains a [Musician's Health and Wellness](#) webpage, which continually updated to catalogue resources from the Rock Resource Center in print and electronic form. Additionally, the Penn Women's Center provides education, advocacy, and support groups for survivors of sexual violence, and is also available to Curtis students.

Curtis has also created an annual wellness day and, as outlined in the Student Wellness Guide, has built new partnerships serving students in the areas of musician injury recovery and prevention, fitness and nutrition, and community offerings. In addition, academic leadership and student services staff meet routinely and spend a portion of each meeting reporting on students exhibiting concerning behavior, including poor attendance in classes, and discussing appropriate and individualized follow-up steps.

Curtis has recently launched several new initiatives, which include:

- Participation in the [Mental Health First Aid](#) (MHFA) Trainer Initiative. MHFA teaches participants how to help someone who is developing a mental health problem or experiencing a mental health crisis; how to identify, understand, and respond to signs of addictions and mental illnesses; and how to build greater capacity for empathy and promote greater skills and abilities in helping to aid those in our community who may be in distress. Curtis has committed to sending three employees to become certified in leading MHFA trainings and creating the internal capacity to host trainings for Curtis constituents on an ongoing basis. Lewis described the impetus for the training as follows: "In doing so, our hope is to foster a more empathetic community where constituents are encouraged to develop an increasing capacity to be present and supportive to one another."
- Creation of the Curtis Coordination, Assessment, Response, and Education (CARE) Team. The CARE Team is being created to assist with any circumstances that could potentially disrupt a student's academic or psychosocial well-being within the campus community. The CARE Team will be comprised of student services administrators and staff from various areas across the campus community to provide a comprehensive view of intervening circumstances. The team will meet weekly throughout the academic year to review cases and to strategize ways of supporting the psychosocial well-being of the Curtis

community. The CARE Team will provide direct assistance, response, and outreach to community constituents experiencing moments of acute distress. According to Lewis, “The team also fulfills a strategic function in educating the campus community, promoting awareness and providing access to resources and training for developing a more supportive culture of care for those in distress.”

- As referenced above, creation of the Student, Staff, Alumni & Faculty Wellbeing Committee, chaired by Nicholas Lewis, and incorporating representation from faculty, human resources, and student affairs.
- Establishment of an Ombuds Office to serve as a neutral and accessible resource for campus community members.

E. Policies and Procedures Regarding Minor and International Students

Curtis enrolls pre-college students as part of the [Young Artists Initiative](#), which was created in 2010. There is no minimum age for enrollment. Curtis has strict policies that require a parent to live with a student until the student attains majority, and the student must live within a five-block radius of Curtis. Curtis’s Associate Dean of Student Life & International Student Affairs is tasked with oversight of pre-college and international students.

According to Curtis, the Young Artists Initiative provides a coordinated and holistic approach to supporting young students across all facets of their educational experience. As part of the program, each pre-college student is assigned a faculty or staff mentor to serve as a consistent source of contact. Through the Initiative, Curtis focuses on musical instruction tailored to younger students; academic support programming; peer advice through New Student Orientation leaders; courses and tutoring in English as a Second Language; guidance on enrollment in high school or middle school; regular reviews of student progress by the administration; and access to age-appropriate counseling services with Curtis’s mental health team. Finally, Curtis has a dedicated Associate Dean of Student Life and International Student Affairs whose role includes routine check-ins with minor students at Curtis.

Consistent with Pennsylvania law, all students, staff, faculty, volunteers and contractors who have routine interactions with minors through Curtis receive background clearances. In October of 2019, Curtis expanded the Pennsylvania background check requirement to apply to all faculty and staff members regardless of their routine interactions with minors. Further, all faculty and staff receive required training on the mandatory reporting obligations for suspected child abuse.

In addition, Curtis maintains specialized resources for international students, who make up approximately 40% of the student population. The Associate Dean of Student Life and International Student Affairs also serves as the primary resource for international students on all things including immigration status, and the provision of social and emotional support and care. The Dean also provides dedicated advising for international students on the topic of sexual assault, printed materials and accompanying activities.

Curtis has articulated a commitment to cultural competence, diversity awareness, and inclusion, and has implemented training and educational programming to support these goals. For example,

in January 2018, Curtis engaged the InterAction Training and Organizational Development Consulting Group to provide campus-wide education to students and staff.

VII. Conclusion

We understand that for Curtis, this external review is part of an evolution of growth and understanding that we hope will serve multiple goals: to identify and learn from the lessons of the past to inform current practices and future initiatives; to recognize and embrace, through the arc of student experiences, the solemn responsibility Curtis holds with respect to the physical and psychological safety, well-being, and education of talented and engaged musicians and students; and to begin to rebuild trust and engender healing for many alumni.

We also recognize that this external review would not be possible without the candor and engagement of all who spoke with us over the course of the past ten months. We are grateful to those who have participated – including former students and alumni, as well as current and former administrators who approached the review with a shared goal to improve Curtis.

Although this report concludes our external review, our experience has shown that the release of a report of this nature will potentially lead to additional disclosures from community members who experienced similar forms of abuse, but who may not yet have come forward to share their experiences. Cozen O'Connor's [online platform](#) remains active, and Curtis remains available to provide individual remedies under Title IX and institutional policies.

Finally, we would like to extend our personal gratitude to the many Curtis alumni who shared their experiences with us as part of this review, and in particular, to Lara St. John and Stephen Judson for their engagement in this review, their willingness to trust this process in the wake of significant reason for distrust, and their cautious, but guarded, optimism throughout. Likewise, we are grateful to the Special Committee of the Board of Trustees and members of the Curtis administration for their sustained attention and commitment to ensuring that St. John's journey leads to meaningful change within Curtis.