

DrummondWoodsum

CONFIDENTIAL MEMORANDUM

TO: Dr. Philip Potenziano, Superintendent
Brunswick School Department

FROM: Allen L. Kropp

RE: Investigation of Allegations of Misconduct (football retreat)

DATE: October 1, 2021

A. Introduction

I was retained by the Brunswick School Department to investigate allegations of hazing, bullying and/or harassment involving members of the fall 2021 Brunswick High School football team. The alleged misconduct occurred during the football team's annual pre-season, overnight "retreat" at Thomas Point Beach on August 16-17, 2021. Specifically, the school department (including BHS administration) was informed on September 2, 2021 that during the retreat, [REDACTED] football player "was held down and a dildo [sex toy] was put in his mouth." After an initial investigation by school administration demonstrated that the allegations were more complicated than initially reported, and potentially involved several members of the football team, you asked that I lead a full investigation of the allegations of misconduct during the August retreat. Thus, I along with BHS administrators (primarily, Tim Gagnon, Assistant Principal) initiated that investigation on September 14, 2021.

The investigation was conducted pursuant to the school department's Student Discrimination and Harassment Complaint Procedures (Policy ACAA-R); and the information gathered was assessed according to several school department policies governing student conduct, including: Policies ACAA (Harassment/Sexual Harassment); ACAD (Hazing); JICK (Bullying); JICIA (Weapons, Violence and School Safety), as well as certain conduct provisions in the BHS Student Handbook.

B. Investigation Process

In conducting the investigation, we held in-person interviews of all rostered players on the BHS football team who attended the retreat. In general, those student-athletes who were identified as possible victims of alleged hazing or other misconduct, or alleged to have engaged in possible misconduct (i.e., "respondent students"), were interviewed jointly by me and Mr. Gagnon. Additional players who were called as potential witnesses were interviewed by me and Mr. Gagnon, solely by Mr. Gagnon, or by BHS Principal Troy Henninger and Athletic Director Aaron Watson. In all, thirty-six players of the thirty-nine rostered players were interviewed between September 14 and September 27, 2021.¹

¹ One student athlete was interviewed from home via video conference. Additionally, at the beginning of a team practice on September 14, 2021, the full team was apprised by BHS Administrators and Head Coach Dan Cooper of the investigation into the retreat, that many players would be called for interviews, and that they were expected to

I, along with either Mr. Gagnon or Mr. Watson, interviewed the following football coaches each of whom attended the retreat:

[REDACTED]

We also interviewed the parent of a player on September 28, 2021 (by phone), as that parent (along with Coach Cooper) stayed overnight during the retreat.

Additionally, we reviewed: (1) a limited number of texts, emails, and/or other correspondence related to the events at the retreat; (2) disciplinary records for the respondent students; and (3) four brief videos (recorded on students' phones) of alleged incidents during the retreat.²

Finally, Athletic Director Watson and I visited the Thomas Point Beach campground on September 28, 2021 to further inform the description and locations of the alleged incidents as described by those who attended the retreat.

C. Background

[REDACTED]

[REDACTED]

cooperate fully; players were also advised to contact Mr. Gagnon if they were not contacted but had relevant information to share.

² Many players referenced “videos” taken during the retreat, viewed by players, and/or distributed to other students across BHS. To this point, we have accessed four videos, one of which appears to have been widely distributed. It is unclear whether there are additional videos that have been posted to social media or remain available on student phones; BHS administrators continue to seek further video evidence as of the date of this report.

[Redacted text block]

[Redacted text block]

D. Allegations and Witness Accounts³

[Redacted text block]

[Redacted text block]

[Redacted text block]

[REDACTED]

E. Respondents' Accounts

[Redacted]

[Redacted text block]

F. Other Accounts

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted text block]

[Redacted text block]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

G. Additional Evidence

Videos

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Site visit

Prior to visiting Thomas Point Beach, we asked several students, as well as Coach Cooper, to describe the layout of the campground, the locations of the tent “pods,” and the areas in which persons were throughout the evening. The review of the site largely confirmed those explanations, including the several locations – the playground, the fields, the woods, and the tent locations – where students described being during the evening, [REDACTED]

H. School Department Policies

Several School Department policies are relevant to this investigation and related findings. Those include:

- *Policy ACAA - Harassment and Sexual Harassment of Students* - which defines sexual harassment (under State law) to include, in part, “verbal or physical conduct of a sexual nature [that] has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.”
- *Policy ACAD – Hazing* – which defines “injurious hazing” as “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school. Injurious hazing also includes any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers a student, regardless of the student’s willingness to participate in the activity.
- *Policy JICK – Bullying/Cyberbullying* – which defines “Bullying” to include, among other things, “a physical act or gesture. . . directed at a student or students that has the effect of physically harming a student, . . . placing a student in reasonable fear of physical harm, . . . [or] interferes with the rights of a student [by creating an intimidating or hostile environment for the student or interfering with the student's participation in school activities].”¹⁰
- *Policy JICIA – Weapons, Violence, and School Safety* – which includes among forms of prohibited conduct, “lewd, indecent or obscene acts or expressions of any kind . . . or any other conduct that may be harmful to persons or property.”

Additionally, the *BHS Student Handbook* sets forth several relevant code of conduct requirements.¹¹

¹⁰ Notably, Policy ACAA requires “all school employees to report possible incidents of harassment or sexual harassment involving students” to district officials, while Policy JICK specifies that all “school staff, coaches and advisors for extracurricular/co-curricular activities” must report alleged incidents of bullying to the school principal.

¹¹ See, for example, the Handbook’s “*Code of Ethics*” which specifies that “every student is expected . . . to observe proper standards of behavior and language and show respect for . . . fellow pupils.” Moreover, the *Brunswick High School Athletic Guidelines*, also included within the Handbook, set forth additional expectations regarding conduct and respect for others, among other principles.

I. Findings and Analysis

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

J. Conclusion

[REDACTED]

[REDACTED]

Please let me know if you have any questions regarding this memorandum or the investigation, or if you need anything further. I wish to thank Mr. Gagnon, Mr. Watson, and Mr. Henninger for their extensive assistance and cooperation throughout the investigation. And thank you for the opportunity to assist in addressing this very difficult matter.