

**INDEPENDENT REVIEW OF THE NORTH  
KINGSTOWN FAT TESTING CONTROVERSY**

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Associate Justice (Retired)  
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## I. Introduction and Process of Review

### Appointment and Process

The North Kingstown Town Council asked me to serve as a neutral third party to review the information, investigations, and reports concerning the allegations of fat testing by Aaron Thomas while he was a teacher and coach of the boy's basketball team at North Kingstown High School (NKHS).

I am not an employee of the Town of North Kingstown (the Town). I do not represent either the Town or the North Kingstown School Department (NKSD). My role is as an independent arbiter. In this role I reviewed all available information concerning these allegations in the hopes of identifying issues of concern between the people of the Town of North Kingstown, the Town Council, the School Committee, the employees, the students and parents of the NKSD.

In this report I attempt to rely on credible information to answer these fundamental questions: 1) what happened, 2) why it happened, and 3) what steps can be taken to ensure that something like that does not happen again in the Town of North Kingstown.

At the time of my appointment, the North Kingstown School Committee's (NKSC) special investigator, Matthew Oliverio, had completed his Phase 1 report and was in the early stages of his investigation for his Phase 2 report.

I have reviewed both the Phase 1 and Phase 2<sup>1</sup> reports completed by Oliverio.<sup>2</sup> I have incorporated those reports and their exhibits into my report here. In his Phase 1 report Oliverio reviewed the facts and circumstances concerning the allegations against

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<sup>1</sup> The Phase 1 report was released to the School Committee on June 18, 2021, and the Phase 2 report was released to the School Committee on March 14, 2022.

<sup>2</sup> After an individual is named in this report by their full name, they will be referred to by their last name with no title. This is done for brevity and not meant to be disrespectful to any of the individuals named in this report.

Thomas. In his Phase 2 investigation Oliverio was asked to review the response of the NKSD and NKHS officials to these allegations and to make recommendations based on his findings. Immediately before and after his Phase 2 report was filed with the NKSC both Superintendent Philip Auger and Assistant Superintendent Denise Mancieri resigned.<sup>3</sup>

I believe that Oliverio fulfilled his charge and did a detailed investigation to attempt to answer the questions posed by the NKSC.

### **Persons Contacted**

Based on my review of Oliverio's investigations I did not believe that it was necessary, nor was it my role, to conduct another factual investigation.

It is important to note that Oliverio fully cooperated with my review and provided access to his investigation, including his interview notes and exhibits.<sup>4</sup>

During my review I met in person and remotely (both by telephone and Zoom) with over 50 individuals. I chose to meet again with some of the key individuals at NKHS and NKSD so I could evaluate for myself the reliability of the information being provided by those key individuals. I went to NKHS on three separate occasions and met with the teachers and coaches to determine their reliability and to ensure they were all heard and recognized. I also met with administrators and guidance counselors to determine if any complaints against Thomas had ever been made to them.<sup>5</sup>

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<sup>3</sup> Auger resigned on March 9, 2022, and Mancieri resigned on March 17, 2022.

<sup>4</sup> I joined Oliverio during his interviews with then-Superintendent Dr. Philp Auger, Kim Carson, and one of the students.

<sup>5</sup> I wanted to speak to Cobain again, to gain his input on the recommendations I was considering, however, he refused to speak with me. Cobain's refusal was conveyed by the NKSC attorney Carrol. I also wanted to speak to both of the middle school principals so I could have a better understanding of how athletics worked in the middle schools. I note that I asked to speak to them before the new allegations came to light involving a coach at Davisville Middle School. I was not able to speak to either the principal of Davisville or Wickford Middle School. I did however speak to Brian Lally who was a former principal at Wickford.

Everyone connected with the NKSD and NKHS cooperated and spoke with me. The following are a list of individuals, both currently employed and formerly employed by NKHS and NKSD that I met with.<sup>6</sup>

#### **Teachers/Coaches**

Former Athletic Director and NKHS Teacher Howard Hague (P/R)  
NK Summer Camp Director and Girls Basketball Coach Kayla Shulter (P)  
NKHS Assistant Coach Christopher Corty (P)  
NKHS Teacher/Coach and Summer Camp Coach Kevin Gormley (P/R)  
NKHS Teacher/Coach and Summer Camp Coach Jay Shabo (P)  
NKHS Teacher/Coach and Summer Camp Coach Joseph Gilmartin (P)  
NKHS Wrestling Coach and East Greenwich Police Officer David Petrucci (P)  
NKHS Athletic Trainer Sean Petrucci (P)  
NKHS Teacher and Union Rep David Averdesian (P)  
NKHS Coach Jim Simmons (P)  
Unified Team Coach Jim Quinn (P)

#### **Administrators**

Former Superintendent Dr. Phillip Auger (R)  
Interim Superintendent and Director of Information Technology Michael Waterman  
Former Superintendent Dr. Philip Thornton (R)<sup>7</sup>  
Former Assistant Superintendent and former Principal of NKHS Denise Mancieri (P)  
NKHS Principal Dr. Barbara Morse (P)  
NKHS V.P. of Student Services Eric Anderson (P)  
NKHS Athletic Director Chris Cobain (P)  
Former NKHS Athletic Director Keith Kenyon (P/R)<sup>8</sup>  
NKHS Physical Education Department Chair Julie McGuire (P)  
NKSD Chief Financial Officer Mary King (P/R)  
NKSD Director of People Personal Services Kim Carson (P)  
NKSD Director of Human Resources and Title IX Coordinator and former principal of Former Wickford Middle School Brain Lally (R)  
North Kingstown School Committee Attorney Mary Ann Carrol (P)

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<sup>6</sup> In the list of individuals that I spoke to a "P" after their name indicates that I spoke to them in-person and a "R" after their name indicates that I spoke to them remotely, either by telephone or on Zoom. Additionally, a "P/R" indicates that I spoke to them in-person and remotely. I have made every attempt to ensure that I have spelled everyone's name correctly. If I did misspell anyone's name, I do apologize.

<sup>7</sup> Dr. Thornton told me that he was not aware of any testing, he never received any complaints about the testing, and the athletic directors mainly dealt with the principals.

<sup>8</sup> I note that Kenyon was not available to Oliverio, during Oliverio's investigations since he indicated that Oliverio did not have his proper contact information. (*Exhibit 1*). He did meet with me, with his lawyer present, and was cooperative as he answered my questions about the testing in general at the school along with his involvement in that testing. He was the athletic director at NKHS at the school beginning in the early 2000s and ending in 2010.

**Guidance Counselors**

NKHS Director of Counseling Mia Toro (P)  
NKHS Guidance Counselor Jessica Giguere (P)  
NKHS Guidance Counselor and Girls Soccer Coach Beth Coromile (P)  
NKHS Guidance Counselor Matthew Hughes (P)  
NKHS Psychologist Paula Carliteri (P)

I also met with individuals involved in the various investigations into Thomas's actions. The following is a list of those individuals.

**Town of North Kingstown**

Town Solicitor Matthew Callaghan (P)

**North Kingstown Police Department**

Detective Mulligan (P)  
Captain St. Onge (P)  
School Resource Officer Tom Menec (P)  
Former School Resource Officer Paul Struckel (R)

**Rhode Island Attorney General's Office**

Assistant Attorney General Steven Dombrach (P)  
Assistant Attorney General Tim Healey (P)

**United States Department of Justice**

Assistant U.S. Attorney for the District of Rhode Island Kevin Hubbard (R)

**Rhode Island Department of Education**

Anthony Cattone (R)

**Attorneys**

Timothy Conlon (P/R)  
Matthew Oliverio (P/R)  
Timothy Groves (R)

I met and spoke with various experts in the field of athletics and coaching so that I would better be able to better understand these the practices and the standard of testing along with the requirements and the training coaches receive in Rhode Island.

Those individuals are listed below.

**Experts**

Rhode Island Interscholastic League Executive Director Michael Lunney (P)  
LaSalle High School Athletic Director Vincent McGuinn (P)  
LaSalle High School Varsity Coach Stephen O'Donnell (P)  
Head Basketball Coach at Classical High School Robert Palazzo (R)

### **General Outreach**

Additionally, I wanted to speak with and listen to those that had the most information about these allegations. I believed it was necessary to give them an opportunity to be heard. I attempted this outreach by sending a letter to the media publicly asking for input from the community. (*Exhibit 2*).

Furthermore, I sought to engage with those parents and students specifically involved with the basketball program by sending an email to them asking them to contact me if they wished to discuss any information, they may have had with me.<sup>9</sup> (*Exhibit 2*). I also met with parents and students who are being represented by Attorney Conlon.

I will not list the students, parents, and community members based on their request for privacy and concerns of unintentionally interfering with any ongoing investigations. However, I will note that I communicated with a number of these students, parents, and community members in person, remotely, by email, and through statements provided to me.<sup>10</sup>

### **Limitations**

There were inherent limitations in my review as well as Oliverio's investigations. Neither Oliverio or I conducted any interviews while the individuals were under oath, nor were there any recordings of these interviews. The interviews were conducted in this manner due to the concern of interfering with any criminal investigation.

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<sup>9</sup> I received their contact information from Carrol and Oliverio and I made it clear to the parents that I would only speak to their student with their consent.

<sup>10</sup> I believe that I responded to every email and returned phone call that was made to me. However, even after responding to these emails and returning these phone calls, I was unable to connect with some individuals who had reached out to me.

I did not have the benefit of speaking directly to all of the complainants in the civil and criminal cases, nor did I have the opportunity to talk to Thomas. I contacted Thomas' attorney, John McDonald, and indicated that if he had any information that he wanted me to review or any individuals he would like me to speak with, I would be happy to do so.

A key individual involved with the athletics department and NKHS during this time was Richard Fossa. He, unfortunately, had an untimely death and we were unable to receive any information about his knowledge and activities during the period of time in question.

Another major difficulty I had during my review was the limited files or records held by NKSD concerning Thomas's coaching records. Additionally, we have limited records kept by Fossa during his time as athletic director.

Significantly, I would note that there were many changes in the role of principal, athletic director and coaches during this 20-year period of time. There are limited records kept or written protocols available.

### **Acknowledgement**

I want to acknowledge and give recognition to Bernard Goehle, a rising 3L at Roger Williams University School of Law for his assistance and research.

I have spoken with a number of individuals, reviewed documents, and information provided to me from many sources. From all that I have drawn conclusions and reached determinations.

I am responsible for the conclusions and determinations in this report. I spoke with and asked for the opinions of many and consulted with those I considered to be experts — but I assume full responsibility for the conclusions contained herein.

I have not reached these conclusions lightly.

I have attempted to be fair and objective, cognizant of the fact that I have the benefit of hindsight.

The actions reflected here involve a very small number of individuals at NKHS.

The vast majority of the faculty and staff provide an exceptional service to the students at NKHS, as shown by the high rankings it continues to receive.

Some of the most damaging consequences of this incident have been to the reputation of NKHS and its faculty and staff.

I believe that an open acknowledgement of the mistakes that were made and resolutions of the pending investigations, coupled with implementation of the recommendations that I provide below, will help move NKHS and the Town forward.

## II. Chronology

### Timeline of Complaints and Allegations Against Thomas

There does not appear to be any record of any complaints made against Thomas, by either a student, parent, or another teacher until the 2017 notification to Mancieri by Howie Hauge of what he witnessed, and the 2018 complaints about the testing to Auger.<sup>11</sup>

#### **June 2017**

In June of 2017, Hauge, as he was walking by Thomas' classroom, witnessed a male student, who was only dressed in shorts, with Thomas in his office. This situation struck him as odd, and he went to Thomas' office and spoke to the student and Thomas. Hauge indicated that after he left, Thomas closed the door.<sup>12</sup> Although Hauge stated that he was not afraid for the student's safety, he reported what he witnessed to Mancieri and the incoming Athletic Director, Fossa.<sup>13</sup> Hauge has said that he reported the incident to them because, while he was not fearful for the student's safety, the optics of having a student partially clothed and behind a closed door was not good in this day and age. Mancieri's biggest concern was that the testing was occurring in an office and not in the athletic wing of the high school. She stated that the reason that this was her concern was because of Hauge's tone when he told her what he had witnessed. She described his tone as informational. Mancieri also told me that it was not unusual to see

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<sup>11</sup> I have received information about an anonymous letter sent to the principal at NKHS in 2016. This information is not verified and will be discussed in greater detail in the disputed information section below.

<sup>12</sup> Mancieri told me that all the doors in the school close automatically due to fire codes.

<sup>13</sup> There are conflicting accounts between Hauge and Mancieri about who was going to address this incident. Hauge indicated to her that he was going to talk to Thomas about what he witnessed. Mancieri has said that she did not discuss this incident with Fossa. However, Hauge has stated that it was his understanding that Mancieri and Fossa were going to address this incident with Thomas, which he said Fossa confirmed to him.

students walking around in gym clothes after the school day had ended. After this meeting, Hauge spoke with Fossa at an NKHS football game, where Fossa told him that he instructed Thomas to perform his fat testing as a team.

### **June 2018**

On June 8, 2018, the North Kingstown Police Department (NKPD) was contacted by FS #1<sup>14</sup> regarding Thomas's fat testing. FS #1 indicated that he and his brother were made to undress during fat tests that were administered by Thomas at the school. The information given to the police, at that time, was consistent with later complaints that were made by the students whereby the students would meet with Thomas in his office, which is where he would do his fat testing, and that the testing would be conducted from the time a student was generally in high school, but occasionally would begin earlier than that.

That testing would consist of Thomas asking the students if they were shy or not. If they were not shy, they would get completely naked, and, at that time, he would use calipers to pinch certain areas of the student's body. A particular area of concern was the inner upper thigh directly adjacent to the scrotum. At times, according to this initial report the students were asked to do exercises while they were still naked.

FS #1 gave the police names of 11 other students, besides himself and his brother, that would have information about the testing by Thomas. The NKPD tried to contact the individuals on this list, but they did not have much luck in contacting them. The NKPD asked FS #1 if, himself and his brother, would be willing to go forward and file an official complaint but at that point neither of them were willing to go forward.

By September, the NKPD was no longer in contact with FS #1. FS #1 stopped returning NKPD's phone calls as they were trying to further research and investigate

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<sup>14</sup> FS stands for Former Student and will be used when discussing statements made by former students.

these allegations. As a result, on September 24, 2018, the NKPD filed the case as “pending further information” for lack of evidence.

### September 2018

Around the start of September of 2018, which is during the time the NKPD was investigating allegations made by FS #1, Auger independently learned that fat testing had been conducted by Thomas. Auger learned about the fat testing from FS #3, who was his personal trainer at the time. Auger has stated that after some sessions with FS #3 he went to a session with him where it seemed like FS #3 wanted to discuss something. During this discussion FS #3 told Auger that while he was a soccer player, he was fat tested by Thomas using a caliper and pinch test in Thomas office.<sup>15</sup>

After this conversation, Auger reached out to Mary Ann Carroll (who is the NKSC counsel), Mancieri (who was still the principal at NKHS) and Fossa to set up a meeting with Thomas to discuss these allegations. This meeting took place on September 10, 2018—the known participants were Auger, Mancieri, Thomas, and Dave Avedisian (who was Thomas’ union representative).<sup>16</sup> Auger outlined FS #3 allegations without revealing his identity. He stated that Thomas’s reaction was calm but that he was taken aback. Auger has said that Thomas explained to him why he conducted the testing in his office and that no student was ever naked in his presence. At this meeting it was also decided to purchase the In-Body 270 Body Composition Analyzer to end

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<sup>15</sup> There are inconsistencies between what Auger claimed was discussed when compared to what FS#3 said he discussed with Auger. Auger has said that FS #3 stated that the testing took place while he was in a towel, while FS #3 stated that he told Auger that towel was just covering his privates. Additionally, Auger has claimed that FS #3 never indicated where on his body the testing was done, and that FS #3 never mentioned the “shy or not shy” question. However, FS #3 has said that he told Auger about the “shy or not shy” question that Thomas would ask and that since he was not shy that the tests were performed while he was naked and that one area that was tested was on his upper thigh near his privates. It also must be noted that in relation to the meeting with Thomas after these allegations by FS# 3, it is unclear if Fossa attended that meeting, as Auger was not sure if he was there and as noted Fossa is not able to answer questions due to his untimely death.

<sup>16</sup> There is conflicting information on whether Fossa was at this meeting or not.

the need for manual testing, which is discussed below, and changes to testing procedures which included the requirement that two adults be present and that testing take place in the athletic wing of the school. Auger also stated that this was when he first learned about the 2017 incident witnessed by Hague and that given what he knew at the time he would not have expected to be told about it because he trusted his administrators.

### **January 2021**

On January 4, 2021, an anonymous tip was submitted to the FBI about Mr. Thomas's fat testing. The anonymous tipster stated that they had been a student and member of Thomas' basketball team. The anonymous tip further stated that Thomas had been molesting the students, for decades, under the guise of a testing program. Furthermore, the anonymous tipster said that Thomas stripped and touched underage boys, that the school district and NKPD knew about it, and, at that time, the Boston Globe was investigating the allegations. The Providence Field Office of the FBI then contacted the NKPD on January 7, 2021, to inform them of the information in the anonymous tip. The NKPD took no action besides contacting the former student-athlete who had made the original report in 2018, who did not respond to their outreach.

### **February 2021**

On February 12, 2021, Mancieri received an email from FS #2, a former basketball player, with allegations against Thomas. FS #2 allegations included that he was tested in Thomas' office while naked and that Thomas touched him all over his body. In addition, FS #2 asked Mancieri to question Thomas about his practices because he wanted the community to know about the pain Thomas's actions were causing. Mancieri continued to email with FS #2 during the course of that day and

forwarded the entire email chain to Auger that evening. Auger then had separate phone conversations with FS #2 and FS #1. After these conversations, Auger contacted the NKPD Chief of Police and informed him of the allegations made by FS# 2, and the chief of police told Auger about the 2018 allegations made by FS #1.

Based on the information he now had, Auger determined that he had to place Thomas on paid administrative leave while the allegations were investigated. Auger then called Thomas, who did not answer the phone. After failing to reach Thomas, Auger called Barbara Morse, who is the principal at NKHS, but he also did not immediately reach her. Morse, having missed Auger's call indicated to Cobain, who was with her, that she needed to return Auger's phone call regarding the allegations against Thomas. While she returned the call, Cobain went to look for him.

Morse returned Auger's call, and during that phone call, Morse was informed that Thomas was being placed on administrative leave and that she would have to tell him and escort him from the building. It appears that while this conversation was taking place, Cobain found Thomas on the basketball team's bus, as they were about to leave for a game. At that point Cobain had Thomas get off the bus. After finishing her conversation with Auger, Morse went to look for Thomas and eventually found him in his office with Cobain. At this point Thomas was on the phone with Auger who informed him that he was being suspended.<sup>17</sup> Morse then escorted Thomas to the entrance of the building with a white box and bag he was carrying.<sup>18</sup> However, at no time did Morse or Cobain check the box, or any other items Thomas was taking with him, to ensure that he was only removing personal items. Thomas in fact had taken his school issued laptop with him as he exited the building.

On February 17, 2021, Auger sent a letter to Thomas. (*Exhibit 3*). In this letter Auger indicated that he was recommending to the NKSC that Thomas be place on paid

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<sup>17</sup> Auger has said that he told Thomas about his suspension while Thomas was on the bus as they were preparing to leave for a basketball game.

<sup>18</sup> There are conflicting statements on what type of bag Thomas was carrying as he left the building.

administrative leave until the end of the year due to these allegations. Furthermore, Auger indicated that he was recommending that Thomas be terminated/non-renewed for both his teaching and coaching positions for the following year. Auger also informed Thomas that he could attend a meeting with the NKSC that was going to take place on February 24, 2021 via Zoom. In this meeting the NKSC was going to decide on the recommendations made by Auger and Thomas was told he could present any evidence he had regarding these allegations.

After the NKSC meeting on February 24, 2021, the NKSC sent Thomas a letter with the outcome of their meeting. (*Exhibit 4*). Thomas was informed that the NKSC had accepted Auger's recommendations and that he would be paid his base salary for the rest of the year, while his various stipends would be prorated and paid for until February 12, 2021.

### **NKPD Reopens Investigation**

The NKPD, upon being contacted by Auger on February 12, 2021, reopened their investigation into Thomas. They contacted FS #1 and other former student-athletes who had been identified as having information on Thomas's fat testing. They all indicated that they were students that were fat tested by Thomas, some clothed, many not. The NKPD also interviewed Thomas, with his lawyer, Joseph Pezza present on February 22, 2021.

Based on these interviews, the NKPD contacted the Rhode Island Attorney General's office on July 12, 2021. After their investigation, they did not believe there was probable cause to charge Thomas. Still, they requested that the Attorney General's office review their investigation and their decision not to charge Thomas. The Attorney General's Office responded to the NKPD's request on July 14, 2021, in which they agreed with the NKPD's decision not to charge Thomas while also noting that his conduct was troubling.

### **NKSC First Investigation: February-June 2021**

The NKSC launched its own internal investigation into the allegation against Thomas on February 22, 2021. The investigation was conducted by Oliverio and began after he met with Auger, Morse, Mancieri, Michael Waterman (who at that time was the Director of Information Technology), Mary King (Chief Operating Officer) and Carroll. Oliverio conducted his investigation during the spring of 2021 and released his report to the School Committee on June 18, 2021.

### **Thomas' Emails to Gormley: February-June 2021**

After Thomas was suspended, he contacted interim head basketball coach Kevin Gormley via e-mail eleven (11) times. As part of his cooperation with this investigation, Gormley turned over those emails, along with two others that involved Thomas. (*Exhibit 5*). Thomas sent the first email on February 16, 2021. In the February 16, 2021 email, Thomas gave scouting information for an upcoming game and asked Gormley to let the student-athletes know that they spoke and congratulated them on their season so far since he was not allowed to contact them. The following seven emails from Thomas discussed various topics concerning the basketball team. Gormley received the last email in this batch on March 17, 2021.

The following email Gormley received from Thomas was on April 14, 2021. In this e-mail, Thomas provided an update on the investigation into his actions. He expressed his frustration with the investigation and his hope that it could end soon. He also stated that Gormley should let him know if he heard anything about the investigation and that Gormley could give out his contact information if asked.

Gormley was not contacted by Thomas again until May 30, 2021. Thomas indicates that his time at NKHS is likely ending in this email. He also noted that he had heard from former students and parents who are supporting him. He then asked

Gormley for a letter of recommendation and ideas of who else he could ask as he prepared to apply for other jobs. Lastly, Thomas stated, "BTW it has been confirmed to me that [redacted] are behind this."

The next time Gormley received an email concerning Thomas was on June 22, 2021, when he received an e-mail from School Spring, which was the system Thomas was using to apply to new teaching jobs, to provide a letter of recommendation for Thomas.

Later that day, Gormley e-mailed Thomas. He stated that due to the information he had received over the past few months about the allegations against Thomas, he would not be able to provide a letter of recommendation and to no longer list him as a reference. I must note that from the e-mails Gormley provided, this was the only time that he responded to Thomas. Shortly after sending this email, Thomas answered that he would remove Gormley from his reference list. From the e-mails Gormley provided me, this was the last time Thomas contacted him. Gormley was not the only person that Thomas reached out to for a recommendation, as Kenyon has stated that he was contacted but did not provide a recommendation for Thomas.

### **June 2021**

Before Thomas could be terminated at the end of the 2020-2021 school year by the NKSD, he submitted a letter of resignation to Auger on June 24, 2021. (*Exhibit 6*). Auger then contacted Thomas on July 6, 2021, indicating that he accepted his resignation as of June 24, 2021. (*Exhibit 7*).

### **July 2021**

In July of 2021, Thomas returned to NKHS and removed items from his office. According to Brian Lally, the administrator who watched as Thomas removed these items. Thomas filled four large plastic bins of items to be removed from his office.

According to Lally, these items appeared to be pictures, personal mementos, and trophies. In addition, Thomas removed some papers and player scores books, but Lally did not look at the items, nor did he make any inventory of the items Thomas removed from the office.

The NKSD failed to inform the Rhode Island Department of Education (RIDE) of the various allegations made over the years against Thomas. RIDE was finally informed of the allegations against Thomas in July of 2021 when Carrol realized that RIDE had not yet been contacted.

### **August-September 2021**

After Thomas resigned from NKHS, he applied to and was hired by Monsignor Clarke School in South Kingstown, Rhode Island as a middle school social studies teacher for the 2021-2022 school year.

The Diocese of Providence which oversees Monsignor Clarke has said that Thomas' background check came back with no issues and that the references they received about him were positive. Furthermore, they indicated that they had no knowledge of the allegations against Thomas when they hired him.

When the allegations became public and the Rhode Island Attorney General's investigation opened, Thomas was placed on paid administrative leave. As more information about the allegations against Thomas became public, he was terminated from his job at Monsignor Clarke School on November 5, 2021.

As discussed later, there are many conflicting statements regarding any possible recommendations and whether these recommendations were asked for before Thomas was hired at Monsignor Clarke School.

### **June-December 2021**

In his first report Oliverio evaluated Thomas's actions and expressed his concern about Thomas's conduct and continued employment at NKHS. Oliverio recommended, based on his investigation, that there be a review of various policies, and that a policy be created for athletic testing to ensure student safety. It must be noted that the School Committee received this report on June 18, 2021 and that Thomas submitted his resignation on June 24, 2021.

Oliverio's report was not released to the public until December 15, 2021. It was accompanied by a letter to the North Kingstown community by NKSC Chairman Gregory Blasbalg. (*Exhibit 8*). In this letter he revealed that based on additional details coming out, the NKSC authorized Oliverio to conduct a second phase of his investigation. In this second phase Oliverio was instructed to expand the scope of his investigation to determine when any administrator became aware of Thomas fat testing and to review their actions upon learning of the various allegations. Oliverio's Phase Two report was publicly released on March 14, 2022.

### **III. Findings**

I note at the outset that the vast majority of the findings outlined below are well known and have been previously made public. These findings are based on Oliverio's reports and are consistent with the statements that Thomas gave in the superintendent meeting in 2018, and public statements. At this point in time, they do not appear to be significantly in dispute.

- All the activities detailed in this report occurred on school grounds while Thomas was a coach and teacher at NKHS. In addition, most of the students were full-time students at NKHS when they were tested.
- The students were solicited at the school. For the most part they were asked to participate in the testing by Thomas. It appears, on some occasions, students asked him about it. Thomas would contact the students in his testing program by their school email accounts and his private email account.
- Thomas conducted his testing in his office, with only the student being tested present, and in some state of undress.

#### **North Kingstown School District**

NKSD is a suburban school district with approximately 4,000 students. NKSD is administered by the NKSC thru the Superintendent. There are approximately 1,400 students in grades 9-12 at NKHS. Furthermore, between 500-600 students participate in athletics at NKHS.

In the 2022 rankings of the best high schools in the United States by US News, NKHS ranked #1,185 nationally with a score of 93.36 out of a 100. Additionally, US News ranked NKHS as the #4 high school in Rhode Island. According to the rankings NKHS has a graduation rate 95%. Moreover, NKHS has many successful sports teams including the Boys' Basketball team which was coached by Thomas.

### **Mr. Thomas' Education and Employment History**

Thomas received his bachelor's degree in Education, with a minor in Social Studies from The University of Rhode Island in May of 1989<sup>19</sup> and received his full teaching certificate in April 1992. Thomas continued his education at Providence College and received his master's degree in Educational Administration in 2003. Thomas then received a certificate from the State of Rhode Island certifying him as a Middle/Secondary School Principal on Feb 17, 2005, which was renewed each time it was to expire. Thomas' Building Level Administrator certificate is set to expire on July 31, 2025.<sup>20</sup>

Thomas was first employed by North Kingstown at the start of the 1989-90 academic year and that employment relationship continued until the end of June 2021, a period of almost 32 years. Thomas applied with the NKSD for a teaching position on June 1, 1989 and was hired as a substitute teacher.

The following year on September 4, 1990, Thomas was appointed by the NKSC as a full-time social studies teacher at NKHS. During Thomas employment with NKSD he had held various teaching roles including being a full-time social studies teacher at both Davisville Middle School and NKHS and full-time industrial arts teacher at NKHS, in which he taught various audio-visual classes. The only year during he was not in the classroom was the 2006-07 school year, as he took a leave of absence from his teaching position to become Athletic Director. Outside of the classroom (excluding his involvement as a coach) he held various roles during his time at NKHS. These roles included co-graduation advisor, communications club advisor, co-careers department chair, sophomore class co-advisor, and working as a sport event personnel.

Thomas continually received high ratings on his teaching evaluations. These evaluations discussed not only his teaching skills, but also noted his involvement with

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<sup>19</sup> All information pertaining to Thomas' education and employment history with NKSD was obtained from the North Kingstown School Committee attorney Mary Ann Carroll.

<sup>20</sup> I do not know if Thomas' Building Level Administrator Certificate is still valid.

the school community outside of the classroom. Furthermore, these evaluations noted his commitment to the best interest of his students in his classes. Additionally, his colleagues and students held this view of him as a teacher. Many individuals have made comments about how his classes were sought out with students enjoyed his classes.

From the start of his employment with the NKSD Thomas was involved with the athletic department. On his original application to the NKSD in 1989 Thomas indicated his interest in coaching athletic teams. On July 26, 1989, Thomas submitted an updated application with a supplementary application showing his coaching experience. At the start of the 1989-90 school year, he was appointed as an assistant football coach at NKHS and remained in that role until the end of the football season in 1997. In the spring of 1993 Thomas first applied to be the head coach of the boys' basketball team. Although at that point he was not appointed to that role, he was appointed to be an assistant basketball coach that fall. He continued to be an assistant coach for the basketball team until December 18, 1997, when he was appointed by the NKSC to be the head coach of the team. Thomas remained in that position until February of 2021.

Apparently, Thomas was viewed by many as one of the best basketball coaches in the state and was generally held in high regards by his athletes, fellow coaches, the North Kingstown community, and the statewide athletic community. In the interviews I conducted Thomas was continually referred to as the best coach that they knew. He had a reputation as a coach for being a numbers and statistics person along with having a high attention to detail. Furthermore, Thomas had a reputation for being professional and prepared for every game. Thomas was also known for using video's for scouting other teams. Thomas has been said to have always done what was needed to give his team the best chance to succeed and has been referred to as the best coach at NKHS.

In addition to his activities during the school year Thomas was also involved with the Summer Sports Camp at North Kingstown High School. His involvement with the

summer camp started on March 28, 2001, when he was appointed by the School Committee to be the Director of the Summer Sports Camp. Thomas also held the position of Boys Basketball Coordinator starting in the summer of 2011. He held both positions until the end of his employment with the North Kingstown School Department.<sup>21</sup>

### **Athletic Testing at North Kingstown High School**

#### **Athletic IQ**

In the NKHS athletic community, there were different types of athletic testing done on student-athletes. One of these programs was Athletic IQ (AIQ). AIQ was a testing program started by a former NFL Scout and was brought to NKHS by former Athletic Director Keith Kenyon. He was known throughout the school community and the athletic community and was one of the key proponents of athletic testing. He was involved with and took a leave of absence from NKHS for approximately a year to work for AIQ. The purpose of AIQ was to collect data that would, in theory, be able to predict an athlete's future ability. The program was also designed to help high school athletes prepare to participate in athletics while in college.

The first time Athletic IQ testing was conducted at NKHS was in the fall of 2005 before Kenyon was an employee of AIQ.<sup>22</sup> I have been told that the testing in 2005 was done free of charge. It included various stations, which were overseen by various coaches. It is unknown if he received permission from the NKSC or the superintendent to do so.

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<sup>21</sup> Thomas had already been appointed by the School Committee to be the Camp Director for the summer of 2021 before he was placed on administrative leave. However, he had not yet been appointed to the position of Boys Basketball Coordinator as that appointment typically took place in March/April.

<sup>22</sup> It is my understanding that this testing may have occurred in 2006 as well.

The stations measured various areas including strength, agility, jumping ability, sprinting speed, and body fat composition. The testing was done in the gym with other coaches and students present.

### **Team Testing**

At the start of the season for each sport student-athletes generally participate in team testing. This testing is done in the gym with all the team's coaches and student-athletes present. The testing included various exercises to test strength, speed, agility, jumping ability and wingspans. However, there was no BMI or fat testing done during these sessions. Kevin Gormley provided a copy of a report based on this testing. (*Exhibit 9*).

### **Fat Testing in General**

The term "fat testing" has been used in many different ways. Fat testing, when referred to in this report refers to the practice of using handheld calipers to take measurements on different parts of the body.

The typical process for fat testing using a handheld caliper involves measurements on three areas of the body and is performed when the person being tested is clothed. The areas tested are the biceps, the shoulder, and the waist or hip area.

### **Thomas' Fat Testing**

Thomas conducted his version fat tests on student-athletes. While there is no information that the school administration or staff knew about how and where the testing took place, it appears that there was some knowledge that this testing was taking place.

Thomas started this testing in the early 1990s and would recruit students at the school to participate in the testing. It does appear that on some occasions, some

students would ask Thomas to participate in the testing. Still, the majority of the time, he did solicit students to participate in the testing. Thomas did not only solicit student-athletes on his team but also student-athletes on other sports teams; however, he never reported the results of these tests to other teams' coaches.

Thomas's method of testing was to use a handheld caliper to perform pinch tests to get the readings. Thomas would typically start the tests on various areas of the upper body. When Thomas wanted to test on the lower half of the body, he would first ask the student-athlete if they were comfortable removing their clothing, typically using his "shy or not shy" question. However, based on statements from former student-athletes he did not always use this question but some type of leading question. It has been reported that Thomas would explain to the students that by taking off their clothes he would be able to get a more accurate reading. About half of the former student-athletes that have made statements on the fat testing have indicated that they were naked. Thomas would then perform a pinch test on the inner upper thigh near the student-athlete's genitals.

Thomas performed these fat test with only the student-athlete he was testing present, no other adult was present during these tests. The student-athletes and Thomas would determine a time during the school day to be tested. The student-athlete would go to Thomas office from the gym to be tested.

The communications between Thomas and the students who participated in this testing occurred either in person on the school grounds or over email, both the school provided emails and private email services.

Before the opening of the new high school building in the early 2000's the testing took place in rooms by the gym, however, upon moving into the new school building the testing shifted to his office in the communications lab. The area where his office was located is far removed from the athletic wing of the building. Of note there was a CCTV system installed in the communications lab, including one that was mounted

above the door to his office.<sup>23</sup> In his office was a monitor on which he could see in real time what the camera system was observing and therefore he would know if anyone was approaching his office while he performed his fat tests.

Thomas did have a permission form for parents to sign before their children were tested. (*Exhibit 10*). It is a fairly generic permission slip. It does not explain how the testing was to be performed or what steps or protocols would be in place for this testing. Nor is it clear if the permission slip was regularly used or if it was even necessary for them returned before the testing took place. Thomas, at times, gave students results of their testing. A review of those testing results does not indicate that this fat testing was to be performed by a skinfold test done with handheld calipers.

There is no evidence, to my knowledge, that any student reported these fat tests to any teacher or coach.<sup>24</sup>

Thomas's testing has been described as an "open secret" among the students, particularly many of the student-athletes at NKHS. There were references from students that Thomas was known as, "Coach Shy or Not Shy." Some of the students assumed or believed that the coaches must have known about it, but there is no record that anyone discussed it or told it to any coach. Lastly, outside of the incident involving Hague, there is no record that anyone else witnessed Thomas alone in his office conducting these tests on students.

Thomas performed his fat tests on students/children of adults that he knew well.

### **Testing for Wrestling**

Thomas' testing is in contrast to the testing procedures mandated for the sport of wrestling. Due to the nature of the sport of wrestling, which separates student-athletes into weight classes, and the severe health risks to student-athletes who attempt

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<sup>23</sup> This CCTV system has since been removed from the communications lab.

<sup>24</sup> There is information that a student who was being tested by Thomas had emailed his teachers to let them know that he would miss their class to be tested by Thomas.

to cut weight to move into a lower weight class, the Rhode Island Interscholastic League (RIIL) has developed a weight management policy. (*Exhibit 11*). The policy is designed to determine the minimum competitive weight for each wrestler by performing a skin-fold test. The RIIL policy clearly states that these tests must be performed by a physician (either the school's physician or the wrestler's personal physician) or a certified trainer. The policy also indicates that the test be performed using a Lange Skin-fold caliper. After the testing is complete, the information must be reported by the coach or Athletic Director to the RIIL before a wrestler is eligible to participate in wrestling matches. Additionally, the RIIL provides a letter to the physician conducting the testing to explain the reasons for the testing. The RIIL developed these procedures to ensure that student-athletes participating in wrestling were tested appropriately.

### **In-Body 270 Body Composition Analyzer**

On September 13, 2018, after FS #3 spoke with Auger about Thomas fat testing, Auger held a meeting in Mancieri's office to discuss the allegations and to develop a plan for BMI/BFI testing. (*Exhibit 12*). The participants at this meeting were Auger, Mancieri, Thomas, and Avedisian.<sup>25</sup> At the meeting as a part of the plan for future BMI/BFI testing it was decided to purchase a machine to conduct this testing that would eliminate the need for manual testing. Auger put Fossa in charge of purchasing the new machine.

The purchased machine was the In-Body 270 Body Composition Analyzer which cost just under \$5,000. (*Exhibit 13*). It was also decided that the machine would be located in the weight room. The machine was purchased with \$1,000 from the NK Booster Club, with the remaining balance being covered by four school budget lines. (*Exhibit 13*). An email from Fossa discussing the purchase of the machine was only sent

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<sup>25</sup> As noted in Oliverio's Phase 1 Report it is unclear if Fossa was at the meeting as Auger could not clearly remember if he was there.

to two coaches along with Auger and Mancieri. From discussions with members of the athletics department, it appears that the machine is not frequently used. Shabo occasionally uses it for his Fit for Life class. Many people do not know what the machine even looks like or where it is located. Also, there have been questions about why it was purchased since BMI/BFI testing is not considered necessary for high school athletics. The wrestling weight testing, as discussed above, must be performed in a specific manner and by a physician/certified trainer.

### **No Discussions with Students on Basketball Team and their Parents**

After the allegations were made in February 2021 against Thomas, he left on February 21 for “personal reasons,” and then resigned in June. No one from either the NKSD or NKHS spoke to the student-athletes on the basketball team or their parents about why Thomas had left.

The next fall, at the beginning of the new basketball season, there were new coaches and once again no one spoke to the student-athletes or their parents about why there were new coaches in place.

In December 2021 when Oliverio’s report was publicly released they received some information on why Thomas had left and there were new coaches. But according to the coaches and students, no one from either the NKSD or NKHS formally spoke to them about what was contained in the report.

No one has asked them if they wanted to discuss any of this or if they had the need for any counseling.

## **IV. Ongoing Investigations into Allegations Against Thomas**

### **Rhode Island Attorney General's Office**

The Rhode Island Attorney General's office announced that its was investigating these allegations with the NKPD. I have met with Assistant Attorney General Stephen Dambruch, who is the chief of the criminal division, and Assistant Attorney General Timothy Healy on this matter. Their investigation is continuing. If there are any charges, they will be formal accusations and Thomas will be entitled to a presumption of innocence and have all the rights and protections of the criminal justice system.

### **United States Department of Justice**

Rhode Island U.S. Attorney Zachary Cunha notified the NKSD in late December of 2021 that the U.S. Department of Justice (DOJ) was opening an investigation. This investigation's focus is to determine whether or not the North Kingstown School District violated federal regulations. The DOJ has requested documents from the North Kingstown School District, and the former students that Timothy Conlon is representing are cooperating with this investigation. In addition, the DOJ performed an onsite review of the high school and middle schools on April 13 and 14, 2022. It is my understanding that the school district has conceded that they are in violation of certain policies of the DOJ regarding the Thomas situation. Furthermore, it is my understanding that the DOJ will make recommendations and, hopefully, the school district will agree to the settlement by which they will address and engage with the recommendations being made.

New allegations involving the NKSD have been presented to the DOJ in a formal complaint by Attorney Conlon. This investigation is ongoing.

### **Rhode Island Department of Education**

RIDE received information on the complaints against Thomas in July 2021. RIDE and Thomas' attorney reached an agreement temporarily suspending his teaching certificate while the various investigations were ongoing, with the stipulation that there was no admission of wrongdoing on Thomas' part. Attorney Conlon has filed complaints on behalf of his clients with RIDE.

### **Civil Investigation**

Attorney Timothy Conlon currently represents former students who Thomas tested in possible civil actions. On behalf of one of his clients, Conlon has filed a civil suit against Thomas, the NKSD, and various administrators (both current and former) on April 20, 2022. In addition, it is possible that Conlon will file civil suits on behalf of the other former students he is representing.

### **New Allegations Against NKSD at Daivsville Middle School**

During the course of this investigation a student and mother contacted Conlon about allegations against a teacher/coach at Daivsville Middle School.

I had the opportunity to meet with this student and her mother on Thursday, April 28, 2022. In this meeting the student shared her allegations with me, which were made public, after a letter with these complaints were sent to the DOJ and RIDE.

A full investigation should have been conducted when these complaints were first raised.

The NKSC has now retained an attorney to do an investigation of this incident and that investigation is pending.

### **Additional Allegations**

In addition, the NKSD, thru the interim superintendent, has placed two additional of the NKSD on leave. Those investigations are pending but I would note that if the allegations after an investigation are proven to be credible, raise the same concerns about supervision that I have addressed here. I have received but I would note information about one of these complaints.

I will not make any findings as investigations are ongoing.

It must be noted that Interim Superintendent Waterman, upon learning about both allegations, immediately informed the school community along with the wider community of them. He further promised that he would disclose to the community the finding of the investigations once they were completed.

## **V. Insufficient and Disputed Information**

While the majority of the facts are known and not in dispute it is important to note what facts are either disputed, inconsistent or insufficient information in this case.

Unfortunately, there is no way for me to resolve these inconsistencies. The individuals I spoke to were not under oath, and I was also unable to talk to some of the individuals involved in these inconsistencies for various reasons. Therefore, I will make no determination on what I believe the actual facts to be because of the limited information I have on them.

### **2016 Anonymous Letter**

I have received information that there was an anonymous complaint was made to Mancieri in 2016 when she was the principal of NKHS. There is no record of that complaint. The person making the complaint did not keep a copy of the letter, and Mancieri, when asked about it during her interviews with Oliverio, indicated that she does not have a copy of the letter and does not remember it. Oliverio has said there was some corroboration of the complaint through an attorney that spoke to the woman who claims she wrote the anonymous letter; at the time it was sent.

### **Records and Statistics of Thomas's Fat Testing**

While it has been determined that Thomas conducted these tests for approximately 20 years, starting in the late 1990s and not ending until he left the school in 2021, we cannot determine how many students were involved in the testing and specifically how many were tested. Nor was I able to determine an age range for the students tested. In addition, while there is information that some students who were not on the basketball teams were also solicited and tested, we do not have a clear

understanding of the extent to which Thomas tested non-basketball athletes. There is no information that non-athletes were tested.

It is well known that Thomas kept records of the testing but there is limited information about the extent of those records. It is also well known that Thomas took videos and kept records of everything during his long tenure as a coach and that they were used for legitimate training purposes during his coaching tenure. Questions have been raised as to the possibility that Thomas took photographs or videos of this testing. There is no evidence, to my knowledge, about this nor is there any information about it available at this point.

### **Testing After 2018 Purchase of In-Body 270 Machine**

Additionally, while the school administration prohibited Thomas from doing his tests after the revelations about his testing in 2018, it is alleged that Thomas failed follow the directions of Auger to end the manual fat testing, with the use of calipers and pinch tests in his office. These allegations are included in Olivero's Phase Two Report to the NKSC.

### **Further Invasive Testing by Thomas**

There were allegations of more invasive physical examinations in Oliverio's Phase 2 report that have been made public when that report was released.

There is no allegation that there was any penetration of a student's body by Thomas, but there are more serious allegations against Thomas than were earlier reported and appear to be uncontested.

These allegations as reported are that Thomas, during this testing would take additional caliper measurements from over many different spots on the body and touch other areas of the student-athletes body while they were naked. They allege that Thomas performed "puberty and hernia tests."

After the information about this type of testing was made public, I received allegations about this type of testing consistent with those reported. But the complainants who spoke to me wish to remain anonymous, they do not want to be identified. They do not want to be a part of any investigation and will not file a criminal complaint.

### **NKSC Knowledge of Allegations Against Mr. Thomas**

NKSC Attorney Carrol answered for the NKSC when I asked what knowledge the NKSC had regarding the allegations against Thomas and when they finally learned of the allegations. Carrol stated that the NKSC did not receive any information or complaints regarding Thomas's testing and did not have any knowledge of them before 2021.

Mary King who is the NKSC CFO, attends all the NKSC meetings, and she does not believe that the NKSC was ever notified about the complaints against Thomas in either 2017 or 2018. In addition, King has reviewed the minutes of both the public and executive meetings of the NKSC and found no mention of the allegations.

The NKSD purchased the In-Body 270 Body Composition Analyzer machine for approximately \$5,000, paid for from various sources, including the Booster Club. The purpose of this purchase was to address the issue of Thomas doing his hands-on testing and fat testing. However, it is unknown if the NKSC knew that this machine was being purchased and the reason behind its purchase.

There is also no information of any parent reporting these fat tests to any school official.

### **Fossa's Information**

Fossa was hired as the new athletic director in 2017 and remained so until his untimely death. He was involved when the questions about Thomas were raised in 2017

and 2018. He would have been responsible to ensure that Thomas changed his practices in 2018. It is unknown if changes were made. There are no records available concerning any documentation of those changes, and obviously, Fossa is not available to answer these questions or provide any documents about these questions.

### **Monsignor Clarke School Hiring of Thomas**

There is conflicting information about the hiring of Thomas by Monsignor Clarke School. The principal of Monsignor Clarke School, Dr. Lisi, has stated that he asked for and got a favorable reference when hiring Thomas.

When I contacted Lisi, to ask him about this information, he declined to speak to me and referred me to the press spokesman for the Diocese. I did not contact their public relations spokesman.

Lisi, has firsthand knowledge of what happened. There is a transcript of a voicemail that he left for Morse, in which he indicated that he was looking for recommendations, but that Thomas had already been hired. Lisi told Morse what class and grades he would be teaching. (*Exhibit 14*).

Morse's position is clear. She responded to the phone call and said that Thomas was employed for a period time by NKSD at NKHS, but that she could offer no other recommendation.

Morse indicated that this is the standard response a person would make when they cannot give a favorable recommendation, and it should have been a red flag for anyone receiving that information that there may have been a problem.

Monsignor Clarke hired Thomas knowing that he was leaving a higher paying public-school job where he was also the head basketball coach of a successful program at the high school level.

## Summer Camp

The NKSD ran a summer camp for many years at NKHS. Thomas had been the summer camp director for over 20 years. The NKSD rules and regulations governed the finances of the summer camp. There is a separate enterprise account for the camp, from which the coaches' salaries were paid along with expenses for the camp. I am unable to determine if there were any reports to the NKSC other than the financial reports. From the information I have received, it appears that Thomas had complete control over how the camp was run, including making recommendations about which coaches should be hired for the camp and deciding how money was going to be allocated to the different programs at the camp.

In the five years before the COVID-19 pandemic, an average of 500 athletes participated in the camp. Additionally, in the five years before the COVID-19 pandemic, the camp brought in an average of \$86,384, and the expenses were \$63,970, with an average remaining balance in the summer camp account of \$18,414. It was a half-day camp that started at the end of June and went until the second week of August. The parents paid a relatively minimal amount of money for them to participate, and that money was deposited into the camp's enterprise account.

In 2020, there was no summer camp because of the COVID-19 pandemic. In 2021, after Thomas had left, the NKSD ran a limited summer camp. According to Cobain and the new director of the summer camp Kayla Shulter, who is the NKHS girls' basketball coach, had no information made available to them to determine how to run the camp. Cobain spoke to the various coaches and put together a program of their own, which again, was limited due to COVID-19. I note that Shulter was paid half the salary that Thomas received when he was the director of the camp.

There was limited knowledge about the camp. For example, Cobain and Shulter thought that the salaries were determined by how many children attended the camp. In

fact, the NKSC voted on appointments and wages of the camp's coaching staff in the spring each year.

King reports that the NKSC was involved in a reorganization of the summer camp at some point.

No one seemed to have any knowledge or understanding of how the decisions for the summer camp were made and how the revenues were distributed. From the information I have received it appears the athletic directors deferred to Thomas to make decisions about the camp. When asked about it, Auger said the school district had nothing to do with it and that he knew nothing about it: Thomas ran it on his own. However, Auger was involved in various email chains discussing the summer camp with Thomas and others and sent a signed letter to Thomas one year, congratulating him on his appointment as director. Everyone stated that Thomas ran the camp and made all the decisions.

### **Kenyon Role in Testing**

Many people believed that Kenyon was the architect of the athletic testing regime at NKHS. There were also earlier allegations made against concerning financial matters. Kenyon provided me with a letter indicating that he was cleared of those charges and at the time he was working for a school system on Cape Cod.<sup>26</sup>

At the camp run by Kenyon in 2005 with Athletic IQ, the body fat composition station was overseen by Thomas. This testing station was in gym with other students present. However, Kenyon denies there was any fat testing done using handheld calipers during the Athletic IQ testing.

Thomas had asserted that he discussed his testing with other coaches and athletic directors. All these individuals deny this except for Kenyon. Kenyon does agree that

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<sup>26</sup> At the time I met with Kenyon, he was employed as the principal at Nauset Regional Middle School, but he resigned from that position during the last week of May 2022.

Thomas told him that he performed these tests with handheld calipers and discussed results. But Kenyon denies knowing the other circumstances or procedures that Thomas used during his testing of students.

### **Other Principals and Athletic Directors**

There has been a great deal of turnover in both the athletic directors and principals of NKHS in the 20 plus years that Thomas was conducting this testing. Many of them left NKSD 10 plus years ago. Of the former principals and athletic directors I have spoken too, they all indicated that they never were informed about Thomas' testing and never received any complaints about Thomas' testing.

### **Student Reaction to Thomas's Testing**

Among the individuals, I have spoken with, along with the records and statements compiled by the NKPD, Conlon, and Oliverio, it appears that the response to Thomas' testing among the students was varied. There are some students, a relatively small number that filed complaints. Many of them indicated that it took them years to recognize what happened to them and understand that what happened to them was not right, not appropriate, and was abuse. They believe that it has had a significant impact on their lives, harmed them, and they intend to pursue additional actions. I would note that some of these individuals were the ones that are alleging more specific and intrusive bodily contact.

The vast majority of the students will not file any complaints, even though they thought it was weird, creepy, and made them feel uncomfortable at the time. They did not believe it was a big deal<sup>27</sup> and they did not want to get involved with anything that

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<sup>27</sup> See Professional Standards and Practices Commission, Commonwealth of Pennsylvania, *Recognizing and Reporting Sexual Misconduct Under the Educator Discipline Act* (<https://www.pspc.education.pa.gov/Documents/Ethical%20Practices/Publications/Recognizing%20and%20Reporting%20Sexual%20Misconduct.pdf>) [hereinafter Reporting Sexual Misconduct]

might jeopardize the school, the team, or their friends.<sup>28</sup> In hindsight, they believe it was inappropriate and improper, but they have dealt with it and do not wish to get involved.<sup>29</sup> They think the situation should be corrected and not go on, but they want no further involvement.

There is a group of students and some families that still actively support Thomas. Some of them were tested, and some were tested without clothes on. They thought he was a good coach. They thought they benefited from his training and his programs. And, even in hindsight, they may think while it is probably not the best way for Thomas to conduct these tests, that they were helpful to their development. They do not harbor any resentment or hard feelings towards Thomas.

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(discussing that it is common for students to downplay or be confused about what happened. Furthermore, it common for students to not want to report it with only five to six percent of incidents of child sexual abuse to be ever reported).

<sup>28</sup> See Amanda Nguyen et al., *Child Sexual Abuse*, (Apr. 2014) (accessed through the Nat. Lib. Med., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4413451/>) [hereinafter *Child Sexual Abuse*]

<sup>29</sup> See *Id.* (discussing that boys fail to report and seek support because of gender norms that they should be self-reliant so that they should be able to handle the abuse on their own).

## VI. Failures

### Thomas's Version of Fat Testing of Students

- This testing was done by Thomas when there was no policy in existence at the school on athletic testing.
- Additionally, based on his resume and records, Thomas had no training whatsoever to conduct these types of testing.
- He is not an athletic trainer.
- He had not received any training or any instructions on how to conduct this type of testing.
- While weight testing, done using a caliper skinfold technique, is conducted on students involved in wrestling, it is done so under regulations provided by the RIIL. Unfortunately, the protocols and instructions for testing done for wrestling were not followed when Thomas conducted his fat testing.
- The testing was done, not in the athletic area, but in a separate and isolated area of the school.
- There were no other adults present while Thomas was doing this testing.
- Testing was performed on a one-on-one situation, with only Thomas and the student present.
- There does not appear to be any actual knowledge of this testing by any athletic director, principal, or supervisor of Thomas nor any permission given to Thomas to conduct these tests.
- The students, for the most part, were recruited by Thomas and included not just the boys' basketball players, but also male student-athletes from other sports.

- After recruiting them, Thomas would ask them if they wanted to take their clothes off during the testing. From the information that has been gathered, it appears that half the students took their clothes off and half did not.
- Informed consent was not given by any parents to Thomas for him to conduct these tests on their children.
- The parental permission form that Thomas suggested was used, did not convey sufficient information for the parents to make an informed decision as to whether they agreed and approved of the type of testing suggested by Thomas.
- During conversations with parents, some indicated that they knew that the testing was occurring; some of them signed a consent form, but this consent was undoubtedly not informed consent.<sup>30</sup>
- They were not aware of precisely what Thomas was doing, although some indicated that they knew calipers were being used for these tests.
- But they did not know the details, including that their child may not have been clothed during the testing.
- Some of them were pleased that Thomas was doing this testing and thought it was helpful for their child as they strove to be in better shape.
- None of the parents questioned Thomas about the specifics of his testing or his training or ability to conduct this type of testing properly.
- Fat testing, when conducted by anyone—not solely at the high school level—is generally done in three areas: the biceps, the shoulder, and the waist or hip area.

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<sup>30</sup> Nor could the students reasonably consent to the testing. *See* Child Sexual Abuse *supra* note 28 (“Consent is an agreement between two equals. The student-teacher relationship is not an equal relationship. The educator always has power over the student by virtue of his or her position. Therefore, consent is never a defense or a mitigating factor in cases involving educator sexual misconduct regardless of the age of the student”).

- Thomas performed his tests on locations all over the including the upper and inner thigh near the scrotum.
- The test results were not given to any of the coaches of student-athletes not on his team, and the test results were not discussed at practices.
- I contacted a number of experts and researched information concerning the (1) standards of testing, (2) what was considered normal, (3) what was protocol, (4) what was helpful, and (5) what was necessary. I did this to determine whether there was any valid justification for the fat tests being done by Thomas for high school athletes, particularly basketball players.
- The information I received, overwhelmingly indicated that there was no valid justification for these tests at the high school level.<sup>31</sup>
- There were only two individuals that I spoke that had handheld caliper fat tests done on the thighs. Both individuals had these tests done when they were in college.<sup>32</sup>
- No one during my review has suggested that any kind of testing like this, at the high school level, was ever appropriate.
- They all state there are better ways to test students and basketball players as far as their ability and playing skills are concerned.

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<sup>31</sup> See also, *Why Didn't More Students Speak Out Against North Kingstown Coach Arron Thomas?*, The Boston Globe, (Nov. 30, 2021) (outlining a discussion with Dr. Christopher Duggan, who is a pediatric gastroenterologist and nutrition physician at Boston Children's Hospital, who states that there is no reason for people to be naked during fat testing. Dr. Duggan further states that measuring a person's height, weight, and waist circumference is more accurate than using skin-fold calipers).

<sup>32</sup> Additionally, two community members who responded to my outreach indicated they were familiar with fat testing using calipers on the thighs. One had this testing done while they were in the military and the other had training with this type of testing during the course of their medical training.

### Administration's Actual Knowledge of Testing and Complaints<sup>33</sup>

- The NKSD allowed this naked fat testing to continue even though it was an open secret among students and the community for over 20 years.
- When it was reported to them, they took no meaningful action and did not follow-up when there were complaints made.
- The NKSD had the ability to address allegations of abuse by staff towards the students, but they failed to do this.
- Not only did the NKSD fail to protect their student's health and wellbeing, but they also failed to provide notice of these allegations to agencies who oversee education matters at the state and federal level.
- They did not notify the U.S Department of Justice, with respect to possible violations of federal regulations, including Title IX.
- Even more concerning, the NKSD did not notify RIDE of the allegations against Thomas; RIDE is the agency that certifies teacher in Rhode Island.
- In 2017, the outgoing athletic director, Hauge, saw a student alone in Thomas' office being tested on his arm, and was disturbed enough about it to talk with another teacher and then discuss it with Mancieri.
- In 2018, Auger received a complaint about the fat testing from a former student.
- On each of those occasions, no investigations were started by the administrators at NKHS.
- The administrators met with Thomas after what Hague witnessed in 2017 and the report to Auger in 2018. They appeared to accept his word when he explained why he was conducting the testing.

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<sup>33</sup> This information was covered in Oliverio's reports and there is no new information.

- New protocols were put in place; and a new machine was purchased in the fall of 2018.
- There is no evidence of any effort to follow up or monitor Thomas to determine if, in fact, the new protocols were being followed.
- There was no information made available to anyone, outside of those who attended the 2018 meeting, about why the new machine was being purchased or even if it was being used.
- There are teachers and coaches in the building that do not use it and do not even know where it is located.
- There was never any questioning or discussion with any of the other head coaches and assistant coaches in the athletic program about what may have been happening regarding Thomas' testing.
- No students were ever questioned about what was occurring, after the various reports to the school, about what may have been happening.
- Thomas was a respected basketball coach who was given free reign over his program.
- Because of his successful program he was not questioned about his various coaching methods.
- Thomas was allowed to run the summer camp with virtually no oversight.
- In September of 2020, the assistant principal, Morse, was promoted to the position of principal at NKHS. When she became the principal, Morse was unaware of any information, prior issues, or complaints about Thomas. She was never told about these issues when she was hired and given the promotion to principal.

- In September of 2021, a new athletic director, Cobain, was hired. But, again, when Cobain was hired, he was not told about the allegations or complaints about Thomas.
- Both of these individuals have indicated that if they had been made aware of any prior complaints against Thomas, they would have supervised and monitored Thomas in a much different manner.

### Warnings/ Red Flags

#### **Athletic Directors**

- These athletic directors were responsible for the supervision of Thomas's activities in his role as head basketball coach.<sup>34</sup>
- It was the responsibility of the various athletic directors that supervised Thomas to ask questions about the testing he was performing. These athletic directors include Kenyon, Hague, Fossa, and Cobain.<sup>35</sup>

#### **Coaches**

- Many people have questioned how the other coaches, teachers, trainers, and athletic personal could not have known exactly what Thomas was doing.
- Many had worked with and for him for years either with the basketball team or in the athletic department.
- Several of them have stated that they knew he was doing some type of fat testing. Some individuals acknowledged that they knew that Thomas was

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<sup>34</sup> When Hague witnessed a student in Thomas's office, he immediately notified Mancieri about what he saw. Kenyon has said that he discussed fat testing performed using handheld calipers with Thomas, even though he denies knowing the circumstances and procedures that Thomas used.

<sup>35</sup> While I was able to ask Hague and Kenyon about their actions and responses to Thomas' testing, unfortunately, due to his untimely death, I was unable to ask these to Fossa and he did not have the opportunity to explain or defend his actions.

using handheld calipers and that he was doing testing in his office. They understood he performed the test in his office because his computers were there and therefore it was easier for record keeping.

- There is no information available that indicates that Thomas discussed the specific circumstances of the testing he was doing with any of the coaches. All deny discussing the testing with Thomas
- No one saw the testing in Thomas' office (except for Hauge and when he reported it).
- All the coaches, except for one, now agree, that it was not wise to be with a student alone with the door closed, let alone doing testing.
- All state now that if they had known what and how Thomas was doing, they would have done something.
- Many students considered Thomas' testing an open secret which they discussed in school.
- These students assumed the other coaches knew and some indicated that they told teachers and coaches that they had to leave early or skip class because Thomas was testing them.
- No student told the coaches about it.
- The coaches all state that Thomas did not discuss the results of the testing with them.
- No coaches received any complaints about the testing being done.
- All the coaches all indicated that they never suspected that he was doing anything wrong.

- It appears clear that there were red flags or warning signs that should have produced questions or discussions within in NKHS at the very least.<sup>36</sup>

### **Thomas Leaving with Unknown Materials**

- When Thomas was suspended in February of 2021 and was escorted from the premises on Friday, February 19<sup>th</sup>, he exited with various materials.
- The contents of these material were not checked or inventoried by either Morse or Cobain as they escorted him from the building.
- In July of 2021, when Thomas returned to remove more items from his office Lally, did not look at or inventory what he was removing.
- Based on his job at the time as the audiovisual and communications teacher, Thomas' classroom and office were filled with volumes of electronic data, statistics, videotaped recordings, recruiting tapes, and scouting tapes.
- At no time, did anyone take an inventory of the material in his classroom to determine what was there and what he may have taken with him. The police report indicates that the NKSD staff had advised the police department that they would search Thomas' classroom, the assorted digital media in the classroom, or other suspicious materials for evidence relating to the case, but to my knowledge this was never done.

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<sup>36</sup> See also Reporting Sexual Misconduct *supra* note 27 (discussing how red flags are warning signs that does not equal proof that an educator that is engaging in sexual misconduct. Some of the red flags that they list include and student with inappropriate sexual behavior or knowledge along with increased time with one adult. Behaviors of adults that should raise red flags of sexual misconduct include spending more time with children than other adults, close personal relationships with students, singling students out for special attention or privileges, time alone with students, time in private spaces with students, various forms of touching even if the student resist, and exchanging personal communications in written or electronic form).

- Thomas was able to leave the premises with his school issued laptop computer. It was not until several weeks later that this computer was returned to the school.

### **NKPD Does Not Report Allegations to NKSD**

- At no point, prior to the February 2021 complaint, did the NKPD ever inform the NKSD of the complaints they received about Thomas.
- The NKPD received a complaint in June 2018. They received an anonymous tip from the FBI in January 2021. They never told the NKSD about the complaints they received.
- In June 2018, they attempted an investigation but did not have a complainant who was willing to go forward to prosecute a case.
- The NKPD indicated that they believed it would have been irresponsible to send this information to the NKSD without a named complainant. They say they receive many complaints with no basis, with no one willing to file a complaint and they were concerned about defaming a teacher without a reasonable basis.
- While not having a complainant that is willing to go forward does raise questions about the reliability of the complaints the NKPD at the very least should have considered notifying NKSD about these allegations since they concerned the safety of their students.
- In both instances, perhaps if the allegations had been quietly conveyed to NKSD, their response to the 2018 and 2021 complaints may have been different. This is evidenced by a statement that Auger has made, where he indicated that if he knew of the 2018 report to the NKPD, he would have responded differently to the report made to him by FS #3.

### **Limited Investigation and Communication by NKSD/NKHS**

- When the school received the complaint from a former student regarding Thomas' fat testing in February of 2021, they took action regarding Thomas's employment.
- There was no questioning, meetings, or discussions with any of the coaches, parents, or the students in the basketball program or the athletic department.
- The school administration told the coaches and the team that Thomas left for personal reasons.
- The individuals involved thought that he had a health issue, as COVID-19 was still a major issue at the time, and they were all concerned about his health and the health of his family.
- Students and parents brought food to his house for some time after he had already been notified, by the NKSC, that he was going to remain on administrative leave for the rest of the school year and then terminated.
- No information or direction was given to anyone at the school with respect to contacting him, or any issues involving students and him.
- Thomas continued to communicate with Gormley, who was made the interim basketball coach upon Thomas' suspension, to give him advice regarding the basketball team, inform him about things that needed to be attended to, and convey messages on his behalf.
- Thomas contacted at least two other faculty members for references after he left the school district.
- The NKSD did not release the findings of the Oliverio report when completed in June 2021. It is questionable whether without the public and press inquiries about Thomas' subsequent employment at another school,

that the report would have been made public. It is also unknown whether another report would have been ordered without the public criticism.

## **VII. Questions Answered**

At the beginning of my review of the allegations of fat testing by Thomas I wanted to answer three fundamental questions.

Those being: 1) what happened, 2) why it happened, and 3) what possible steps that can be taken to ensure that something like that does not happen again in the Town of North Kingstown.

Based on the discussion above, along with research and discussions with experts in the field of high school athletics, I attempt to answer these questions below.

### **What Happened?**

Based on the information reviewed here and compiled by other investigations, the facts are uncontested, with the exceptions noted above. There appears to be no dispute about the basic fat testing conducted by Thomas.

The question thus becomes, was this acceptable conduct by a teacher/coach.

I firmly believe that any reasonable person would say that this conduct was inappropriate, improper and not acceptable. Whether it is the basis for any criminal charges or civil liability will be determined by others in court.

### **Why it Happened?**

The answer to the question of why it happened, is unfortunately not an easy one to answer, but is one that demands attention. Especially because the answer to why it happened, will guide the answer of how to prevent something like this from ever happening again.

#### **1) Thomas' Actions**

- Thomas normalized his testing. He did the actual testing in private and kept the circumstances of his testing secret.

- Many students stated that they felt it was a rite of passage and a part of being on the basketball team.
- He conducted these examinations in his communications office, which is not anywhere near the athletic wing of the high school.
- He performed these tests behind closed door in that office on students ages 14-18 who had no or limited experience with any physical testing.
- The area where the testing was done is not as public an area or as frequented as the athletic wing of the school.
- Thomas did what he did and hid what he was doing so that no one saw what he was doing.
- Thomas has indicated his reasoning for that was to give the students he was testing more privacy during the test and that by being in his office he would be near his computer equipment which would make it easier for him to create the records of these tests.
- No reasonable person would think that those reasons are sufficient or acceptable.

## **2) The School Administration Failed to Adequately Respond**

- A) Within the district there appears to be a protection mentality which is insensitive to certain complaints and ineffective at responding to them.
- B) Thomas was a respected colleague and was trusted.
- He was popular and assisted the administration with many events.
  - Thomas was the “go to guy” if there were any questions about communications and presentations in the school.
  - So, he got a free pass.

- No one questioned him.

C) The NKSD has a commitment to a successful sports program.

- Thomas ran his team and program, doing anything, anywhere he wanted.

D) There appears to be a concern about teacher's rights and frustration with possible litigation and disciplinary hearings.<sup>37</sup>

- Those concerns seem to take priority over the protections of student rights and the development of procedures to deal with employee behavior.

### **3) Too Much Trust, Not Enough Questions — Failure to Detect Warning Signs by Coaches, Teachers, and Athletic Directors**

- In spite of there being no complaints received it appears that there were warning signs.
- It was an open secret amongst the students and discussed by teachers.

A) Trusted Colleague

- Thomas had become, in his over 30-year long tenure with NKSD, an important, respected, and successful member of the teaching community.
- He was always well prepared, the students in his classes did well.

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<sup>37</sup> See also Matthew Healey, *Why Didn't More Students Speak Out Against North Kingstown Coach Arron Thomas?*, The Boston Globe, (Nov. 30, 2021) (Outlining a discussion with Rachel Lovell, who is an assistant professor of criminology at Cleveland State University, in which she states that when there are suspicions of wrongdoing “[o]fficials should encourage an environment of reporting and follow-up...”).

- Not only was he trusted by his colleagues, but he was referred to as the “golden boy” in the school by fellow teachers and coaches. He was “the guy.”<sup>38</sup>
- Some teachers have indicated that of all the people who worked in the high school, he would have been the last person that they would have suspected of doing anything like this.<sup>39</sup>

#### B) Respected Coach

- In addition to the collegiality and respect, there was a commitment by the school to have a successful athletics department and to support the coaches in that department.
- Thomas in addition to being a teacher was a coach who was respected by the students, his fellow coaches, and the basketball community in Rhode Island.
- The players on his team did well.
- He emphasized physical fitness and training as well as preparation.
- It has been stated he was always willing to assist his players with their preparation for the season and had a system in place for preparing them to play beyond the high school level.

- C) Coaches are not trained and do not see to have an awareness of boundaries and warning signs or of their responsibility to question and report misconduct.

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<sup>38</sup> See Reporting Sexual Misconduct *supra* note 27 (stating that it is a myth that a trusted colleague would never engage in acts of sexual misconduct and that the fact is, “Offenders do not wear an ugly mask. They wear a shield of trust” [quoting Patty Rase Hopson]).

<sup>39</sup> See *Id.* (discussing that sexual misconduct can happen in any school and that all allegations must be taken seriously even if the allegations are difficult to believe and involve a person you would never suspect of harming a student).

#### 4) Lack of Student Reporting

The next question, which is a genuinely troubling part, is why none of the students who were tested ever reported it to any teachers, coaches, faculty, or the administration at the high school.

It bears repeating that there is no information available to me which indicates that any student ever reported it to a teacher, coach, or administrator.

This is surprising and disturbing to me especially when you consider the number of students and the length of time in which Thomas was conducting his fat tests.

Unfortunately, after conducting research, speaking to professionals, and students as well as parents there appear to be many explanations for this.

- 1) Thomas normalized this testing.
  - He had been doing it for a long time, it was part of the routine, and it was accepted by many of the students, especially as a part of the basketball training routine.
  - Because he normalized his testing, the players on his team accepted this testing as a part of being on his successful team along with getting the playing time they wanted.
  - Some of these students had never had an athletic test/body fat test and did not understand how athletic testing/body fat testing should have been done and what was appropriate for this type of testing.
  
- 2) Young men under report sexual abuse, especially non-invasive sexual contact

- Research shows that young men do not discuss, let alone report, abusive behavior towards them to adults.<sup>40</sup>
  - This is especially true, when the abuse is perpetrated by a male, and has sexual overtones.<sup>41</sup>
  - Young men, consider abuse as a sign of weakness, and to report that abuse would show the world their weakness.
- 3) They thought other coaches and teachers knew about it and nothing was done to stop it.
- The students have said that Thomas' testing was an open secret in the school.
  - A student has stated that he had emailed his teachers to let them know that he was going to miss class to be tested.
  - The students assumed that the other coaches and teachers knew about the testing and did nothing to stop it from occurring.
- 4) This was a rite of passage.
- The perception was that if you wanted to be on the basketball team, you did the testing.
  - They respected Thomas as a coach.
  - He was successful.
  - They wanted to be on his successful team.
  - They wanted more playing time.
  - They wanted to please him.

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<sup>40</sup> See also Child Sexual Abuse *supra* note 28. (According to this report older adolescents while not telling adults about abuse they suffered but will tell their peers).

<sup>41</sup> See *Id.*

- If they want to play that sport, they have to place overwhelming trust and faith in their coach and trainers.
- That trust and faith is only heightened when those coaches and trainers have been successful.
- They were led to believe by Thomas that this type of testing would help them do that.

5) In athletic culture the way the coach wants something done is the way it is done.

- There are specific power dynamics that allow abuse like this in sports culture.
- This power dynamic creates the perfect conditions for coaches to create an improper yet hidden situation if left unsupervised.
- Coaches may, at times, be the most important and powerful person in a student-athlete's life and education.
- Coaches are often not seen by their athletes as just coaches, they can also be seen as mentors and parental figures to whom the athlete could talk about anything.<sup>42</sup>
- Successful coaches generally demand their student athletes perform at the highest levels, both academically and athletically.
- The more successful a coach is, especially for an extended period, the more an athlete will find them automatically credible. This credibility leads the athlete to accept the practices of the coach without question.
- Research shows that athletes are drawn to coaches they perceive as great because they can also mentor them both on and off the field.

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<sup>42</sup> See also *Id.* (discussing how a child sexual abuse survivor is less likely to disclose the abuse when they have a close relationship to the perpetrator of the abuse).

- Coaches have the power to control who is on the team and who gets playing time.<sup>43</sup>
  - To get this playing time they had to be successful athletes and that requires being physically fit.
- 6) They believed if they had reported it no one would have done anything about it.
- They worried about reporting the testing being detrimental to the team and being blamed if they said something
  - Victims of abuse fear the pressures that are a part of reporting that abuse, including not being believed, reliving their trauma, and the stress of being involved in an investigation about their report.<sup>44</sup>

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<sup>43</sup> See also Matthew Healey, *Why Didn't More Students Speak Out Against North Kingstown Coach Arron Thomas?*, The Boston Globe, (Nov. 30, 2021) (Outlining a discussion with Rachel Lovell, who is an assistant professor of criminology at Cleveland State University in which she states that “predators” look for environments in which they have unchecked power and access to children. She further discusses how in these types of cases there will be a “whisper network of athletes” who realize that something is not right and that institutions should create an environment where reporting these rumors is encouraged) See further Reporting Sexual Misconduct *supra* note 27 (noting that rumors are an important source of information about possible sexual misconduct by educators and states that all rumors should be investigated. Rumors can include students using nicknames such as “creepy” or “pervert” for an educator who is engaged in acts of sexual misconduct).

<sup>44</sup> See also Matthew Healey, *Why Didn't More Students Speak Out Against North Kingstown Coach Arron Thomas?*, The Boston Globe, (Nov. 30, 2021) (Outlining a discussion with Rachel Lovell, who is an assistant professor of criminology at Cleveland State University, in which she states that boys are generally not believed by institutions when raising allegations such as the ones in this case. She goes on to discuss how this causes survivors to feel victimized by these institutions that should be helping them which causes them to not want to participate in investigations into their allegations).

## VIII. Recommendations

### What Can be Done to Prevent Similar Incidents in the Future?

Having reviewed what happened and why it was allowed to happen, the most pressing question is this, what actions can the NKSD take to prevent a similar incident like this from occurring in the future.

The NKSD must immediately take measures to ensure that this does not happen again.

The reports prepared by Oliverio gives some general school and athletic recommendations and I endorse those recommendations. The NKSD has begun to take some actions on these recommendations.

Since Waterman was named the interim superintendent, he has been proactive in handling and communicating the new allegations and he has been working to make changes in the school department as well as the athletic department, specifically. He has made some changes and is contemplating other changes. I am not aware of all the changes that he may be considering. These changes may be consistent or in addition to the recommendations I am making here. I want to acknowledge the efforts to begin change.

They have already started to make some changes and started doing training of their employees.

Lally, the human resource director/Title IX administrator for the NKSD indicated that he has conducted education seminars at NKHS and the two middle schools for all faculty and students in March and April of 2022.<sup>45</sup>

The director of people personnel services, Carson, has also been meeting with the guidance counselors, to renew their goals with respect to dealing with students and

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<sup>45</sup> This is the first time that he believes it has been done in several years. He does not remember it being done since he started with the school district in 2016.

being aware of these situations. She is also making arrangements with Day One to come in and do educational programs in the schools.

As noted below the NKSD has restructured the athletic department so that the athletic director now reports directly to the superintendent.

Furthermore, Waterman and Cobain announced that coaches will be required to complete additional training. Coaches will also be required to communicate with students — with the students' parents included in the communication — only by their school email or an app that will be in place by the fall.<sup>46</sup>

While these changes are a start, they are just that and more changes need to be made to address the mistakes in how these allegations were handled and to prevent future situations like this one.

I recommend that the NKSC review a report entitled A Case Study of K-12 School Employee Sexual Misconduct: Lessons Learned from Title IX Policy Implementation<sup>47</sup> as it works to revise various policies in regard to sexual misconduct in schools.

This study looked at five school districts around the country (both geographically and demographically diverse) that had an incident of sexual misconduct by a school employee during 2014 and then came up with five categories of recommendations that a school district should implement to prevent incidents from occurring in the future.

The report defines sexual misconduct in the school environment broadly to include “any behavior on the part of an educator intended to establish an inappropriate relationship with a child or student, ranging from inappropriate comments or jokes to sexual intercourse.”<sup>48</sup> They note that sexual misconduct is not the same as sexual abuse.” It is important not confuse sexual misconduct with sexual abuse. “While the

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<sup>46</sup> When discussing coaches communicating with students during this announcement Waterman told parents that the school wants to know if their child is being communicated with in any other manner.

<sup>47</sup> Accessed through the National Criminal Justice Reference Service of the U.S. Department of Justice (<https://www.ojp.gov/pdffiles1/nij/grants/252484.pdf>).

<sup>48</sup> See Child Sexual Abuse *supra* note 28.

definition of sexual misconduct covers all forms of sexual contact and what is commonly referred to as sexual abuse, it also includes the larger set of inappropriate, unacceptable and unprofessional behaviors that may lead to sexual contact.”<sup>49</sup> They go on to explain that sexual misconduct may involve criminal behavior but it also captures conduct that while not always illegal, is designed to groom the student for future sexual contact.<sup>50</sup>

They first looked at: 1) the school districts’ policies (formal and informal), 2) how those policies were implemented both before and after the incident, 3) locating loopholes in those districts’ current policies, 4) determining the challenges and limitations of those policies, and 5) determining the best practices for preventing and reporting sexual misconduct by school employees.

Based on their study of those districts’ the authors came up with recommendations which they placed into six categories: policies and procedures, prevention, training, reporting of allegations, investigations of allegations, and response to an incident. For each one they discussed their findings, current challenges, and recommendations on how they could be improved.

Employees of a school district can be given notice that failure to report violations can be a basis for suspension and can be reported to state officials.

The report also includes in Appendix D the tools that the authors used to review the districts involved in the study, which may be helpful as the NKSC looks to review its policies. Finally, the report does not focus on athletics; however, its findings can still be applied to the athletic context.

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<sup>49</sup> See Id.

<sup>50</sup> See Id.

Based on the review that I have conducted, along with research and discussions with experts, I submit the following recommendations for consideration by the Town Council and NKSD.<sup>51</sup>

### **Specific Recommendations**<sup>52</sup>

#### **Hiring Coaches**

- The NKSD should immediately review and update their policies with respect to hiring coaches, full-time, part-time, or volunteer coaches and regardless of whether they are employed by the district as a teacher or not.
- There needs to be a more robust hiring process for coaches, and it should be placed into a written policy to ensure that the coaches that the NKSD does hire to coach their students have sufficient qualifications and certificates to be coaches.
- Once a coach is hired the NKSD should do a yearly background check, especially if the coach is not an employee of NKSD.

#### **Training for Coaches**

- The coaches must be appropriately trained and educated.
- There are many different programs for training and educating coaches
- One training program that I would suggest be mandated by the NKSD is the Minor Athlete and Abuse Prevention Policies (MAAPP) which was created by the U.S. Center for SafeSport.<sup>53</sup> This is a comprehensive training that

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<sup>51</sup> Some of these recommendations are already being considered and some have been put in place by the interim superintendent already.

<sup>52</sup> I am aware that there is a financial impact to these recommendations including: increased supervision of the athletic department, additional availability of social workers, mandatory paid certifications, and the potential cost of resolving litigation. But doing the right thing often costs money. The money being spent will protect and take care of the children of the town.

<sup>53</sup> See <https://maapp.uscenterforsafesport.org>.

applies to situations where there is an adult participant, a minor athlete, and contact between them related to sports participation. The training is designed to show what is and is not appropriate behavior for a coach when they interact with minor athletes.

- The final aspect concerning training of coaches is ensuring that the required training and certifications are actually completed.
- RIIL requires that the school principal certify that training required by them was completed by each coach.<sup>54</sup>
- It is not clear from the records that I have reviewed, that the certifications are properly supervised, monitored, or recorded by the School Department, or principal, to ensure that coaches are up to date on their required training.
- Lally indicated that the NKSD has a system now that allows them to track these certifications.
- This system and its information need to be current and inclusive, and easy to use and. In addition, this system should include alerts for when a coach is not in compliance with the RIIL requirements and any additional training requirements of the NKSD.

### **Training on Boundaries Between Coaches and Students**

- There must be education and training provided to coaches, student-athletes, and parents so that they understand what the appropriate boundaries are. Relationships must be professional.
- This training needs to make it clear to all what is and is not allowed.<sup>55</sup>

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<sup>54</sup> The National Interscholastic Athletic Administrators Association provides a certification program for Athletic Directors. See [https://members.niaaa.org/page/Certification\\_CAA](https://members.niaaa.org/page/Certification_CAA).

<sup>55</sup> See Matthew Futterman, *Her Tennis Coach Abused Her. Could the Sport have Prevented it?*, NYT, (May. 25, 2022) (discussing how a retired tennis star and young female tennis athlete, who were both abused by

- Students must be educated so they understand what the boundaries are and what is inappropriate and unacceptable behavior and language.
- There should be no physical contact with students by employees, except for nurses and athletic trainers, no sexual contact, no flirtation, and no comments about physical appearance.
- This training must inform students that if there is ever anything said or done that raises questions or makes them uncomfortable that they can and should question it.
- It must be made clear to all, there is nothing about unacceptable language or behavior that is part of any rite of passage or a team requirement.
- This topic should be discussed regularly, and boundaries taught using practical examples
- It must make clear to the students that there is a person outside of the athletic department to whom they can discuss their concerns and that there will be no repercussions or retaliation.

### **Communications by Coaches**

- There needs to be specific written policies and procedures created by the School Department on communications between coaches and student-athletes.
- These policies should set forth what is allowed and not allowed and the sanctions for violations of these policies.
- After the creation of this policy, there should be education and training of every coach in the district on this new policy.

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their coach, ask for young athletes to be taught about boundaries because they believe if they had been the abuse they suffered would not have occurred).

- This policy needs to cover communications by email, texting, phones calls, and the various social media platforms.<sup>56</sup>
- It needs to regulate how and when communication is permitted and require that parents are a part of any communication between a coach and a student-athlete.
- All communications should be on an approved app — visible to parents and a part of school records.
- This policy needs to clearly prohibit any communication that is solely between coaches and student-athletes.
- There needs to be a much greater level of communication between the coaches, parents, and the school with respect to all the activities of the athletic department. This should include what is expected of the coaches, students, and parents along with what is allowed and not allowed.
- This communication must occur at the start of each sports season and be done in person and writing. This meeting should include the athletic director, coaches, student athletes and parents.
- Attendance at this meeting should be mandatory and a requirement to play on and coach any team.

### **Policy on Athletic Testing by Coaches**

- There must be a specific written policy from the NKSD regulating all athletic testing to be conducted on students in either the physical education department or athletic department.

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<sup>56</sup> As noted above NKHS has already taken action on this by changing their policy regarding communications between coaches and student-athletes.

- This policy should be crafted with input from the athletic director, chair of the physical education department, principal, and superintendent.
- This policy should also be communicated to the parents and students at the start of the school year and for athletics at the start of each sports season, both in person and writing.
- This policy needs to clearly indicate what types of testing are permitted, the manner and circumstances of the permitted testing.
- Any policy that allows for physical contact between an adult and student should be generally prohibited.
- This policy should extend to coaches, physical education teachers, athletic trainers, or anyone else that has close physical contact with students.

### **Increased Supervision of the Athletic Department**

- While creating the new policies above is an excellent first step towards changing the culture within the athletic department, there will be no meaningful changes unless there is increased supervision of the department.
- This increased supervision cannot just be the requirement that coaches sign off that they understand the written policies. This policy must include that the superintendent, principal, and athletic director regularly attend practices to see what is happening and have conversations with students involved in athletics.
- The allegations at Davisville Middle School have shown the importance of direct supervision of athletics at the middle schools.
- While there is a need for more supervision of the athletic department from the inside the department, it does not mean that the principal or

superintendent should not also ensure that they are also supervising the program.

- This supervision is key to re-establishing the trust that the community once had in the athletic department.

### **Responding to Complaints in the Athletic Department**

- There must first be a culture in the school that allows students to feel comfortable in making complaints or to question anything that makes them feel uncomfortable without fear of retaliation.
- Someone should be designated in each school's student services office that student-athletes can go talk to about any issues they may have with a coach.
- This person needs to be clearly identified to the student-athletes, and the students should be informed of who this person is at the start of every sports season.
- Having this person removed from the athletic department will allow the student-athletes to freely discuss any issues they may have with their coach without fearing repercussions that may affect their participation with the team.
- Once a complaint comes in regarding inappropriate physical contact between a student and teacher it must be evaluated and investigated by an outside investigator
- Appropriate referrals must be made to the relevant governmental agencies.

### **Communication Within School Community**

- One of the most critical elements in incidents like this one is communication with the community, both the community at large and the school community.

- In the last 14 months, while all of this was pending, everyone found out what was occurring by reading the newspaper, watching the news, or hearing something on social media, with the exception of the letter in December of 2021 from Blasbalg.<sup>57</sup>
- Communication is necessary whenever disciplinary actions are taken by the NKSD based on an allegation. After an investigation is completed, the results should be released to the school community.
- The privacy and anonymity of the complainant and the accused must be maintained until a thorough investigation is completed and actions taken.

### **Information/Complaints to be Brought to the NKSC**

- The NKSC is separate from the school administration, but they are responsible for what takes place in NKSD. They are the elected representative of the town.
- The NKSC should be informed of serious inappropriate physical contact between students and district employees.
- The NKSC should adopt a policy regarding the monitoring and return of all student/school records when an employee leaves the school.

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<sup>57</sup> That is a significant failure and an extreme contrast to how the Town of East Greenwich, who had their own incident with a coach, handled that matter. Those allegations go to improper and inappropriate contact and behavior by a coach towards a student. In that instance, however, perhaps from the benefit of learning from the North Kingstown experience, the East Greenwich School Department immediately opened an investigation. Their investigator conducted a several months long investigation and came up with conclusions and recommendations. As a result, the School Committee fired the coach and are in the process of implementing some of the changes that have been recommended by their investigator. They have done it publicly. They have kept the community apprised of what happened by sending out a letter to the community. It appears that this is one of the appropriate ways of handling this type of situation. It is certainly in contrast to how the NKSD handled this situation.

- The NKSC can maintain the privacy rights of the complainant and the accused by the use of an executive session to discuss these allegations, just as they have while discussing the allegations against Thomas.
- The NKSC should ensure that a report is made to RIDE and the Department of Children, Youth, and Families (DYCF).
- The NKSC should make counseling available to students when an allegation of inappropriate behavior by an employee is received. The counseling services need to be provided by a school counselor or a private counselor.

#### **NKPD**

- Protocols should be developed which allows the NKPD to advise the NKSD of complaints of misconduct with any student by an NKSD employee.

#### **Partner with the Rhode Island Interscholastic League**

- To better understand the training and education that is currently required and ones that could be helpful for coaches, I met with the Director of RIIL, Michael Lunney, and coaches, including one of the premier coaches in Rhode Island, Robert Palazzo, who is the head basketball coach at Classical High School, to get information and suggestions on what should be done.
- RIIL is a statewide organization comprised of principals who determine high school athletics policies, procedures, and rules.<sup>58</sup>

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<sup>58</sup> I must note that the School Department has just changed the chain of command from the athletic director to the principal, to the athletic director reporting to the superintendent. While that may give the superintendent more access and information on the athletic department, the principal is a member of RIIL and therefore they need to remain involved in the supervision of the athletic department as they are the one of the people who help develop rules and regulations for the RIIL.

- I recommend that the NKSD work with the RIIL to develop policies as to what training should be required for any coach to complete before they can interact with students in the athletic context.<sup>59</sup>
- Both Lunney and Palazzo, when asked, have offered to address some of these concerns through their organization and indeed suggest that the NKSD and NKHS principal actively work with RIIL in forming ideas and recommendations that would not only be useful for North Kingstown but the rest of the state as well.
- The RIIL at the end of this past March, passed new requirements to be a coach in Rhode Island, which includes more training for coaches. These changes include adding courses from the National Federation of State High School Association (NFHS) that coaches are required to take for the various levels of certification. (*Exhibit 15*).
- Lunney indicated that one of the reasons RIIL uses the courses provided by NFHS is that the vast majority of them are free. However, for the ones that are not free, I would suggest that the school department pay for those courses.
- The school district, just as the RIIL has done, should not grandfather any coaches from the training.

### **Proposed Legislation**

- I suggest that the Town and NKSD partner with a legislator to consider certain legislative changes.

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<sup>59</sup> See Futterman *supra* note 55 (discussing how the United States Tennis Association (USTA) does not certify tennis coaches or require any training unless the coach works for them directly. The chief executive of the United States Professional Tennis Association asks why there are no certifications for tennis coaches are not certified in the same way as a golf pro (coach)).

- I would suggest a review of the Commonwealth of Pennsylvania's Educator Discipline Act (EDA) which is discussed in the report, Recognizing and Reporting Sexual Misconduct Under the Educator Discipline Act.<sup>60</sup>
- The EDA provides a broader definition of sexual misconduct in the education environment to include everything from inappropriate comments/jokes to sexual intercourse, including "any sexual, *indecent*, romantic or erotic contact with the child or student." (*emphasis added*). The report also notes that sexual misconduct in schools does not always mean that the behavior in question will be criminal.
- The EDA also includes reporting requirements for sexual misconduct allegations for the chief school administrator and educators. The chief school administrator has 15 calendar days from learning of the allegation to report it to a statewide body. The allegations to be reported include "every report, rumor or suspicion." This reporting requirement cannot be avoided by entering into an agreement with the accused educator.
- Educators have the same responsibility to report every report, rumor, or suspicion of sexual misconduct, and they must report these allegations within 15 calendar days from when they learned about it. They have to report these allegations to their immediate supervisor, the chief school administrator, and the same statewide body as the chief school administrator.
- If either the chief school administrator or educator fails to comply with these mandatory reporting requirements, they can be disciplined. This

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<sup>60</sup> See Reporting Sexual Misconduct *supra* note 27.

discipline may include one or both of the following — “revocation of the administrator’s or educator’s certification and/or employment.”

- A new law modeled on the EDA will strengthen the reporting regulations in Rhode Island while putting in penalties for educators who fail to respond to reports of sexual misconduct, which should lead to accusations like the ones here being reported to RIDE and thoroughly investigated.
- Other legislative issues to consider:
  - A review of the RIDE teacher certification system including determining what information is available to which educational institutions.
  - A review of the processes for notifying school districts of disciplinary action for teachers, coaches, and other school employees based on conduct with students.
  - Certification system of coaches, allowing for mandatory review of yearly certification of coaches, and the process for handling findings of misconduct against coaches.
  - Changing the status of sexual contact between certain aged students and school officials.
  - Review the availability and access of indicated findings of DCYF complaints to RIDE and to school employees.

### **Summary**

The policies and protocols suggested here will help prevent and stop wrongful behavior in the future — but it is not enough.

## Change in Institutional Culture

There needs to be a culture change in all institutions that are responsible for the care of children. In every instance of sexual misconduct, the behavior is first and foremost the responsibility of the individual who does the improper act. But for the actions of the wrongdoer, no child will be harmed.

- Protocols and policies will help prevent and stop the wrongdoer's behavior, but the institution has a responsibility also.
- Educational institutions and the adults they employ always have to be prepared to deal with those that exhibit unacceptable behavior.
- Each person responsible for the care of children have a responsibility to watch, keep their eyes open and question anything that appears inappropriate. It's not always comfortable to question a coworker, but it is necessary, because it is their business to make sure kids are safe.
- Some suggest that this watchfulness makes us all paranoid, but that was said when child abuse reporting became mandatory or when we were told to be aware of domestic abuse, suicide, and bullying. But, on the contrary, it has all proven effective.
- It is our obligation to question inappropriate behavior, report it and let the experts investigate it.
- It is necessary because in many cases where a child has been harmed, there was someone that knew or someone who should have known. They could have stopped it, but they did nothing. The culture of inaction allows the conduct to continue, or to pass it off to someone else, and that results in a loss of faith in the institutions and the adults they employ.

## Change in Athletic Culture

- Additionally, schools, parents, and coaches must also take a close look at the athletic culture in the schools. Extracurricular activities are crucial for the education of the whole child. So many students are involved in athletics (almost one-half of the students enrolled at NKHS) that we must focus on their well-being as student-athletes. That includes the win and loss record, but more importantly, the care of the whole child.
- The current athletic culture in NK is not a unique one.
- Sports create a unique environment. Coaches are popular, respected, talented and have a significant impact on the athletes, especially at the high school level. Student-athletes are hardworking, respectful, and motivated to be physically fit and excel at both athletics and their academic work.
- Student-athletes generally want to support and protect themselves, their team, and their anonymity. They want to be normal and protected from blame or victimization. But unfortunately, their silence allows the behavior to continue because the wrongdoer knows no one will talk.
- Coaches can have such a powerful and positive impact on a high school student's life, and many do.
- Because of that power we must ensure that coaches follow all policies, protocols and precisely communicate what they are doing.
- We must create a culture in athletic departments that protects these hardworking and high achieving students' athletes from harm, and encourages them to speak up when they see or hear about something inappropriate that is occurring.
- By doing this we can change the culture in the athletic departments in our schools so that we continue to educate the whole child and give them tools to succeed as adults.

- The administrators must actively monitor the activities, and parents must ask questions

## IX. Conclusion

There are few things more critical to a person's life than the education they receive when they are young. We all know that education does not only take place in the classroom, but also through extracurricular activities such as drama, clubs, and athletics. But for the lessons that are learned to have their full impact, students must be protected from the various harms they may face.

All institutions that are entrusted with our children must recognize that is their duty to protect them from harm — both from within and without.

“Schools have a unique role in creating a climate within their schools that fosters ethical conduct and practice and maybe the most important component in any program of sexual misconduct prevention.”<sup>61</sup>

The situation that has rocked the North Kingstown community over the past year and a half is not unique. We all have seen too many of these incidents over the years, such as the sexual assault and sexual misconduct cases involving other institutions, colleges, sports programs and religious organizations.

While each of those situations and the one we face here are all different, the common thread they all share is the failure to protect children from harm.

That is unacceptable. While we cannot prevent every incident from occurring, we have a responsibility to our children to ensure that systems and policies are in place to avoid as many of these incidents as we can.

We must be able to distinguish between the individual wrongdoer and the failings of the institution the wrongdoer works within.

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<sup>61</sup> Child Sexual Abuse *supra* note 28.

We must do that here so the North Kingstown High School, North Kingstown School Department, and the North Kingstown community can start down the path towards healing.

Aaron Thomas and any other individual who ever acted inappropriately towards students has their own personal responsibility for their actions, and the criminal and civil justice systems will determine that responsibility.

The North Kingstown School Department has its own responsibility to prevent this from happening and stopping it once they realize what is occurring.

Protecting children should be the number one priority of any school system.<sup>62</sup> That is why a school system must ensure that they have proper hiring, training, education, supervision, monitoring, and accountability for all its employees, no matter their job at the school.

In addition, each school employee has a responsibility to be on the lookout for any warnings or red flags that may indicate that a child is in danger and report them immediately. And once a report is made, the school system has a responsibility to thoroughly investigate the information and take the appropriate actions based on their investigation.

Students need to understand and feel that it is okay to always report anything that makes them feel uncomfortable to an adult at the school or their parents.

When a school fails, they lost the trust of the community that they serve. Schools must recognize their failures and making the necessary changes to prevent something like this from happening again. That trust must be rebuilt, and that will take time. To

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<sup>62</sup> See Child Sexual Abuse *supra* note 28 (discussing that this responsibility is not just a teacher's responsibility but everyone who is a part of the education community and that a part of this responsibility is to confront a colleague who is crossing boundaries and reporting those concerns to the appropriate people or organizations).

rebuild this trust, they must be candid and transparent with the community they serve regarding the changes they are making and any future situations they may encounter.

I expected at the beginning of my review, in the role of a neutral arbiter, that I would be able to resolve some of the issues within in the Town. But there are ongoing investigations. The criminal investigation is not yet completed. When these investigations conclude, the individuals will be accountable for their own actions. Civil suits are being filed and will need to be evaluated by the Town's lawyers. But I am hopeful the Town will consider resolving any substantiated cases, so the school community can move on.

North Kingstown High School is, by all accounts, an excellent school. The pending complaints involve a very small percentage of the teachers, coaches, and staff of the North Kingstown School Department.

In the time I spent there, I have been impressed by the excellent and caring teachers, faculty, and staff that I have met. They are sad, embarrassed, angry, frustrated, and upset by the events.

It is important to remember that our teachers are educating our children — which is never an easy task. Not only do teachers teach our child in the classroom they are also involved in other school activities.

Teachers everywhere that have had to deal with two years of disruptions caused by COVID-19. They always need to be aware of any mental health issues of their students (a coalition of pediatricians and psychiatrists in Rhode Island declared a state of emergency for child and adolescent mental health in April of 2022).

In addition, faculty and staff continue to deal with changes in curriculum and adjustments to our changing society.

Teachers must continually make threat assessments for school safety. Teachers are the first shield for their students in any school shooting.<sup>63</sup>

There has been too much collateral damage among the students, faculty, staff, and North Kingstown community at large caused by the actions of one person. It is time for the School Department to admit their failings, make changes and move on.

It is my sincere hope and desire that when school returns in September, there will have been a change in the culture in the school system along with the necessary changes that will enable the school system to better protect the child with whose care they are entrusted. With a new administration being established in the School Department, now is the time to make the lasting changes that are needed.

Our children deserve nothing less from us than to do this and do it now.

This Report is respectfully submitted to the North Kingstown Town Council this 9<sup>th</sup> day of June, 2022.

/s/ Susan E. McGuirl

Susan E. McGuirl, Associate Justice (Retired)

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<sup>63</sup> As I write this report, our country is grieving for 19 children and their 2 teachers, who died protecting them.

# **EXHIBIT 1**

PETER A. DIBIASE, INC.  
ATTORNEY AND COUNSELOR AT LAW  
SHAKESPEARE HALL  
128 DORRANCE STREET - SUITE 550  
PROVIDENCE, RHODE ISLAND 02903

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TELEPHONE  
AREA CODE 401  
831-5020

March 21, 2022

Matthew T. Oliviero, Esq.  
Oliviero & Marcaccio, LLP  
30 Romano Vineyard Way  
Suite 109  
North Kingstown, RI 02852

*Re: Your North Kingstown School Department Investigation/Keith Kenyon*

Dear Attorney Oliviero:

Thank you for speaking with Craig Montecalvo and me last Friday regarding our client Keith Kenyon. As we discussed, Keith, unfortunately, did not receive your notice for an interview. The telephone numbers you used were no longer connected to him and the email attached to your report was simply never received. However, Keith is ready and eager to assist you with your investigation without limitation as to scope or topic. In this regard, Keith has immediately, and without reservation, cooperated with every investigator that has reached out to him and remains prepared to participate in your investigation in any manner you deem most appropriate.

By way of background, Keith Kenyon was the Athletic Director at North Kingstown High School between 1985 and 2009 with one leave of absence from February 2006 until April 2007. Keith supervised approximately 60 people in that role, including Aaron Thomas. Thomas was an excellent coach who achieved great results. Moreover, he appeared sincerely invested in working in the best interests of his student athletes. He was never the subject of any complaints of any type; either from a student, a parent, or a colleague. As a result, Keith once considered Thomas a great asset to the North Kingstown High School athletic program and a friend. Those once-held beliefs have been supplanted by a sense of great betrayal.

Keith was aware that "BMI testing" or Body Composition Testing, a well-accepted objective measurement designed to assist athletes evaluate their athletic and nutrition plans, was being conducted by Thomas. Keith also understood that Body Fat Testing was a part of that BMI process and that the intent of this testing was to help an athlete get stronger and better.<sup>1</sup>

<sup>1</sup> BMI testing was not just body testing. It had a purpose which was to get an athlete stronger through weight training. It gave an athlete a bigger picture of his athletic ability.

**PETER A. DIBIASE, INC.**  
ATTORNEY AND COUNSELOR AT LAW

Although he never performed the test himself, Keith was familiar with the practice from his experience as an assistant football coach at Syracuse University. Through his experience at SU, and through his general knowledge of the testing, Keith understood that the testing subjects were always clothed: typically, in gym shorts and t-shirts.

In the strongest possible terms, Keith WAS NOT aware of, and had never heard a single whisper about, these tests being conducted by Thomas on students who were naked, or with underwear removed or pulled down. Had he any such idea, Keith would have immediately stopped the practice, kept Thomas away from student athletes, and recommended his termination.

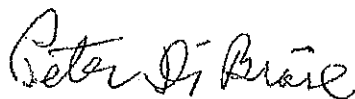
Randy Tyson was a former NFL Scout who helped found a company called Athlete IQ. The underlying concept of Athletic IQ, was to collect through objective testing of an athlete's speed, agility and electronic measurements, data points from student athletes that would theoretically serve to predict future athletic ability. A SAT test for athletes; so, to speak.

Randy Tyson lived in Jamestown, Rhode Island and was very friendly with both coaches and student athletes at North Kingstown High School. Accordingly, in the Fall of 2005, before Keith Kenyon became an employee of Athletic IQ, he offered to perform comprehensive evaluations of North Kingstown High School student athletes at no charge.

These evaluations were comprised of about 10 testing stations which measured performance in areas of strength, flexibility, agility, jumping ability, 20-yard dash, height, weight, and body fat composition. All measurements were obtained electronically which, though standard practice now, was then cutting edge. These stations were supervised by coaches who were paid a minimal honorarium, including Aaron Thomas. To the very best of Keith's knowledge, except for supervising his testing station on two occasions at North Kingstown High School, Aaron Thomas had no other formal relationship with Athletics IQ.

Thank you again for speaking with us on behalf of Keith Kenyon. Keith believes these children and is disgusted to imagine their allegations being perpetrated by one of his coaches. He is disgusted to imagine their allegations being perpetrated by one of his coaches. He stands ready to assist you and or Judge McGuirl in any way you believe most helpful.

Sincerely,



Peter A. DiBiase, Esq.

# **EXHIBIT 2**

Dear Members of the North Kingstown Community,

I was appointed by the North Kingstown Town Council to review the allegations against the former boys' basketball coach at NKHS and review the response to these allegations. Since the start I have worked diligently to investigate every aspect of these allegations. I have attempted to determine what occurred, how it happened, why no one knew, and whether there was a failure to protect the students at the school. I am also concerned about what can be done to prevent another incident like this from occurring ever again.

During the course of my extensive review, I have compiled and reviewed all the information that I have been able to obtain. However, to my knowledge, no one has asked the students, faculty, staff, parents, and community to come forward with any information. Therefore, I am writing to you today, to request that, if you have any information that you feel may be useful to my review of these incidents, please contact me. I want to ensure you that the identities of anyone who provides information will remain confidential. I also want to assure the parents/guardians of any student who wants to provide information to me that I will not meet with any minor student without your knowledge and permission. My goal is to ensure that the Town has a complete and independent review of the circumstances surrounding these incidents along with suggested changes that can be made to better protect the students of NKHS in the future.

If you have any information that you wish to provide me, you can email me at [jmnk2022@gmail.com](mailto:jmnk2022@gmail.com) or text/call me at 401-578-0121.

I thank you for any information that you may be able to provide me as I conclude my review.

Sincerely,

Susan McGuirl

Associate Justice, Retired

Dear Parents/Guardians and Students,

I was appointed by the North Kingstown Town Council to review the allegations against the former boys' basketball coach at NKHS and review the response to these allegations. As current student and student athletes you may have a unique perspective on the events and circumstances of the allegations against the former boys' basketball coach at NKHS. Any information you may have to share would be especially valuable to my review of these allegations and to any recommendations that I make to the North Kingstown Town Council.

I understand the concerns that you may have, regarding your privacy when coming forward with information. I want to ensure you that I will protect the identities of anyone that provides information they feel may be helpful to me as I conclude my review. I also want to assure the parents/guardians of any minor student-athlete who wants to provide information to me that I will not communicate or meet with your child without your knowledge and permission.

I appreciate the difficulties that these allegations have caused you as students, student athletes and as parents. It is my sincere hope that the conclusion of my review will provide another small, but meaningful step down the road of healing for the school community.

If you have any information that you wish to provide me, you can email me at [jmnk2022@gmail.com](mailto:jmnk2022@gmail.com) or text/call me at 401-578-0121.

I thank you for any information that you may be able to provide me as I conclude my review.

Sincerely,

Susan McGuirl

Associate Justice, Retired

Judge Susan McGuirl Requests Information Related to Her Investigation of  
Allegations Against Former North Kingstown High School Basketball Coach

Arron Thomas

North Kingstown, R.I., March 30, 2022 – Judge Susan McGuirl as part of her independent review authorized by the North Kingstown Town Council, into the allegations against the former NKHS basketball coach, is releasing a letter today to the North Kingstown community requesting that any individual that may have information relevant to the incidents to please contact her.

Judge McGuirl can be contacted at [jmnk2022@gmail.com](mailto:jmnk2022@gmail.com) or 401-578-0121.

###

Email to Parents of Students who Received Emails About Testing From Arron Thomas after 2018 Allegations

Good Morning,

I am currently looking into the circumstances behind the fat-testing undertaken by former teacher/coach Aaron Thomas. I have seen emails between some student athletes and Mr. Thomas discussing this testing. I have some questions about this testing process. If you agree, I am interested in talking with you and your son about this matter. I can be contacted at either 401-578-0121 or [jmk2022@gmail.com](mailto:jmk2022@gmail.com).

Thank you,

Susan McGuirl  
Associate Justice, Retired

Email to Parents of Current Members of Boy's Basketball Team

Good Morning,

I am currently looking into the circumstances behind the fat-testing undertaken by former teacher/coach Aaron Thomas. I have questions about the testing of student athletes on the boy's basketball team. If you agree, I am interested in talking with you and your son about this matter. I can be contacted at either 401-578-0121 or [jmnk2022@gmail.com](mailto:jmnk2022@gmail.com).

Thank you,

Susan McGuirl  
Associate Justice, Retired

# **EXHIBIT 3**



NORTH KINGSTOWN SCHOOL DEPARTMENT  
Office of the Superintendent  
100 Romano Vineyard Way, Ste. 120  
North Kingstown, RI 02852-6202  
(401) 268-6403 HYPERLINK "http://www.nksd.net"  
[www.nksd.net](http://www.nksd.net)  
Fax: 268-6405

Educate  
Inspire  
Challenge

February 17, 2021

Mr. Aaron Thomas  
[REDACTED]

Dear Mr. Thomas:

Please be advised that a meeting of the North Kingstown School Committee to be held via zoom on Wednesday, February 24, 2021 at 9 am, I intend to recommend to the Committee that you be terminated/non-renewed from your teaching and coaching positions in the North Kingstown School Department effective at the conclusion of the 2020-2021 school year. Until that time, I am also recommending that you be placed on administrative leave without pay for the remainder of the 2020-2021 school year or until such time as an ongoing investigation is completed. I am taking this action because of the investigation that is occurring due to some complaints that the School Department has received from former students and athletes that allege that you inappropriately touched them. At the present time these complaints are being investigated by law enforcement and also will be investigated by the School Department.

You may attend the School Committee meeting virtually, with counsel if you choose, and present evidence relative to this recommendation. If you choose, you may submit a written presentation for consideration by the School Committee. Your appearance or failure to appear at the meeting will not affect any rights which you may have should the School Committee approve my recommendation.

The zoom link to join this meeting virtually is noted below:

Topic: NKSC School Committee meeting 2/24/21

Time: Feb 24, 2021 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://nksd-net.zoom.us/j/83620172518?pwd=VlF4cWw2NGFOa0w4WFFtWUlmMnFLdz09>

Meeting ID: 836 2017 2518

Passcode: 197290

One tap mobile

+16468769923,,83620172518#,,,\*197290# US (New York)

The North Kingstown School Department does not discriminate on the basis of age, sex, race, religion, national or ethnic origin, color, disability, status as a veteran or sexual orientation

# **EXHIBIT 4**



NORTH KINGSTOWN SCHOOL DEPARTMENT  
Office of the Superintendent  
Phillip Auger, Ph. D.  
100 Romano Vineyard Way, Ste. 120  
North Kingstown, RI 02852-6202  
(401) 268-6403 Fax: 268-6405

Educate  
Inspire  
Challenge

February 24, 2021

Mr. Aaron P. Thomas  
[REDACTED]

Dear Mr. Thomas:

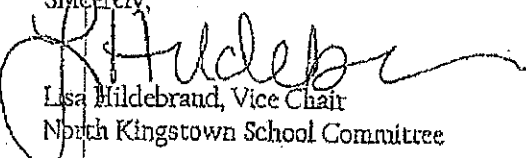
Please be advised that a meeting of the North Kingstown School Committee held on Wednesday, February 24, 2021 at 9 am, the School Committee voted to accept the Superintendent's recommendation that you be terminated from your teaching and coaching positions in the North Kingstown School Department effective at the conclusion of the 2020-2021 school year.

The Superintendent made this recommendation due to an investigation that is occurring based on some complaints that the School Department has received from former students and athletes that allege that you inappropriately touched them or were in an office with them while they were naked. At the present time, these complaints are being investigated by law enforcement and are also being investigated internally by the School Department.

Until further notice you are to remain on administrative leave with pay with the understanding that you will receive your base salary. Any stipends you receive will be prorated and paid through February 12, 2021.

In accordance with RIGL § 16-13-2 upon request, you shall be afforded a hearing and appeal pursuant to the procedures set forth in RIGL § 16-13-4.

Sincerely,

  
Lisa Hildebrand, Vice Chair  
North Kingstown School Committee

/ijb

pc. Mary Ann Carroll Esquire  
Amanda Scott, NEARI  
Barbara Morse  
Denise Mancieri  
Christopher Cobain  
Personnel file

The North Kingstown School Department does not discriminate on the basis of age, sex, race, religion, nationality or ethnic origin, color, disability, status as a veteran or sexual orientation

# **EXHIBIT 5**

**Aaron Thomas**  
**<apt17@verizon.net>**

**Tue, Feb 16, 2021,**  
**9:06 PM**

to me

CRE attached. Let me know if you have any questions.

- Mostly 2-3 & 3-2 vs SK. (A little man at the end)
- Prefer 2-2-1 Press "Black" over 1-2-2 3/4 ct "White" back to zone defense
- Have problems with pressure—especially 1-2-2 3/4 ct press.
- Bell(33) is the Bell Cow. They force the ball inside to him
- Attack the press to score not just break. Middle is wide open—Consider [REDACTED] the middle, so he can attack and dish to [REDACTED] under the basket
- Totals do not include Hendricken game from tonight

Please let the guys know we spoke. While I cannot direct contact them, I am proud of their 6 wins so far in 9 games. Need to ramp up for the playoffs.

Aaron Thomas  
apt17@verizon.net

Thu, Feb 18, 2021,

11:23 AM

**Aaron Thomas**  
<apt17@verizon.net>

to me

Remember to contact the workers if CRE is cancelled and any changes to the schedule.

Clock .

[REDACTED]

Shot Clock

[REDACTED] -- school e-mail

Scorer/Announcer .

[REDACTED] school e-mail

NFHS Announcers .

[REDACTED] school email

Camerman .

[REDACTED] school e-mail or [REDACTED]

Thu, Feb 25, 2021,  
2:08 PM

**Aaron Thomas**  
<apt17@verizon.net>

to me

See below about playoffs.

I believe we will need to select

1 first team player

2 second team players

1 third team player

Aaron Thomas

apt17@verizon.net

Good afternoon Everyone,

I wanted to pass along some updates. First up, the brackets for the playoffs have been released on the RIIL website. The boys basketball committee met earlier today with RIIL to ensure tiebreakers and seedings were 100% correct.


Here is the link: <https://www.riil.org/page/6159>

There will be no fans throughout the playoffs. [REDACTED] did mention there is a slight possibility for the championship game that Senior parents might be allowed to attend. I will keep everyone up to date on this. RIIL will be sending out a more detailed email regarding playoffs which I will pass along to everyone.

Now that the regular season is over and standings are finalized [REDACTED] will be sending out the team breakdowns for All League selections with the slotted system we will be using this year. There will be no voting, coaches will decide which team members they want for 1st Team, 2nd Team and 3rd Team.

We will be voting for Coach of the Year on a separate ballot, each coach will be listed on the ballot. Division 1 and Division 2 each league will have their own Coach of the Year since there were limited/no crossovers. You will only vote for one coach in your league for coach of the year. Division 3 with everyone crossing over in each league you will be choosing two coaches overall, not by leagues. We will also be sending out the RIBCA Scholarship application form along with RIBCA All Academic form as well.

If anyone has any questions please do not hesitate to ask. Have a good day and best of luck to everyone that made the playoffs!



Aaron Thomas  
<apt17@verizon.net>

Sat, Feb 27, 2021,  
7:22 AM

to me

Two of these belong to [REDACTED]. The other is ALL ACADEMIC [REDACTED] will need to get you the other two letters then we can send it out.

I will double check who is getting them. Either [REDACTED] or [REDACTED]

Thanks

Aaron Thomas  
apt17@verizon.net

Aaron Thomas  
<apt17@verizon.net>

Mon, Mar 1, 2021,  
10:31 AM

to me

Looks like we are getting [REDACTED] and [REDACTED] on first team. I read the grid wrong

Aaron Thomas  
<apt17@verizon.net>

Wed, Mar 10, 2021,  
8:28 PM

to me

Here are all of the award winners

Sent from the all new AOL app for IOS

Begin forwarded message:

On Wednesday, March 10, 2021, 8:10 PM, [REDACTED]  
wrote:

**Hello Everyone,**

Here are our Post Season Award Winners.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mon, Mar 15, 2021,

7:09 PM

**Aaron Thomas**  
<apt17@verizon.net>

to me

Congratulation [REDACTED]

Aaron Thomas  
apt17@verizon.net

-----Original Message-----

From: he [REDACTED]  
To: Aaron Thomas <apt17@verizon.net>  
Sent: Mon, Mar 15, 2021 5:24 pm  
Subject: NK - RIBCA Scholarship

Good evening Aaron,

I wanted to let you know that [REDACTED] was selected for one of the RIBCA scholarships. Feel free to let him know, I will be releasing the names on the RIBCA social media accounts tomorrow night. Thank you again for submitting the application, very impressive background. Hope all is well, have a good night!

[REDACTED]

Wed, Mar 17, 2021,  
12:07 PM

**Aaron Thomas**  
<apt17@verizon.net>


to me

Hi Key,

Need one more favor.

The RIBCA End of the Season Coaches Meeting.

This Thursday night, March 18th at 6:30pm we will have our mandatory coaches meeting on Zoom. If you cannot attend please send a representative from your program. We would like to keep it to one coach per school if possible to make it easier when we assign the breakout rooms. We will send out the Zoom information and agenda for the meeting the day before.

Are you available to go? If not, I'll ask 

Thanks

Aaron Thomas  
apt17@verizon.net

Update 4/14

Wed, Apr 14, 2021,

9:36 AM

**Aaron Thomas**

**<apt17@verizon.net>**

to me

Quick Update.

Still waiting for the police to clear me. They are waiting on the same (1) person who has not shown up for the last 2-3 weeks. (Crazy) I thought everything would wrap up by the end of next week now,

the elusive witness that the Detective has been trying to interview is supposedly scheduled now to meet with him on April 23rd. Then, I have to meet with Matt Oliverio the week of 4/26.

Extremely Frustrating but I am trying to be patient.

██████████ has been great getting info from the police and advising me. He is frustrated too.

Hoping this wraps up soon but I think it could be a while.

Let me know if you hear anything. Unfortunately, I am barred from contacting teachers and students until this is resolved. Plus, I have been advised not to discuss until the police have wrapped up. Some people have sent their support through other people which has been great. I still have not spoken to ██████████ or ██████████. (I will when the police part wraps up)

**It's ok to give out my contact info if people ask.**

**Thanks**

Aaron Thomas

apt17@verizon.net

401-594-1714

## Good Luck this week & Update

Inbox

Sun, May 30, 2021,

12:50 PM

**Aaron Thomas**

<apt17@verizon.net>

to me

Hi Key,

Good luck this week with Baseball, big week with Hendy & Coventry.

I do not have any updates other than it does not look good for me to return to NK. I should get more information on this on Tuesday 6/1. (I have a meeting with the union lawyer) School department lawyer wants me to resign. The sensitivity of the subject puts me in a bad position. At this point resign/retire is an option under the correct conditions. (Long story) remember I do not trust the school department.

I have spoken with [REDACTED] about his situation and heard from several former players and parents who are completely behind me. It has been awesome to hear from them. I meet with [REDACTED] at least once a week which has been helpful.

I am hoping you can give me a letter of recommendation so I can be ready to apply for other jobs if needed. Also, need help with getting other letters since I cannot contact anyone at NK. Any idea who I should use? I am thinking I will apply for Assistant Principal jobs.

[REDACTED] & I are going to Vermont to help [REDACTED] move in for the summer on Tuesday and Wednesday. (Just a chance to get away)

BTW it has been confirmed to me that [REDACTED] are behind this.

Thanks

Aaron Thomas

apt17@verizon.net

## Reference letter request from Aaron Thomas

Tue, Jun 22, 2021,  
3:17 PM

**SchoolSpring**  
<reference@schoolspring.com>

to gormleyK20

Dear Kevin,

Aaron Thomas is in the process of completing an online employment application with SchoolSpring, a service that allows education job seekers to search and apply for education jobs online. You have been requested to save time by submitting a letter of recommendation online!

\*\*\* Please note that your letter can be viewed by Aaron Thomas. \*\*\*

It's easy to submit your letter online. If it's already composed in a word processor, simply copy and paste the text. If not, write and save your letter in a program such as Microsoft Word or Mac Pages, and then copy and paste the text. Please visit the following web page to submit your letter:

<https://click.pstmrk.it/2t/www.schoolspring.com%2Freference%3F2Z90Z8/VPZzHiMN/rJwV/006tQ17iSg>

If the above link is not clickable, copy and paste the full address into your browser's address bar. If you need assistance, please send email to [support@SchoolSpring.com](mailto:support@SchoolSpring.com).

Thanks,

SchoolSpring Support

SchoolSpring - The Employment Source for Educators

reference



Tue, Jun 22, 2021,  
7:27 PM

**Kevin Gormley**  
<gormleyk20@gmail.com>

to Aaron

Aaron,

In light of new information I received over the past few months from former players, I will not be able to give you a letter of reference. Please also refrain from listing me as a reference.

Kevin

Tue, Jun 22, 2021,  
7:53 PM

**Aaron Thomas**  
<apt17@verizon.net>

to me

Hi Kevin,

I am sorry to hear this but I will remove you from my reference list.

Aaron

# **EXHIBIT 6**

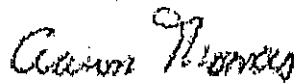
June 24, 2021

Philip G. Auger, Ph.D  
Superintendent of Schools  
North Kingstown School Department  
Administration Building  
100 Romano Vineyard Way, Ste. 120  
North Kingstown, RI 02882-6202

Dear Superintendent Auger:

I am writing to inform you that I hereby voluntarily and irrevocably resign from my position as a teacher with North Kingstown School Department effective on the last day of the 2020-2021 school year.

Sincerely,



Aaron Thomas

# **EXHIBIT 7**

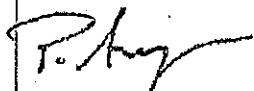
July 6, 2021

Aaron Thomas  
[REDACTED]

Dear Aaron:

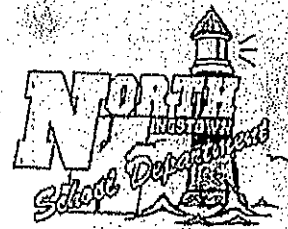
Please be advised that I accept your resignation from the position of 1.0 FTE TV Production/Careers Teacher at North Kingstown High School, effective June 24, 2021.

Respectfully,



Phillip G. Auger, Ph. D.  
Superintendent of Schools

cc: Personnel File  
Principal  
Sue Warburton



*Educate, Inspire, Challenge*

**NORTH KINGSTOWN  
SCHOOL DEPARTMENT  
OFFICE OF THE SUPERINTENDENT**

*Phillip Auger, Ph.D.*

100 Romano Vineyard Way  
North Kingstown, RI 02852  
(401) 268-6400

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# **EXHIBIT 8**

Statement from Chairman Gregory Blasbalg  
December 15, 2021

Good evening.

At the outset, my School committee colleagues and I, thank you for your patience as the investigations continue. The safety and well-being of our students remains our top priority. This has been a very challenging time for our community and especially for the individuals and families that have been impacted. We thank everyone who has shared their story as part of this investigation and we hear you.

This issue came to the NK School Committee's attention on February 19, 2021 when the Superintendent placed Mr. Aaron Thomas on administrative leave.

The Administration and the School Committee commissioned Attorney Matthew Oliverio to conduct an independent and objective investigation concerning the complaints made by former students alleging inappropriate conduct on the part of Aaron Thomas. Mr. Oliverio was instructed to determine if Mr. Thomas had violated any rules, regulations, policies or laws.

It is important to note that Mr. Thomas was placed on administrative leave by the School Department at the direction of the Superintendent on February 19, 2021. The School Committee voted to uphold this suspension and to approve the Superintendent's recommendation to terminate Mr. Thomas effective at the conclusion of the school year, the earliest legally permissible date. However, on June 24, 2021, Mr. Thomas resigned without severance. The Phase 1 investigation report identifies facts that support the School Department's termination of Mr. Thomas.

Mr. Oliverio submitted his Phase 1 investigation report to the School Committee on June 18, 2021. The Phase 1 report details the independent and objective investigation that Mr. Oliverio conducted. After a careful review of the investigation's findings and as a result of additional details becoming known, the School Committee on November 6, 2021 authorized Mr. Oliverio to conduct a second phase of the investigation. The School Committee instructed Mr. Oliverio to expand the scope of his independent investigation to determine who and when any school district administrator knew of the inappropriate manner in which Mr. Thomas conducted "fat-testing" of students. Mr. Oliverio has informed the School Committee that the second phase of his investigation will not be complete until late January 2022.

It is not our intention this evening to review each part of the Phase 1 investigation report with you. The School Committee has been briefed by Mr. Oliverio and we have read the Phase 1 report in great detail. We understand the gravity of some of the report's findings and we understand that the report is disturbing. We understand what is in that Phase 1 report and will act accordingly and as I mentioned, the School Committee has authorized Mr. Oliverio to expand the scope of the investigation.

— continued —

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**NORTH KINGSTOWN  
SCHOOL COMMITTEE**

100 Romano Vineyard Way  
North Kingstown, RI 02852  
(401) 268-6400

The School Committee has taken the Phase 1 recommendations into account and has made and will continue to make changes based on the recommendations. Once we have the Phase 2 report containing the investigation findings and recommendations and have been briefed by Mr. Oliverio as well as any other information that may come forward, the School Committee will announce additional changes that it and the School Department will implement to protect our students from an incident like this ever occurring again.

Our process has been deliberative – because it has to be. That is our legal duty. We understand that some people would have liked every aspect of this situation to have been resolved back in February, that was simply not possible. An independent, objective investigation was necessary, and we stand by the decision we made to authorize that investigation.

The members of the School Committee are very concerned about this situation as we know you are. We are responsible for ensuring that all the facts are uncovered and then taking action to strengthen the rules, regulations and policies that are intended to protect the health and safety of all the children entrusted to our school district. The changes forthcoming will be serious and adopted from best practices.

I must add that it is important not to rush to judgement. In addition to Phase 2 of our investigation, which is nearing completion, the North Kingstown Police Department has conducted an investigation that was completed in July and the Rhode Island Attorney General's Office is also conducting its own investigation. We do not yet know when that investigation will be completed.

In conclusion, this School Committee has taken decisive and required actions to remove Mr. Thomas and to get to the bottom of what occurred regarding his behavior. We will share the results of these investigations, once completed, with the parents and residents of our community. And we will take appropriate actions to protect our students and to ensure an incident like this never again occurs in North Kingstown Public Schools.



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**NORTH KINGSTOWN  
SCHOOL COMMITTEE**

100 Romano Vineyard Way  
North Kingstown, RI 02852  
(401) 268-6400

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# **EXHIBIT 9**

000000NK BB JV VARSITY TESTING 11-26-2017

Player	Grade	H-T	W-T	Agility	VJ	Pace	Express	Squat	P.Clean	Total	Ratio
1	9	57	115	4.87	25.5	93	90	115	75	280	2.43478260
2	9	66	120	5	23.5	79	95	115	85	295	2.45833333
3	9	68	110	4.84	23.5	100	80	0	0	80	0.72727272
	9	69	115	4.97	22	78	65	0	0	65	0.56521739
	9	66	110	4.82	24.5	86	85	130	75	290	2.63636363
	9	71	234	5.44	16.5	41	115	0	0	115	0.49145299
	9	69	148	4.78	24.5	91	95	135	105	335	2.26851351
	9	72	147	5.22	26.5	86	95	0	0	95	0.64625850
	9	73	135	4.56	23	90	105	180	115	400	2.96296296
	9	68	122	5.19	15.5	80	70	0	0	70	0.57377049
	9	69	124	4.96	26	112	85	0	0	85	0.68548987
	9	72	138	4.94	25	100	125	135	125	385	2.78981507
	9	74	187	4.72	24.5	85	120	155	115	390	2.08556149
	9	68	130	5.22	21.5	110	115	0	0	115	0.88461538
	9	63	91	5.31	16	101	65	0	0	65	0.71428571
	9	72	207	5.37	17.5	88	115	0	0	115	0.55555555
	9	68	120	4.78	25.5	100	90	0	0	90	0.75
	9	69	128	4.8	21.5	112	100	162	115	377	2.9453125
	9	61	92	4.79	23	111	100	135	95	330	3.58695652
	9	1305	2573	94.58	424.5	1743	1810	1262	905	3977	30.75755421
Averages		65.25	128.65	4.729	21.225	97.15	96.5	157.75	113.125	198.85	1.63787714

Player	Grade	H-T	W-T	Agility	VJ	Pacer	Bpress	Squat	F.Clean	Total	Ratio
	9	6'2"	150	4.84	32	94	130	145	135	410	2.7333333333
	9	6'8"	191	4.79	27.5	80	155	0	0	155	0.811518324
	9	5'10"	154	4.94	25	65	115	145	85	345	2.24025974
	9	5'5"	123	4.62	25	54	105	0	0	105	0.853658536
	9	5'11"	125	4.75	26	71	65	0	0	65	0.52
	9	5'9"	153	5.9	16	36	85	0	0	85	0.5555555555
	9	6'4"	170	5.4	22	82	115	175	125	415	2.441176471
	9	6'1"	160	4.75	25	98	135	185	125	445	2.78125
	9	6'0"	172	4.82	26.5	83	145	195	135	475	2.761627907
	9	6'1"	142	5.13	22.5	83	95	130	0	225	1.584507042
	9	5'4"	122	4.78	21.5	84	115	115	90	320	2.62295082
	9	6'1"	137	4.88	25	112	105	155	85	0	#DIV/0!
	9	5'9"	128	4.68	25.5	121	125	215	135	345	2.518248175
	9	5'8"	168	5.04	22	66	135	175	115	475	3.7109375
	9	6'2"	164	4.87	23	65	95	185	125	425	2.529761905
	9	5'4"	116	5.37	19	64	80	0	0	405	2.469512195
	9	5'6"	160	4.88	23.5	92	145	195	135	475	0.689655172
	9	5'8"	138	5	21.5	75	120	145	115	380	2.96875
	9	5'10"	127	5.33	17.5	55	0	0	0	0	2.753623188
	9	5'9"	123	5.13	22	66	85	0	0	85	0.691056910
	9	5'6"	103	5.43	16	89	70	105	75	250	2.427184466
	9										
Totals			3026	105.33	484	1635	2220	2265	1480	5965	#DIV/0!
Averages			44.0952385	5.015714286	23.04761905	77.85714286	111	161.7857143	13.84615384	0.04761197	1.971249174

# **EXHIBIT 10**

## Weight Testing Agreement

The purpose of conducting body composition tests is to:

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

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

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

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature of Athlete

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Date

**Body Composition Tests Information**

**Name** \_\_\_\_\_

**Advisory Room** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone Number** \_\_\_\_\_

**E-Mail Address** \_\_\_\_\_

**Date of Birth** \_\_\_\_\_ **Age** \_\_\_\_\_

**Sports** \_\_\_\_\_

**Special Conditions (Ex. Asthma) (Broken Bones)**

**Height Prediction:**

**Mother's Height** \_\_\_\_\_

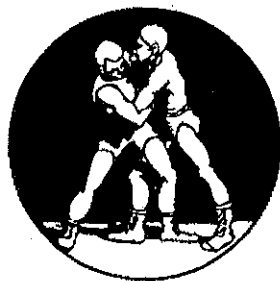
**Father's Height** \_\_\_\_\_

**Athlete's Height** \_\_\_\_\_ **Weight** \_\_\_\_\_

**Athlete's Exact Age** \_\_\_\_\_

# **EXHIBIT 11**

# Rhode Island Interscholastic League



## Wrestling

### Weight Certification Handbook

2021~2022

## RILL Wrestling Weight Management Program

2

### **I. Regulation**

- a. Member high schools will be required to determine a minimum competitive weight for each of their varsity and sub varsity wrestlers based on body fat percentage, i.e. minimum 7% body fat for males and 12% for females. The aforementioned weight is not necessarily his/her optimal competitive weight.

### **II. Determining Minimum Weight (Weight Certification Form)**

- a. Minimum wrestling weight will be determined by a skin-fold measurement using a caliper. Testing can be done by a school physician, the wrestler's personal physician or a certified trainer using a Lange Skin - fold caliper.
  1. It will be the responsibility of each school to contact an appropriate and approved assessor and all wrestlers must have an initial assessment.
  2. The team assessor will complete the "Weight Certification Form" found online. The form must be signed by the assessor, athletic director and coach and the original form is to be sent to the RILL prior to the first wrestling match.
  3. The coach/AD is responsible for entering the data on the RILL Weight Certification Form on the RILL website.
  4. Once the wrestler is certified online by the school, the wrestler is committed to the projected weight values.
  5. The website will automatically determine the wrestlers minimum competitive weight based on the parameters listed above.

- b. The lowest weight class in which a wrestler may compete will be determined as follows:

1. If his/her predicted minimum weight, at 7% body fat, coincides with one of the RILL approved weight classes, he/she may wrestle in that weight class.
2. If his/her predicted minimum weight falls between two of the RILL approved weight classes, he/she must wrestle in the higher weight class

### **III. Time Period for Skin Fold Measurements**

- a. Regardless of when a wrestler first participates in a practice session, he/she may not compete until his/her minimum weight has been established at the first weigh-in and his/her name and data have been entered into the RILL website.
- b. Skin Fold measurements may be conducted on or after November 1st of each year.
- c. All coaches will be able to see the status of all certified wrestlers.

- d. Individual weight loss schedules can be printed for all wrestlers online. Only the Coach and Athletic Director will have access to the data.

**IV. Wrestler Below 7% / 12% Body Fat**

- a. Any male wrestler whose body fat percentage at the time of his initial test measurements is less than 7% must submit a completed RIIL Physician's Clearance Form stating that the athlete's normal body fat composition includes a sub 7% body fat level. A female wrestler whose body fat is less than 12% must also submit a Physician's Clearance Form. The Physician's Clearance Form is valid for one season and expires at the conclusion of the RIIL Individual State Championships. The sub 7% male or sub 12% female who receives clearance may not wrestle below his/her minimum projected weight. The form is available on the RIIL Website.

**V. Weight Loss Limitation**

- a. A weight loss limitation of 1.5% of the initial weight assessment per week will be in effect for all varsity and sub varsity wrestlers. The earliest date that a wrestler will be allowed to compete at his/her predicted minimum weight can be determined by entering the appropriate date on the Weight Loss Plan Page of the RIIL website.

**VI. Growth Allowance**

- a. As provided by NFHS Wrestling Rule 4-4-5, the RIIL Weight Monitoring Program includes a two-pound allowance which becomes effective on January 1. This two-pound allowance cannot be used until the wrestler certifies at his/her lowest weight. All RIIL wrestlers must certify by January 14<sup>th</sup> of each calendar year. Any wrestler who tries out for a team after January 14<sup>th</sup> must have a caliper test and will be certified at his/her initial assessment weight. This must occur before his/her 1<sup>st</sup> match.

**VII. Appeal Process**

- a. A Wrestler may appeal the results of his/her skin-fold measurements or the calculation of his/her minimum competitive weight. The appeal process is described below and must be completed within **Ten (10)** calendar days of the date of the original skin fold measurements, including submission of individual certification form to the RIIL.
- b. Step 1: The skin-fold test measurement can be repeated.  
Step 2: Or a wrestler may submit a Physician's Clearance Form signed by a Medical Doctor using the approved RIIL form.

**VIII. Costs**

- a. All member wrestling schools have been billed by RIIL at the rate of thirty (\$30.00) dollars per school to cover the cost of the RIIL Weight Certification Program.
- b. Member schools are responsible for contacting and negotiating a fee for a certified assessor for the skin fold test

**IX. Wrestling Match Weigh-in Form**

- a. The form can be printed from the RIIL Members Only Website
- b. The form will provide a list of certified wrestlers and minimum allowable weight class (as of that date)
- c. The form is to be used at all approved RIIL matches and tournaments as the official weigh-in form.
- d. Since only certified wrestlers are listed, thus only certified wrestlers can weigh-in.

RHODE ISLAND INTERSCHOLASTIC LEAGUE  
875 CENTERVILLE ROAD, BUILDING #3  
WARWICK, RI 02886

**TO THE PHYSICIAN:**

The Rhode Island Interscholastic League (RIIL) has instituted the Wrestling Weight Management Program to encourage healthy weight management by interscholastic wrestlers. As part of this program, a minimum weight is established for each wrestler prior to their competitive season.

Each wrestler's body fat and lean body mass is measured by a professional assessor using skin fold calipers. A minimum weight is then calculated as 7% body fat for males and 12% for females.

Physician has supplied a weight class at which the physician has certified the athletes to wrestle. The supplied weight class may be below the class indicated by the athlete's initial assessment weight.

Please evaluate your patient for normal growth and development, paying particular attention to weight fluctuations and his or her growth curve. Based on the patient's history and your exam, determine if his or her present weight is compatible with normal growth and development and good health, and indicate your assessment on the reverse side of this memo.

Questions or comments should be directed to  
Tom Mezzanotte, RIIL Executive Director  
401-272-9844.

**Rhode Island Interscholastic League  
PHYSICIAN'S CLEARANCE FORM  
WRESTLER BELOW BODY FAT ALLOWANCE**

Any male wrestler whose body fat percentage at the time of initial assessment is below 7% must obtain in writing a licensed physician's clearance stating that the athlete is naturally at this sub-7% body fat level. In the case of a female wrestler, written physician's clearance must be obtained for athletes who are sub-12% body fat. A physician's clearance is for one season duration and expires each school year.

**Note:** The sub-7% male or sub-12% female who receives clearance may not wrestle below his/her initial assessment scratch weight.

WRESTLER'S NAME: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

SCHOOL: \_\_\_\_\_

<b>DATA REVIEW:</b>	Date of initial assessment ____/____/____	Body fat % _____
	Initial assessment weight: _____ lbs.	
<b>EXAMINING PHYSICIAN:</b>		
<b>ENTER DATA BELOW AT TIME OF ATHLETE'S EVALUATION</b>		
	Date ____/____/____	Weight _____ lbs.

**CIRCLE "A", "B" or "C"**

A. The wrestler named has received clearance as provided by the Rhode Island Interscholastic League's Wrestling Management Program, to participate at a wrestling weight not lower than his/her weight at the time of initial assessment, which is below the 7% (male) or 12% (female) minimum body fat allowance. **EXAMPLE:** Assessed weight 110 pounds: 7% weight 114 pounds. Wrestler may wrestle no lower than the 112 pound weight class.

B. The wrestler named is advised to wrestle at a weight that meets or exceeds the 7% or 12% body fat minimum requirement. The wrestler named has been given permission to participate at a weight not lower than the National Federation weight classification circled.

C. Physician has supplied a weight class at which the physician has certified the athlete to wrestle. The supplied class may be below the class indicated by the athlete's initial assessment weight.

106 - 113 - 120 - 126 - 132 - 138 - 145 - 152 - 160 - 170 - 182 - 195 - 220 - 285

PHYSICIAN'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

PARENT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**NOTE:** This form is the only document accepted as a "Physician's Clearance". The Wrestler will not be able to compete until this form is processed by the Rhode Island Interscholastic League.

Please send the original copy of this form to:

Rhode Island Interscholastic League.  
875 Centerville Road, Building #3  
Warwick, RI 02886

# **EXHIBIT 12**

**Date :** 9/13/2018 11:01:39 AM  
**From :** "Thomas, Aaron"  
**To :** "Avedisian, David"  
**Subject :** Re: BMI Discussion Follow-up  
**Attachment :** image006.jpg;image002.jpg;image004.jpg;

Yes I did. All-set

It will be located in the Weightroom. Shabo and I are testing it out today.

Aaron

On Thu, Sep 13, 2018 at 10:46 AM, Avedisian, David  
<[david\\_avedisian@nksd.net](mailto:david_avedisian@nksd.net)> wrote:

Did you request the new scale purchase yet?

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

**From:** Fossa, Richard <[richard\\_fossa@nksd.net](mailto:richard_fossa@nksd.net)>  
**Date:** Thu, Sep 13, 2018 at 9:00 AM  
**Subject:** Re: BMI Discussion Follow-up  
**To:** Phil Auger <[phil\\_auger@nksd.net](mailto:phil_auger@nksd.net)>  
**Cc:** Aaron Thomas <[aaron\\_thomas@nksd.net](mailto:aaron_thomas@nksd.net)>, Denise Mancieri  
<[denise\\_mancieri@nksd.net](mailto:denise_mancieri@nksd.net)>, David Avedisian <[david\\_avedisian@nksd.net](mailto:david_avedisian@nksd.net)>

Will get that out to the coaches this week.

Dick

On Thu, Sep 13, 2018 at 8:58 AM, Phil Auger <[phil\\_auger@nksd.net](mailto:phil_auger@nksd.net)> wrote:

Hi Aaron,

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

I mentioned that I wanted to have this meeting to ensure that these types of interactions with students are handled appropriately going forward, and that I

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

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

Phil Auger

*Phil Auger, Ph.D.*

*Superintendent*

*North Kingstown School Department*

*401-268-6400*

*[phil\\_auger@nksd.net](mailto:phil_auger@nksd.net)*



Dave Avedisian  
History Dept.  
NKHS room 315

# **EXHIBIT 13**

Date : 10/8/2018 12:45:41 PM

From : "Fossa, Richard"

To : "Phil Auger", "Denise Mancieri"

Cc : "Aaron Thomas", "Jay Shabo", "Joe Gilmartin", "David Petrucci"

Subject : Body Fat Measurement Update

We have teamed with the NK Booster's Club and will purchasing an In-Body 270 Body Composition Analyzer - cost \$4,995.00. This will allow student's to step on a scale and the machine will print out and store information regarding weight, body fat, and other relevant measurements.

All measurements will be made in locker rooms with more than one "supervisor" present. For male athletes it will be either two or more male coaches which can include myself or Mr. Shabo. For females will be either two or more female coaches which can include the school athletic trainer (a female).

Any printouts will be confidential and kept in a locked file cabinet.

The breakdown for payment:

Boys Basketball \$1,000

Football \$1,000

Mr. Shabo Fit for Life Account \$500

Athletic Department Gate Receipts \$1,000

NK Booster's Club \$1,500

One of the concerns raised by the Booster's Club is that although it is available to all students-athletes and students in Fit for Life a coach cannot require a student to participate (mainly for females but also if a male was uncomfortable they cannot be required to participate).

Also, a recommendation was made to have a Sports Nutritionist to come speak to the student-athletes.

Dick

# **EXHIBIT 14**

2/16/22, 9:21 AM

North Kingstown School Department Mail - Message From 4017894244

**NORTH  
KINGSTOWN**  
School Department

This message has been automatically  
translated: -> English.

Morse, Barbara  
<barbara\_morse@nksd.net>

---

**Message From 4017894244**

Cox Communications <donotreply-voicemail@coxmail.com>  
To: barbara\_morse@nksd.net

Wed, Sep 1, 2021 at 11:25 AM

"Hi this is for Dr. Boss this is Dr. Lisi calling Ally SI and the principal of Msgr. Clark School. Dr. boss(?) we just ready to hire. We hired a teacher that was in your building for a while his name is Aron Thomas and I just wanted to check in with you with somebody right person about background and just do a reference check on on on aaron(?) make sure the right hire for Middle School he'll be teaching social studies 62 grade 678. If you give me a call back I'll be very appreciative. The number here is 789-0860. Again it's Dr. Lisi Msgr. Clark School. I appreciate it very much thank you. Bye bye."

 message.wav  
344K Download

# **EXHIBIT 15**

# **Coaching Requirements as of January 1, 2012**

**ARTICLE 13  
COACHING REQUIREMENT**

**Section 1. Coaches Certification**

All school Principals are responsible for monitoring coaches certification to make sure that all coaches meet all RIIL and State requirements.

All NEW Rhode Island Interscholastic League Coaches (Varsity, Junior Varsity, Freshman, Volunteers) hired after January 1, 2012 **MUST** be certified in accordance with the new RIIL Coaching Permit Requirements.

- A. Rhode Island Coaches who were hired prior to **January 2, 2012** are exempt from the new RIIL coaching requirements.

**ALL Coaches must annually complete the NFHS Concussion Course, the RIIL Online Rules test, and the NFHS Sudden Cardiac Arrest Course**

- B. Any Private/Parochial coaches that were listed as a coach on the RIIL website for the 2011-12 school year and have not received their RIDE certificate are exempt from the new RIIL/RIDE coaching requirements. All other Private/Parochial coaches must meet the new RIIL/RIDE requirements.

C. **NEW Athletic Coaching Permit**

NOTE: Effective January 1, 2017 RIDE will no longer issue athletic coach permits.

1. **Each member high school (Principal) will be required to mandate that all "NEW" coaches (hired after January 1, 2012) successfully complete the following (initial certification valid for 5 years):**
2.
  - Red Cross First Aid course **and**
  - Cardio Pulmonary Resuscitation (CPR) course
3. NFHS Online Courses [www.nfhslearn.com](http://www.nfhslearn.com) :
  - NFHS Fundamentals of Coaching Course (which includes the RIIL Rules and Regulations Test).
  - **ANNUALLY complete the NFHS Concussion in Sports Course, the RIIL Online Rules Test, and the NFHS Sudden Cardiac Arrest Course.**

- D. Requirements for Renewal for Athletic Coaches (within 5 years after initial requirements are met):

- **Completion of the NFHS Accreditation Interscholastic Coach (AIC) Level 1 National Certification: Requirements**



- *First Aid, Health and Safety For Coaches* (Must maintain current First Aid certification at all times)
- *Concussion in Sports* (required annually)
- CPR (Must maintain current CPR certification at all times)
- One NFHS sport-specific course of your choice (preferably in the sport you are coaching)

- E. **Conditions for Renewal for Athletic Coaches (every 5 years thereafter):**

- Completion of the following NFHS On-Line Courses:

- *First Aid, Health and Safety for Coaches* (Must maintain current First Aid certification at all times)
- *Concussion in Sports* (required annually)
- CPR (Must maintain current CPR certification at all times)
- Three (3) NFHS On-Line Courses

**F. OR Lifetime Certification (after initial 5 years) NFHS Certified Interscholastic Coach (CIC) Level 2 National Certification: Requirements.**

**Completion of the following NFHS On-Line Courses :**



- *Bullying, Hazing and Inappropriate Behaviors*
- *Strength and Conditioning*
- *Teaching and Modeling Behavior*
- *Engaging Effectively with Parents*
- *Sportsmanship*
- *Fundamentals of Coaching* (Covered by AIC requirements) Updated within the past three years)
- *Concussion in Sports* (required annually)
- One sport-specific course of your choice (Covered by AIC requirements)
- Two additional courses of your choice
- CPR (Must maintain current CPR certification at all times)
- *First Aid, Health and Safety for Coaches* (Must maintain current First Aid certification at all times)

**Section 2. Coaches Eligibility**

- A. Coaches who have not fulfilled the RHL Coaching Certification Requirements are not eligible to coach any RHL contest.
- B. Each head coach of a varsity team under RHL jurisdiction must attend (before the start of the season) a rules interpretation meeting for that sport. If the head coach cannot attend the meeting, the Athletic Director or his/her designee must attend

**Section 3. Penalty**

The penalty for the use of an ineligible coach in any RHL approved competition, game (league or non-league) event/championship tournament play will result in a fine of \$100 per ineligible coach. The ineligible coach cannot coach until s/he is certified and fine is paid.

Revised 10/30/17

# **Coaching Requirements as of 2022-23 School Year**

**ARTICLE 13**  
**COACHING REQUIREMENT**

**Section 1. Coaches Certification**

Member school Principals or their designee are responsible for ensuring that all coaches, paid or unpaid at all levels (Varsity, Sub-Varsity, and Volunteers) meet the RIIIL Coaching Requirements.

All coaches must be in compliance with the Initial Certification Requirements below, prior to the start of their sport season for the 2022-23 school year.

A. **Initial Certification Requirements:**

- **ALL Coaches must complete or have already completed the following NFHS Courses ([www.nfhslearn.com](http://www.nfhslearn.com))**
  - NFHS Fundamentals of Coaching Course (which includes the RIIIL Rules and Regulations Test).
  - NFHS Protecting Students from Abuse Course - FREE
  - NFHS Concussion Course - FREE (Must be Taken Annually)
  - NFHS Online Sudden Cardiac Arrest Course - FREE (Must be Taken Annually)
- Once all coaches complete the initial certification requirements, the school will be recognized as a Level 1 Honor Roll School from the NFHS.
- **All Coaches must at all times, maintain current certification in the following areas:**
  - NFHS Online First Aid, Health and Safety Course, or Red Cross or American Heart Association (AHA) First Aid Certification or equivalent.
  - Red Cross, American Heart Association (AHA) Cardiopulmonary Resuscitation (CPR) Certification or equivalent.

A. **Continuing Coaches Education and Requirements after Initial Certification:**

- **All Coaches must continue to maintain current certification in the following areas:**
  - NFHS Online First Aid, Health and Safety Course, or Red Cross or American Heart Association (AHA) First Aid Certification or equivalent. (Must be Taken Bi-Annually)
  - Red Cross, American Heart Association (AHA) Cardiopulmonary Resuscitation (CPR) Certification or equivalent. (Must be Taken Bi-Annually)
  - NFHS Concussion Course - FREE (Must be Taken Annually)
  - NFHS Online Sudden Cardiac Arrest Course - FREE (Must be Taken Annually)
  
- **Coaches must fulfill the following continuing education after Initial Certification ([www.nfhslearn.com](http://www.nfhslearn.com)):**
  - **Within three (3) years of Initial Certification**
    - (1) NFHS Online Sport-Specific Course
    - NFHS Implicit Bias Online Course – FREE
    - NFHS Heat Illness Prevention Course - FREE
    - NFHS Student Mental Health and Suicide Prevention Course – FREE
    - NFHS Bullying, Hazing and Inappropriate Behaviors Course - FREE
    - NFHS Engaging Effectively with Parents Course - FREE
    - NFHS Sportsmanship Course - FREE

A. **Lifetime Certification:**

- **Coaches that complete all NFHS Honor Roll Level 3 requirements will achieve RIIL Lifetime Certification.**

**Please Note that Coaches who earn the NFHS Honor Level 3 designation must still continue to maintain current certification in the following areas:**

- - NFHS Online First Aid, Health and Safety Course, or Red Cross or American Heart Association (AHA) First Aid Certification or equivalent.
  - Red Cross, American Heart Association (AHA) Cardiopulmonary Resuscitation (CPR) Certification or equivalent.

- o NFHS Concussion Course - FREE (Must be Taken Annually)
- o NFHS Online Sudden Cardiac Arrest Course - FREE (Must be Taken Annually)

### **Section 2. Coaches Eligibility**

- A. Coaches who have not fulfilled the RIIIL Coaching Certification Requirements are not eligible to coach at any RIIIL member school.
- B. Each head coach of a varsity team under RIIIL jurisdiction must attend (before the start of the season) a rules interpretation meeting for that sport. If the head coach cannot attend the meeting, the Athletic Director or his/her designee must attend.

### **Section 3. Penalty**

The penalty for the use of an ineligible coach in any RIIIL approved competition, game (league or non-league) event/championship tournament play will result in a fine of \$100 per ineligible coach. The ineligible coach cannot coach at any RIIIL member school until s/he is certified and fine is paid.

### **Section 4. Coaches Registration**

All coaches must annually register online with the Rhode Island Interscholastic League.

*Revised 3/24/22*