

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

MATTHEW T. OLIVERIO, ESQUIRE  
JUNE 18, 2021

**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. SUMMARY OF ALLEGATIONS AGAINST AARON THOMAS .....2

III. INTERVIEWS .....3

*Chris Cobain*.....3

    [REDACTED].....5

    [REDACTED].....7

    [REDACTED].....9

    [REDACTED].....10

    [REDACTED].....11

    [REDACTED] *Jim Marcello and*.....11

*Phil Auger* .....12

*Rob Silveira*.....19

*Kevin Gormley* .....21

*Howie Hague* .....23

*Denise Mancieri*.....25

    [REDACTED].....26

    [REDACTED].....27

    [REDACTED].....29

*Aaron Thomas*.....33

IV. FINDINGS, ANALYSIS AND RECOMMENDATIONS .....35

    A. Governing Law and Policies .....35

    B. Summary of Findings and Analysis .....37

    C. Recommendations .....42

## **I. INTRODUCTION**

At the direction of Philip Auger, Ed.D., Superintendent of Schools for the North Kingstown School District (the “School District”), I have investigated the facts and circumstances relating to a complaint received by a former student of the School District, via electronic mail, on February 12, 2021. In the communication, the student claims he was a victim of inappropriate conduct on the part of a longtime teacher and coach, Aaron Thomas. He claims that for years while he was undergoing “fat testing” at the behest of Mr. Thomas, he was molested during the testing process.

On February 22, 2021, I met over the Zoom platform with Dr. Phil Auger, Dr. Barbara Morse (High School Principal), Dr. Denise Mancieri (Assistant Superintendent), Michael Waterman (Director of Information Technology), Mary King (Chief Operating Officer), and School District counsel Mary Ann Carroll. During the meeting, I was advised that after confronting Mr. Thomas with the allegations in the presence of his union representative, he was placed on paid administrative leave pending the results of an investigation. He was also given notice that his services would not be renewed for the following year to meet the statutorily imposed deadline of March 1. I was given an overview of Mr. Thomas’ long work history and reputation within the School District and the North Kingstown community. I was advised that when he was asked to leave the premises on Friday, February 19, he did so with a pack of materials, the contents of which were not checked or inventoried by any supervisor. As the Audio Visual and Communications teacher and varsity boys’ basketball coach, his office and classroom are filled with volumes of electronic data, statistics, videotape recordings of many vintages, recruiting and scouting tapes. Following that meeting, I undertook an investigation which consisted of 13 interviews, review of other statements taken by the police investigator,

emails, and School policies and handbooks. My task was made more difficult as numerous other individuals identified by the Complainant and whom I attempted to speak to wished to remain anonymous or elected not to cooperate. I have spoken with the Respondent Aaron Thomas' two attorneys, John DeCubellis of NEARI and Joseph Pezza, a friend who accompanied him to the North Kingstown Police Department to give a statement. As there remains an active police investigation, they are reluctant to have Mr. Thomas sit with me for an interview until such time as that investigation concludes. However, he very much wants to tell his side of the story. My summary of those interviews, findings and recommendations is set forth below.

## **II. SUMMARY OF ALLEGATIONS AGAINST AARON THOMAS**

The allegations made against Mr. Thomas are best described in a chain of emails received by Assistant Superintendent Denise Mancieri on February 12, 2021:

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

It's also my strong belief that Thomas's negligence had a similar outcome on my dear friend, [REDACTED], one of the best basketball players in North Kingstown history who [REDACTED] last week....

*(Exhibit 1, email chain)*

The email goes on to indicate why it is now, some fifteen years later, that he has come forward and he identifies a bevy of individuals he claims were subjected to the same conduct. I have learned from Det. Lt. Jeffrey St. Onge and Det. Chris Mulligan of the North Kingstown Police Department that they have interviewed a number of individuals, many of whom have elected to remain anonymous. As to those individuals who were willing to share their statements

with me, I have been provided with the statements, and they are attached hereto as *Exhibit 2*. I have also spoken with some of the listed individuals. Some have not returned my calls or emails. The police indicated to me that they would not be sharing any statements with me for those who expressed anonymity. As of the date of this report, the police investigation remains open and ongoing.

### **III. INTERVIEWS**

*Chris Cobain*

On February 24, 2021, I conducted a telephonic interview of Chris Cobain, the current athletic director for the North Kingstown School Department. Mr. Cobain has been involved in education for over 20 years and is serving in his first year as athletic director for North Kingstown, having spent 6 or more years as athletic director for the East Greenwich School Department. He provided me with background information and a basic tutorial of Body Mass Index (“BMI”) testing, having first performed some research. He understands that Mr. Thomas currently conducts the BMI testing by using an electronic device and system known as the Inbody 270 BMI testing. It is a form of testing which has become more popular in use in recent years, although he claims that very few at the high school level use this device or engage in BMI testing. It is far more common at the collegiate and professional sports level. Its basic function is to gauge and measure athletic performance and improvement over a span of time.

Mr. Cobain is much more familiar with what is known as a “fat test” as it is a standard test and protocol among the wrestling community, in which he has served as a coach. The fat test is administered as a means of insuring that an athlete wrestler is assigned to a particular weight class. The test involves submission of a urine sample, measuring height and weight and areas of the upper torso using a pinch test by hand or calipers. Through his experience with the

Rhode Island Interscholastic League, the pinch test is performed in the locker room by a physical therapist involving three areas – the waistline, the scapula and the back of the bicep. When asked if either the BMI testing or fat testing would involve the need to undress completely, he could think of no rationale. At most, a wrestler would be shirtless, but always attired in gym shorts. He claims that these tests give an elite athlete in general a factual makeup of body issues which incites the muscular skeletal system and reports strengths and weaknesses in performance. The goal is to improve athletic performance. It is also used for female athletes at higher levels of competition. Again, the BMI testing is now done with handheld devices, and it generates computer statistics and measurements.

Mr. Cobain has known Mr. Thomas since at least 1998 as a fellow coach at the high school level. He describes Mr. Thomas as a coach who is very prepared and pays attention to detail. He also described him as a master at scouting the competition, a motivator at the practice level and an in-game strategist. He, along with most of his colleagues, find him to be very professional, prepared and one who pays much attention to and relies upon statistics. He is not surprised that Mr. Thomas uses the BMI testing: “it is a product he would embrace because of his high-level thought processes and the organizational skills that he brings to coaching.” He finds that Mr. Thomas is also well respected by fellow coaches, game officials and the student athletes themselves. He also finds him to be a very genuine and candid individual and has had experience observing him run and coach the summer camps. Mr. Thomas is also very proactive in the fundraising arena for high school athletics and described him as being technologically advanced over many other coaches in that in the early 2000’s he was using advanced technology to scout opponents, essentially using DVDs, while other coaches may have used antiquated VHS tapes. He always gave his teams the best opportunity to succeed.

Mr. Cobain also admitted that when he heard that some fat testing was being performed in his office, he questioned the reason for doing so. Fat testing is the type that is normally conducted in a locker room. He surmises that perhaps Mr. Thomas undertook the testing in his office to provide a level of privacy for the student athletes and not to cause undue embarrassment. When asked whether he was aware that Mr. Thomas undertook some of his testing without any other adult supervision and at times when a student athlete was in a complete state of undress, he was surprised and said that it was not consistent with the character of the person that he knows.

██████████

██████████ is a former student athlete of North Kingstown High School and a graduate of the class of 2004. He was also interviewed by the North Kingstown Police Department in February 2021 and agreed to cooperate in this investigation. He spoke with me telephonically on March 3, 2021, and we discussed his involvement with Mr. Thomas. ██████████ attended North Kingstown High School from 2001 to 2004 and was an athlete all 4 years having been coached by ██████████ during those years. He also took one class with Mr. Thomas – a ██████████ class. He explained the fat testing as a mechanism to track your athletic progression. He believes that he began the fat testing in his sophomore year and was tested once every couple of months. Each session lasted about 10 or 15 minutes and he would be weighed and then measured with a tape measure along with a pinch test during which the coach would pinch his biceps, his back and in between his legs in the groin area. He said that Mr. Thomas would ask him to take his shorts off, including his underwear, but he had the option to leave those on. He opted on several occasions to take his underwear off. He never really felt odd about that because Mr. Thomas gave him the option of placing his hands over his genitals. He claims that in all the

years that he subjected to the fat testing Mr. Thomas never touched him inappropriately or in his genital area, it was just a pinch test just below his testicles. However, because he claims to be a rather shy and private person, on one occasion he did feel a little uncomfortable. Mr. Thomas still gave him the option to keep the underwear on or off. He believes that Mr. Thomas started the fat testing about 10 years before he started and that he inherited the testing from Coach Keith Kenyon, who initiated it years ago at his coaching clinics. To his knowledge, all the basketball players underwent the fat testing. He does not recall if there was ever a consent form that was utilized for the fat testing.

He also commented that one person should not ruin Mr. Thomas' career, that he is a good person and that he should not go down. However, he conceded that if Mr. Thomas did touch someone inappropriately, then he should be held accountable.

He did know [REDACTED], who was two years younger than him, and his [REDACTED], who was a year ahead of him. He knew that [REDACTED] was going through some [REDACTED] and thought he might be [REDACTED]. He also knows a few other individuals I named, such as [REDACTED], who he claims was in the [REDACTED] and may be a [REDACTED]. He described an incident a few years ago where they were at a bar with a bunch of graduates from North Kingstown High School during which they were casually talking about the fat testing amongst them. According to [REDACTED], the friends concluded that although looking back it was a rather strange phenomenon, they did not think there was anything wrong with it.

He described Mr. Thomas as very structured, systematic, and regimented. He has a plan with everything in place using graphs and charts. He also believes that perhaps there are some people out there who have an ax to grind against Mr. Thomas because they were either cut from the team or their playing time was reduced. He does recall the existence of a player/parent

handbook that had to be signed by both the parents and the student indicating that if there are any issues that came up during the season or in practice that the parent did not have the right to talk to the coach, it had to be done through the student.

██████████ is another former student athlete who was interviewed by the North Kingstown Police Department and agreed to cooperate in this investigation. I interviewed him over Zoom on March 4, 2021. ██████████ is a 2001 graduate of North Kingstown High School and was a multi-sport athlete having participated in ██████████

██████████. For the past three years he has been employed as a ██████████

██████████. He spent seven years as a ██████████

██████████. Following high school, he joined the ██████████ ██████████

██████████. Although never coached by Mr. Thomas because he never

played basketball, ██████████ would hang around the gym often and had Mr. Thomas for an ██████████

class his junior year. He claims to have been “recruited” or “solicited” by Mr. Thomas to

undertake fat testing when he was hanging around the gym in the old school building. The test

was always conducted alone, with no other adult or student, in what he described as a 5’ x 5’

broom closet with no window, just off the locker room and weight room. ██████████

observations while a student was that Mr. Thomas would go out of his way to solicit other

student athletes to undertake the fat testing. Although there was no discernable pattern, he

claims that this fat testing started before he was a student and Mr. Thomas would promote the

test as a means of ascertaining marked results in the growth of one’s muscles. He claims that he

was tested about four times or one time every six months. He does not recall there being a

consent form. The first time he was tested his shorts were removed, but he remained in his

underwear. The second time he claims that Mr. Thomas tried to get him to take his underwear off by essentially giving him a choice. The third time he did take off his underwear because he did not want to feel like he was not “man enough” to be naked in front of another male. At that occasion he did cup his genitals. The same thing happened the fourth time where he took off his underwear and Mr. Thomas tested inside his thigh. According to [REDACTED], Mr. Thomas stated “if you’re shy you can put your hands over your crotch.” According to [REDACTED], Mr. Thomas’ main goal was to get the underwear off, “to strip down out of your underwear.” He would use a tape measure to measure height, he would weigh you and then he would do the pinch in other areas. He claims that he would be on his knees and Mr. Thomas would have him squeeze his butt muscles and his vision would be focused on his groin and buttocks area. He claims that it bothered him when he looks back on it. He was also asked to do squats and that the whole testing lasted about ten minutes, five of which were focused on his lower body during which there would be casual conversation. However, he was insistent that Mr. Thomas’ focus was on the groin and buttocks areas. Never was the testing performed in the classroom, always in that closet off the locker room. He claims that over the past few years he would ask some of his friends if they were fat tested and if they removed their underwear. Some would say yes, others responded no, but all believe that it was not in Mr. Thomas’ personality to cause harm to them. [REDACTED] surmises that Mr. Thomas could have undertaken the same testing without requiring that the student athletes be nude; there simply is no reason for it.

Mr. Thomas also touched his buttocks, even when he had his underwear on, purportedly to check on his muscle growth in that area of the body. In thinking back on this experience, and now being a father to two children, and given the line of work in which he is employed, he questions whether Mr. Thomas had ill intent or was a predator of some sort. He is familiar with

the patterns and practices of adults who are predators, and he believes he was wronged at a young age. He also “guarantees” that Mr. Thomas has photos of all of them; however, he does not recall ever witnessing any video recorders or having photographs taken. [REDACTED] is friends with [REDACTED], and he spoke with [REDACTED] about a year and a half ago. [REDACTED] shared the same experiences.

Finally, although Mr. Thomas never touched his genitals, [REDACTED] claims that he just felt his buttocks and would sometimes touch his scrotum while he was doing the pinch testing. He also acknowledged that Mr. Thomas used calipers and tape measures during the 10-minute testing. I asked him if he ever confided in his parents about his experience, he replied only recently to his mother. He has never confided about it with his father, because he knows his father would have aggressively confronted Mr. Thomas.

[REDACTED]

[REDACTED] is another individual who was interviewed by the North Kingstown Police Department and agreed to cooperate in this investigation. I conducted a telephonic interview on March 5, 2021. [REDACTED] is a 2009 graduate of North Kingstown High School and participated on the [REDACTED]. Following high school [REDACTED] went to [REDACTED] for two years and then joined the [REDACTED]. He is now a [REDACTED] [REDACTED] and does know [REDACTED]. He had Mr. Thomas as a teacher his senior year for [REDACTED]. He came to know about the fat testing when he was [REDACTED] in the gym and heard about tracking your progress through word of mouth. He underwent fat testing two to three times during his junior and senior years, and it was always conducted in Mr. Thomas’ office, which was on the opposite side of the gym near the media room. He claims that it was just the two of them alone in the office or media room, which was the size of a bathroom.

He used different means to measure his athletic progress from calipers to stretching exercises and tape measures. He would ask him to get down to his boxers so that he could get a more accurate reading. On occasion he would drop his boxers, but in doing so Mr. Thomas did not say why he could get a more accurate measurement. The testing typically lasted about 10 minutes. Mr. Thomas would only use calipers to touch his body, never his hands. At the time he did not really think anything of it because he was only 16 or 17 years old and Mr. Thomas conducted himself in a manner that he thought was professional; however, thinking back on it now, he finds it a bit odd. The whole exercise was an essentially accepted practice with all the athletes who were being tested. Mr. Thomas would use the computer to print out a copy of his progress. He does not recall if his parents gave Mr. Thomas authority to do the fat testing. He claims that there were security cameras in the room but does not know if anything was ever being recorded.

██████████

I spoke very briefly with ██████████ on March 8, 2021, another former student who agreed to speak with the police; however, when I spoke with him, he was reluctant to cooperate with me and indicated that he simply is sticking with the statement that he gave to the police, which reads in full as follows:

Interviewed 02/18/2021

Ok to have his info sent to school

Played ██████████ form 1999-2003

Aaron Thomas was his ██████████

Tested at least once a year, possibly seasonally or even monthly.

Fat test were conducted in athletic office off the gym

██████████ stated that he was memory is vague regarding the fat and agility tests done by coach Thomas. He said that the the [sic] tests were voluntary and that nothing seemed out of the ordinary. ██████████ thinks the tests were done in his shorts and that he was asked to strip down to the underwear for a more accurate test; if he was comfortable. He does not remember getting naked during the tests. ██████████ advised that the test involved measurements and stretches, but doesn't remember specifics. He said that Coach Thomas was a stat obsessive

guy and that he gave print outs of the exams. [REDACTED] viewed the exams as an extension of Coach Thomas' focus on stats and saw nothing sexual about them. He said that the tests were common knowledge and does not remember anyone else mentioning they were uncomfortable with or felt weird about the tests.

[REDACTED]

I also reached out to [REDACTED], another former student who provided a statement to the police. We scheduled a Zoom interview for Monday, March 8, 2021, but he never appeared on screen and did not return my follow-up telephone call. His statement to the police reads in full:

Interviewed 02/23/2021  
Ok to send info to school  
[REDACTED] 2008-2009 (Senior year)  
Aaron Thomas was not his coach  
Fat tested once  
No other coach examined or referred him for examination

[REDACTED] stated that he was fat tested by Coach Thomas on one occasion in his senior year. He does not remember how it was initiated. The test was conducted in Thomas' office, which was located in the back of his classroom. The beginning of the test consisted of measurements while [REDACTED] was clothed (gym clothes). As it came time to measure the thigh area, Thomas asked [REDACTED] to remove his clothes, including his underwear, to facilitate the measurement. [REDACTED] stated that he was only naked for a couple of minutes during the test and advised that he didn't suspect any sexual tone to the exam. [REDACTED] stated that there was definitely no consent form involved in the process. He does not remember if he was asked to do any stretching or exercises during the exam.

[REDACTED], *Jim Marcello*, and [REDACTED]

I also reached out to [REDACTED], class of 2008, who was represented to me as a friend of [REDACTED]. [REDACTED] did not return my inquiries. I received a call from a [REDACTED] who stated that her [REDACTED], all graduates of the high school, were fat tested by Mr. Thomas and may shed some light on the testing protocol. I was provided with the phone numbers of her sons [REDACTED]. I left them voice messages and never received

a return call. I also attempted to contact Jim Marcello, a former athletic director for the North Kingstown School Department and retired employee. I was provided with four different phone numbers from the records of the School Department, but none were associated to Mr. Marcello. It is believed that he may have moved to Florida, and there is no address on file for him.

I also made attempts to speak with [REDACTED]. According to Dr. Auger, he was the Superintendent's [REDACTED] who first mentioned to Dr. Auger in September 2018 the oddity of Aaron Thomas's fat testing alone and in a state of undress while he was a student. [REDACTED] did not return my phone calls, but his account is mentioned below.

*Phil Auger*

I interviewed Dr. Phil Auger, Superintendent of the North Kingstown School District, on March 9, 2021. Dr. Auger has been an educator for the past 34 years having taught English at Attleboro High School and Newport Naval Base. He received his doctorate in education from the University of Rhode Island in 1995. He also taught Western Civilization at Bishop Hendricken High School upon his graduation from college. He was an assistant principal in the Chariho School District, after which he began his employment with North Kingstown. He served as the assistant superintendent from 2009-2011 and was thereafter appointed the School District's Superintendent. He has served continuously in that role for the past ten years. Dr. Auger is a resident of North Kingstown and his children attended schools in the School District. The School District has approximately 650 employees comprised of five elementary schools, two middle schools, one high school and one special education academy.

He has known Aaron Thomas since before his employment with the School District. Mr. Thomas serves as the AV and communications teacher, as well as the varsity boy's head basketball coach. Mr. Thomas has guided this program with much success for approximately 20

years. He also runs the athletic summer camp which serves as a training clinic for student athletes within and outside the School District.

Dr. Auger first became aware of BMI and/or fat testing in the fall of 2018 through a former graduate of North Kingstown High School, [REDACTED]. At that time, [REDACTED] was the Dr. Auger's [REDACTED] at a local gym that Dr. Auger utilized for his fitness regimen at least once a week. It was during one of his training sessions about five weeks after his first session with [REDACTED] that he mentioned his own involvement with BMI testing when he was a student. Evidently, [REDACTED] was aware that Dr. Auger was Superintendent of Schools. He let Dr. Auger know that he was not a basketball player but played [REDACTED] and that the fat testing was available to any player or any student who wished to have the testing done. According to [REDACTED], the testing was facilitated in Mr. Thomas' office away from the gym or the locker room at the relatively new high school building. He tested between the years 2006 and 2008. He explained that he would be alone with him and that he would undertake the test just wearing a towel. [REDACTED] expressed to Dr. Auger that he thought it was inappropriate to be alone and merely wearing a towel around his waist.

Although [REDACTED] did not state how many times he had been tested, Dr. Auger got the sense that it was on a regular basis. When I asked Dr. Auger if [REDACTED] was ever asked by Mr. Thomas to remove the towel, Dr. Auger stated that [REDACTED] stated he did not recall, but later also affirmed that he was never naked. [REDACTED] told Dr. Auger that he had spoken with other players over the years, and they had similar experiences with the coach. After this discussion, which lasted the better part of one hour, Dr. Auger quickly realized that he needed to react; he needed to confront Mr. Thomas about this circumstance. Dr. Auger requested that [REDACTED] [REDACTED] come forward and report the matter in a more formal manner, after which [REDACTED]

stated that he wanted to remain anonymous, implicitly suggesting that maybe he said a little too much and did not want to get into it any deeper. (Indeed, when I reached out to [REDACTED] several times via telephone, he never returned my phone call). As Dr. Auger stated, “it felt to me like he realized that perhaps he went a little too far in his comments, but he was in too deep at the time.”

Promptly after that conversation took place, he reached out to School District counsel Maryanne Carroll and spoke with Denise Mancieri, principal of the high school at that time, and Dick Fossa, the athletic director (now deceased), to set up a meeting. He also wanted to meet with Mr. Thomas and invited his union representative, Dave Avedisian. Before that meeting took place, he did have a conversation with Mr. Fossa and Dr. Mancieri. On September 10, 2018, a meeting lasting 20 minutes was convened in Dr. Mancieri’s office at the high school. The participants were Dr. Auger, Dr. Mancieri, Mr. Thomas and Mr. Avedisian. Dick Fossa may have been present, but Dr. Auger does not have a clear recollection. He essentially outlined what [REDACTED] had told him without identifying his identity. When asked the reaction of Mr. Thomas, Dr. Auger claimed he seemed to be taken aback, that there was insinuation that he was doing something inappropriate with students. His reaction was not over-dramatic, however, and he assured Dr. Auger why he had this program in place (to measure personal athletic performance and development), the reason he conducted it alone without any other individuals (to have access to his computer and protect and ensure privacy), and at no point was any student ever naked in his presence, “never.” Yet, Mr. Thomas did not deny that some students may have been in towels or some level of undress. Dr. Auger did not ask him about any female students. Mr. Avedisian made no comment during the meeting. During the meeting they came up with a plan to address what to some may appear to be a level of impropriety: Going forward a new

protocol was instituted, requiring any BMI/BFI testing by any School District employee would be undertaken in the presence of another adult in the room. Furthermore, there was a discussion about the acquisition of a new electronic system that would do away with any need to use hands, calipers, or pinch testing as a way of measuring performance. Rather, everything would be handled through a weight scale and computer-based electronic device. Mr. Thomas assured Dr. Auger that he did nothing inappropriate and would not put himself or students in that type of position.

Following that September 10, 2018, meeting, Dr. Auger sent an email to Mr. Thomas on September 13 in which he stated:

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 – 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 mention that I wanted to have this meeting to insure 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 the protocol that insures 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 your cooperation in making adjustments in this practice. Phil Auger

Dr. Auger claims that there was no oral or written response to this email from Mr. Thomas.

On or about October 8, 2018, Dick Fossa wrote to Mr. Thomas that:

We have teamed with the NK Booster's club and will be purchasing an In-Body 270 Body Composition Analyzer, cost \$4,995. This will allow students 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 print outs will be kept confidential and kept in a locked file cabinet. ...

Mr. Thomas responded on the same date at 1:19 "Excellent purchase. Thank you for the information. I am happy to be a resource for the machine capabilities to any coach with questions. Aaron." Dr. Auger responded "Thank you, both. Great solution!" It was at this point that Dr. Auger felt that the matter had been adequately addressed and resolved and that no student or staff member was at risk. He does recall following up with [REDACTED] several times and asked if he was willing to come forward and use his name. He did not. "I asked if he knew of any others, it would be very helpful." He does recall speaking with him more recently following receipt of an email from another former student who came forward, telling [REDACTED] "Now would be a good time to contact the police." [REDACTED] acknowledged the communication over the phone, but there has been no further response from him.

On February 12, 2021, Dr. Auger became aware of an email that a former student, [REDACTED], sent to Dr. Mancieri. He believes that it was sent to her because Dr. Mancieri was principal for a period of three to four years at the high school. This email came to Dr. Mancieri at 4:05 a.m. on February 12 and states:

Hi Denise, I hope this email finds you well. Before starting I ask that you please keep my name confidential. I'm a 2006 graduate of NKHS. I'll spare the intro as I suspect you can access my educational/extracurricular history with NKSD. I'm writing to you because I can no longer stay silent about the trauma I was subjected to by Aaron Thomas. Every month for my entire time at NKHS, Thomas brought me into his office (protected by CCTV) and asked me to get naked, then touched me all over my body. He did hits to dozens, if not hundreds

of boys over a ~ 10 year period to my knowledge. I beg you to question him about this 'fat testing' regime and what purpose it served. My wife and I intend to move to NK soon to raise a family, and I'd love to overcome the deep emotional scars he's inflicted. I pray daily justice will be put Aaron Thomas in prison. However, knowing that our community broadly understands his pedophile tendencies and the real harm they have done is my bigger hope.

I hope this makes real the harm that he can continue to do in his current position. It's also my strong belief that Thomas's negligence had a similar outcome on my dear friend, [REDACTED], one of the best basketball players in North Kingstown history who died [REDACTED] at [REDACTED] last week. Lastly, I am sharing documents proving that Thomas had no stated reason for looking at and touching my privates. Sincerely and regretfully, [REDACTED]

Dr. Mancieri responded February 12 at 2:33 p.m., stating:

Hi [REDACTED], I hope you are well. We take this email very seriously and we must investigate. In order to do this we may need additional information. Do you have any evidence or other names of student athletes that you can give me. You said there are dozens. Will anyone else come forward? I would also ask you to reconsider keeping your name confidential. Sincerely, Denise Mancieri

[REDACTED] responded at 4:01 p.m. stating:

Hi Denise, I'm relieved to hear that you take this seriously. This is an open secret in my corner of NK. I assumed I was weak because so many people fat tested and they don't seem to struggle with it like I have. Start with Keith Kenyon, Kevin Gormley, and Rob Silveira. The first time I fat tested I was 13 years old in Coach Kenyon's office. Rob Silveira watched us all go into Thomas's office frequently only to come out with the forms you see attached. Gormley spent more time with Thomas than anyone. People I know that were fat tested...my [REDACTED].

[REDACTED]. Honestly, any person who was in the basketball locker room prior to 2010 will cooperate. Many non-basketball athletes were fat-tested too (start with the captains and the all state players). I suspect you will have a very easy time finding other victims. If not however, I may be okay urging others to speak up. I don't have other physical evidence but can provide answers to any questions you have. The upside of not keeping my name confidential is not obvious to me, but I could be convinced otherwise. Best, [REDACTED]

Dr. Mancieri responded to that email the same day at 5:27 p.m. stating:

Thank you for the quick follow-up. I have sent this to the Superintendent and the process has begun. To address your concern, if no one will use their name, it is a list of anonymous accusations. The NKPD may want to interview you or other accusers. It can be confidential or you could refuse to answer their questions. This will be a very difficult decision and only you can make that determination. Sincerely, Denise

The entire chain was forwarded to Dr. Auger at 5:29 p.m. on February 12 (*Exhibit 1*). A telephone call was arranged between Dr. Auger, Dr. Mancieri and ██████████ for February 16, 2021. The conversation lasted 20 or 25 minutes and was held while the two were in the Superintendent's office. Dr. Auger reports that they were commenting on Mr. Thomas' coaching style. Apparently, ██████████ was quite a good basketball player from his freshman year through his senior year, but that ██████████ and his parents became disillusioned and not happy with his coaching and playing time. They also had a conversation with ██████████, ██████████, for 15 to 20 minutes. (*See* contemporaneous notes of telephone calls with the ██████████ attached as *Exhibit 3*). ██████████ apparently went to the police as did several other friends, including ██████████ ██████████. Although he called Dr. Auger, he did not leave any contact information. Dr. Auger then called the police chief and indicated that someone had come forward in 2018 and informed him about the conversation he had in September of 2018. He learned that Detective Mulligan and Lieutenant St. Onge were assigned the investigation. He wanted some additional input and determined that he needed to immediately initiate a suspension and thus called Mr. Thomas on his cell phone and reached out to Barbara Morse, principal at the high school. Once Mr. Thomas called back, he told him that another allegation beyond the one from 2018 had surfaced regarding BMI testing and that he had to put him on immediate suspension pending an investigation such that it would be a paid administrative leave. He notified the union president, Sue Warbarton, who was an ESL teacher. Mr. Thomas insisted on knowing the identity of the person who complained and thought the issue had been resolved in 2018 but indicated "when am I coming

back because I've got a basketball game that I have to coach." That was the last communication he had with Mr. Thomas.

I asked him his perceptions of Mr. Thomas in terms of his work ethic and character. Dr. Auger said that Mr. Thomas enjoys an excellent reputation among the faculty, staff, parents, students, and the community at large; that he devotes an extraordinary amount of time in volunteering and helping the students of the School District; and that he has a spotless disciplinary record.

Aaron goes above and beyond and up to the 2018 revelation I have never discerned anything lurid or had notice of any inappropriate behavior on his part. He is a stickler for details. He is very meticulous in terms of the work that he does. The allegations that have been asserted against him is not consistent with his past conduct or character as I perceive him. Yet, if he did touch students, alone, while naked, or if I determined that he was lying to me when he said he had not encouraged or was alone with students in his office while naked, that is another story.

As an aside, Dr. Auger referenced Mr. Thomas' wife, Cheryl DeCotis-Thomas, a former guidance counselor in the School District who had been terminated from her position for failing to meet a performance improvement plan. He also is very familiar with Kevin Gormley and Rob Silveira and believes wholeheartedly that they would not have remained silent if they knew that Mr. Thomas was engaged in anything that was inappropriate. At the end of the day, however, if it is determined that he did engage in inappropriate conduct, Dr. Auger believes that he needs to hold Mr. Thomas accountable for that. Further, if he misled Dr. Auger by indicating that no one had ever been naked, he feels strongly that he cannot bring him back because there would have been no reason to lie unless he was hiding something.

*Rob Silveira*

I conducted a telephonic interview of Rob Silveira on March 10, 2021, because the primary complainant identified him as a person who may have knowledge of Mr. Thomas'

interactions with students related to the fat testing. Mr. Silveira is in his 24<sup>th</sup> year as a teacher in the School District during which he started as a part-time foreign language and video teacher. Since 2007 he has been the technical career photographer and teacher. He served one year in the 2006-2007 school year as the athletic director. He knows Mr. Thomas from his many years of service in the School District and by virtue of assuming duties related to high school sports team videography and photography, in addition to special school projects. His office is not near that of Mr. Thomas' but closer to the gym than that of Mr. Thomas'.

Although he was aware that BMI testing was being undertaken by Mr. Thomas, he never knew any of its details, nor did he ever ask any questions about it. In all his years at the high school he never observed Mr. Thomas performing the BMI or fat testing at any point, nor did he ever observe or learn of any student being alone in his office or any room in the building. He never made any observation of what he considered to be any inappropriate or questionable conduct in Mr. Thomas' interaction with students. In fact, the allegations that he was testing students in a state of undress truly shocks him. He claims that Mr. Thomas is an affable teacher, someone from whom other faculty members seek advice. He described him as having an open-door policy and a person who goes above and beyond what is normally required of any faculty member. According to Mr. Silveira, he is deeply committed to his profession and the students that he serves, reflecting with me that the allegations being made are not consistent with the character of the person that he knows.

He often goes to the games because he either videos or photographs game action and claims that he observes him interacting very well with students not only in the classroom but on the basketball court and other sporting events as well. There is nothing in his conduct over the

years that he has known him that raises any red flag. Since Mr. Thomas has been suspended, Mr. Silveira has taken over his class load which has indeed increased.

*Kevin Gormley*

I conducted a telephonic interview of Kevin Gormley on March 11, 2021. He is another purported witness the primary complainant identified as a person who may have knowledge of Mr. Thomas' interactions with students related to the fat testing. Mr. Gormley knows Mr. Thomas well because he is a fellow coach having coached baseball at the high school since 1998. Having worked in the business world previously, he obtained his teaching degree in 1999-2000 and switched professions. He taught in South Kingstown for three years and joined North Kingstown School Department in 2003. He is currently the Department Head of the Career Business and Consumer Sciences department and has had that position since 2013. He coached baseball from 1998 to 2014, took a hiatus in 2014 for medical reasons, and returned to coaching in 2019. He has also worked with Mr. Thomas as the assistant to the JV and varsity basketball teams. His team and Mr. Thomas' team would often practice together. He also worked with Mr. Thomas on the summer coaching camps. He did stop coaching basketball in 2019.

He has known Mr. Thomas for a long time, at least 23 years. They are friendly as teachers and coaches, but he claims he does not go out with him socially but only occasionally. He claims not to be familiar with BMI testing, although he understands the concept. He has researched it because his own son is a student at North Kingstown High School, and he undergoes the BMI testing. Over all the years he never observed Mr. Thomas test anyone either alone or with others. He simply knows that it is designed to enhance athletic performance. He also gratuitously offered that he never saw Mr. Thomas "actively recruiting" students to undertake the testing, it was just something that was never discussed between them. This latter

comment I found a bit strange as it appeared rehearsed or something that may have been mentioned to him by Mr. Thomas or someone else. Nevertheless, he understands that the physical aspect of the testing has transitioned over into an electronic form of testing. He described it as a hands-on device that has been in use at least since his son was a freshman in 2019. He cannot remember if he or his wife signed any sort of consent form for the type of testing that his son has taken. He simply never asked because he never really had an interest in it. He does admit that the information that is generated from the testing is impressive.

He described Mr. Thomas as an actuary, a guy who likes to crunch numbers, who is a role model not only to him but for other colleagues at the school and certainly for the students. He indicated that both he and Mr. Thomas are in the North Kingstown High Hall of Fame which is an award that each senior class gives to recognize a coach or teacher who is deserving of praise from the student body. He believes that Mr. Thomas has won that award on two occasions.

He was very surprised to learn about the allegations surrounding Mr. Thomas because again, like others have said, it is not the character of the person he knows. He did describe how all coaches must make tough decisions and there are always discussions among and between them about disgruntled players who are either cut from the team or whose playing time has been diminished, but he does not have any recollection as to any family who may have cause to target Mr. Thomas. He claims that if there is a problem with playing time or any student on any athletic team that they instruct the student to come see them and they are willing to talk about it and work things out. Indeed, a student is required to sign a contract and he believes that this is applicable to all sports; Mr. Gormley provided me with a draft of the contract that he uses. He also claims that it is a common occurrence to get emails from families who are complaining

about issues involving their child's playing time or performance during athletic events. He described Mr. Thomas as doing "an amazing job" and hopes that he comes back because he is incredible at what he does. He described him as the best basketball coach in the state and claims that he runs the most diverse and popular communications program at any high school within the state. He claims it to be a unique program.

### *Howie Hague*

I conducted a telephonic interview of Howie Hague on March 11, 2021. He is currently a math teacher at the high school and is in his 15<sup>th</sup> or 16<sup>th</sup> year in School District. He started coaching in 2001 as the wrestling coach for the high school. Mr. Hague was the athletic director for a period of five years and so was very familiar with Mr. Thomas. He is also familiar with BMI and fat testing although he claims them to be different tests. His knowledge stems from his years as a wrestling coach. An athlete must undertake body fat testing to be at a safe weight and to be placed in a particular weight class. However, with athletic trainers the fat testing is generally undertaken by either an athletic trainer or someone who is certified from the state and that involves, at least in the past, the use of calipers. It is part of a strength training program like the one Chris Cobain described involving a hydration test, a refractometer which measures the gravity and substance in the urine and then the taking of measurements in three areas – the abdomen, the scapula, and the triceps. The latter test is done with calipers which are squeezed and conducted three times to average them out. The BFI is the body fat index. That is different from the BMI which is the body mass index. That is a combination of height, weight and range, the BMI safe zones, and no lower body measurements are required. Although not common, the BFI may involve a pinch test on the thighs, but it is certainly not necessary because the other three areas account for 98.6 percent accuracy rate on the BFI. He has never undertaken BFI

testing on the inner thighs. The BFI testing has been very popular since the late 90s but as indicated earlier, it is used significantly in the wrestling area.

As for Mr. Thomas, he claims that he never spoke about BFI at length with him, but he claims to be the best coach at North Kingstown High and that he never questioned him. According to Mr. Hague, Mr. Thomas takes strength coaching very seriously but he wanted to be clear that the BFI and the BMI testing are independent and separate tests. They involve different metrics.

He claims that he knew that Mr. Thomas undertook the testing but was unaware that he did this alone until June of 2017. At that time, he was walking by Mr. Thomas' classroom and observed that he was alone with a male student who was standing in front of him with just his shorts on. Although he believed there was no ill intent, it strikes him that given today's day and age that a teacher should not be alone with a student in the classroom, particularly if they are in a state of undress. He was taken aback by it and wanted to address it. He cut through the office and engaged them in conversation because he knew the athlete. He stayed and spoke with Mr. Thomas and knew that the optics of that situation would subject him to scrutiny. He spoke with the principal, Dr. Mancieri, and with the athletic director at the time, Dick Fossa. He went in and described what he had observed to Dr. Mancieri and said that "I've got it under control." Mr. Hague mentioned to Mr. Thomas that this sort of testing should be done in the locker room. Several weeks later Dick Fossa came to him and said that the issue had been addressed and said it would be addressed as a team.

In the fall of 2018, Mr. Hague recalls receiving a message from Dr. Auger during which Dr. Auger claimed that someone came up to him and mentioned BFI testing by Mr. Thomas years before while they were in shorts and if they were shy to keep the shorts on. If they were

not shy, they could take the shorts off, and it reminded him of the issue in 2017. The inquiry of Mr. Hague was made because Dr. Auger wanted his input on the process, and he reported that what he witnessed in 2017 was not suspicious, but there really should be no testing below the waist for either BMI or BFI. From his perspective as a wrestling coach, it is the upper body.

*Denise Mancieri*

I interviewed the Assistant Superintendent, Denise Mancieri, on March 12, 2021, over the telephone. She has been in the School District since 2002 and served as the high school principal for five years and then became assistant superintendent in the summer of 2019. She was a web design and technology teacher and department chair. It was not until she received [REDACTED] email on February 12 that it reminded her of a conversation that she had with Howie Hague in June of 2017. She assumed that both Howie Hague and Dick Fossa had attended to the situation. She claims the reason she did not recall it even in 2018 when Dr. Auger mentioned the incident with his [REDACTED], is that she did not write anything down and unless she writes things down her memory gets a little vague and she assumed that between Howie Hague and Dick Fossa that they had the situation handled. She admits now that the optics certainly do not look good. At no point prior to receiving the email from [REDACTED] has any student ever complained to her knowledge, “No one knew, and no one complained albeit it is a bit cringe worthy.” She admits that up until the February email from [REDACTED] she took no steps to notify Dr. Auger because she trusted that Howie Hague had taken care of it. She was relatively new to the position of principal, and she did not want to micromanage her staff. She views herself as a collaborative leader and she does not even recall speaking with Dick Fossa about it. Once she received the email from [REDACTED], she printed it and took it in immediately to Dr. Auger and they had a conversation as to the recounting of what happened with Howie Hague

back in late 2017. She does recall being a part of the conversation in September 2018 with Dr. Auger, Dave Avedesian and Mr. Thomas about undertaking this test alone with the student in his office and she specifically recalls that he emphatically denied that anyone was ever naked in his office alone with him or at any time when he was doing this testing. She described him as being a matter of fact, there was no body language, and Mr. Thomas was not angry. He claims that his explanation for why he was in his office is that he needed access to his computer to do the input of the numbers on the spot. They came up with a plan that Dick Fossa would purchase the electronic equipment so the students could stand on the scale and take the measurements. It would be conducted in the locker room with other adults around.

She also shed some light on the relationship between Kevin Gormley and Mr. Thomas. She claimed that they are very close friends and that they do in fact socialize. When she was seeking to discipline Mr. Thomas' wife under a PIP plan, she asked for Mr. Gormley's input and his observations about her as a guidance counselor and he refused to cooperate because of the relationship that he has with Mr. Thomas and the tight circle of friends he maintains.

██████████

██████████ is a 2003 graduate of the high school, where he competed as a ██████████ ██████████, including ██████████ in which he was coached by Aaron Thomas. Mr. Thomas was also his ██████████, and he attended ██████████ wedding eight years ago. I conducted a telephonic interview with him on March 25, 2021, as he had only recently been interviewed by the police and was willing to speak with me. Following his graduation, he attended ██████████ ██████████ on a ██████████. He is married with children and lives in Massachusetts. He has not been good about staying in touch with his high school friends.

██████████ first learned about fat testing when approached by Mr. Thomas early in his high school career as a mechanism to monitor body and muscle growth for improved athletic performance. Since he was slight in stature, he wanted the ability to gain some muscle mass to better compete in his sports competitions, and he claimed that monitoring his growth through diet and weightlifting worked to help him build muscle. Everyone at the high school knew about the fat testing, and it would be conducted in various places throughout the school, but primarily in the locker room of the old school, never in a private stall or small enclosed room. He was tested quite regularly, at least once a month, sometimes before or after practice or before a competition. He believes other student athletes were tested on a rotating basis, meaning one after the other, but never together. The tests were a one-on-one event lasting 10 to 15 minutes each. They consisted of stretching, use of a tool to pinch the skin in various areas, including the stomach, arms, and groin areas. Measurements were made and recorded and shown to him to see if progress was being made. At no point did Mr. Thomas use his hands to touch ██████████, nor was he ever asked to unclothe himself or to get naked. The test was always performed with his gym shorts on, and he has never felt uncomfortable or awkward. He never heard anyone complain or suggest that they were inappropriately touched by Mr. Thomas. He was surprised to learn that another former student had made such a claim.

██████████

In early May while checking in with Detective Christopher Mulligan, the officer in charge of conducting the parallel police investigation, he mentioned having just completed an interview of one of his ██████████, ██████████. ██████████ mentioned in passing that while a student at the high school, he had been fat tested by Aaron Thomas. I spoke with ██████████ over the telephone on May 6, 2021. ██████████ is a resident of Warwick

but grew up in North Kingstown having graduated from the high school in 2005. He has been married for six years and has a 2-year-old son. He attended [REDACTED] his freshman year, spent two years taking courses at [REDACTED] and received a bachelor's degree in [REDACTED] from [REDACTED] in 2010. From 2010 to 2015 he worked [REDACTED] and joined the [REDACTED] [REDACTED] in July 2015.

[REDACTED] played [REDACTED] from his freshman through junior years. He never had Mr. Thomas as a teacher or coach but knew from classmates and other athletes that Mr. Thomas conducted fat testing to measure your body fat index, which provides a benchmark by which to measure your athletic performance. While a junior in 2004 after having approached Mr. Thomas, he was asked by Mr. Thomas to meet him after class and report to his classroom one afternoon. After meeting in his classroom, they proceeded to Mr. Thomas' office which was to the rear of the classroom. The office had no windows. He was alone with Mr. Thomas attired in cargo "khaki" shorts, boxers underneath and a t-shirt. He recalls that Mr. Thomas first measured his height, took his weight, and then proceeded to take measurements of his arms and legs, all while he was fully clothed. He then asked him to take off his t-shirt so he could measure his stomach and "love handles." He then asked him if he was shy. [REDACTED], then 17, said "No. Why?" Mr. Thomas replied that he was going to ask him to take off his shorts and underwear so that he could obtain a more accurate measurement between his legs in the thigh area. Although he thought it was odd, he did not want to appear to be a "wuss", so he complied. While completely unclothed, Mr. Thomas asked [REDACTED] to sit on the floor and do a butterfly stretch exercise during which he "pinched" the inside of his thighs using a tool or caliper. Never once did his hands or fingers touch [REDACTED] privates. At the conclusion of the twenty- or thirty-minute session, Mr. Thomas printed out a sheet that reflected

all the measurements taken. [REDACTED] received a 5.5 overall BFI, to which Mr. Thomas commented “pretty good for a [REDACTED].” He never went back for any further testing, nor was he encouraged to do so. [REDACTED] told me that for the past 15 to 16 years he has been reflecting on that experience because “it’s just not right that a teacher should be doing this...being alone with another student measuring areas of his body while fully unclothed.” When he heard that Aaron Thomas was “let go” from his position, he was speaking with another officer on the force and asked if it was because of the body fat test. The other officer indicated surprise when he widened his eyes. The officer responded, “do you know about that?” He was then referred to give an account to Detective Mulligan.

[REDACTED]

I attempted many times to contact the main complainant, [REDACTED], to no avail. On March 13, 2021, I did receive an email from his attorney, Timothy Conlon, authorizing the release of his sworn statement given to the North Kingstown Police Department on March 12, 2021. I spoke with Mr. Conlon to get a few more details about the interview and he advised that it was extensive and that the first such occasion that Mr. Thomas inappropriately touched [REDACTED] was when he was 13, before he entered high school. Following receipt of the statement on March 18, I reached out twice to Mr. Conlon to request that I be permitted in his presence to meet and interview his client to follow-up on some gaps and obtain some more explanation. I also wanted to meet for the purpose of sizing up the veracity of his statements and his credibility. I have followed up with Mr. Conlon to obtain some further clarification of areas for which I seek clarification related to his statement, and Mr. Conlon will speak with his client and obtain answers as best he can. His client does not wish to be subjected to an interview in any format with me. [REDACTED] sworn statement reads in full as follows (*Exhibit 4*):

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

R: Yes.

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

R: Yes.

Q: Which high school was that?

R: North Kingstown.

Q: When did you attend North Kingstown High School?

R: 2002 — 2006.

Q: Who was the coach involved in this behavior?

R: Aaron Thomas.

Q: Was Aaron Thomas your [REDACTED]?

R: [REDACTED] from sophomore to my senior year.

Q: Did you have any interactions with Coach Thomas prior to that?

R: Yes.

Q: Did you ever have a fat test or examined by Coach Thomas?

R: Yes.

Q: When did that start?

R: At age 13.

Q: Can you explain how that started?

R: Yes. I was a really [REDACTED]. I had a name for myself when I was [REDACTED]. I started playing competitively when I was [REDACTED] and traveling out of state. For what-ever reason, When I was in eighth grade I was in the boys gymnasium at the old high school. Coach Thomas approached a group of us in the gym, next to the weight room. He asked me "Would you like to begin getting fat tested". The fat testing program was something everyone knew about. I agreed to get tested. Prior to getting tested, I had heard through the grape vine that I was going to get asked whether I was shy or not and that I was going to have to get naked.

Q: Did you start getting test that year?

R: Yes.

Q: Where were you tested?

R: It occurred in a room off of the old gym. It was the old building. It was shortly after that when they opened the new building.

Q: Can you describe the room?

R: Not vividly, I remember the fear when he asked me if I was shy not shy. I thought it was going to put me in a position to be in the coach's good graces so I went along with it.

Q: Do you remember if the door was closed?

R: I can't.

Q: Can you explain the testing procedure that Coach Thomas used that first time?

R: I had to get undressed into my underwear. He asked if I was shy or not shy and I got naked. He did a number of fat tests on me. He used his finger to pinch the inside of my leg, right next to my scrotum. I think he did measurements of my biceps and chest.

Q: Did you continuously get fat test from that point on?

R: Yes.

Q: Were you tested throughout your high school career?

R: Yes, up until my junior year.

Q: How many times a year were you fat tested?

R: At least quarterly.

Q: Did Coach Thomas perform all the exams in a similar manner?

R: Most of the exams were similar.

Q: What was that process?

R: He would ask me for a fat test while I was in his class. I would follow him down the hallway into his office and he would shut the door. Once I was in his office, it was understood that I would first take my clothes off. He would typically sit at his desk. There was monitor on his desk with a couple CCTVs on it. He would be watching it for people outside of his office. He would get to my underwear and without failure he would say are you shy or not shy, and I always took my underwear off. There would be a battery of tests. He would do the same set of tests I described on the first occurrence. Muscle measurements and then as time progressed, there were things that would deviate slightly. During the tests he would have me do sit and reaches, sometimes with underwear on. As time progressed, he would have me do them without any underwear, he was pushing boundaries.

Q: Were all the tests done in the same room?

R: No they weren't

Q: Where else were the tests conducted?

R: On one occurrence in the referee's locker room. That was before a game during my junior year. We were the only ones in the hallway. He suggested we do fat testing in the referee's locker room. At that point it was common for him to move

my genitals out of the way so he could pinch my leg for a BMI. However, in the referee's locker room, while I was sitting and stretching my groin, he had me lift my genitals up and he then poked around my genitals with his fingers, including below them; between the scrotum and my anus. I asked him what that one was for; he told me that he was checking for hernias.

Q: Did you complain of being injured prior to that?

R: No, not at all.

Q: Were you injured at that time?

R: No.

Q: Would there be any reason why he thought you were injured or had a hernia?

R: No.

Q: Did he ever check for hernias on any other occasion?

R: Not to my recollection. Never in that manner. He may have pushed his thumbs in my belt line, but never like that.

Q: Did he ever document the tests?

R: Yes, always.

Q: How did he document those tests?

R: He would always write down our numbers on a piece of paper and then he would send you on your way.

Q: Was there any type of sexual tone to the exams?

R: Nothing beyond what I described.

Q: Did he ever say or do anything that was sexual in nature during the exam?

R: Nothing beyond what I described.

Q: Did he ever penetrate you anywhere on your body?

R: No.

Q: Where was Coach Thomas when he was fat testing the area near your scrotum?

R: He hovered right over my face. I would be sitting Indian style on the ground when he fat tested that area. I can remember he would be breathing heavily over my face while did the test.

Q: Did he ever explain why you need to be naked during the tests?

R: Never.

Q: Did he ever take photographs?

R: Not to my knowledge.

Q: Did you or your parents ever have to sign a consent form?

R: Never.

Q: Did you ever get tested by any other coach?

R: Never.

Q: Did you ever tell your parents specific details about the tests?

R: They would see my sheets, but I would never tell them about getting naked or shy or not shy. The outcomes he provided us with, that I talked about with my parents. None of it was ever useful. We never discussed fat testing in practice.

Q: Did you ever have any quarrels with the coach?

R: Yes, in the context of basketball. I was upset that he wouldn't play to my strengths and that he wouldn't cultivate my skills. We had minor disagreements about basketball, but never any blowouts.

Q: Were you aware that your parents sent a letter to Coach Thomas on your behalf?

R: No. I became aware after of the letters after I was married. They gave the letter to my wife and she recently gave it to me.

Q: Did you ever say anything to you parents that would have prompted to write this letter?

R: No, I didn't. That was totally unprompted on my part. I wasn't aware of the letter at that time.

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

R: No.

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

R: Yes.

END OF STATEMENT

*Aaron Thomas*

Since there has been an ongoing police investigation by the North Kingstown Police Department, Mr. Thomas' personal counsel, Joseph Pezza, and his NEARI counsel, John DeCubellis, have expressed reluctance to allow their client to meet with me for an interview. As of June 8, 2021, I learned from Detective Chris Mulligan that although the NKPD's investigation has concluded with no action, it has referred their investigative materials to the Office of the Rhode Island Attorney General for review and action, if any. Considering this development, I confirmed with Mr. Thomas' counsel that he will not voluntarily meet with

me. Consequently, I have obtained a copy of Mr. Thomas' statement to the police, which is summarized verbatim below (*Exhibit 5*):

**Coach Thomas Interview**

Conducted on 02/22/2021

Attendees include Aaron Thomas and Attorney Joe Pezza

Interview conducted by Det. Christopher Mulligan and Det. Jesse Jarvis

Statement details authorized to be sent to NK School Department by Attorney Joe Pezza on 03/23/2021

Below is a summary of that interview:

**02/22/2021:** Det. Jarvis and I interviewed Aaron Thomas, in the presence of his lawyer, Joseph Pezza. The interview was conducted in the Detective interview room and Thomas' Miranda Warnings were read prior to starting. In speaking with Thomas, he gave the following statement:

Aaron Thomas has been teaching at the North Kingstown for the past 32 years, starting in 1989. He was initially hired as a history teacher, but later became the video technology/video editing teacher. He began coaching basketball 28 years ago and became the head coach 24 years ago. He was also at one time, an assistant football coach and the athletics director in 2006 - 2007.

Coach Thomas advised me that he began a fat testing program about twenty years ago as a method of helping the athletes become more competitive. The idea of the program was to provide measurable goals for the student. The test would include body measurements, skin fold caliper fat tests, and flexibility assessments for students with issues. Coach Thomas conducted the fat testing program up until three years ago, when a stand in fat test machine was purchased; eliminating the need for human involvement. The results of the tests were entered into a spreadsheet on his work computer and the print outs were given to the students. Coach Thomas stated that he did not supply the other coaches with the results of the tests, but they were all aware of the program and that they sometimes discussed the results. He is unsure if he still has any records from the tests.

Coach Thomas advised me that the students usually approached him and inquired about the program, as it was well known amongst all the athletes. Coach Thomas would discuss the process involved with the student and require a signed parental consent form before setting an appointment. He was unsure if he still has any of those consent forms; claiming much of his paperwork was lost over the years as a result of A/C induced flooding in his office. The testing itself was conducted in an equipment room/coaches office located within the gym locker room while at the old school building. After the transfer to the new school building, the tests were done in his office. All appointments were done immediately after school hours.

The tests themselves consisted of the following: Phase 1 was a series of tape measures from the student's neck, chest, waste, thighs, and calves. The second phase involved a 7 caliper fat test, in accordance with the Jackson-Pollock model. The areas of testing included the abdomen, chest, Axila, midchest area, subscapular, suprailac, and thigh. The next stage was for flexibility. This stage included a leg stand, chin up stretch while lying on the stomach, and a shoulder stretch while lying the stomach. Thomas added that he would also do a skin fold fat test on the inner thigh and abductor muscle. He demonstrated the areas on his own leg, which was close to the groin area. He further mentioned an additional test for students with balance issues, which entailed a balance being placed on the back to assess level. Coach Thomas said that he never had the students perform a sit and reach, butterfly, or a toe touching stretch. He also denied ever asking a student to demonstrate a duck walk, claiming he's never heard of a duck walk. He stated that the students never had to get down to their underwear and that they never took their underwear off for any portion of the test. He advised that the "shy or not shy" question was in reference to the students taking off their shirt and not their underwear. Coach Thomas said that he remembered a couple of students approaching him about possibly having a hernia in the past. He denied ever checking them or any other students for a hernia.

At the conclusion of the interview, Coach Thomas agreed to search for any records or documentation he may have and to provide said materials upon their discovery.

#### **IV. FINDINGS, ANALYSIS AND RECOMMENDATIONS**

##### **A. Governing Law and Policies**

The allegations of the primary Complainant, if true, fall squarely within conduct that implicates the protections of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1621, *et seq.* which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance. It has long been recognized that sexual harassment of students engaged in by school employees, other students, or third parties is covered by Title IX. It is also consistent with United States Supreme Court precedent and well-established legal principles that have developed under Title IX, as well as under the related anti-discrimination provisions of Title VI and Title VII of the Civil Rights Act of 1964. Indeed, the Office of Civil Rights (“OCR”) has learned that a significant number of students, both male and

female, have experienced sexual harassment, that sexual harassment can interfere with a student's academic performance and emotional and physical well-being, and that preventing and remedying sexual harassment in schools is essential to ensure nondiscriminatory, safe environments in which students can learn.

The OCR provides information intended to enable school employees and officials to identify sexual harassment and to take steps to prevent its occurrence. In addition, the guidance of the OCR is intended to inform educational institutions about the standards that should be followed when investigating and resolving claims of sexual harassment of students. For instance, school personnel are in the best position to prevent harassment and to lessen the harm to students if, despite their best efforts, harassment occurs. In addressing allegations of sexual harassment, the judgment and common sense of teachers and school administrators are important elements of a response that meets the requirements of Title IX. The guidance from OCR makes clear that not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to give rise to a complaint under Title IX, sexual harassment must be sufficiently severe, persistent, or pervasive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The North Kingstown School District embraces Title IX protections in numerous district-wide policies, most of which are well-defined and provide a reporting requirement and resolution procedure.<sup>1</sup> They include the following: NSBA # AC GBA Anti-Discrimination/Anti-Harassment Policy and Grievance Procedure (which prohibits harassment that is sufficiently,

---

<sup>1</sup> When my investigation commenced, I relied on existing School District policies then in effect. Thus, my review and analysis fall within that prism. I have since learned that the School Committee recently promulgated a new Title IX policy which embraces new processes and procedures consistent with existing law and regulation. I still recommend a comprehensive review, update and consolidation of all the School District's Anti-Discrimination and Harassment policies to be in conformity with changes in the law, if not already contemplated.

severe, pervasive or persistent to interfere with or limit [a student's] ability to participate in the District's educational programs or activities, including "unwanted physical contact of any kind" which includes "grabbing, groping, squeezing, fondling, brushing against another's body" "unwelcome sexual advances", "request for sexual favors" or "*quid pro quo* sexual harassment") (*Exhibit 6*); NSBA # GBAA Staff Policy on Sexual Harassment (which prohibits sexual harassment of a student.....by a member of the staff or other adult.... which operates to unreasonably interfere with a student's academic environment and performance") (*Exhibit 7*); and the GCA Coaches Policy, which incorporates the Code of Conduct for coaches (and players) in accordance with the Rhode Island Interscholastic League's policies (*Exhibit 8*).

Although generally applicable to conduct directed to students by other students at the elementary and secondary level, the prohibitions of the Safe Schools Act, R.I. Gen. Laws § 16-21-33, is also incorporated into these District-wide policies by specifically adopting and incorporating anti-discrimination and anti-bullying policies consistent with Rhode Island law.

**B. Summary of Findings and Analysis**

For the reasons set forth below, I find, with reservation, that by the greater weight of the evidence and information gathered, it is more probable than not that for a sustained period of time during the course of his employment with the School District, Mr. Thomas may have violated the aforementioned School District policies when he conducted either or both "BFI" or "BMI" testing on numerous student/athletes of the high school while they were alone in his office, without any other adult supervision and while the student/athletes were in a state of undress, in some instances fully unclothed. The reason I qualify my finding "with reservation" is because I did not have the benefit of meeting and speaking directly with the primary complainant (██████████) and respondent (Aaron Thomas). This is both unusual and disappointing. By

meeting face-to-face (or even virtually as I did with some of the witnesses), I am able to test the veracity of the individual's story in responding to my questions by observing body language, eye movements, patterns of speech, intonations, inflections, delay in responses, time-lapses, and other indicia from which I can draw conclusions about the credibility of the witness and his answers. Moreover, I am unable to ask any follow-up questions or obtain information where gaps or conflicting accounts may exist in the overall story. Consequently, I can only go by what is written in the respective statements and rely upon any other corroborating testimony.

The statements of both [REDACTED] and Aaron Thomas are dramatically at odds. For instance, [REDACTED] does not mince words when he claims that since the age of 13, he was sexually molested by Mr. Thomas on a quarterly basis during his high school years. Although he denies penetration while being fat tested, he claims that the coach would often use his fingers by lifting his genitals, run his fingers between his anus and genitals on the pretense of checking for hernia, while breathing heavily in his face. The coach made him sit in the nude and perform exercises. These interactions in turn caused him to develop [REDACTED] for which the coach took full advantage. In fact, he attributes the [REDACTED] [REDACTED] to the same type of abuse. He never discussed it with his parents or made complaints, because as a good athlete, he wanted to remain in the coach's good graces. As an adolescent, it is not unusual for one to delay reporting of inappropriate contact or touching. This is a known psychological phenomenon, similar to repressed memory syndrome, where a claimed victim purposely shields and represses the memory of a traumatic event. No other witness has come forward with the same level of detail or scienter on the part of Mr. Thomas.

For his part, Mr. Thomas described the nature of the testing that he undertook, a very comprehensive process the purpose of which was to set measurable goals for students by which

to become more athletically competitive. He does admit that he performed some testing in the groin area; denies that he pursued students to test; claims that the “shy, not shy” comment referred to the male student taking off his shirt; and adamantly denies that he ever requested that students remove their underwear or that he conducted testing while a student was naked. Indeed, the interviews from other teachers and administrator, including the Superintendent, were laudatory. They reveal that Mr. Thomas enjoyed an excellent and unblemished reputation within and among the school community, one who was detailed, devoted and meticulous in his preparation and coaching acumen and who served as a role model for students and staff alike. He went above and beyond expectations as a teacher and coach. Mr. Thomas distinguished himself and that is evident in the many awards and recognitions he has received.

Even if I reject the entire account of [REDACTED], there is sufficient, corroborating, and independent testimony from other witnesses that lead me to conclude that Mr. Thomas’ version of events is not entirely truthful or forthcoming. First and foremost, Messieurs Cobain and Hague, both individuals who are and have been involved with athletics and are intimately familiar with BMI and BFI testing expressed surprise to learn that Mr. Thomas routinely conducted pinch tests in the groin area. Both admitted that there is no benefit to doing so, and neither one has ever used this test in the thigh area. Checking the areas from the waist, upper torso and arms provided a 98.6% accuracy rating. Why is it, then, that Mr. Thomas felt the need to conduct a pinch test in the groin area? Since there was little use for such data, was there another explanation? This is a question I would have liked to ask Mr. Thomas. Both individuals expressed deep respect for Mr. Thomas and alarm that he would engage in such conduct. It simply is inconsistent with the character of the man they know. Mr. Hague also described an uncomfortable occurrence in 2017 when he observed fat testing of a student alone in his

classroom. He understood the very appearance of a male adolescent student half-dressed alone in a classroom is inappropriate and felt the need to immediately report it to the then principal. Why did that very circumstance not resonate with Mr. Thomas? Was it simply a complete lack of awareness or poor judgment on his part? That is another question I would have asked Mr. Thomas.

Second, at least five of the seven former students I was able to interview admitted that they were asked to remove their underwear “if they were comfortable” “shy or not shy” to get “a more accurate measurement.” Some of those individuals thought nothing about it and did not believe there was any sexual connotation or intent. Others felt they needed to “man-up” and not be so shy or ashamed of getting naked. The clear implication to me is that an adolescent student of a teacher/coach, one-on-one, over whom that coach exerts influence, will not want to “disappoint” that person of authority. In other words, although it is certain that he claims there was no ill intent, Mr. Thomas put the students in a position where he could subtly manipulate a student into removing his underwear. I found all the former students to be sincere and credible. I also discerned no reason why they would fabricate such a tale, particularly since some of the witnesses, including those whom I did not interview, were not troubled by the coach’s conduct, or believed there was any sexual or harassing motive. Nor do I find that there was some grand conspiracy against Mr. Thomas because many of the witnesses with whom I spoke denied that they had spoken to other former classmates (see, for example, the summaries of [REDACTED] and [REDACTED]). I found the interviews of [REDACTED] [REDACTED] to be most compelling and credible for their clarity and level of detail. Furthermore, [REDACTED] detailed certain exercises they were asked to perform while

naked, which I find particularly troubling, even in the absence of overt evidence of sexual gratification.

More troubling to me is when confronted by Dr. Auger in 2018, why did Mr. Thomas deny that the students were naked when the fat test was being performed? He also denied any inappropriate conduct or appearance of inappropriate conduct when asked during his interview by the police. These denials are inconsistent with the greater weight of evidence. Was Mr. Thomas engaged in conduct, inappropriate or not, that he was attempting to conceal to save him embarrassment? Or was it something more sinister than that. I cannot provide these answers as I did not have the opportunity to interview him.

My task was not to determine if probable cause existed for the commission of a crime. Rather, I was tasked with a review of the circumstances to ascertain if there were possible violations of law or policy. I conclude that the accounts of the former student/witnesses are true and accurate, including statements from others who were reluctant to get too deeply involved or wished to remain anonymous (██████████, for example). In accepting these accounts, including the allegations of ██████████, *at most* Mr. Thomas would have violated long-standing policies prohibiting sexual harassment because he would have engaged in “unwelcome physical touching, including grabbing, groping, squeezing, fondling, ..... brushing against another’s body.....or other unwelcome contact.” (*Exhibit 6; see also Exhibit 7*). Accordingly, he would have created an unsafe educational environment for those students. Rejecting ██████████ accounts, and accepting as true all other witness accounts, *at the very least*, Mr. Thomas would have nonetheless violated the same policies relating to “unwelcome leering or staring.” (*Exhibit 7*). Consider the circumstances and reality of the following scenario: an adult in the presence of a high school student alone in an office or classroom, under the auspices of conducting a

physical BMI or BFI test to measure performance, suggesting to that student that in order to get a better measurement, it's best to remove your underwear, indicating that he may be shy or not shy in association with having that minor remove his underwear, when there is no justification for the student removing his underwear. Even if some students never felt pressured and did not believe there was any sexual connotation, it constitutes voyeuristic behavior over a long period of time. Mr. Thomas' flat-out denial of testing students without any clothes belies the testimony of most of the former students I interviewed. Thus, arguably, he has been untruthful when confronted by his employer and it is inconsistent with the information provided by other former students. It is important to consider that although these students may not have articulated an unsafe or threatening educational environment, these students ranged in age from 14 to 18 years of age, a time during which they experience much peer pressure, social anxiety all the while going through a maturation process. The fact that outside [REDACTED] no one thought the conduct of fat testing in the nude was "sexual" in nature, the discreet and subtle conduct of Mr. Thomas does not diminish the fact that he knew or should have known that his conduct, even without sexual intent, was inappropriate or had the appearance of impropriety, as Mr. Hague knew when he witnessed an examination in 2017. And although students never openly objected or voiced any concern or complaint to a teacher, parent, or administrator, they have since learned that the conduct was questionable, and others stop taking the test.

**C. Recommendations**

Based upon the previously discussed interviews and review of documentation, and the findings, analysis, and observations, I submit the following recommendations to the Superintendent and North Kingstown School Committee:

1. Although it would have been preferable to interview Mr. Thomas in person, my recommendation can only be based on the more credible weight of the evidence. Accordingly, it comes with reservations. Mr. Thomas poses a potential threat and liability to the North Kingstown High School community if he were to continue in the employment of the School District. If the allegations of [REDACTED] are true, he would have violated provisions of Title IX and other policies of the School District that prohibit sexual harassment in the form of unwanted touching, staring, and leering over a course of many, many years. If these allegations support the accounts of most of the witness, and I have no information that leads me to conclude otherwise, aside from Mr. Thomas' statement to the NKPD, it reveals a complete lack of awareness and exercise of poor judgment on the part of Mr. Thomas. Furthermore, to not admit that students were fat tested at times while naked establishes a character trait of untruthfulness that no School District should tolerate in any employee.

2. The Administration should consider assuring protective measures are in place for athletic testing of students to ensure they are conducted in a safe, secure manner that does not enable one-on-one interactions between adult and student during the testing process...

3. If not already contemplated, the Superintendent and School Committee should immediately conduct an audit and assessment of its current Anti-Discrimination policies and procedures and practices relating to them. The School District should offer annual training to its faculty and staff, including identifying and providing supportive measures that are available to students (and staff) who have been victim to conduct prohibited by these policies. As part of this review, the School District should also provide annual seminars to educate the student body on the availability, use and purpose and remedial procedures related to these policies to promote and

encourage the reporting of offensive or abusive conduct by faculty and staff while ensuring there is no retribution for such reports.

This Report is respectfully submitted to Philip Auger, Ed.D., Superintendent of the North Kingstown School District, on this 18<sup>th</sup> day of June 2021.

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

# **EXHIBIT 1**

**From:** Phil Auger <[phil\\_auger@nksd.net](mailto:phil_auger@nksd.net)>  
**Sent:** Friday, February 12, 2021 5:52 PM  
**To:** 'Mary Ann Carroll' <[macarroll@hcllawri.com](mailto:macarroll@hcllawri.com)>  
**Subject:** FW: Aaron Thomas

Mac, See the response below from the student. I am thinking that this may require a special investigator similar to what Aubrey did for us in the JV case.

**From:** Mancieri, Denise <[denise\\_mancieri@nksd.net](mailto:denise_mancieri@nksd.net)>  
**Sent:** Friday, February 12, 2021 5:29 PM  
**To:** Phil Auger <[phil\\_auger@nksd.net](mailto:phil_auger@nksd.net)>  
**Subject:** Fwd: Aaron Thomas

Hi Phil,

I just got home and this is in my email. I responded.

Shall I have him go directly through you?

Sincerely,

Denise

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

**From:** Mancieri, Denise <[denise\\_mancieri@nksd.net](mailto:denise_mancieri@nksd.net)>  
**Date:** Fri, Feb 12, 2021 at 5:27 PM  
**Subject:** Re: Aaron Thomas

To: [REDACTED]

Thank you for your quick follow up. I have sent this to the Superintendent and the process has begun.

To address your concern, if no one will use their name it is a list of anonymous accusations. The NKPD may want

to interview you or other accusers. It can be confidential or you could refuse to answer their questions.

This will be a very difficult decision and only you can make that determination.

Sincerely,

Denise

On Fri, Feb 12, 2021 at 4:01 PM [REDACTED] wrote:

Hi Denise,

I'm relieved to hear that you take this seriously. This is an open secret in my corner of NK. I assumed I was weak because so many people fat tested and they don't seem to struggle with it like I have.

Start with Keith Kenyon, Kevin Gormley, and Rob Silveira. The first time I fat tested was 13 years old and in Coach Kenyon's office. Rob Silveira watched us all go into Thomas's office frequently, only to come out with the forms you see attached. Gormley spent more time with Thomas than anyone.

People I know that were fat tested... my [REDACTED],

[REDACTED].  
Honestly, any person who was in the basketball locker room prior to 2010 will corroborate. Many non-basketball athletes were fat-tested too (start with the

captains and all state players). I suspect you will have a very easy time finding other victims. If not however, I may be OK urging others to speak out.

I don't have other physical evidence but can provide answers to any questions you have.

The upside of not keeping my name confidential is not obvious to me, but I could be convinced otherwise.

Best,

- [REDACTED]

On Feb 12, 2021, at 2:33 PM, Mancieri, Denise <[denise\\_mancieri@nksd.net](mailto:denise_mancieri@nksd.net)> wrote:

Hi [REDACTED],

I hope you are well.

We take this email very seriously and we must investigate.

In order to do this we may need additional information.

Do you have any evidence or other names of student athletes that you can give to me.

You said there are dozens. Will anyone else come forward?

I would also ask you to reconsider keeping your name confidential.

Sincerely,

Denise Mancieri

On Fri, Feb 12, 2021 at 4:05 AM [REDACTED] wrote:

Hi Denise,

I hope this email finds you well. Before starting I ask that you please keep my name confidential.

I'm a 2006 graduate of NKHS. I'll spare the intro as I suspect you can access my educational / extracurricular history with NKSD.

I'm writing to you because I can no longer stay silent about the trauma I was subjected to by Aaron Thomas.

Every month for my entire time at NKHS Thomas brought me into his office (protected by CCTV) and asked me to get naked, then touched me all over my body. He did this to dozens if not hundreds of boys over a ~10 year period to my knowledge.

I beg you to question him about this "fat testing" regime and what purpose it served.

My wife and I intend to move to NK soon to raise a family, and I'd love to overcome the deep emotional scars he's inflicted. I pray daily justice will put Aaron Thomas in prison. However, knowing that our community broadly understands his pedophile tendencies and the real harm they've done is my bigger hope.

[REDACTED] I hope this makes real the harm the he can continue to do in his current position.

It's also my strong belief that Thomas's negligence had a similar outcome on my dear friend, [REDACTED], one of the best basketball players in North Kingstown history who died [REDACTED] at [REDACTED] last week.

Lastly, I'm sharing documents proving that Thomas had no stated reason for looking at and touching my privates.

Sincerely and regretfully,

- [REDACTED]

--

Denise Mancieri, Ed.D.

Assistant Superintendent  
North Kingstown School Department

100 Romano Vineyard Way, Suite 120

North Kingstown, RI 02852

401-268-6431

***The information contained in this transmission may contain privileged and confidential information and is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this message. Thank you.***

--

Denise Mancieri, Ed.D.

Assistant Superintendent  
North Kingstown School Department

100 Romano Vineyard Way, Suite 120

North Kingstown, RI 02852

401-268-6431

***The information contained in this transmission may contain privileged and confidential information and is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this message. Thank you.***

--

Denise Mancieri, Ed.D.

Assistant Superintendent  
North Kingstown School Department

100 Romano Vineyard Way, Suite 120

North Kingstown, RI 02852

401-268-6431

***The information contained in this transmission may contain privileged and confidential information and is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of this message. Thank you.***

# **EXHIBIT 2**



## NORTH KINGSTOWN POLICE DEPARTMENT

8166 POST ROAD, NORTH KINGSTOWN, RHODE ISLAND 02852

Telephone: (401) 294-3311 FAX: (401) 294-6830

Administrative Offices: (401) 294-3316

CHIEF OF POLICE  
Patrick Flanagan

March 17, 2021

To: Superintendent Phil Auger  
From: Detective Lieutenant Jeffrey St. Onge  
Subject: Aaron Thomas investigation/additional source

---

The reporting party, [REDACTED] was contacted in regard to this complaint and has requested to remain anonymous. He was willing to discuss the details of his experience provided his anonymity is expressly noted in a department letter. A letter of anonymity was sent and received by [REDACTED], who has agreed to contact us when he is ready to discuss his experience.

[REDACTED] have indicated their willingness to share info with the North Kingstown School Department. Their statements are featured below.

[REDACTED] has agreed to provide his contact information with the North Kingstown School Department, but not his statement.

Attempts have been and are continuing to speak with [REDACTED].  
[REDACTED]  
[REDACTED]

Several parties have spoken to or agreed to speak with the North Kingstown Police regarding their experiences, but wish to remain anonymous. Their names have not been mentioned to honor their requests.

[REDACTED]:

Interviewed 02/17/2021

Agreed to have his info sent to Highschool

Played [REDACTED]. Aaron Thomas was not his coach.

No other coaches examined him or refer him for examination.

Fat tested and examined from 1998 - 2001

[REDACTED] felt that each test he received was progressively more inappropriate, especially with Coach Thomas insistence to conduct the test without underwear.

Initially, Coach Thomas approached [REDACTED] in the weight room and asked him if he wanted to take a fat test, which [REDACTED] agreed. The test was conducted in a small room off the gym, with the door closed. [REDACTED] was a freshman at the time and he had to strip down to his underwear. Coach Thomas took a series of body measurements and felt around his thighs as he explained that he was checking for muscular development.

During the first test, Coach Thomas introduced the inner thigh test with the calipers and advised [REDACTED] that it was easier to do the test with his underwear off. [REDACTED] said that this measurement was done right up against the scrotum. At that time, [REDACTED] refused to take his underwear off, opting instead to pull up his underwear for the measurement. [REDACTED] stated that he felt like a coward for not removing his underwear. On the second or third test, Coach Thomas asked him: "Are you comfortable enough to take off your underwear yet or what; you don't have to be scared about it", [REDACTED] said he worked up the courage to "man up" and he removed them. [REDACTED] proceeded to hold his hands over his genitalia after he removed his underwear.

At one point during the exam, Coach Thomas made him put his arms by his sides so that he could take measurements. Coach Thomas proceeded to take measurements of his chest and thighs, all while [REDACTED] was naked. He stated that this went on for approximately ten minutes. [REDACTED] stated that it was very uncomfortable, especially considering that it was done in a small broom closet with the door shut.

[REDACTED] also advised me that Coach Thomas was on his knees when he did the measurements on his legs and that he would often rub his buttocks and tell [REDACTED] that he needed to do more squats. In retrospect, [REDACTED] strongly believes Coach Thomas was caressing his buttocks during the exam, but he didn't realize this at the time because he was so young. He does not know if coach Thomas was sexually aroused or gratified by the experience. Presently, [REDACTED] often reflects on the exams done to him and feels wronged.

[REDACTED]

Interviewed 02/18/2021

Ok to send his info to school

[REDACTED] 2001 -2004

Fat tested from 2003 -2004 (Junior and Senior year)

No other coaches tested him or referred him for examination

Coach Thomas asked [REDACTED] if he wanted to get tested during his junior year. He was tested between 8 and 10 times. [REDACTED] said that the tests were all similar. They took place in his office, where he had a lot of video equipment. The tests were mostly done in his underwear and entailed measurements of height, weight, bicep, and thighs. A body fat test was taken of his bicep, ribcage, and in the groin area, right near the genitals. Prior to having the groin fat test, Coach Thomas said: "If you are shy leave your underwear on, if you aren't shy

take them off, you can keep your hand there; whatever you are comfortable with". [REDACTED] said that he opted to take the test without his underwear, holding his privates in his hands.

[REDACTED] stated that all the tests were done while you were in your underwear, except for the groin fat test. The groin area fat measurement was conducted at the end of the exam and only required you to take your underwear off for an instant. [REDACTED] said he was never touched or rubbed by Coach Thomas. [REDACTED] advised me that he felt a little awkward, but it never felt sexual.

[REDACTED]  
Interviewed 02/18/2021

Ok to have his info sent to school

Played [REDACTED]

Fat Tested 2008 and 2009

Aaron Thomas was not his coach, but was his teacher.

No other coaches performed physical exams on [REDACTED] or referred him to Coach Thomas for testing.

Test were done in a small office within Coach Thomas' communications classroom. The class room was located on the other side of the building, relative to the gym

[REDACTED] learned about the exams via word of mouth and he inquired about the exam with Coach Thomas so he could track his development. In total, [REDACTED] had 3 or 4 exams done by Coach Thomas, with each being similar. [REDACTED] stated that you would get down to your underwear if you were comfortable and that Coach Thomas would take measurements with calipers and a tape measurer. While the test went on, Coach Thomas told [REDACTED] that he could get a more accurate measurement if he removed his underwear. [REDACTED] informed me that he was young, naive, and that he trusted the coach, so he removed his boxers. While [REDACTED] was naked, Coach Thomas performed body composition tests on his upper thigh, his buttocks, and his legs. He also completed measurements of his biceps, thighs, chest, and shoulders. [REDACTED] stated that the whole exam lasted 5 to 10 minutes, and that he was only naked for a couple of minutes. He stated that he was never physically touched for any reason other than a measurement. He doesn't know if Coach Thomas had any sexual gratification during the exams, but he didn't observe any indications.

[REDACTED]: **Changed status to anonymous on 03/09/2021**

Interviewed 02/18/2021

Ok to have his info sent to school (02/24/2021)

Requested to change status to anonymous (03/09/2021)

Played [REDACTED] form 1999-2003

Aaron Thomas was his [REDACTED]

Tested at least once a year, possibly seasonally or even monthly.

Fat test were conducted in an athletic office off the gym

[REDACTED] stated that he was memory is vague regarding the fat and agility tests done by coach Thomas. He said that the tests were voluntary and that nothing seemed out of the ordinary. [REDACTED] thinks the tests were done in his shorts and that he was asked to strip

down to the underwear for a more accurate test; if he was comfortable. He does not remember getting naked during the tests. ██████████ advised that the test involved measurements and stretches, but doesn't remember specifics. He said that Coach Thomas was a stat obsessive guy and that he gave print outs of the exams. ██████████ viewed the exams as an extension of Coach Thomas' focus on stats and saw nothing sexual about them. He said that the test were common knowledge and does not remember anyone else mentioning they were uncomfortable with or felt weird about the tests.

██████████:

Interviewed 02/23/2021

Ok to send info to school

Played ██████████ 2008-2009 (Senior year)

Aaron Thomas was not his coach

Fat tested once

No other coach examined or referred him for examination

██████████ stated that he was fat tested by Coach Thomas on one occasion in his senior year. He does not remember how it was initiated. The test was conducted in Thomas' office, which was located in the back of his classroom. The beginning of the test consisted of measurements while ██████████ was clothed ( gym clothes). As it came time to measure the thigh area, Thomas asked ██████████ to remove his clothes, including his underwear, to facilitate the measurement. ██████████ stated that he was only naked for a couple of minutes during the test and advised that he didn't suspect any sexual tone to the exam. ██████████ stated that there was definitely no consent form involved in the process. He does not remember if he was asked to do any stretching or exercises during the exam.

██████████ (██████████)

Interviewed 03/01/2021

Okay to pass on info to school

Played ██████████ 1999-2003

Fat tested throughout high school career by Aaron Thomas

Not fat tested by any other coach

██████████ believes that Coach Thomas approached him about the body mass index program, stating that he would not have sought the program out himself. He said that he was happy to have the tests done as it allowed him to track and set goals. ██████████ stated the testing was conducted in the locker room when he was in the old school and in a coaches' office after transitioning to the new school. Occasionally, if ██████████ had Thomas as the last class of the day, he would stay after class and have the test done in his office.

██████████ said that the exam entailed fat testing with the calipers to different parts of the body. He said that the only odd place to be tested was in the hip or groin area. He had to strip to his underwear for that portion of the exam, but he never had to remove his underwear. ██████████

██████ said that he never felt awkward or uncomfortable in the slightest way during the test. He said that tests were all conducted in a similar professional manner and that there was nothing sexual about the exam. He stated that it was a great experience and that he amped up the number of tests he received in his final years of high school, in preparation for a college athletic career. ██████ stated that the tests were well known amongst all the students and that he never heard anyone complaining about their experience.

The investigation is ongoing.

Investigating Detective

Christopher Mulligan

(401) 294-3316 ext 8218

[cmulligan@northkingstown.org](mailto:cmulligan@northkingstown.org)

Detective Supervisor

Lieutenant Jeffrey St.Onge

(401) 294-3316 ext 8215

[jstonge@northkingstown.org](mailto:jstonge@northkingstown.org)

# **EXHIBIT 3**

Notes from Dr. Auger and Dr. Mancieri 2-16-21 (1:37 pm)

Phone Conversation with [REDACTED], former NKHS student-athlete. Dr. Auger and Dr. Mancieri. [REDACTED] mentioned that his wife was also listening to the call.

Death of [REDACTED] was his motivation for coming forward to us at this time.

[REDACTED] mentioned that his [REDACTED] came forward in 2018 to NK police, and that jogged his memory, but he wasn't prepared to talk with the police then.

"prior to junior year" before game. "Sit Indian style, pushing between my testicles, hernia testing." He said his friend, [REDACTED] had a hernia and this is not what happened to him.

"I hated him. No skill work, just conditioned us."

Fall/winter 2005 "He just molested, almost penetrated me." Before a basketball game in the referee's locker room. "Pressing between my scrotum and anus."

BMI sessions: "made to do sit and reach exercises while naked." "Crab walks naked in his office." [REDACTED]  
[REDACTED]

Stated that Mr. Thomas asked him before his senior year if he wanted to continue because there were too many kids testing, and [REDACTED] said he wanted to stop.

Rob Silveira taught next door to the office, but probably wouldn't know what was going on but could maybe remember students going in and out of Mr. Thomas's office.

Keven Gormley "Hard to believe he would not know what was happening. Same as Keith Kenyon."

First time he did this was in Keith Kenyon's office.

"Check with any athlete at any the time."

Conversation with [REDACTED]: 2-16-21 2:30pm

Student from 1999-2003

Experience did not affect him like [REDACTED].

He and his friend would talk about it and laugh. Very weird to be stretching while naked. Asked if we were shy or not. What male athlete would say we are shy.

It was quarterly "Groin pinch" nowhere on the sheet did it mention groin pinch. Did not need to get naked for this.

[REDACTED] at PC, worked in athletics at PC. "[REDACTED] said no way does it involve these things. Get a lawyer."

# **EXHIBIT 4**

# North Kingstown Police Department

8166 Post Rd.,  
North Kingstown, Rhode Island 02852

## WITNESS STATEMENT

CR#:            Date: 03/12/2021    Time: 3:26 PM            Place: North Kingstown Police Station

Name: [REDACTED]

Address: [REDACTED]

Date of Birth: [REDACTED]            Tel: [REDACTED]

I, [REDACTED], voluntarily, without threats or promises, make the following statements:

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

R: Yes.

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

R: Yes.

Q: Which high school was that?

R: North Kingstown.

Q: When did you attend North Kingstown High School?

R: 2002 – 2006.

Q: Who was the coach involved in this behavior?

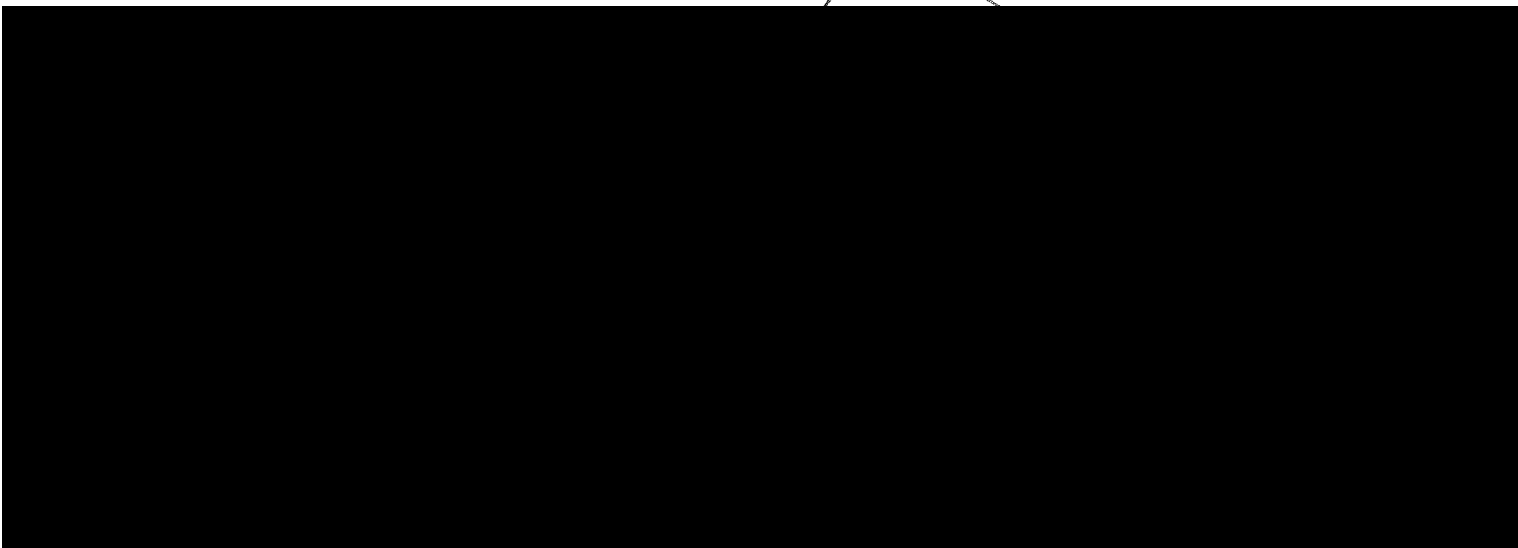
R: Aaron Thomas.

Q: Was Aaron Thomas your [REDACTED]?

R: [REDACTED] from sophomore to my senior year.

Q: Did you have any interactions with Coach Thomas prior to that?

R: Yes.



Q. Did you ever have a fat test or examined by Coach Thomas?

R: Yes.

Q. When did that start?

R: At age 13.

Q. Can you explain how that started?

R: Yes. I was a really [REDACTED]

[REDACTED]. I started playing competitively when I was [REDACTED] and traveling out of state. For what-ever reason, When I was in eighth grade I was in the boys gymnasium at the old high school. Coach Thomas approached a group of us in the gym, next to the weight room. He asked me” Would you like to begin getting fat tested”. The fat testing program was something everyone knew about. I agreed to get tested. Prior to getting tested, I had heard through the grape vine that I was going to get asked whether I was shy or not and that I was going to have to get naked.

Q. Did you start getting test that year?

R: Yes.

Q: Where were you tested?

R: It occurred in a room off of the old gym. It was the old building. It was shortly after that when they opened the new building.

Q: Can you describe the room?

R: Not vividly, I remember the fear when he asked me if I was shy not shy. I thought it was going to put me in a position to be in the coach’s good graces so I went along with it.

Q. Do you remember if the door was closed?

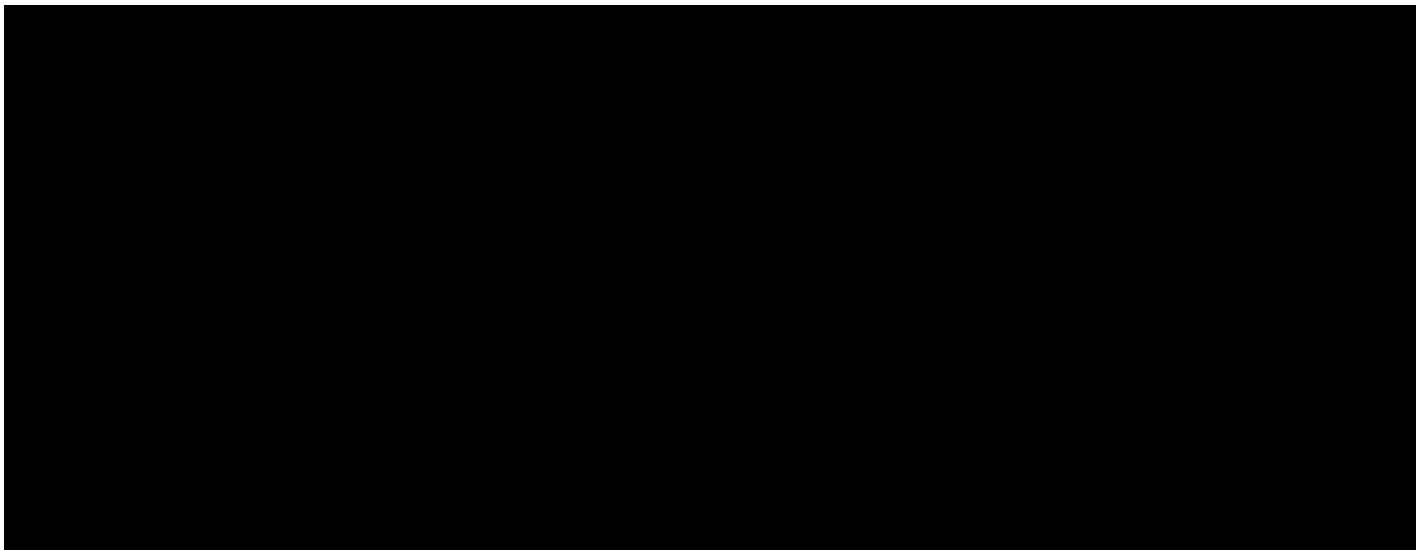
R: I can’t.

Q: Can you explain the testing procedure that Coach Thomas used that first time?

R: I had to get undressed into my underwear. He asked if I was shy or not shy and I got naked. He did a number of fat tests on me. He used his finger to pinch the inside of my leg, right next to my scrotum. I think he did measurements of my biceps and chest.

Q: Did you continuously get fat test from that point on?

R: Yes.



Q: Were you tested throughout your high school career?

R: Yes, up until my junior year.

Q: How many times a year were you fat tested?

R: At least quarterly.

Q: Did Coach Thomas perform all the exams in a similar manner?

R: Most of the exams were similar.

Q: What was that process?

R: He would ask me for a fat test while I was in his class. I would follow him down the hallway into his office and he would shut the door. Once I was in his office, it was understood that I would first take my clothes off. He would typically sit at his desk. There was a monitor on his desk with a couple CCTVs on it. He would be watching it for people outside of his office. He would get to my underwear and without failure he would say are you shy or not shy, and I always took my underwear off. There would be a battery of tests. He would do the same set of tests I described on the first occurrence. Muscle measurements and then as time progressed, there were things that would deviate slightly. During the tests he would have me do sit and reaches, sometimes with underwear on. As time progressed, he would have me do them without any underwear, he was pushing boundaries.

Q: Were all the tests done in the same room?

R: No they weren't

Q: Where else were the tests conducted?

R: On one occurrence in the referee's locker room. That was before a game during my junior year. We were the only ones in the hallway. He suggested we do fat testing in the referee's locker room. At that point it was common for him to move my genitals out of the way so he could pinch my leg for a BMI. However, in the referee's locker room, while I was sitting and stretching my groin, he had me lift my genitals up and he then poked around my genitals with his fingers, including below them; between the scrotum and my anus. I asked him what that one was for; he told me that he was checking for hernias.

Q: Did you complain of being injured prior to that?

R: No, not at all.

Q: Were you injured at that time?

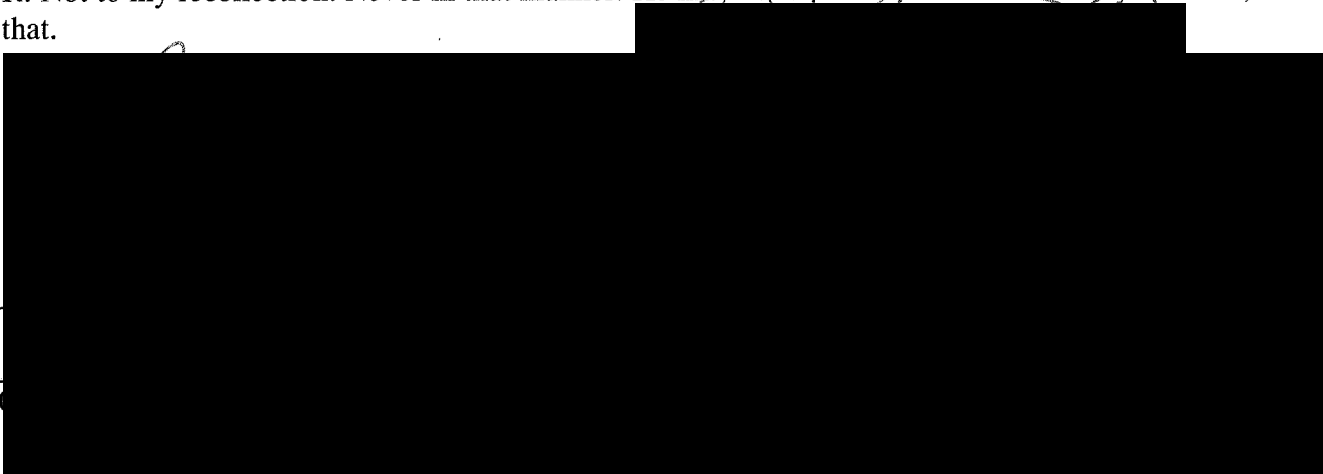
R: No.

Q: Would there be any reason why he thought you were injured or had a hernia?

R: No.

Q: Did he ever check for hernias on any other occasion?

R: Not to my recollection. Never in that manner. He may have pushed his thumbs in my belt line, but never like that.



Q: Did he ever document the tests?

R: Yes, always.

Q: How did he document those tests?

R: He would always write down our numbers on a piece of paper and then he would send you on your way.

Q: Was there any type of sexual tone to the exams?

R: Nothing beyond what I described.

Q: Did he ever say or do anything that was sexual in nature during the exam?

R: Nothing beyond what I described.

Q: Did he ever penetrate you anywhere on your body?

R: No.

Q: Where was Coach Thomas when he was fat testing the area near your scrotum?

R: He hovered right over my face. I would be sitting Indian style on the ground when he fat tested that area. I can remember he would be breathing heavily over my face while did the test.

Q: Did he ever explain why you need to be naked during the tests?

R: Never.

Q: Did he ever take photographs?

R: Not to my knowledge.

Q: Did you or your parents ever have to sign a consent form?

R: Never.

Q: Did you ever get tested by any other coach?

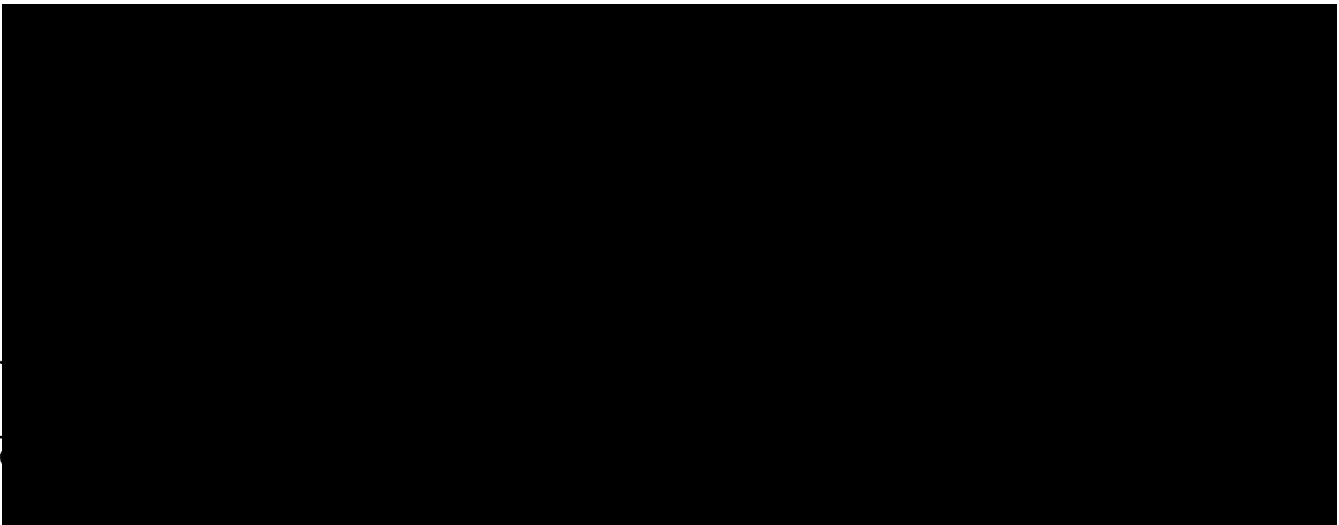
R: Never.

Q: Did you ever tell your parents specific details about the tests?

R: They would see my sheets, but I would never tell them about getting naked or shy or not shy. The outcomes he provided us with, that I talked about with my parents. None of it was ever useful. We never discussed fat testing in practice.

Q: Did you ever have any quarrels with the coach?

R: Yes, in the context of basketball. I was upset that he wouldn't play to my strengths and that he wouldn't cultivate my skills. We had minor disagreements about basketball, but never any blowouts.



Q: Were you aware that your parents sent a letter to Coach Thomas on your behalf?

R: No. I became aware after of the letters after I was married. They gave the letter to my wife and she recently gave it to me.

Q: Did you ever say anything to you parents that would have prompted to write this letter?

R: No, I didn't. That was totally unprompted on my part. I wasn't aware of the letter at that time.

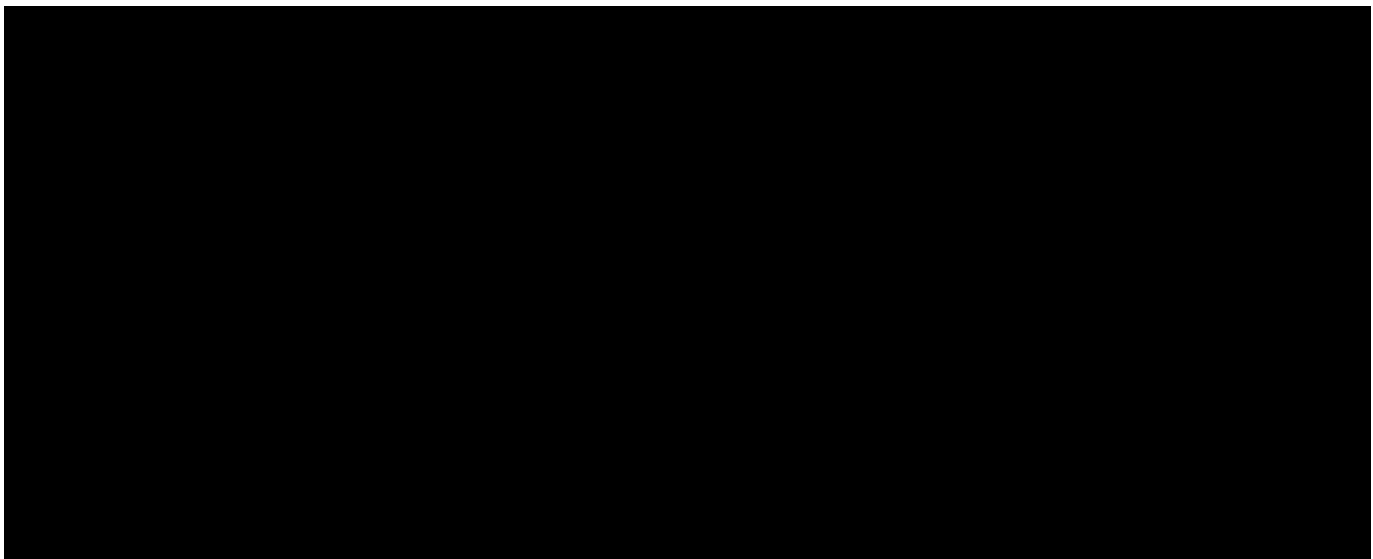
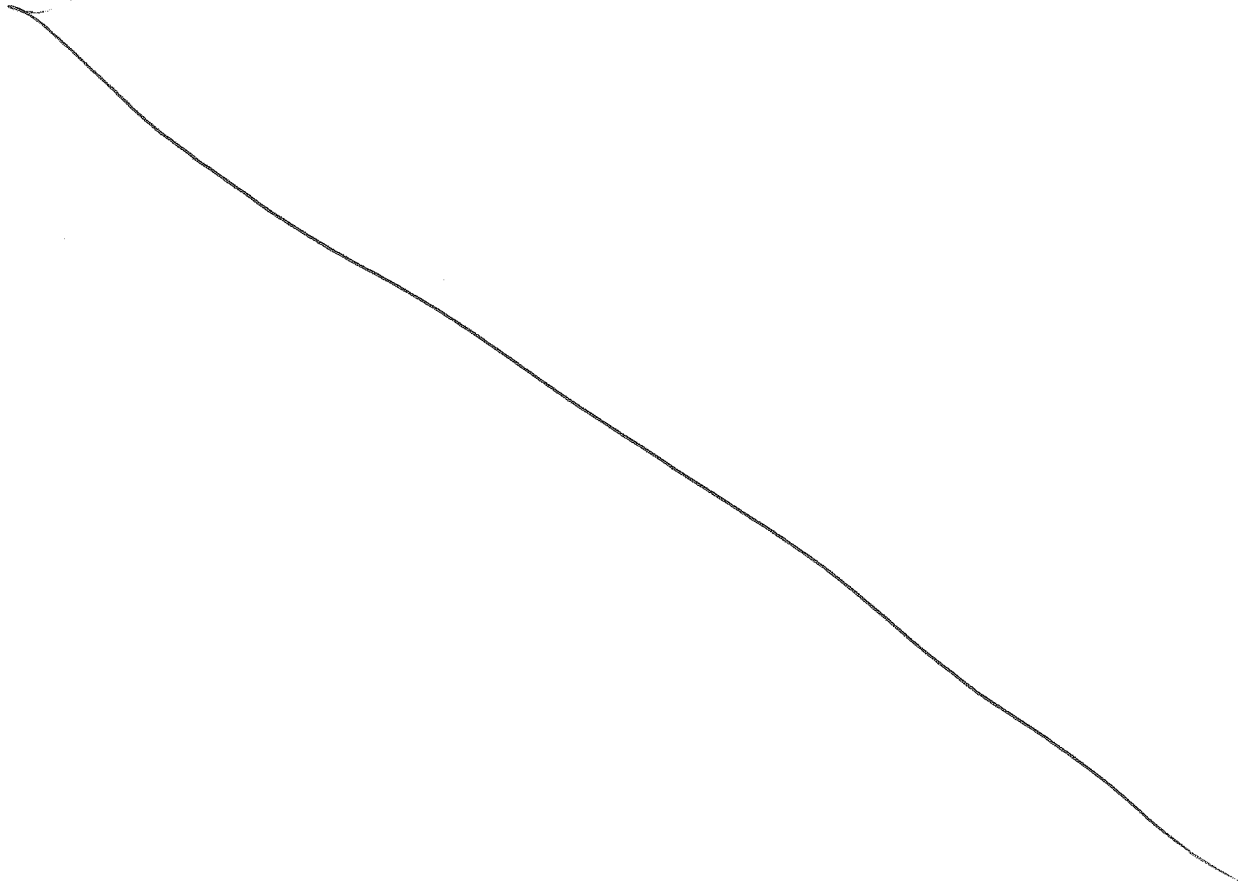
Q: Is there anything you would like to add to this statement?

R: No.

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

R: Yes.

END OF STAMENT



# **EXHIBIT 5**

## **Coach Thomas Interview**

Conducted on 02/22/2021

Attendees include Aaron Thomas and Attorney Joe Pezza

Interview conducted by Det. Christopher Mulligan and Det. Jesse Jarvis

Statement details authorized to be sent to NK School Department by Attorney Joe Pezza on 03/23/2021

Below is a summary of that interview:

**02/22/2021:** Det. Jarvis and I interviewed Aaron Thomas, in the presence of his lawyer, Joseph Pezza. The interview was conducted in the Detective interview room and Thomas' Miranda Warnings were read prior to starting. In speaking with Thomas, he gave the following statement:

Aaron Thomas has been teaching at the North Kingstown for the past 32 years, starting in 1989. He was initially hired as a history teacher, but later became the video technology/video editing teacher. He began coaching basketball 28 years ago and became the head coach 24 years ago. He was also at one time, an assistant football coach and the athletics director in 2006 - 2007.

Coach Thomas advised me that he began a fat testing program about twenty years ago as a method of helping the athletes become more competitive. The idea of the program was to provide measurable goals for the student. The test would include body measurements, skin fold caliper fat tests, and flexibility assessments for students with issues. Coach Thomas conducted the fat testing program up until three years ago, when a stand in fat test machine was purchased; eliminating the need for human involvement. The results of the tests were entered into a spreadsheet on his work computer and the print outs were given to the students. Coach Thomas stated that he did not supply the other coaches with the results of the tests, but they were all aware of the program and that they sometimes discussed the results. He is unsure if he still has any records from the tests.

Coach Thomas advised me that the students usually approached him and inquired about the program, as it was well known amongst all the athletes. Coach Thomas would discuss the process involved with the student and require a signed parental consent form before setting an appointment. He was unsure if he still has any of those consent forms; claiming much of his paperwork was lost over the years as a result of A/C induced flooding in his office. The testing itself was conducted in an equipment room/coaches office located within the gym locker room while at the old school building. After the transfer to the new school building, the tests were done in his office. All appointments were done immediately after school hours.

The tests themselves consisted of the following: Phase 1 was a series of tape measures from the student's neck, chest, waste, thighs, and calves. The second phase involved a 7 caliper fat test, in accordance with the Jackson-Pollock model. The areas of testing included the abdomen, chest, Axilla, midchest area, subscapular, suprailiac, and thigh. The next stage was for flexibility. This stage included a leg stand, chin up stretch while lying on the stomach, and a shoulder stretch while lying the stomach. Thomas added that he would also do a skin fold fat test on the inner thigh and abductor muscle. He demonstrated the areas on his own leg, which was close to the groin area. He further mentioned an additional test for students with balance issues, which entailed a balance being placed on the back to assess level. Coach Thomas said that he never had the students perform a sit and reach, butterfly, or a toe touching stretch. He also denied ever asking a student to demonstrate a duck walk, claiming he's never heard of a duck walk. He stated that the students never had to get down to their underwear and that they never took their underwear off for any portion of the test. He advised that the "shy or not shy" question was in reference to the students taking off their shirt and not their underwear. Coach Thomas said that he remembered a couple of students approaching him about possibly having a hernia in the past. He denied ever checking them or any other students for a hernia. At the conclusion of the interview, Coach Thomas agreed to search for any records or documentation he may have and to provide said materials upon their discovery.



# **EXHIBIT 6**

**ANTI-DISCRIMINATION/ANTI-HARRASMENT POLICY  
AND GRIEVANCE PROCEDURE**

**PURPOSE:**

The North Kingstown Public Schools (the “District”) is committed to maintaining and promoting an educational environment free from all forms of discrimination, including harassment. The civil rights of all school community members are guaranteed by law, and the protection of those rights is important to the District.

**PHILOSOPHY:**

Discrimination, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, age or disability (hereinafter “membership in a protected class”) will not be tolerated. Retaliation against any student or any other individual who has complained of discrimination, including harassment, or individuals who have cooperated with an investigation of such complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to protect students and/or employees, and to prevent recurrence of such conduct. This policy applies to conduct directed toward students and other persons associated with the educational community by all other persons associated with the educational community including, but not limited to, students, District employees, the School Committee, school volunteers, parents and independent contractors. (For a complaint of disability discrimination that is NOT harassment, please refer to the District’s Section 504/ADA Prohibition Against Discrimination Based on Disability policy/procedure.)

**POLICY STATEMENT:**

**I. What is Discrimination, including Harassment?**

- A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.
- B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person’s actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person’s ability to participate in the District’s programs or activities by creating a hostile educational environment.

Harassing conduct based on a person’s protected status may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements;
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays, or symbols on school or another’s property;

- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letter, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
- Defacing, damaging, or destroying school or another's property.
- Harassing conduct does not have to be directed towards a particular individual. Other members of the same protected class may be considered the victim of harassment by virtue of being exposed, even indirectly, to the harassing conduct.

## **II. Sample of Conduct Which May Constitute Specific Types of Harassment**

*The following is not intended as an inclusive list of conduct that may violate this policy.*

### **Disability Harassment:**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary, equipment, intimidating manner of movement, using disability-related slurs, or invading personal space to intimidate.

### **National Origin Harassment:**

- Unwelcome verbal, written or physical contact directed at a person based on his/her national origin, ancestry, or ethnic background such as negative comments about surnames, customs, language, accents, immigration status or manner of speaking.

### **Racial Harassment:**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her race or color, including racial slurs or insults based on characteristics of a person's race or color, racial graffiti or symbols, hostile acts based on a race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

### **Religious Harassment:**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

### **Sexual Orientation Harassment:**

- Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms. Taunting, or invading personal space to intimidate.

### **Sexual Harassment:**

- **Quid pro quo sexual harassment** occurs when a person in a supervisory position explicitly or implicitly conditions participation in a program or activity or bases a decision concerning another on the other person's submission to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the other person submits to the conduct. *Quid pro quo* sexual harassment, occurs, for example when a school employee causes a student to believe s(he) must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application recommendation unless the student dates the employee.
- **Hostile environment sexual harassment** occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, a school employee, or a third party on school property or at a school related activities is sufficiently severe, pervasive or persistent so as to interfere with or limit a person's ability to participate in or benefit from the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment. A victim may also be someone affected by conduct directed toward another individual. **Sexual harassment may occur adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.**

**Depending on the circumstances, sexual harassment may include, but is not limited to:**

- ***Verbal forms of sexual harassment***, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, soliciting conversation regarding sexual activity and experiences, making unwanted gender-based references to a person's physical characteristics;
- ***Written forms of sexual harassment***, including offensive gestures following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- ***Nonverbal forms of sexual harassment***, including offensive gestures, following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- ***Visual forms of sexual harassment***, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or
- ***Unwelcome physical touching***, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.

### **III. Responsibilities of all Persons Associated with Educational Community**

Each member of the educational community is personally responsible for ensuring that his/her conduct does not in any way harass or discriminate against any other person that h/she has contact with in the performance of his/her duties or studies or while acting as a member of the school community. In addition, each member of the educational community is required to fully cooperate in any investigation of alleged discrimination, including harassment. Further, District employees are obligated to intervene and stop any discrimination, including harassment that they witness and to immediately report to the building Principal instances of discrimination, including harassment that are reported to them, they observe, or of which they otherwise learn.

### **IV. Designated Officials for Addressing Discrimination and Harassment Complaints**

In each school building, the Principal is responsible for receiving and investigating reports and complaints of violations of this Policy at the school level. Individuals may file a report or complaint of discrimination, including harassment, with the Principal. In the event that the Complaint alleges violations against the Principal, the Complaint shall be delivered to the Superintendent, who shall appoint an individual to conduct the investigation.

### **V. Procedure for Reporting Discrimination and Harassment**

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of discrimination, including harassment. (For a complaint of disability discrimination that is NOT harassment, please refer to the District's Section 504/ADA Prohibition Against Discrimination Based on Disability policy/procedure.)

A person who believes that he or she had been harassed or otherwise discriminated against, is encouraged to report the situation to the Principal immediately. Reports/complaints are to be filed within ninety (90) days after: the discriminatory conduct or the individual reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.) The report can be written or oral and should consist of the following:

1. the specific conduct objected to,
2. the date(s) and time(s) such conduct took place,
3. the name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. the location(s) where the conduct occurred,
5. the name(s) of any witness(es),
6. action sought to remedy the situation, and
7. any other details or information requested by the investigating official.

In addition, the person should provide the Principal with any documentation (emails, notes, pictures, electronic or recorded media, etc.) or other information in support of the allegation of discrimination, including harassment.

## **VI. Investigation of Complaints**

Upon receipt of a report or complaint, the Principal shall facilitate a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, and the alleged harasser to provide information, including the names of witnesses or other evidence, relevant to the investigation of the complaint. The Principal will also endeavor to promptly interview and obtain detailed written statements from the complainant, the subject of the complaint, the alleged harasser, as well as any potential witnesses. The Principal will also review any other documents or information that he or she believes is relevant to the investigation.

In the event that an investigation reveals that the alleged action or actions do not constitute discrimination or harassment as defined in this policy, but that the underlying conduct may meet the definition of bullying or cyberbullying as set forth in the District's Bullying Policy, then the results of the investigation should be forwarded and/or reviewed in conjunction with the provisions of that policy. If necessary, the investigation may be re-opened under the parameters of that policy.

### **Conclusion of Investigation**

A written determination regarding the complaint and any resolution will be provided by the Principal to the complainant and the accused within thirty (30) school/working days of the complaint.

If a violation is found to have occurred, the District will take steps to prevent reoccurrence of the violation and correct its discriminatory effect on the person(s) affected. Such steps may include appropriate disciplinary action (including but not limited to suspension of student(s) and termination of employee(s)), counseling, development of a safety plan and other remedies, as appropriate.

### **Appeal Process**

The complainant may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the Principal. The Superintendent or his/her designee will respond to such request within thirty (30) school/working days of receipt of the request for reconsideration; his/her decision is final.

## **VII. Confidentiality**

Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those who need to know and as necessary to gain information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any

complaint under this policy. The North Kingstown Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

**VIII. State and Federal Authorities**

In addition to the process described above, the complainant may, at any time, file a complaint with to the United States Department of Education, Office for Civil Rights, Rhode Island Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination, including harassment based on membership in a protected class.

U.S Department of Education, Office for Civil Rights  
John W. McCormack Building  
5 Post Office Square, Suite 900  
Boston, MA 02109  
Telephone: (617) 289-0111  
<http://www.ed.gov>

Rhode Island Department of Education  
255 Westminster Street  
Providence, RI 02903  
Telephone: (401) 222-4600  
<http://www.ride.ri.com>

Adopted: 8/26/74

Amended: 6/13/78, 7/5/89, 5/17/93, 9/2/97, 1/26/00; 11/1/06, 3/12/13

# **EXHIBIT 7**

**STAFF POLICY ON SEXUAL HARASSMENT**

**PURPOSE:**

This policy is established by the North Kingstown School Committee for the purpose of establishing and maintaining a learning, activity and working environment which promotes respect for all persons regardless of gender. It is further expected that this environment shall be free of, and from, sexual harassment of students by other students, adults, or anyone else who is in any way connected with programs and/or activities associated with the North Kingstown Schools.

**PHILOSOPHY:**

The School Committee expressly prohibits sexual harassment of or by a student of another student, a student of or by a member of the staff or any other adult who is in any way associated with the schools. This policy applies to conduct during and relating to school and school sponsored activities. The School Committee considers sexual harassment to be inappropriate and offensive, and therefore, promotes the right of all students to be educated in an environment free from sexual harassment. The School Committee further acknowledges the right of all school employees to work in an environment equally free from sexual harassment.

**DEFINITION OF SEXUAL HARASSMENT**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, **written**, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made, either expressly or by implication, a term or condition of any individual's employment or educational program.
2. Submission to or rejection of such conduct of an individual is used as the basis for an employment opportunity or an educational decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; creating an intimidating, hostile, or offensive working or educational environment; or of adversely affecting the employee's or student's performance, advancement, assigned duties or any other condition of employment, career development, or educational program.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, assignments,

programs, or activities available in the work environment or through the educational institution.

Some examples, not intended to be inclusive, of conduct which may constitute sexual harassment, whether committed by a supervisor, any other employee, or non-employee doing business with the School Department, are:

1. Unwelcome leering, staring, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions or sexually suggestive recordings.
3. Unwelcome verbal, written, or electronic comments about an individual's body or overly personal conversation.
4. Unwelcome sexual jokes, stories, drawings, pictures or gestures.
5. Unwelcome spreading of sexual rumors.
6. Unwelcome touching of an individual's body or clothes in a sexual way.
7. Cornering or using sexual gestures that interfere with normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.

### **DISCIPLINE/CONSEQUENCES**

Any employee who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including dismissal. Any employee who permits or engages in the sexual harassment of students may be subject to disciplinary action up to and including dismissal. Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to the principal and the Director of Human Resources shall be disciplined appropriately.

Any employee who intentionally falsely accuses another employee of sexual harassment will be subject to disciplinary action.

The School Department's ability to discipline a non-employee will be directly related to the degree of control the School Department possesses in relation to the alleged harasser or employer of the alleged harasser.

Any employee who retaliates against any individual who has made a complaint of sexual harassment or participated in an investigation of a complaint of sexual harassment will be subject to disciplinary action up to and including discharge.

Any non-employee doing business with the School Department who retaliates against any individual who has made a complaint of sexual harassment or participated in an investigation of a complaint of sexual harassment will be disciplined subject to the degree of control the School Department possesses in relation to the non-employee or his or her employer.

### **REPORTING PROCEDURE / INVESTIGATION**

The School Committee holds the Administration responsible for the development and maintenance of Administrative Regulations under which all complaints will be processed. All investigations will be conducted in a confidential manner and appropriate action may be taken, pending the outcome of any investigation, which may lead to disciplinary action.

The School Committee further stipulates that:

1. The School Department encourages and expects employees to immediately report incidents of sexual harassment to their supervisor, administrator or to the Director of Human Resources.
2. Any supervisor or administrator who receives a report, verbally or in writing, from any employee regarding sexual harassment of that employee by another employee, non-employee doing business with the School Department, or student in the work setting must notify the Director of Human Resources within twenty-four hours or within a reasonable extension of time thereafter for good cause.
3. No employee shall be required to report an allegation of sexual harassment to the individual who is the harasser.
4. All complaints of sexual harassment will be confidentially and discreetly investigated and promptly resolved.
5. Upon receipt of an allegation of sexual harassment, the Director of Human Resources will designate an investigator(s) who will initiate an investigation into the complaint within forty-eight (48) hours.
6. The School Department will designate responsible employees who are trained to investigate sexual harassment complaints. Employees of both genders will be trained as investigators to afford complainants the opportunity to speak with same sex investigators if so desired.
7. Verbal reports of sexual harassment will be put in writing by the individual complaining or by the person who receives the complaint and will be signed by the person complaining.
8. Each complaint of sexual harassment shall be promptly investigated in a manner that respects the privacy of all parties concerned to the extent permitted by law and to the extent practical and appropriate under the circumstances.

9. The complaint investigator will put his/her findings in writing and will forward a copy to the Director of Human Resources and the Superintendent, within one week or a reasonable extension of time thereafter for good cause after concluding the investigation. Complaints by students of sexual harassment by staff will be handled in accordance with this policy. Complaints by staff of sexual harassment by students will be handled in accordance with policy JBA.

It is recognized that discipline procedures for special education students will be administered in accordance with the Individuals with Disabilities in Education Act (Special Education Law) and Section 504 of the Rehabilitation Act which is administered by the Office of Civil Rights.

10. The investigator(s) will communicate findings to the complainant and the alleged harasser as expeditiously as possible.
11. Results may be indeterminate. If so, the matter will be recorded as unresolved and the record of the investigation will be maintained by the School Department separate and apart from any student or personnel file.

### **RETALIATION PROHIBITED**

The School Department prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of sexual harassment will not negatively reflect on the employee who initiates the complaint nor will it affect the employee's job assignment, status, rights, privileges or benefits.

### **ENFORCEMENT**

Each building principal in conjunction with Central Administration has the responsibility of maintaining a work environment and/or educational environment free of sexual harassment. Building principals, in conjunction with central administration, shall take appropriate actions to reinforce the School Department's sexual harassment policy. These actions will include:

1. Providing staff in-service within a reasonable period of time following the adoption of this policy.
2. Acquainting new employees in the School Department with this policy.
3. Taking prompt action to investigate complaints of sexual harassment.
4. Taking appropriate disciplinary action as needed.
5. In addition, all site administrators shall instruct employees on the procedures for reporting sexual harassment within the educational setting on an as needed basis.
6. Include in all faculty handbooks.

## **NOTIFICATIONS**

A copy of the School Department policy on sexual harassment of and by employees shall:

1. Be displayed in a prominent location at each work site.
2. Be provided to each School Department employee within a reasonable time from the adoption of this policy, and whenever a new employee is hired.
3. Appear in any School Department or work site publication which sets forth the School Department's rules, regulations, procedures and standards of conduct for employees.
4. All employees shall receive the following information with respect to sexual harassment:
  - A. The illegality of sexual harassment.
  - B. The definition of sexual harassment under applicable law.
  - C. A description of sexual harassment with examples.
  - D. The School Department's complaint procedure which is available to the employee.
  - E. The legal remedies and complaint process available through The Equal Employment Opportunity Commission and the Office of Civil Rights.
5. The Director of Human Resources will be available to answer all questions about this policy or its implementation.

Adopted: 9/2/97

First Reading of Amendment: 10/10/01

Amended: 10/24/01

Amended: 2/8/06

# **EXHIBIT 8**

## **COACHES POLICY**

### **PURPOSE:**

The North Kingstown School Committee realizes that coaching sports is a difficult and challenging function of coaches. It is important and accepted that good coaching is an important element of physical and mental wellness for students. Thus the School Committee is determined to have the highest quality people working with student athletes.

### **PHILOSOPHY:**

Coaching should serve the purpose of enhancing the learning experience for students. In order to improve the quality of coaching, to elevate the standard of the coaching, to aid an individual coach to grow professionally, to assess the coach's effectiveness in assisting student athletes to learn sportsmanship and to perform to the best of their abilities, all coaches should be evaluated. This policy is to set the criteria for selection, evaluation, compensation, dismissal and a code of ethics for each sports coach.

### **POLICY STATEMENT:**

#### **I. SELECTION PROCESS**

- A. Notices of vacancies for athletic coach positions will be posted on School Spring as all other School District jobs are posted. Qualified teachers will be given priority in interviews and selection in accordance with the teachers' contract.
- B. Completion of the district-approved application form for athletic coach positions must be submitted by the established deadline. Applicants will be informed of the expectations of the position.
- C. Applications will be screened for appropriate qualifications, competencies, and experience by the Athletic Director or his/her designee.
- D. For head coaches, interviews will be conducted by the Athletic Director and at least one other person designated by the principal who does not have a child involved in the sport.
- E. References will be checked by the Human Resources Department prior to the onset of the season.
- F. The recommendation for hire will be made by the Superintendent to the School Committee for approval.

- G. Proposed reappointment of a coach must be reviewed by the Athletic Director his/her designee. The recommendation for reappointment will be forwarded to the School Committee each year for approval.

## II. CRITERIA FOR SELECTION

### A. Required Qualifications

Athletic team coaches shall give evidence of required competencies by the Rhode Island Interscholastic League (RIIL) which include but are not limited to:

1. Successfully complete a standard first aid course.
2. Hold a valid Rhode Island Coaches Certificate from the RI Department of Education.
3. Complete the RIIL-NFHS sponsored Fundamentals of Coaching Course and the RIIL Rules and Regulations Test.
4. As of June, 2010, coaches must take the NFHS Concussion Course (provided at no cost).
  - a. Coaches who do not complete the RIIL Coaches Education Program and the NFHS Concussion course will not be allowed to coach any RIIL contest.
5. New coaching hires must complete both courses within six (6) months of date of hire.
6. Each head coach of a varsity team under RIIL jurisdiction must attend a rules interpretation meeting for that sport. If the head coach cannot attend the meeting, the Athletic Director or his/her designee must attend.

### B. Additional Requirements, All North Kingstown Coaches must:

1. Follow the Chemical Health Policy (JICH) of the School District and aid in administering the policy.
2. Abide by all other policies of the School District.
3. Not have a conviction of any sex offenses, use of controlled substances, nor other violent or serious felony offenses, or any offense involving moral turpitude or evidencing unfitness to associate them with children.
4. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district.

## III. COMPENSATION

The athletic teams and coaching staff must be approved for funding by the North Kingstown School Committee. All coaches shall be paid on the salary schedule as established in the contract with the National Education Association North Kingstown.

## IV. EVALUATION

Coaches shall be evaluated annually by the Athletic Director or designee. The purpose of the evaluation is to assure quality coaching; it is also the basis for the recommendation to rehire.

## V. DISMISSAL / RELEASE

A coach may be dismissed at any time for unprofessional conduct, for violation of expectations and responsibilities as outlined in the job description and/or in the code of ethical conduct, or for an unsatisfactory evaluation. Termination or release shall be determined by the Principal, Athletic Director or designee.

## VI. VOLUNTEER COACHES

Volunteer athletic team coaches shall meet all of the qualification criteria required of volunteers and athletic team coaches employed by the district. If they do not meet the criteria for coaches, they must be under the direct supervision of a fully qualified coach.

## VII. CODE OF ETHICAL CONDUCT

Coaches providing supervisory or instructional services in interscholastic athletic programs and activities shall:

1. Support student academic success.
2. Show respect for players, officials and other coaches.
3. Respect the integrity and judgment of game officials.
4. Establish and model fair play, sportsmanship, and proper conduct.
5. Establish player safety and welfare as the highest priority.
6. Provide proper supervision of students at all times.
7. Use discretion in providing constructive criticism and when reprimanding players.
8. Maintain and consistently require all players to adhere to the established rules and standards of the game and the North Kingstown High School policies.
9. Properly instruct players in the safe use of equipment.
10. Not exert undue influence on a student's decision to enroll in an athletic program at any public or private post-secondary educational institution.
11. Not exert undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics.
12. Not suggest, provide or encourage any athlete to use non-prescriptive drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association.
13. Not recruit athletes from other schools.
14. Follow all RIIL rules and regulations.
15. Support the total school athletic program.

First Read: 6/14/2011

Second Read: 6/28/2011

Adopted: 6/28/2011