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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-001505

John Doe 2Appellant,

v.

The Citadel.....Respondent.

RECORD ON APPEAL

VOLUME II OF IV

W. Mullins McLeod, Jr.
Jacqueline LaPan Edgerton
McLeod Law Group LLC
P.O. Box 21624
Charleston, South Carolina 29413
(843)277-6655
Attorneys for Appellant

M. Dawes Cooke, Jr.
Randall C. Stoney, Jr.
John W. Fletcher
Barnwell, Whaley, Patterson & Helms, LLC
P.O. Drawer H
Charleston, SC 29402
843-577-7700
Attorneys for Respondent

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and prudence would have known that the intentional concealment of a child molester leads to the reasonable foreseeability that children will continue to be sexually abused. Defendant's own expert, Mr. Margolis, testified that he is not aware of any child sexual predator who stopped molesting children without being arrested or dying, and he is not aware of any peer-review studies that suggest a child molester will stop or decrease acts of molestation before being caught. (Exhibit 90 Gary Margolis Deposition, February 2014, p. 14:13- p. 15:4).

As such, The Citadel's intentional and reckless conduct, or gross negligence, may be inferred from the facts established in this case that show that The Citadel failed to exercise due care that a person of ordinary prudence and reason would have in light of the probability of further child sexual abuse by ReVille. See Yaun, 134 S.E.2d at 251.

A. The Citadel's Own Policies And Procedures Establish That It Violated The Standard Of Care Owed.

The existence of a duty is not to be confused with the standards of care establishing the extent and nature of the duty in a particular case. See Madison ex rel Bryant, 638 S.E.2d at 656. The standards of care are grounded in common law, statutes, regulations, or a defendant's own policies and guidelines, which allow a fact finder to judge whether a duty was breached or not. Id. "The precise extent and nature of that duty, which is grounded in relevant standards of care, and whether the duty was breached must be determined by a jury." Id., 638 S.E.2d at 659.

To establish liability, it is sufficient to establish that a defendant "should have foreseen his negligence would probably cause injury to someone," and "[h]e may be held liable for anything which appears to have been a natural and probable consequence of his negligence." Greenville Memorial Auditorium, 391 S.E.2d at 548 (citing Childers v. Gas Lines, Inc., 149 S.E.2d 761 (S.C. 1966)). Stated another way by the South Carolina Supreme Court: "[f]oreseeability is determined by looking to the natural and probable consequences of the complained of act, although it is not

necessary to prove that a particular event or injury was foreseeable.” Madison ex rel Bryant, 638 S.E.2d at 662 (internal citations omitted). In addition, “the plaintiff must prove the defendant’s negligence was at least one of the proximate causes of the injury.” Id. (citing Hughes v. Children’s Clinic, P.A., 237 S.E.2d 753, 757 (S.C. 1977)). Proximate causation usually is one of fact for the jury, which may be resolved by either direct or circumstantial evidence. Id. (citing Childers, 149 S.E.2d at 765; McNair v. Rainsford, 499 S.E.2d 488, 497 (S.C. Ct. App. 1998)).

When The Citadel received the 2007 report of child sexual abuse, it failed to follow its own policies and procedures. The Citadel’s deviation from its own policies and procedures demonstrates its lack of due care under the relevant circumstances. See Peterson v. National Railroad Passenger Corporation, CSX, and Southco Sweeping and Maintenance, Co., 618 S.E.2d 903, 906 (S.C. 2005) (holding company’s deviation from internal maintenance policies admissible to show breach of duty owed).

“In negligence cases, internal policies or self-imposed rules are often admissible as relevant on the issue of failure to exercise due care.” Caldwell v. K-Mart Corp., 410 S.E.2d 21, 24 (S.C. Ct. App. 1992) (citing Eastern Brick and Tile Co. V. U.S., 281 F. Supp. 216 (D.S.C. 1986)); see also Madison ex rel Bryant, 638 S.E.2d at 659 (citing with favor the following in holding that a defendant’s own policies establish standards of care: Elledge v. Richland/Lexington School Dist. Five, 573 S.E.2d 789, 793 (S.C. 2002) (holding evidence of industry safety standards relevant to establishing standard of care in negligence case); Tidwell v. Columbia Ry., Gas & Elec. Co., 95 S.E. 109 (S.C. 1918) (holding relevant rules of defendant admissible in personal injury suit regardless of whether rules were intended for employee guidance, public safety, or both because violation of rules may constitute breach of duty of care and proximate cause of injury); Restatement (Second) of Torts § 285 (1965) (standards of conduct of reasonable man may be

established by statute, regulation, court's interpretation of statute or regulation, judicial decision, or as determined by trial judge or jury under facts of case)).

The Citadel's own policies created the standard of care upon which to judge its actions of concealing the report of child sexual abuse in 2007. First, if The Citadel had conducted an investigation and not a deliberate concealment of the 2007 sex abuse report, it would have taken action in accordance, rather than in contradiction of, its own policies and procedures and federal law. The school's "Serious Incidents, Memorandum No. 39," dated April 2000, directed that "[s]erious incidents are unexpected occurrences directly or indirectly involving The Citadel, which require a response or action from the college administration; or which have the potential to generate positive or negative publicity regarding the college." (Exhibit 91 Serious Incidents Memo, p. 1). Among the non-exclusive list of examples of serious incidents is "criminal activity." (Id.). The policy directs that when criminal activity involving someone affiliated with the Citadel as a suspect or victim occurs, the "first member of the Citadel community learning of the occurrence" **will report it to the Public Safety Department.** (Id., p. 9-10) (emphasis added).

The Citadel's General Counsel has testified that if the Serious Incident Policy was in effect—and evidence establishes it was—it applied to him. (Exhibit 92 Brandenburg Deposition, p. 261:5-11). He also agrees that the Serious Incident Policy required the executive assistant, Col. Trez, to be notified of the 2007 report of child sexual abuse and that Col. Trez actually did have knowledge of the 2007 report. Mr. Brandenburg also stated that the policy required the President to be notified, which also occurred. (Exhibit 93 Brandenburg Deposition, p. 263). Furthermore, Mr. Brandenburg acknowledges that per the policy, Col. Trez was to report allegations of illegal or immoral activities to the Department of Public safety. (Exhibit 94 Brandenburg Deposition, p. 264:5-17). No report to the Department of Public Safety was ever made.

The Citadel also ignored its policy that no time limit exists to investigating sexual misconduct issues that arise out of the camp and that “[r]egardless of validity of the violation, any sexually inappropriate conduct reports concerning any camper or employee of the camp **will be turned over to the Citadel Public Safety Department** and a thorough investigation will be conducted.” (Exhibit 63 Summer Camp Official Camp Policies Regarding Sexual Misconduct Issues) (emphasis added). Moreover, President Rosa’s public proclamation for the Citadel community to report immediately “any criminal offense, suspected criminal activity, or other emergency directly **to Citadel Public Safety,**” was completely ignored. (Exhibit 64 A Message from the President, p. 1) (emphasis added).

The Citadel’s actions in telling ReVille to lay low and to leave Citadel employment with no record of the sex abuse report also were in direct violation of the school’s policy that provided specific consequences in the event an employee is accused of sexual misconduct. (Exhibit 95 Employee Misconduct Policy). The consequences included not expunging molestation findings from the employee’s record; not terminating any investigation in exchange for resignation by the employee; providing factual and candid responses to inquiries by potential employers; and fully cooperating with law enforcement. (Id.). The Citadel failed to impose any of these consequences.

Additionally in 2007, The Citadel had disseminated policies against sex discrimination and harassment that governed its actions in regards to the complaint of ReVille’s sexual abuse. (Exhibit 96 Memorandum Number 4, August 15, 2005; Exhibit 97 Memorandum Number 51, June 30, 2000; and Exhibit 98 General Procedures for Conducting Formal Investigations of Sexual Harassment Complaints). In accordance with the Citadel’s own policies, it should also have reported the sex abuse complaint to the Citadel’s Title IX Coordinator. (Exhibit 97 Memorandum Number 51, p. 13). The sexual assault policy also provides that “**The Citadel will punish any**

individual who is found to have committed a sexual assault,” and Mr. Brandenburg admits that the 2007 complaint against ReVille constituted a sexual assault. (Exhibit 99 Brandenburg Deposition, p. 265-266). He also does not recall ever considering contacting The Citadel’s sexual response coordinator. (Exhibit 100 Brandenburg Deposition, p. 267:5-8).

In sum, The Citadel failed to abide by the standard of care it itself created by its own policies. Despite the clear policies and protocols available when the camper made The Citadel aware of ReVille’s sexual abuse, The Citadel ensured that none were followed and that the child sexual abuse instead was covered up. By its very own policies, The Citadel failed to exercise due care.

B. Professional Standards for College And University Administrators Establish That The Citadel Violated The Standard Of Care Owed.

Furthermore, professional standards for college and university administrators establish that The Citadel did not exercise due care in its response to the report of child sexual abuse. See Elledge v. Richland/Lexington School Dist. Five, 638 S.E.2d at 792-794 (holding evidence of industry standards related to playground equipment relevant and admissible to establish duty owed by school district in negligence claim for student’s injury on playground equipment). In that regard, the “Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University Related to Child Sexual Abuse Committed by Gerald A. Sandusky” (2012), <http://www.thefreehreportonpsu.com> [hereinafter Freeh Report] is instructive to this case. As shown by the facts, The Citadel’s actions taken in response to the 2007 ReVille child sexual abuse complaint mirror the “total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky’s child victims.” (Freeh Report, p. 14).

The Citadel concealed ReVille's sexual abuse, thereby allowing and supporting a child sexual predator to continue harming children just as the leaders of Penn State did. The Citadel's administrators, to include President Rosa, have admitted to understanding that a sexual predator has the potential for further assaulting additional victims. (Exhibit 101 Rosa Deposition, Jan. 2014, p. 19:9-22). Like the Penn State leaders who concealed the details of sex abuse from the Board of Trustees, President Rosa concealed the details of ReVille's child sexual abuse from the Board of Visitors. Furthermore, like President Spanier, President Rosa discouraged discussion and dissent and specifically directed concealment of the 2007 complaint. (Freeh Report, p. 16). Like the Penn State leaders who allowed a pedophile to retire, "not as a suspected child predator, but as a valued member of the Penn State Football legacy, with future visibility at Penn State," The Citadel allowed ReVille to leave Citadel employment, not marked as a child predator, but rather with an unblemished record that allowed him continued employment with children in the Charleston area. (Freeh Report, p. 17).

ReVille had future visibility at The Citadel, returning to campus numerous times to speak to the Honor Committee, to incoming freshman, and in 2010 at the unveiling of the remodeled Honor Court. (Exhibit 22 ReVille Affidavit, May 21, 2013, p. 3). ReVille's ties to the Citadel included applying to be a foster parent with a photograph of himself wearing his Citadel jacket and noting his experience with children as a camp counselor. (Exhibit 102 ReVille Foster Home Application). The Citadel's leaders' concealment of the sexual abuse by ReVille from law enforcement, the Board of Visitors, the Citadel community, and the public at large also allowed the President and The Citadel to avoid negative publicity, very much the same as the Freeh Report concluded of Penn State leaders:

it is more reasonable to conclude that, in order to avoid the consequences of bad publicity, the most powerful leaders at the University...repeatedly concealed critical facts relating to

Sandusky's child abuse from authorities, the University's Board of Trustees, the Penn State Community, and the public at large...

(Freeh Report, p. 16).

In contrast, in investigating The Citadel's actions taken in regards to the 2007 report, Margolis Healy & Associates determined that seven factors excused The Citadel's failure to disclose the complaint of child sex abuse. (Exhibit 7 Investigation Into The Citadel's Handling of Allegations Involving Louis N. "Skip" ReVille Findings, p. 40). However, the evidence in this case renders the excuses inexcusable. First, the Citadel had numerous policies and protocols available that advised The Citadel leaders to report the sex abuse complaint to law enforcement; however, President Rosa ensured that none were followed and that the complaint was instead kept "close hold" in the President's Office. Second, The Citadel leaders, to include President Rosa, sufficiently understood their responsibilities for reporting pursuant to the Clery Act, had knowledge of Title IX, had hired a Title IX coordinator, and had personal experience dealing with the Arpaio litigation.

Third, if anything, when the April 2007 complaint of child sexual abuse came into the President's Office, "key individuals" had a wealth of prior experience dealing with sexual abuse that highlights the inexcusable manner in which the complaint was handled and, also, establishes the intentional manner in which it was handled. The Citadel's leaders brought significant experience and understanding of the machinations of child sex abuse to the table. Moreover, President Rosa had led the Air Force Academy in a reform of a culture permeated with sexual assault and harassment, bringing to the table himself a high level of understanding of such criminal activity. (Exhibit 103 Rosa Deposition, Jan. 2014, p. 9-10; 12).

Fourth, it is inconceivable how The Citadel leaders could have held the opinion that ReVille could not possibly have sexually abused children due to ReVille's superior

accomplishments at the Citadel. All knew that apparent upstanding individuals can be sexual predators, directly evidenced in former counselor and cadet Arpaio. (Exhibit 104 Trez Deposition, June 10, 2013, p. 106-107 and Exhibit 105 Lackey Deposition, April 10, 2013, p. 65:23-25 to 66:1-16). Mr. Brandenburg even told ReVille, when he confronted him with the 2007 report of abuse, “we thought we knew Arpaio.” (Exhibit 23 Brandenburg Deposition, p. 98:20-25).

Fifth, as discussed, Citadel policies and protocol made clear that all sexual misconduct allegations originating out of the camp were to be investigated by the Public Safety Department. The camper interview made clear that the victim most of all wanted to ensure that ReVille did not abuse any more children and that he came to the Citadel with the complaint so that The Citadel could take action. The current age of the camper made no difference, and the fact that the camp was closed did not negate that ReVille was a former Citadel counselor and the camper a participant in the camp and the sexual abuse had occurred in the Citadel barracks. The context of the allegation in 2007 provides no excuse for The Citadel’s intentional cover up.

Furthermore, the Margolis Healy investigation failed to include interviews of the former camper or his father who came forward in 2007 to The Citadel. (Exhibit 106 Margolis Deposition, p. 128:7-10). Mr. Margolis admits that it takes hearing from both sides “to gather the facts necessary to make a decision.” (Id., p. 128-129). Nonetheless, Margolis Healy issued its conclusions despite omitting pertinent and relevant individuals from the investigation. Its investigation and conclusions do not excuse The Citadel’s conduct or relieve it from liability for failing to exercise due care.

C. The Citadel Also Owed Plaintiff A Common Law Duty To Control The Conduct of Another And Doe v. Marion Does Not Control.

Defendant incorrectly propounds that Doe v. Marion, 645 S.E.2d 245 (S.C. 2007) is the

controlling law in this case, where the Court held specifically that the child reporting statute did not create a private cause of action against an individual for *negligence per se* for the failure to report child abuse and that a doctor who treated a pedophile patient had no duty to warn future victims of the patient's predilection for child sexual abuse. The Citadel's argument completely ignores that (1) Plaintiff does **not** contend that The Citadel owed him a duty created under the child reporting statute and (2) that Doe v. Marion did **not** overturn the long established law in South Carolina that provides exceptions to the rule that there is no general common law duty to control the conduct of another or to warn a third person or potential victim of danger. Doe v. Marion, 645 S.E.2d at 249 (citing with favor the recognized exceptions set forth in Faile v. S.C. Dept. of Juvenile Justice, 566 S.E.2d 536, 546 (S.C. 2002)). None of the exceptions applied in Doe v. Marion; however, they do in this case.

Specifically, South Carolina recognizes the following five circumstances where the duty to control the conduct of another or to warn a potential victim of danger exists: (1) where the defendant has a special relationship with the victim; (2) where the defendant has a special relationship with the injurer; (3) where the defendant voluntarily undertakes a duty; (4) where the defendant negligently or intentionally creates the risk; or (5) where a statute imposes a duty on the defendant. Madison ex rel Bryant, 638 S.E.2d at 656; Faile, 566 S.E.2d at 546. The Citadel owed a common law duty to Plaintiff because it negligently or intentionally created the risk of ReVille's sexual abuse of Plaintiff; because federal statute imposed a duty on The Citadel not to conceal the sexual abuse; because it had a special relationship with ReVille; and because it voluntarily undertook the duty to investigate the 2007 report of child sexual abuse.

D. The Citadel Negligently or Intentionally Created the Risk of Sexual Abuse of Plaintiff.

Plaintiff anticipates that Defendant, as a governmental entity, will assert that it is not

liable for Plaintiff's injuries and damages under the statutory exception to the waiver of governmental immunity for "an act or omission of a person other than an employee including but not limited to the criminal actions of third persons." S.C. Code Ann. § 15-78-60(20). However, any argument The Citadel may put forth as to the exception is unpersuasive. The fact that ReVille, as a third party, sexually abused Plaintiff does not affect the common law duty The Citadel owed to Plaintiff to not negligently or intentionally create the risk that ReVille would sexually abuse Plaintiff. See Madison ex rel Bryant, 638 S.E.2d at 660 (holding facts that independent contractor directly provided services to plaintiff or that third party committed criminal act against plaintiff did not affect the government's common law duty to plaintiff to exercise reasonable care in supervising and providing appropriate care to plaintiff).

On point is the South Carolina Supreme Court's decision in Greenville Memorial Auditorium v. Martin, 391 S.E.2d 546, 547 (S.C. 1990), where the plaintiff claimed that the public auditorium was negligent in adequately securing and maintaining the premises during a concert where the plaintiff was injured by a bottle thrown by an unknown person from the balcony down onto him. The Court held that the exception to the waiver of immunity for a loss resulting from the act or omission of a person other than an employee did not apply, because Martin did not allege the auditorium was liable because of the third party's actions. Id.; S.C. Code § 15-78-60(20). Rather, Martin's complaint was that the auditorium was liable for its own negligence in creating a reasonably foreseeable risk of such third party conduct, and the Supreme Court upheld the jury verdict for the plaintiff:

[The auditorium] cannot successfully defend that [plaintiff's] injuries were caused by the wrongful criminal act of a third party, where the very basis upon which [the auditorium] is claimed to be negligent is that [it] created a reasonably foreseeable risk of such third party conduct.

Id. at 547-548; see also Woodell v. Marion School District One, 414 S.E.2d 794 (S.C. Ct. App. 1992) (holding school district may be liable for gross negligence in supervising plaintiff and another student where another student assaulted plaintiff; district's liability is not because of the conduct of the other student).

Likewise, The Citadel is liable for its own negligence of creating a reasonably foreseeable risk of ReVille sexually abusing Plaintiff. Specifically, The Citadel's deliberate concealment of its knowledge of ReVille as a child sexual abuser, which included directing ReVille to "lay low" and leave The Citadel with no record of the 2007 complaint and included violation of its very own policies, created the reasonably foreseeable risk that ReVille would continue to sexually abuse boys. The evidence establishes that Citadel leaders, to include President Rosa, had a wealth of experience dealing with sexual harassment and abuse and knew that sexual predators continue to abuse. The Citadel's own expert confirms that ReVille had a propensity to abuse victims within a discrete class of society, calling him a preferential child molester, and opined to the reasonable foreseeability that ReVille would continue molesting boys once he left Citadel campus. (Exhibit 107 Margolis Deposition, p. 19-20; 188). Thus, The Citadel's own negligence allowed ReVille to stay in the Charleston community as a decorated Citadel alumnus and former employee and gain continued employment with children. The Citadel's conduct created the reasonably foreseeable risk of Plaintiff's abuse by ReVille, and The Citadel is liable for its own conduct of negligently and intentionally concealing a known child sexual predator. See Madison ex rel Bryant, 638 S.E.2d at 656; Faile, 566 S.E.2d at 546.

E. Title IX Imposed A Duty On The Citadel To Not Conceal The 2007 Report of Abuse.

In South Carolina, the test for determining when a statute creates a duty of care and supports an action for negligence is (1) whether the statute's essential purpose is to protect from

the kind of harm the plaintiff has suffered and (2) whether the plaintiff is a member of the class of persons the statute is intended to protect. Rayfield, 374 S.E.2d at 914 (deriving test from comparison of Clifford v. Southern Railway, 69 S.E. 513 (S.C. 1910) and Hutto v. Southern Railway, 84 S.E. 719 (S.C. 1915)). Accordingly, a statute may create a duty of care of which the violation of constitutes breach in a negligence action, which thereby establishes negligence per se. Rayfield, 374 S.E.2d at 915.

The Citadel's conduct in response to the 2007 report of child sexual abuse by ReVille violated Title IX of the Education Amendments of 1972 [Title IX], codified at 20 U.S.C. §§ 1681 et seq. and Title 34 Code of Federal Regulations Part 106. The essential purpose of Title IX is to eliminate, with certain exceptions, discrimination on the basis of sex in any education program or activity⁴ receiving Federal financial assistance. 20 U.S.C. § 1681; 34 C.F.R. § 106.1. Title IX bestows a remedial and affirmative action requirement on institutes of undergraduate higher education to take such remedial action as necessary to overcome the effects of such discrimination. 34 C.F.R. § 106.3(a). Therefore, Title IX's essential purpose to eliminate sex discrimination by definition seeks to protect other individuals from the possibility of sex discrimination. For eliminating known sexual discrimination, whether it be in the form of harassment or abuse, prevents the future sexual harassment of other individuals. Accordingly, Plaintiff is a member of the class of persons Title IX is intended to protect.

⁴ Under Title IX, an education program recipient of Federal financial assistance means "any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof." 34 C.F.R. § 106.2(i). "Institutions" include those of higher education as defined by 34 C.F.R. § 106.2(l), (m), (n), and (o), which includes The Citadel as an institute of undergraduate higher education.

As far back as 2000, the Office of Civil Rights [OCR] provided guidance to schools on their obligations under Title IX in regards to complaints of sexual discrimination and harassment. (Exhibit 108 Ex. 41 to Rosa Deposition, “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties”) (see also “Dear Colleague Letter,” April 4, 2011, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>). OCR highlighted that the United States Supreme Court in Gebser v. Lago Vista Indep. School Dist., 524 U.S. 274 (1998), expressly affirmed that the school must take remedial action to remedy the effects of the harassment on the victim. (Exhibit 108 Ex. 41 to Rosa Deposition, p. 66095). Schools must “disseminate a policy against sex discrimination” and “adopt and publish grievance procedures providing for prompt and equitable resolution of sex discrimination complaints, including complaints of sexual harassment.” (Id.).

The Citadel’s own expert, Mr. Margolis, also put forth a presentation highlighting the requirements of Title IX, to include the definition of sexual harassment:

Sexual violence is a form of sexual harassment prohibited by Title IX.

- Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol
- An individual also may be unable to give consent due to an intellectual or other disability
- May include rape, sexual assault, sexual battery, and sexual coercion.

(Exhibit 109 Margolis Healy PowerPoint, p. 7).

In 2007, as discussed, The Citadel disseminated policies against sex discrimination and harassment that governed its actions in regards to the complaint of ReVille’s sexual abuse. (Exhibit 96 Memorandum Number 4, Exhibit 97 Memorandum Number 51, and Exhibit 98 General Procedures for Conducting Formal Investigations of Sexual Harassment Complaints). Title IX requires schools to designate at least one employee to coordinate compliance with the

regulations implementing Title IX. (Exhibit 108 Ex 41 to Rosa Deposition, p. 66100). Despite President Rosa himself bringing in Janet Shealy as the Citadel's Sexual Assault Response Coordinator, neither he nor any other Citadel administrator referred the ReVille sexual abuse claims to her, per the explanation that she was there "to handle current cases." (Exhibit 110 Rosa Deposition, July 29, 2013, p. 29, 83). The Citadel did not refer the complaint to Ms. Shealy, because it was covering it up.

Title IX also requires that if the school knows, or even reasonably should know, of sexual harassment, the school is responsible for taking immediate effective action to eliminate the hostile environment and prevent its recurrence. (Exhibit 108 Ex. 41 Rosa Deposition, p. 66101). Even if the school does not learn of the sexual harassment from the victim but from some other source, the school violates Title IX if it fails to take "immediate and effective corrective action." (Exhibit 108 Ex. 41 Rosa Deposition, p. 66102). Defendant's own expert stresses the requirement applies whether the complaint comes from the victim, a parent, or a third party. (Exhibit 111 Margolis Healy PowerPoint, p. 12). The OCR also highlights, "if harassment has occurred, doing nothing is always the wrong response." (Exhibit 108 Ex. 41 to Rosa Deposition, p. 66098).

The Citadel's attempt to shift blame to the 19 year-old former camper is troubling considering that it comes from a three Star General and President of the Military College of South Carolina. This type of victim blaming will be rejected by the fact-finder and should be rejected by this Honorable Court. Title IX makes clear:

In some instances, a complainant may allege harassing conduct that constitutes both sex discrimination and possible criminal conduct. Police investigations or reports may be useful in terms of fact gathering. However, because legal standards for criminal investigation are different, police investigations or reports may not be determinative of whether harassment has occurred under Title IX and DO NOT relieve the school of ITS DUTY to respond promptly.

(Exhibit 108 Ex 41 Rosa Deposition, January 2014, page 66106) (emphasis added). In addition, The Citadel's attempt to victim blame is baseless considering that Title IX required The Citadel to assist the victim, as emphasized by OCR—"school is responsible for taking effective corrective actions to stop the harassment, prevent its recurrence, and remedy its effects on the victim." (Exhibit 108 Ex 41 Rosa Deposition, page 66101 and Exhibit 111 Margolis Healy PowerPoint, p. 12).

The fact-finder in this case will have little to no difficulty determining that The Citadel did nothing to rehabilitate or assist Camper Doe, as is required by Federal law, and instead acted to conceal his complaint of sexual abuse. The Citadel's motives were self-serving, and as a former member of President Rosa's staff who lived through this ordeal testified:

Q. Looking back on the period of time when you were working within the President's office....do you believe that President Rosa was indifferent towards concerns that he should have been worried about; for example, other victims who may be abused?

Mr. Kovach: Objection.

A. Yeah, I do think he was indifferent to it.

(Exhibit 112 Shiel Deposition, p. 49-50).

The Citadel's failure to abide the duty of care established by Title IX further is evident in its decision to give responsibility for investigating the 2007 complaint to the Citadel's General Counsel. Title IX specifically requires an impartial investigation, and The Citadel's own expert agrees and stipulates that college attorneys are not an impartial party to investigate such claims. (Exhibit 113 Margolis Deposition, p. 124-125 and Exhibit 114 Margolis Healy PowerPoint, p. 19). In addition, The Citadel allowed the South Carolina Insurance Reserve Fund to be part of the process of investigating the complaint of child sexual abuse by a Citadel employee. (Exhibit 115 Brandenburg Deposition, p. 169, 190-191). The Citadel's decision directly violates OCR's caution

against using insurance company investigations to guide the school's response to complaints of sexual abuse or harassment, because, as OCR explains, "[t]he purpose of an insurance investigation is to assess liability under the insurance policy, and the applicable standards may well be different than those under Title IX." (Exhibit 108 Ex 41 Rosa Deposition, p. 66106). President Rosa's direction to the General Counsel to "investigate" the child sexual abuse and allowance of the Insurance Reserve Fund to be part of the process directly contradict the duty of care owed under Title IX.

Defendant's expert, Mr. Margolis, testified to the violation of Title IX by Defendant's actions in regards to the 2007 complaint:

Q: when Doe made a third-party complaint as to eyewitness Doe and the six others who were abused the year before, The Citadel's duty under Title IX requiring it to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects applied to the many others, not just Doe, correct?

A: Correct.

(Exhibit 116 Margolis Deposition, Vol. I, 308:8-16).

Q: You would agree with me that the Title IX coordinator at The Citadel didn't oversee those allegations and the investigation of them by Mark Brandenburg, correct?

A: That is correct.

Q: That would be a violation of Title IX, correct?

A: It would be a violation of this, correct.

(Exhibit 117 Margolis Deposition, Vol. I, 309:11-20).

In light of the foregoing, The Citadel's actions in response to the 2007 report of child sex abuse violated the duty of care established by Title IX, and its breach of the duty constitutes negligence per se. See Rayfield, 374 S.E.2d at 914-915.

F. Duty Established By The Citadel's Special Relationship With Injurer, ReVille.

The common law duty to warn potential victims of an individual's dangerous conduct arises under the special relationship exception where, as here, the defendant "has the ability to monitor, supervise and control an individual's conduct," and the defendant is aware of a specific threat of harm to potential victims by the individual. Bishop v. S. C. Dept of Mental Health, 502 S.E.2d 78, 81 (S.C. 1998). A duty to warn does not require the threat to be made while under the control of or in the custody of the defendant; instead, all that is required is that the defendant was aware or should have been aware of the specific threat by the individual. Id. at 82. At all times relevant herein, The Citadel was aware of a specific threat by ReVille and had the ability to monitor, supervise and control ReVille.

Turning first to the existence of a special relationship, a material fact at issue is whether The Citadel employed ReVille on April 23, 2007, when the report of sexual abuse by ReVille first came into the President's office. The evidence shows that ReVille was on campus working in the writing center the next day when Mr. Brandenburg contacted ReVille to alert him of the allegations, and the call turned into a face to face meeting between ReVille, Mr. Brandenburg, and Col. Trez in Bond Hall. ReVille has attested that The Citadel officials told him to "lay low and stay off campus" while they conducted their own investigation into the sexual abuse report. (Exhibit 23 Brandenburg Deposition, Vol. I, p. 98:20-99:4, 101:4-102:14; 130:24-131:12; Exhibit 22 ReVille Affidavit, May 21, 2013). ReVille had a Citadel email address at this time and stated on his application to the South Carolina Employment Security Commission, Unemployment Insurance Division, that his "last day worked for the school was 04/30/07." ReVille's employment with The Citadel and his presence on the campus at the time of the 2007 report not only confirm that ReVille had unfettered access to campus but further demonstrate The Citadel's ability to "supervise, monitor and control" his conduct.

Moreover, ReVille continued to have access to the campus after May 2007 by returning to campus numerous times to speak to the Honor Committee, to incoming freshman, and in 2010 at the unveiling of the remodeled Honor Court. Given ReVille's demonstrated access to and affiliation with the institution, President Rosa and Colonel Trez further admit that ReVille had a "different relationship" with The Citadel than the ordinary graduate. (Exhibit 118 Trez Deposition, Vol. I, p. 81:2-82:6; Rosa Deposition, Vol. II, p. 230:10-14;). Thus, while The Citadel contends ReVille was no longer affiliated with the college after April 20, 2007, the evidence suggests otherwise.

The imposition of a duty on The Citadel based upon a special relationship is consistent with South Carolina jurisprudence. In Bishop, the South Carolina Supreme Court, quoting Tarasoff v. Regents of University of California, 551 P.2d 334 (Cal. 1976), determined the Department of Mental Health had a special relationship with mother because the department had custody and control of mother. Thus, the court determined if the department knew or should have known a specific threat was made by mother, the department had a duty to warn the threatened third party of mother's release. Notably, the Court stated:

Although the Department's discharge summary stated mother related to the examiners she had no intention of hurting herself or her family and **mother did not make a specific threat of harm to her child while in the Department's custody**, the Department was **aware mother had made specific threats to harm victim in the past**. These threats were noted on the documents admitting mother into the custody of the Department. This knowledge was sufficient to trigger the Department's duty to warn victim of mother's release because a specific threat had been made by mother to harm a specific person.

Bishop, 502 S.E.2d at 82 (emphasis added). Therefore, to trigger the duty to warn, the Court found it sufficient that the department merely had knowledge that mother had made specific threats in the past. In fact, the opinion notes that "mother did not make a specific threat of harm to her child

while in the Department's custody." Id. Consequently, the Court found the department breached its duty to warn of mother's release.

Likewise here, The Citadel demonstrated control over ReVille and awareness of specific acts of abuse by ReVille against multiple boys in the past. In fact, given the foreseeability of continued sexual abuse of children, as acknowledged by The Citadel's own witnesses and experts, the threat of harm was arguably even more apparent in the instant case. Here, as in Bishop, The Citadel's knowledge of the threat of harm posed by ReVille is sufficient to trigger The Citadel's duty to warn and/or report ReVille to law enforcement, which it breached. See Bishop, 502 S.E.2d at 81.

G. Duty Established By The Citadel Voluntarily Undertaking Duties.

The Citadel's own conduct of voluntarily undertaking the duty to investigate claims of child sexual abuse on its campus and/or by its employee, as well as its policies and procedures, establish its duty to warn or to control the conduct of ReVille. "[I]t has long been the law that one who assumes to act, even though under no obligation to do so, thereby becomes obligated to act with due care." Madison ex rel. Bryant, 638 S.E.2d at 656-57 (citing Sherer v. James, 351 S.E.2d 148, 150 (S.C. 1986); Roundtree Villas Assn. v. 4701 Kings Corp., 321 S.E.2d 46, 50-51 (S.C. 1984); Miller v. City of Camden, 451 S.E.2d 401, 404 (S.C. Ct. App. 1994)). "One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if (a) his failure to exercise such care increases the risk of such harm, or (b) the harm is suffered because of the other's reliance upon the undertaking." Id. (quoting Restatement (Second) of Torts § 323 (1965)).

Whether such a duty arises in a given case may depend on the existence of particular facts. Miller v. City of Camden, 494 S.E.2d 813, 815-16 (S.C. 1997) (citing Carson v. Adgar, 486 S.E.2d 3 (S.C. 1997)). Prior conduct or internal memoranda may serve as evidence of a voluntary undertaking. See, e.g., Vaughan v. Town of Lyman, 635 S.E.2d 631, 637-38 (S.C. 2006) (finding genuine issue of material fact as to whether there was a voluntary undertaking of the maintenance of town sidewalks where there were references to sidewalk maintenance in town minutes and town ordinances regulating sidewalks; town was aware of complaints about sidewalks but did not report to any other authority; and town had previously handled complaints about sidewalks); Fickling v. City of Charleston, 643 S.E.2d 110, 116 (S.C. Ct. App. 2007) (fielding complaints, maintaining a log of calls, and having a policy and employees in place to repair sidewalks used by court as evidence to assess whether there was a voluntary undertaking). The existence of factual issues regarding whether the defendant voluntarily assumed the duty renders the existence of a duty a mixed question of law and fact to be resolved by the fact-finder. Vaughan v. Town of Lyman, 635 S.E.2d 631, 637-638 (S.C. 2006).

i. Duty Voluntarily Undertaken by Adoption of Citadel Policies.

As discussed previously, supra part I.A., The Citadel's own policies and procedures established certain steps to take in the face of complaints of sexual abuse. Citadel expert Ann Franke testified that an institution even can self-impose mandatory reporter duties by undertaking policies obligating certain officials to report. (Exhibit 119 Deposition of Ann Franke, Vol. I, p. 176:6-18). Thus, by adopting policies for the protection and well-being of prospective and foreseeable victims, the Citadel acquired a duty under state common law to provide Plaintiff with adequate protection against that danger. See e.g. DeShaney v. Winnebago Cnty. Dep't of Soc. Servs., 489 U.S. 189, 202 (1989) (observing that by voluntarily undertaking to provide petitioner

with protection against a danger it played no part in creating, the state may have acquired a duty under state tort law to provide petitioner with adequate protection against that danger).

Here, The Citadel acquired such a duty through its policies aimed at preventing harm and imposing reporter duties. The evidence reveals that by virtue of adopting policies and procedures, The Citadel undertook a duty to report ReVille to law enforcement and to warn plaintiffs, the community, and potential employers of ReVille's dangerous propensities and known acts of abuse. Despite its duties pursuant to the Citadel policies in effect, see supra part I.A., The Citadel ensured that none were followed, and that the child sexual abuse was instead concealed. In other words, by its very own policies and procedures, The Citadel failed to exercise due care. See Madison ex rel. Bryant, 638 S.E.2d at 659 (noting the standard of care in a given case may be established by a defendant's own policies and guidelines).

ii. Duty Voluntarily Undertaken by Investigation.

Citadel witness and expert testimony confirms there was a duty by The Citadel to protect foreseeable victims, such as the Plaintiff, by undertaking an investigation into the 2007 report of sexual abuse. Brandenburg admitted that "preventing harm to other young boys or victims" was a goal of the investigation. (Exhibit 120 Brandenburg Deposition, Vol. I, p. 31:4-7). He further agreed that "by undertaking the investigation . . . The Citadel was aiming to prevent harm to potential victims." (Exhibit 121 Brandenburg Deposition, Vol. I, p. 31:8-11). Similarly, Brandenburg testified that The Citadel's core values apply to him and that the moral sense of duty and obligation of responsibility for the welfare of others would apply to his investigation of an alleged sexual offense. (Exhibit 122 Brandenburg Deposition Vol. II, p. 259, lines 11-19); (Exhibit 123 College Regulations) (defining "Duty" as "individual accountability and moral *obligation of responsibility for the welfare of others.*"). By voluntarily undertaking an investigation guided by

the “moral obligation of responsibility for the welfare of others” and with the goal of “preventing harm to other young boys or victims,” The Citadel owed a common law duty of care to Plaintiff.

Having undertaken the investigation- the only investigation conducted in 2007- The Citadel was obligated to act with due care, and it did not. In fact, by its own policies and procedures, The Citadel failed to exercise due care. Indeed, if The Citadel had conducted an impartial investigation, it would not have been led by its General Counsel, and it would have been in accordance with its own policies and procedures, state, and federal law. Instead, The Citadel neglected to follow these well-established policies and intentionally concealed the matter from law enforcement, the Citadel community, the Board of Visitors and the public at large. The Citadel’s deviation from its own policies and procedures demonstrates its lack of due care under the relevant circumstances. See Peterson, 618 S.E.2d at 906.

Specifically, The Citadel undertook the duty to report ReVille to law enforcement; to report the 2007 sexual abuse complaint to the Citadel’s Title IX Coordinator; to punish any individual who is found to have committed a sexual assault; not expunge molestation findings from the employee’s record; to not terminate an investigation in exchange for resignation by the employee; to provide factual and candid responses to inquiries by potential employers; to fully cooperate with law enforcement; and to prevent harm to future victims by undertaking an investigation. See supra part I.A. By voluntarily undertaking these duties, The Citadel owed a duty to Plaintiff to use reasonable care to protect him from the risk of harm created thereby. Whether The Citadel exercised such care is a question of fact for the jury.

II. Plaintiff’s Claims Are Governed by The Statute of Limitations in S.C. Code § 15-3-555.

The Citadel moves for summary judgment based upon inapplicable statutes of limitation

and ignores the statute of limitations for action based on sexual abuse that actually applies in this case:

An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

S.C. Code § 15-3-555(A) (emphasis added). Because Plaintiff's claims against The Citadel "to recover damages for injury to [his] person," id., "ar[ose] out of [ReVille's] act[s] of sexual abuse," id., S.C. Code § 15-3-555(A) afforded him two alternative deadlines by which he "must [have] commenced" his suit against The Citadel: (1) "within six years after [he] bec[a]me[] twenty-one years of age"; or (2) "within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse." § 15-3-555(A) also gave him the option of choosing "whichever [deadline] occurs later."

The statute of limitations for actions to recover damages from sexual abuse focuses on one kind of claimant only, a person like Plaintiff whose lawsuit "aris[es] out of act of sexual abuse ...," a characterization that fits his experience and the allegations of his Complaint far more closely than any other South Carolina statute of limitation or tolling statute. Plaintiff's birthday is September 27, 1992, and he was nineteen when he filed this complaint on March 19, 2012.

The Citadel never has disputed that Plaintiff commenced his lawsuit "within six years after [he] bec[a]me twenty-one years of age ...", and indeed, Plaintiff has not reached his twenty-seventh birthday yet. § 15-3-555(A).

What's more, Defendant has even conceded that § 15-3-555 applies to this litigation. Specifically, by email dated November 16, 2007, Mark Brandenburg, The Citadel's general counsel, applied the sexual abuse statute of limitations in construing the limitations period for Camper Doe, stating:

Fortunately, since we now have a transcript of my interview with [Doe], we have an unequivocal trigger of the statute of limitations. As you know, under S.C. Code Ann. 15-3-555, “An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.” At this point, we [k]now that [Doe] has “discover(ed)... the causal relationship” between the injuries described in the interview and the alleged abuse. Thus, at the very latest, the statute began to run on the date of the interview in June. Unfortunately, though, since the statute provides that the limitations period does not expire until three years after that discovery or six years after the person becomes twenty-one years of age, the period arguably does not expire until [Doe’s 27th] birthday.

(Brandenburg’s 11/16/2007 Email to IRF).

Significantly, The Citadel at this time fails to explain why it ignores S.C. Code § 15-3-555(A) or why it believes §15-3-555(A) is irrelevant and inapplicable when it previously found it applicable. The Citadel’s silence is telling. Indeed, the only statute of limitations provisions The Citadel references in its motion are S.C. Code § 15-78-110, which applies to claims brought under the state’s TCA, and S.C. Code § 15-3-40, which is more general tolling exception for all minor tort victims, one that is notably shorter in length than the tolling exception the South Carolina legislature enacted in 2001 for the benefit of a small and special class of the most vulnerable, unfortunate, and unenlightened tort victims—minors whose injuries and claims arose from sexual abuse.

Nonetheless, it appears that The Citadel contends that the discovery tolling provision set out in S.C. Code § 15-3-40 should take priority over S.C. Code § 15-3-555(A)’s twin tolling provisions, because S.C. Code § 15-3-40 is an older statute and more generally applicable than

§15-3-555.⁵ Such an argument is without merit and without precedential support. A fundamental canon of statutory construction establishes:

Where there is one statute addressing an issue in general terms and another statute dealing with the identical issue in a more specific and definite manner, the more specific statute will be considered an exception to, or a qualifier of, the general statute and given such effect.

Denman v. City of Columbia, 691 S.E.2d 465, 468 (S.C. 2010)(quoting Spectre, LLC v. S.C. Dept. of Health and Env'tl. Control, 688 S.E.2d 844, 851 (S.C. 2010)).

This principle is especially true when the older statute contains more general language while the newer statute—S.C. Code § 15-3-555 in this case—specifically is worded to cover a narrower class of persons or a unique set of factual circumstances like sexually abused minors. Simply put, “specific laws prevail over general laws, and later legislation takes precedence over earlier legislation.” I’On, L.L.C. v. Town of Mt. Pleasant, 526 S.E.2d 716, 719 (S.C. 2000). Furthermore, “according to the great weight of authority,” it is axiomatic “in [South Carolina] that where there is any doubt as to which of two statutes of limitation applies, the **doubt must be resolved in favor of the longer period.**” South Carolina v. Life Ins. Co., 175 S.E.2d 203, 209-10 (S.C. 1970) (emphasis added) (quoting Scovill v. Johnson, 3 S.E.2d 543, 545 (S.C. 1939)). There is no reason the same principle should not apply in this case.

Moreover, any argument by The Citadel that because the TCA constitutes the basis for any tort claim against The Citadel and because the TCA contains its own statute of limitations under S.C. Code § 15-78-110 such that Plaintiff’s claims are governed by the general minority tolling

⁵ Section 15-78-110 was enacted by Act No. 463, §1, 1986 S.C. Acts (and re-stated by Act No. 352, §9, 1988 S.C. Acts), while §15-3-40 was enacted by 1962 Code (and last re-stated by Act No. 234, §1, 1996 S.C. Acts), which makes both statutes older than §15-5-555, which was enacted by Act No. 102, §3, 2001 S.C. Acts. Both statutes also are indisputably broader and more “general” than §15-5-555.

statute in S.C. Code §15-3-40, must fail. The Citadel's logic fails for the same reasons discussed at length above and, most especially, because S.C. Code § 15-78-110 was enacted by Act No. 463, § 1, 1986 S.C. Acts (and re-stated by Act No. 352, § 9, 1988 S.C. Acts), while S.C. Code § 15-3-40 was enacted by 1962 Code (and last re-stated by Act No. 234, § 1, 1996 S.C. Acts), rendering both statutes older than S.C. Code § 15-5-555—enacted by Act No. 102, § 3, 2001 S.C. Acts. Both statutes also are indisputably broader and more “general” than S.C. Code § 15-5-555.

Again these facts are dispositive of The Citadel's argument, because “specific laws prevail over general laws, and later legislation takes precedence over earlier legislation.” I’On, L.L.C, 526 S.E.2d at 719. Given the ““basic presumption ... that the legislature has knowledge of previous legislation when later statutes are passed on a related subject,”” the S.C. General Assembly could have drafted S.C. Code § 15-5-555 as to exempt its application to TCA claims. South Carolina v. Baucom, 531 S.E.2d 922, 924 (S.C. 2000) (citation omitted). The legislature could have drafted S.C. Code § 15-5-555 to say it covered “an[y] action to recover damages for injury to a person arising out of an act of sexual abuse or incest” **except an action subject to or lodged pursuant to the TCA**. The legislature did not do so. Instead, S.C. Code § 15-5-555 states it covers “an[y] action to recover damages for injury to a person arising out of an act of sexual abuse” without any limitation whatsoever. Additionally, the General Assembly could have amended S.C. Code § 15-78-110 or § 15-3-40 to make clear that neither statute was affected or restricted in any fashion by S.C. Code § 15-3-555. Again, the legislature did not take such defining and limiting action.

Moreover, the legislative intent underlying § 15-3-555 compels its application to this case. “The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature.” Hodges v. Rainey, 533 S.E.2d 578, 581 (S.C. 2000). Under the plain meaning rule,

it is not the court's place to change the meaning of a clear and unambiguous statute. Id. Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed, and the court has no right to impose another meaning. Id. "The legislature's intent should be ascertained primarily from the plain language of the statute." Georgia-Carolina Bail Bonds, Inc. v. Cnty. of Aiken, 579 S.E.2d 334, 336 (S.C. Ct. App. 2003). What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will; therefore, courts are bound to give effect to the expressed intent of the legislature. Hodges, 533 S.E.2d at 581. The language must also be read in a sense which harmonizes with its subject matter and accords with its general purpose. Hitachi Data Sys. v. Leatherman, 420 S.E.2d 843 (S.C. 1992). "Once the legislature has made [a] choice, there is no room for the courts to impose a different judgment based upon their own notions of public policy." South Carolina Farm Bureau Mut. Ins. Co. v. Mumford, 382 S.E.2d 11, 14 (S.C. Ct. App. 1989).

With regard to the sexual abuse statute, there is no indication the legislature intended to limit the application of the statute simply because the defendant is a government entity. The legislative intent underlying § 15-3-555 suggests that the legislature intended the statute to apply to all claims arising out of sexual abuse. Specifically, § 15-3-555 was passed and made effective in 2001—after the TCA. In addition, the legislative history of § 15-3-555 suggests no intent to limit the applicability of the statute with regard to claims against a government entity. See South Carolina Bill Summary, 2001 Reg. Sess. H.B. 3131 (describing the purpose of the act as "to amend Chapter 3, Title 15 by adding section 15-3-555 so as to provide a statute of limitations for actions based on sexual abuse or incest of six years from the time a person becomes twenty-one or within three years of discovering the injury and the causal relationship between the injury and the abuse

or incest.”). Indeed, in ratifying § 15-3-555, the legislature implicitly highlighted the importance of providing a remedy to victims of sexual abuse.

Likewise, if the plain language of 15-3-555 and the legislative history supporting the same is not enough it bears noting that § 15-3-555 is currently pending amendment to entirely abolish the limitations period for an action based on childhood sexual abuse. Specifically, the proposed amendment revises § 15-3-555 to read as follows:

[T]he provisions of this chapter which provide limitations on the commencement of civil actions do not apply to a civil action to recover damages for injury to a victim arising out of an act of sexual abuse or incest which occurred when the victim was under the age of eighteen.

2013 S.C. House Bill No. 3940, 120th Session, April 11, 2013. Certainly, such an expansive stance on broadening the rights of victims to seek remedies for childhood sexual abuse is instructive as to the legislature’s intent to extend this right to victims regardless of the identity of the defendant as a government entity. Moreover, because §§ 15-3-555 and 15-3-40 are within the same chapter, the language of the new statute would modify that of § 15-3-40 so as to remove the limitations period for all child sexual abuse claims. See 2013 S.C. House Bill No. 3940 (stating “the provisions of **this chapter** . . . do not apply to a civil action . . . arising out of an act of sexual abuse . . . which occurred when the victim was under the age of eighteen.”) (emphasis added).

Also instructive is Doe v. R.D., 417 S.E.2d 541 (1992). There, our Supreme Court, confined by the limitations period that pre-dated § 15-3-555, expressly recognized the unjust result of a narrow statute of limitations on victims of childhood sexual abuse. In so noting, the Court observed:

We are aware of the damage that sexual abuse can cause in the lives of the victims. We also recognize that the application of a statute of limitations can appear unjust. In Note, *Adult Survivors of Childhood Sexual Abuse and Statutes of Limitations: A Call for Legislative Action*, 26 Wake Forest L.Rev. 1245 (1991), the author details the rationale for statute of limitations and the application of such statutes in sexual

abuse cases. A number of states have amended their statute of limitations to protect the sexually abused. A few courts have allowed the plaintiff to avoid the statute of limitations because the plaintiff has successfully claimed a disability. Several other states have applied the discovery rule by allowing the plaintiff to maintain an action where, as in the case at bar, the plaintiff discovered the causal connection between the injury and abuse within the statutory period. **While the result may be appealing, we are without authority to amend our statute. An exception to the plain and unambiguous language of our statute of limitations must come from our legislature.**

Id., at 542-43 (emphasis added) (footnotes and internal citations omitted). While the court in Doe v. R.D. was confined by the statute of limitations existing at the time, it presented a compelling case for legislative action. Id. at 142, n. 4 (noting at least three state legislatures amended the statute of limitations to accommodate adult survivors of sexual abuse in the wake of decision such as Doe v. R.D.). Fortunately, we are not so confined today. Indeed, it was against this backdrop that § 15-3-555 was enacted to avoid the unjust result of the reluctant R.D. Court—the very result sought by Defendant in the instant case.

Moreover, statutes of limitations governing other specific causes of action have been held to apply to TCA defendants. For instance, in the context of medical malpractice, the specific medical malpractice statute of limitations of § 15-3-545 has been found to apply to government hospitals under the TCA. See Kerr v. Richland Mem'l Hosp., 678 S.E.2d 809, 811 (S.C. 2009) (finding the statute of limitation and repose provision of § 15-3-545 applies to government hospitals under the TCA). Here, as in Kerr, the statute of limitation governing the specific tort at issue controls.

Accordingly, as expressed in the language of the statute, § 15-3-555 applies to all actions arising out of sexual abuse and is the relevant statute of limitations governing this case. As such, Plaintiff's claims, having been filed within the limitations period provided by § 15-3-555, are timely.

III. Plaintiff's Outrage Claim Survives Summary Judgment.

Plaintiff pleads a claim of outrage, or intentional infliction of emotional distress, by The Citadel for its conduct of deliberately concealing the 2007 complaint of child sexual abuse by ReVille and facilitating ReVille's continued access to children in the Charleston community where it was reasonably foreseeable that he would sexually abuse Plaintiff. The elements of the tort of outrage include: (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from his conduct; (2) the defendant's conduct was "so extreme and outrageous so as to exceed all possible bounds of decency" to be regarded as "atrocious, and utterly intolerable in a civilized community;" (3) the defendant's actions caused the plaintiff's emotional distress; and (4) the plaintiff's emotional distress was "severe such that no reasonable man could be expected to endure it." Argoe v. Three Rivers Behavioral Health, L.L.C., 710 S.E.2d 67, 74 (S.C. 2011) (citing Hansson v. Scalise Builders of S.C., 650 S.E.2d 68, 70 (S.C. 2007)).

A. The TCA Does Not Bar A Claim Of Outrage Against The Citadel.

Defendant claims in its Motion for Summary Judgment that the TCA bars the claim of outrage against a state entity by citing to the definition of the word "loss" within the TCA:

"Loss" means bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, but does not include the intentional infliction of emotional harm.

S.C. Code § 15-78-30(f).

Thus, the definition of "loss" qualifies the "actual damages recoverable in actions for negligence" by excluding "intentional infliction of emotional harm" as a damage of such negligence. The reference to intentional infliction of harm in the "loss" definition is not an exclusion of tort liability for outrage against a state entity. Rather, state entities "are liable for

their torts in the same manner and to same extent as a private individual under like circumstances,” subject to the limitations and exemptions from liability and damages contained in the code. S.C. Code § 15-78-40. The limitations and exemptions from liability and damages are delineated as specific circumstances where the state entity will not be liable for any loss, rather than a list of torts the state entity is exempt from. See S.C. Code § 15-78-60. The TCA does not grant state entities blanket immunity from outrage liability.

The South Carolina Court of Appeals recently ruled on a complaint against a state entity, the South Carolina Department of Social Services specifically, where the jury entered verdicts for the plaintiff on claims of gross negligence and outrage under the TCA. See Bass v. S.C. Dept. of Social Services, 742 S.C.2d 667 (S.C. Ct. App. 2013). At trial, DSS had moved for a directed verdict on the outrage claim, making the same argument as The Citadel that the TCA definition of loss excluded the claim, and renewed its motion at the close of its case. Id. at 670. On appeal, the Court reversed the trial court’s denial of DSS’s JNOV motions; however, the Court of Appeals did not base its reversal on the TCA excluding outrage claims. Rather, the Court of Appeals addressed the evidence in the case and whether the elements of outrage had been met. Id. at 670-672 (holding since evidence did not establish gross negligence by DSS, claim of outrage based on reckless conduct must fail because conduct cannot be reckless where it is not at least grossly negligent). If the TCA exempted outrage liability against a state entity, the Court of Appeals would not have had to go through the analysis of whether the elements of outrage were made by the plaintiff. There is no basis to bar Plaintiff’s claim of outrage against The Citadel under the TCA’s limitation on damages recoverable from state entity negligence.

B. Plaintiff’s Outrage Claim Is Not Barred Simply Because Other Tort Pled As Well.

The Citadel also incorrectly propounds in its Motion that Plaintiff may not plead the tort

of outrage where another tort with applicable remedies covers the conduct at issue. South Carolina jurisprudence has never made such a rule that a party may only plead outrage in the absence, and to the exclusion, of other torts. Such a rule would not make sense. Outrage has its own elements of proof that must be established, separate and distinct from other torts, and the relevant issue is whether the evidence in a specific case establishes those elements of outrage. See Argoe, 710 S.E.2d at 74 (reviewing whether material issue of fact existed to make out claims of false imprisonment, defamation, and outrage).

When South Carolina courts have reviewed whether the evidence makes out a cause of action of outrage, the courts have analyzed whether the specific elements of outrage are met and not whether another tort better captures the conduct at issue as the basis to allow a claim of outrage to proceed or not. See, e.g., Argoe, 710 S.E.2d at 74; Folkens v. J.W. Hunt, 348 S.E.2d 839 (S.C. Ct. App. 1986); Todd, 321 S.E.2d at 608-609. The burden remains to prove the elements of the tort of outrage, even if another tort may remedy the conduct complained of. See Todd, 321 S.E.2d at 612-613 (reviewing evidence to determine if defendant's conduct may reasonably be regarded as outrageous even though another tort may cover the conduct). In this case, more than a scintilla of evidence exists to establish the elements of outrage against The Citadel, and The Citadel's conduct may "reasonably be regarded as so extreme and outrageous as to permit recovery" and submission of the issue to the jury. See Argoe, 710 S.E.2d at 74 (holding summary judgment for defendant appropriate on outrage claim where defendant's conduct was reasonable).

First, the evidence establishes that The Citadel was certain or substantially certain that severe emotional distress would be inflicted on Plaintiff when it intentionally concealed the 2007 report of child sexual abuse by ReVille. The Citadel's administrators actively told ReVille to "lay low" and leave The Citadel without any record of ReVille's child sexual abuse, without any

disclosure to any law enforcement, and, in essence, without any indication attached to ReVille that he was a child molester. Furthermore, The Citadel allowed ReVille to leave as an esteemed Citadel alumnus and former employee so that ReVille could continue to gain employment with children based on his Citadel credentials. The Citadel took these actions despite the reasonable foreseeability that ReVille would continue molesting children, to include Plaintiff. It was certain or substantially certain that emotional distress of Plaintiff would result from The Citadel's conduct, as The Citadel's conduct led to Plaintiff's sexual abuse by ReVille. See Argoe, 710 S.E.2d at 74.

Second, concealing a child sexual predator and taking actions that allow the predator to continue to be around children and further victimize children is conduct "so extreme and outrageous so as to exceed all possible bounds of decency." See Argoe, 710 S.E.2d at 74. Such conduct readily may be regarded as "atrocious, and utterly intolerable in a civilized community." Id. Third, it was The Citadel's actions of concealing the sexual abuse by ReVille and supporting him in the community that directly caused Plaintiff's emotional distress by allowing ReVille access to Plaintiff. The emotional distress suffered by Plaintiff included years of suffering in silence out of fear that his parents would not love him anymore if he told them of his abuse by ReVille and would have been prevented had The Citadel not concealed its knowledge of ReVille as a sexual child abuser. Fourth, Plaintiff's emotional distress is so severe "that no reasonable man could be expected to endure it." See Argoe, 710 S.E.2d at 74. Accordingly, Defendant is not entitled to summary judgment on Plaintiff's claim of outrage.

IV. Whether Plaintiff's Claims involve Multiple Or A Single Occurrence Is Not At Issue At Summary Judgment.

In its motion for summary judgment, The Citadel asserts that Plaintiff's claims involve a single alleged "occurrence," and, as such, Plaintiff's potential recovery is limited to \$300,000 under the TCA, S.C. Code § 15-78-120(a)(1), providing that "no person shall recover in any action

or claim brought hereunder a sum exceeding three hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivision involved.” The TCA defines “Occurrence” as “an unfolding sequence of events which proximately flow from a single act of negligence.” S.C. Code § 15-78-30(g). Our Supreme Court has determined that the burden to prove more than one occurrence rests on the plaintiff to be submitted to the jury through appropriate jury charges and the verdict form, and, accordingly, whether Plaintiff’s claims involve a single occurrence or multiple occurrences is a question for the jury and not an appropriate determination to be made at summary judgment. See Chastain v. AnMed Health Foundation, 694 S.C.2d 541, 543 (S.C. 2010).

Specifically, in Chastain, the Court addressed an appeal from a plaintiff who had suffered injuries resulting from negligent care she received from six nurses at AnMed, a charitable organization under the South Carolina Solicitation of Charitable Funds Act [CFA], S.C. Code §§ 33-56-10 to 200. Id. at 542-543. The CFA provides that a plaintiff may recover in an action brought against the charitable organization only the actual damages he sustains in an amount not to exceed the limitations on liability imposed in the TCA, which is limited to \$300,000 per occurrence. S.C. Code § 33-56-180(A); § 15-78-120(a)(1). The trial judge found only one occurrence in that case and so reduced the plaintiff’s recovery to \$300,000, reasoning that the intent of the CFA was to limit the amount of damages recoverable from a charitable organization and refusing to define occurrence to include every instance of negligence by each nurse. Chastain, 694 S.C.2d at 543. However, the trial judge rendered an “alternative” holding as well that based on the jury charge and verdict form, it was impossible to determine how many negligent acts or negligent nurses the jury found and therefore impossible to conclude that the jury found more than one occurrence; thus, rendering only one recovery appropriate. Id.

On appeal, the Supreme Court declined to respond to the trial judge's ruling as to the definition of occurrence under the TCA and, instead, "[found] it necessary to uphold only one ground in order to affirm the trial judge's decision to reduce the verdict." *Id.* As such, the Supreme Court held that as a plaintiff bears the burden of proof, "[i]f she alleges multiple occurrences, that is that there was more than one single act of negligence from which proximately flowed an unfolding sequence of events, she bears the burden of proving each occurrence." *Id.* 543-544. The jury must be instructed on the definition of occurrence and asked to determine whether there were more than one occurrence, either in the jury charges or in the verdict form. *Id.* at 544. Accordingly, our Supreme Court has set forth the procedure for determining whether a cause of action involves a single or multiple occurrence, and it is a decision that rests with the jury.

A year after the Chastain decision, the Supreme Court addressed another issue involving the definition of occurrence under S.C. Code § 15-78-120(a)(1) and acknowledged its previous holding that the burden to prove more than one occurrence rests on the plaintiff. *See Boiter v. S.C. Dept. of Transportation*, 712 S.E.2d 401, 406 (S.C. 2011). However, before the Court in Boiter was the specific issue of whether two separate occurrences gave rise to the plaintiffs' injuries where two separate state entities took two independent and separate acts of negligence. *Id.* In order to determine the number of "occurrences" for state liability, the Court had to decide whether to focus on the number of negligent acts by the governmental entities or to focus on the number of injuries caused by those acts. *Id.* The Supreme Court held that it was not adopting a "bright line test" but that "the circuit court erred in tying the number of occurrences to the number of injuries sustained" by plaintiffs. *Id.* Accordingly, the Supreme Court found that the two separate entities that took separate actions did not combine to form one act of negligence constituting an unfolding sequence of events (or one occurrence). Rather, the two entities' separate actions each stood alone

as an occurrence, rendering the state liable for two occurrences under the TCA. Id. at 407. Therefore, Boiter held that an occurrence is defined by the negligent action and not by the resulting injury to the plaintiff. Id.

The Supreme Court has not addressed a cause of action, as in this case, where a single state entity has committed multiple acts of negligence by multiple state actors. However, other courts have found multiple occurrences in such circumstances. Furthermore, South Carolina's TCA specifically provides "the exclusive remedy for any tort committed by an employee of a governmental entity" and requires the naming of the governmental agency or political subdivision, where the employee was acting, as the defendant. S.C. § 15-78-70(a)-(c). The courts that have held that a single entity is NOT limited to a single occurrence where more than one state employee has committed separate acts of negligence supports the TCA's protection of employees from individual liability. For the state entity bears responsibility for the negligence of its employees, and since multiple employees cannot be sued for separate and distinct acts of negligence, it makes sense that the state entity can be held liable for each of the separate and distinct acts of negligence by each of its employees. Case law supports such a position.

In Williamson v. S.C. Insurance Reserve Fund, 586 S.E.2d 115, 116 (S.C. 2003), the case involved occurrences of negligence by two separate physicians who each examined the plaintiff during childbirth and failed to take necessary steps at different times during the delivery to prevent harm to the child. While the Supreme Court did not have reason to address the issue of occurrences on appeal, the circuit court had found two occurrences established for purposes of the TCA, reasoning that the negligent acts of each doctor were separate and apart from the other doctor. Id. at 116 (Supreme Court holding TCA recovery caps under § 15-78-120(a)(3) & (4) not applicable because claims arose/accrued before reinstatement of caps; thus unnecessary for court to address

number of occurrences issue). Likewise, the Tennessee Court of Appeals found multiple occurrences by a single governmental hospital under Tennessee's applicable tort claims act where one employee negligently failed to prevent the patient from falling off a stretcher and a second employee negligently provided an overdose of medication, resulting in the patient's death. See Brooks v. Memphis & Shelby County Hosp. Auth., 717 S.W.2d 292, 297 (Tenn. App. 1986).

In addition, the Court of Appeals decision of Johnson v. Hunter, 688 S.E.2d 593 (S.C. Ct. App. 2010) is instructive as to when a single governmental entity incurs liability for multiple occurrences. While in Johnson, the Court of Appeals had the novel question in South Carolina before it of how to determine if a single motor vehicle accident or multiple accidents occurred for purposes of insurance liability limits, the court's process of analyzing the issue is applicable to determining when multiple occurrences by a single state entity have occurred. The court looked to other jurisdictions and concluded that most courts evaluate the circumstances under the causation theory: "[c]ourts applying the 'cause' theory uniformly find a single accident 'if cause and result are so simultaneous or so closely linked in time and space as to be considered by the average person as one event.'" Id. at 595 (quoting Ill. Nat'l Ins. Co. V. Szczepkowitz, 542 N.E.2d 90, 92 (Ill. 1989)).

While under the cause theory an accident means a "single, sudden, unintentional occurrence and is used to describe the event, no matter how many persons or things are involved," the accident or occurrence is viewed from the perspective of cause and not effect. Id. (citing Olsen v. Moore, 202 N.W.2d 236, 241 (Wis. 1972)). Moreover, the cause theory requires consideration of the timing of actions, or space interval between actions, and whether or not one source of negligence set all the subsequent events in motion or not. Id. at 596. Thus, the particular facts of the case determine whether one or more accidents occurred and timing must be addressed in the

analysis. Id. (holding motor vehicle collisions resulted from single act of negligence due to the extremely short time between each collision, the close distance of defendant's car to plaintiff that he could not stop, and plaintiff's assertion that he did not believe defendant could have done anything to avoid hitting him).

The cause theory mirrors the Supreme Court's determination in Boiter that an occurrence is defined by the negligent actions of the defendant and not by the resulting injury to the plaintiff. 712 S.E.2d at 407. Using the cause theory to help determine whether more than one occurrence exists from the evidence in this case, it is relevant to consider the timing of The Citadel's individual actions at issue and, specifically, the space interval between the actions, as well as the multiple Citadel employees who took separate and distinct intentional and grossly negligent actions towards Plaintiff. Accordingly, if this Honorable Court finds it appropriate at this juncture to determine whether multiple occurrences are at issue for purposes of determining the scope of The Citadel's liability pursuant to S.C. Code § 15-78-120(a)(1), the following evidence establishes that Plaintiff's claims arise out of multiple occurrences.

The evidence reveals that in 2001, 2002, 2003, 2005 and 2007, The Citadel had numerous opportunities to put an end to ReVille's abuse by reporting him to law enforcement. As early as August 6, 2001, The Citadel received a letter from Sergeant Middleton of the Charleston Police Department that highlighted several concerning practices occurring at The Camp, including that "[s]ome of the counselors are allowing certain campers to leave their rooms . . . to go into camp counselor's room[s], watch movies, and fall asleep in the same bed with counselors until the following morning." (Exhibit 124 Middleton Letter, August 6, 2001). The letter noted that "[s]ome of the counselors engage in sexual conversation in the presence of the campers." Notably, upon receipt of this letter, The Citadel took no action whatsoever. (Exhibit 125 Garrott Deposition,

Vol III, p. 205-207) Indeed, ReVille has admitted to abusing nearly eight campers during the 2001 Summer Camp. To do so, he lured campers into his room at night with food and movies—the very practice highlighted in Middleton’s letter. (Exhibit 126 ReVille Affidavit, Sept. 20, 2013). Had The Citadel taken action in response to Sergeant Middleton’s letter, whether by interviewing counselors and campers or by implementing various safety practices such as random and frequent room checks, ReVille’s sexual abuse would have been discovered or, in the alternative, ReVille would have stopped having campers in his room for fear of being caught and fired. (Exhibit 126 ReVille Affidavit, Sept. 20, 2013).

The Citadel, through Camp directors Jennifer Garrott and Bill Bates, also failed to take any action in response to ReVille’s 2001 “Counselor Evaluation,” which notes that ReVille was “senior counselor material if learns to distance himself from campers.” (Exhibit 127 2001 Counselor Evaluation).

The following year in 2002, Camp Director Jennifer Garrott walked in on ReVille with a camper alone in his room, a violation of Camp policy that warranted termination. (Exhibit 126 ReVille Affidavit, Sept. 20, 2013). However, Garrott took no action in response to ReVille’s policy violation, neglecting to even document the offense in ReVille’s employment file. Then in 2003, Director Garrott again walked in on ReVille alone with a minor, Camper Doe 6, where ReVille was rubbing “Icy-Hot” on Doe 6’s leg. Again, Garrott took no action on this terminable offense. Also in 2003, Garrott’s assistant spoke to ReVille four to five times about having minors alone in his room; however, no further action was taken. Colonel Lackey similarly received a report from a counselor that ReVille was having minors in his room. On none of these occasions that occurred with three different Citadel employees was ReVille terminated, nor were the infractions documented in ReVille’s file, despite camp policies and procedures requiring such

action. (Exhibit 126 ReVille Affidavit, Sept. 20, 2013). Instead, The Citadel permitted ReVille to continue serving as The Camp's Senior Counselor entrusted with the responsibility of the safety and well-being of the very boys he was abusing.

Four years later, when Camper Doe made the report of abuse on April 23, 2007, The Citadel again could have put an end to ReVille's abuse by simply adhering to its own policies and the requirements of state and federal law regarding mandatory reporting of sexual abuse to law enforcement. This simple act would have resulted in an investigation by trained professionals and a conviction. (Exhibit 128 ReVille Guilty Plea, Scarlett Wilson Testimony). ReVille even testified he would have confessed to the multiple acts of sexual abuse if interviewed by law enforcement in 2007. (Exhibit 126 ReVille Affidavit, Sept. 20, 2013).

Thereafter, multiple Citadel employees grossly neglected their duty of care. The day after the report of sexual abuse by Camper Doe, Mr. Brandenburg and Colonel Trez met with ReVille on The Citadel campus and alerted him of the allegations. Notice of the allegations not only gave ReVille an opportunity to revise his tactics to remain undetected, it also allowed him to contact two of the victims referenced in Doe's report and urge them to pledge their silence if questioned by Brandenburg. These victims, who happened to be current cadets on The Citadel campus, were former campers abused by ReVille at the Citadel Summer Camp. Notably, Brandenburg neither spoke with nor interviewed these cadet victims. (Exhibit 129 Brandenburg Deposition, Vol. I, p. 139-140, 142, 144). Moreover, President Rosa intentionally acted to keep the report concealed and close hold. (Exhibit 130 Shiel Deposition, January 21, 2014, pp. 36:9-20; 46:12-20). The President Rosa, Mark Brandenburg, and Colonel Trez each acted to effect the cover-up and failed to take the necessary action mandated by Citadel policies and by state and federal law.

Additional acts of negligence include The Citadel permitting ReVille to leave Citadel employment with no record of the sexual abuse; endorsing ReVille as an educator and coach in the Charleston community; allowing ReVille to continue trading on his reputation at the Citadel to secure continued employment with children; and allowing ReVille to remain at large preying on and sexually abusing the Plaintiff and other boys despite the foreseeability of continued child sexual abuse by ReVille.

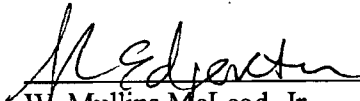
Thus, the litany of negligent actions spanning from 2001 to 2007 by multiple Citadel employees readily constitute multiple occurrences as contemplated by S.C. Code §§ 15-78-30(g) and 15-78-120. The actions are not of such close proximity as to be construed as simultaneous, and the separate and distinct actions taken by individuals employed by The Citadel were independent acts of negligence, not dependent on each other. Furthermore, in addition to the independent acts of gross negligence above, each day The Citadel actively concealed the known allegations and other knowledge of ReVille's sexual abuse constitutes separate and distinct negligent acts and/or omissions giving rise to hundreds of occurrences as contemplated by S.C. Code § 15-78-120.

Therefore, Plaintiff alleges multiple occurrences of negligence, which he bears the burden of proving and whose determination is within the responsibility of the jury. The appropriate procedure will be for the jury to be instructed on the definition of occurrence and asked to determine whether there were more than one occurrence, either in the jury charges or in the verdict form. Chastain, 694 S.C.2d at 544.

CONCLUSION

Based on the foregoing reasons, Defendant is not entitled to summary judgment, and Plaintiff respectfully requests that The Citadel's motion be denied.

Respectfully submitted,



W. Mullins McLeod, Jr.
Jacqueline LaPan Edgerton
James B. Moore III
Attorneys for the Plaintiff
McLEOD LAW GROUP
Post Office Box 21624
Charleston, SC 29413
Telephone: (843) 277-6655

April 16, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

MOTHER DOE A,

Plaintiff,

vs.

Case Action No.: 2011-CP-10-9200

THE CITADEL

Defendant,

JOHN DOE CAMPER,

Plaintiff,

vs.

Case Action No.: 2012-CP-10-1860

THE CITADEL,

Defendant,

JOHN DOE 2,

Plaintiff,

vs.

Case Action No.: 2012-CP-10-1858

THE CITADEL,

Defendant,

MOTHER DOE 2, on behalf of
JOHN DOE 3,

Plaintiff,

vs.

Case Action No.: 2012-CP-10-1859

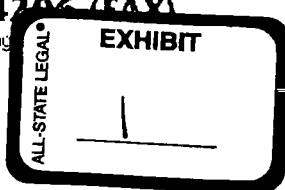
THE CITADEL,

Defendant,



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CAMPER DOE 6,
Plaintiff,

vs. Case Action No.: 2013-CP-10-5247

THE CITADEL,
Defendant,

JOHN DOE, A MINOR, BY HIS
GUARDIAN AD LITEM JOHN ROE,

Plaintiff,

vs. Case Action No.: 2013-CP-10-4770

THE CITADEL,
Defendant,

Videoconference Deposition of **GARY MARGOLIS**,
held on Monday, February 17, 2014, taken at the Sound
Vision, 310 Hurricane Lane, Suite 1, Williston, Vermont,
05495, commencing at 10:11 a.m., before Karen L. Wright,
a RPR, CRR and Notary Public in and for the State of
Vermont.



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G. MARGOLIS

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2 just not sure if my -- if my accounts
3 payable or accounts receivable folks have
4 done any of that. I just don't recall if
5 I've sent that information to them.

6 Q. Okay.

7 A. Likely that I haven't.

8 Q. Is that something you can easily
9 determine how much time you spent and how
10 much you billed to Barnwell Whaley since
11 March of 2013?

12 A. Yes, sir. I can call my financial
13 team and ask them if we've sent any
14 invoices, sure.

15 Q. All right. Do you agree with me,
16 Dr. Margolis, that child sexual predators
17 create risk of harm to children in their
18 communities?

19 A. Yes, sir. I do.

20 Q. And why?

21 A. They pose a risk to the health and
22 safety of children.

23 Q. If a child sexual predator is
24 accused of abusing 11-to-15-year-old boys in
25 the past, in your opinion, is it foreseeable



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2 that he will abuse 11-to-15-year- old boys
3 near where he lives and works in the future?

4 A. Again, based on my law enforcement
5 experience, not any psychological experience
6 as such, I would agree with that, more
7 likely than not, it would.

8 Q. Would you agree, based on your law
9 enforcement experience and your academic
10 background and education, that if you became
11 aware in 2007 that a man had sexually abused
12 children in 2002 and 2003 at a summer camp
13 where he worked, would you agree that it
14 would be foreseeable that any victims he was
15 to have from 2004 through 2007 and 2007
16 through 2011 would occur where he worked and
17 spent his time?

18 A. I would agree that it would
19 predispose me to believe that he would be
20 offending again and would have offended
21 again.

22 Q. Would you agree with me that if you
23 were notified that an individual had sexually
24 abused a minor on campus five years
25 previously, and that individual is currently



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2 on campus, and that there are minors on
3 campus when that report comes in five years
4 later, that that person poses a threat to
5 the campus?

6 A. I would agree with you, yes.

7 Q. And when that individual leaves the
8 campus, he's a threat to minors wherever he
9 goes off campus, correct?

10 A. I would agree that that's a
11 reasonable assumption.

12 Q. If a child sexual predator was a
13 camp counselor in the year 2001 and had a
14 single room as the counselor and used movies
15 and food to lure campers into his room and
16 abuse them there in his room, knowing those
17 facts, what would you do to prevent
18 counselors in the future at that summer camp
19 -- what would you make sure happened as part
20 of your rules to prevent abuse of summer
21 campers going forward?

22 A. Develop appropriate policies and
23 procedures, train individuals to those
24 policies and procedures, and then hold them
25 accountable to those policies and procedures.



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOHN DOE 2,)	CIVIL ACTION NO:
)	2:12-cv-00794-RMG
Plaintiff,)	
)	
vs.)	
)	
PRESIDENT JOHN W. ROSA,)	
INDIVIDUALLY,)	
)	
Defendant.)	
)	CIVIL ACTION NO:
MOTHER DOE,)	2:12-cv-00795-RMG
)	
Plaintiff,)	
)	
vs.)	
)	
PRESIDENT JOHN W. ROSA,)	
INDIVIDUALLY,)	
)	
Defendant.)	

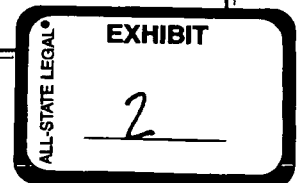
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DEPOSITION OF: JENNIFER SHIEL
DATE TAKEN: Tuesday, January 21, 2014
TIME: 12:06 p.m.
PLACE: McLeod Law Group, LLC
3 Morris Street
Charleston, South Carolina
REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

* * * * *

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1 Q. As far as his -- just share with me what
2 you mean by that.

3 A. Um, you know, one time I walked into his
4 office, and he was sitting -- he had a little camp
5 desk, and he was sitting at his camp desk with his
6 head bowed. And I spoke to him and -- you know,
7 and then I realized what he was doing. And I
8 apologized. And he said, No, no, no. He said,
9 It's okay; I was just praying, you know.

10 But, you know, I know that he -- you
11 know, that he prays -- when he was President, he
12 would always pray before he would make any major
13 decision. You know, that that was something -- I
14 can't remember whether he told me that or that
15 came from someone else. He was a very devout man.
16 I admire him very much.

17 Q. And did you also have occasion to work
18 within the office of the President when General
19 Rosa was there?

20 A. Yes.

21 Q. Did you ever witness General Rosa in
22 prayer?

23 A. No.

24 Q. To your knowledge, did he ever pray
25 before significant decisions were made?

1 civil matter against The Citadel, did The Citadel
2 just stop doing the disciplinary investigation
3 that they'd typically do?

4 MR. KOVACH: Objection.

5 A. No.

6 Q. So based upon your personal knowledge, a
7 civil matter generally did not have any impact on
8 The Citadel instituting or following its own
9 policies and procedures?

10 A. No.

11 MR. KOVACH: Object..

12 Q. Having worked in the President's office
13 during this time period, was there ever any doubt
14 in your mind that President Rosa wanted this
15 report of sexual abuse to be kept under wraps?

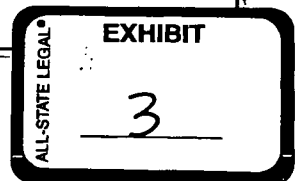
16 MR. KOVACH: Objection.

17 A. No. It was very clear that -- the term
18 that was used about it was "close hold." I mean,
19 only people that needed to know about it were
20 supposed to know about it. That was it.

21 Q. Had you heard that phrase "close hold"
22 used prior to this report of sexual abuse?

23 A. In reference to other matters, yes.

24 Q. Right. And, like, what other matters do
25 you remember "close hold" being the orders from



G. MARGOLIS

1
2 opposite conclusion, I just -- that, I don't
3 agree with. If you're telling me that
4 someone could do their own investigation and
5 come up with a different finding, well, then,
6 I would agree with that, absolutely.

7 Q. And that was all I was asking.
8 Isn't it true, Mr. Margolis, that somebody
9 else, another fact-finder, decision-maker,
10 could look at this case based upon the facts
11 presented and conclude that there was a
12 cover-up? Isn't that possible?

13 A. It is possible.

14 Q. Now, what evidence, okay, would you
15 need in order to conclude that there was a
16 cover-up?

17 A. We would need to have found evidence
18 that implied intent, intent to collusion, you
19 know, intent to hide in some way, shape, or
20 form was deliberate in that regard.

21 Q. All right. So you would be looking
22 for evidence that there was an intent to
23 hide; is that right?

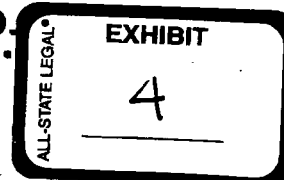
24 A. Correct.

25 Q. All right. What other evidence



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2 others, correct?

3 MR. STONEY: Objection.

4 THE WITNESS: Correct. But, again,
5 because of, in our opinion, an inappropriate
6 investigation.

7 Q. Did you say in your opinion because
8 it was an inappropriate investigation?

9 A. Because of the problems we found
10 with the investigation. Indicating that he
11 left the school without anything in his
12 personnel file or his HR jacket isn't
13 necessarily surprising. I think it goes back
14 to, you know, the investigation that was
15 conducted and how it was conducted and such
16 created some of those problems.

17 Q. Let me ask you this with regard to
18 Skip ReVille: Let's say in the year 2010,
19 can you point me to any evidence that The
20 Citadel did not engage in a cover-up to make
21 sure that Skip ReVille's name appeared
22 nowhere with regard to any allegations that
23 Doe had made?

24 A. In terms of the civil defense sheets
25 that were created?



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G. MARGOLIS

1 Q. In terms of anything.

2 A. I cannot.

3 Q. All right. Let's go over to
4 Notebook-2, please. By the way, have you
5 ever been -- any of your consulting ever
6 been on behalf of a child that had been
7 abused or a victim who had been abused at a
8 university, or have you always represented
9 the university?

10 A. In litigation, we've always been on
11 the defense side. We tell universities and
12 colleges what they do wrong all the time.
13 But in terms of litigation, we tend to be on
14 the defense side.

15 We may have had -- yeah, I don't
16 even recall. I was going to say we may
17 have had one case on the plaintiff's side,
18 but I can't recall the details.

19 Q. Were you personally on it as the
20 lead person?

21 A. No. I think it would have been
22 Steven.

23 Q. All right. Tab 1 in Notebook-2.
24 Did you consider the college regulations when
25



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G. MARGOLIS

1
2 opposite conclusion, I just -- that, I don't
3 agree with. If you're telling me that
4 someone could do their own investigation and
5 come up with a different finding, well, then,
6 I would agree with that, absolutely.

7 Q. And that was all I was asking.
8 Isn't it true, Mr. Margolis, that somebody
9 else, another fact-finder, decision-maker,
10 could look at this case based upon the facts
11 presented and conclude that there was a
12 cover-up? Isn't that possible?

13 A. It is possible.

14 Q. Now, what evidence, okay, would you
15 need in order to conclude that there was a
16 cover-up?

17 A. We would need to have found evidence
18 that implied intent, intent to collusion, you
19 know, intent to hide in some way, shape, or
20 form was deliberate in that regard.

21 Q. All right. So you would be looking
22 for evidence that there was an intent to
23 hide; is that right?

24 A. Correct.

25 Q. All right. What other evidence



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5

Mark C. Brandenburg

From: Mark C. Brandenburg
Sent: Tuesday, May 08, 2007 11:05 AM
To: Mark C. Brandenburg
Subject: RE: Summer Camp

I received your voice mails yesterday, and I am sorry I was not able to take either of your calls. Thank you very much for taking the time to call me. I understand you are extremely busy, and have great responsibilities.

I had difficulty hearing your message, and thus, am not clear on all of the questions you asked. Nevertheless, I will try to respond to the questions I could hear.

First, I am conducting an investigation of a complaint that was made to the school by a private individual. No "formal" civil or criminal investigation has been initiated. Although the complainant could certainly file a report with the police, which would start a criminal investigation, or file a lawsuit in civil court, which would start a civil investigation, the complainant has done neither. Moreover, I am hopeful that, by conducting an investigation on behalf of the school, no "formal" investigation - criminal or civil - will occur. Of course, I cannot guarantee that, as I have no control over what the complainant does.

Second, I do not believe the identification of whether you are a "subject" of an investigation is applicable here. My experience with that term is limited to the brief contact I had with the U.S. Attorney's office and/or the Department of Justice. That is, in my experience, a U.S. Attorney (or an FBI agent, or other investigator for the U.S. Attorney) would categorize interviewees as "witnesses," "subjects," or "defendants." The designation as a "subject" indicated that the U.S. Attorney, or the FBI, believed the person to be more than merely a witness, but not necessarily (or perhaps not yet) sufficiently involved to be charged with a crime. Here, however, I am conducting a private investigation on behalf of the school. I cannot charge anyone with a crime. Thus, I do not see any application of the term.

To put your mind at ease, however, I can tell you that the complainant did not name you, during my interview with that individual. The complainant did provide me with one name, and a general time period. I would like to speak with you because you were working at the Summer Camp during the time that the individual identified. I have no information that you did anything wrong. Instead, I merely believe you may have information about the particular summer at issue. More directly, you may have information about the person who made the complaint. (To put yours and your officer's minds at ease, if I were to analogize to the DOJ / U.S. Attorney stratification, I would consider you a "witness" at this point.)

If you can give me an idea of when you will call, and/or the phone number that will appear on the caller ID, I will be happy to move my schedule to accommodate yours. I understand you will be unavailable for approximately ten days, beginning yesterday. Based on that assumption, it appears you will be available again May 18, at the earliest. That is a Friday. I expect to be in the office that day. The following week, I will have meetings on Monday and Tuesday mornings, May 21 and 22, beginning at approximately 8:00 Eastern, each day and continuing until approximately noon. I will be out of the office most of Wednesday, May 23.

Again, thank you very much for taking the time to call me. I look forward to hearing from you soon. In the meantime, good luck, and Godspeed.

Mark

Mark C. Brandenburg
General Counsel
The Citadel
171 Moultrie Street
Bond Hall, Room 369
Charleston, SC 29409
mark.brandenburg@citadel.edu
(843) 953-5252
(843) 953-7592 (Fax)



THE CITADEL 000622
(FOIA 2011)

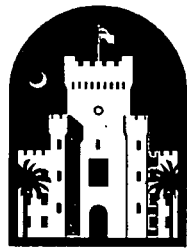


**INVESTIGATION INTO THE CITADEL'S HANDLING
OF ALLEGATIONS INVOLVING LOUIS N. "SKIP" REVILLE**

FINDINGS

MARCH 31, 2013





**THE
CITADEL**
THE MILITARY COLLEGE OF SOUTH CAROLINA



INVESTIGATION INTO THE CITADEL'S HANDLING OF ALLEGATIONS INVOLVING LOUIS N. "SKIP" REVILLE FINDINGS

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ACKNOWLEDGMENTS

Margolis Healy & Associates acknowledges the assistance and guidance of Joseph M. McCulloch, Jr., Esq., who, as legal counsel to the Board of Visitors, managed the engagement and guided our services. We thank Lieutenant General John W. Rosa, USAF (ret.), President of The Citadel, and the Board of Visitors for their candor and commitment to this process. Our gratitude to Colonel Thomas Philipkosky, USAF (ret), Associate Vice President for Operations, for providing logistic support and coordination, and Melanie L. Mason, Paralegal, Barnwell Whaley Patterson & Helms, LLC for organizing and maintaining the required legal records. All members of The Citadel community who participated in our assessment, without exception, were welcoming and forthcoming in their opinions and thoughts. The Citadel was a gracious host.

DISCLAIMER AND DISCLOSURE

Margolis Healy & Associates, LLC conducted this assessment and prepared this report for Joseph M. McCulloch, Jr. Esq. at the request of The Military College of South Carolina (The Citadel). The name of the complainant identified herein has been changed to respect his privacy. The authors' opinions, findings, and conclusions are provided solely for the use and benefit of The Citadel. Any warranties (expressed and/or implied) are specifically disclaimed. Any opinions, findings, and conclusions in this report should not be construed as a governing policy, or decision, unless so designated by other documentation. The report is based on the most accurate data gathered and available to Margolis Healy & Associates, LLC at the time of the assessment and presentation, and therefore is subject to change without notice.

STATEMENT OF NEED

Margolis Healy & Associates, LLC was engaged by The Citadel Board of Visitors through Joseph M. McCulloch, Jr., Esq., and in coordination with Wise Results, LLC (hereafter collectively referred to as the Independent Review Team, or IRT), to conduct a thorough and objective review of the events surrounding The Citadel's institutional response to a 2007 report of sexual misconduct raised by John Doe, a former camper at the Mark Clark Summer Camp. The allegation concerned conduct from the summer of 2002, allegedly committed by Louis N. "Skip" ReVille, a camp employee and Citadel student at the time. The independent review focused on the actions taken by the institution and by particular individuals, decision-making processes, and policies and procedures in effect at the time of the receipt of the 2007 Doe complaint.

SECTION I – METHODOLOGY

In accordance with the wishes of Board of Visitors of The Citadel, Margolis Healy & Associates, LLC (Margolis Healy or MHA) reviewed the decision in 2007 not to report to law enforcement authorities allegations by John Doe that Louis N. "Skip" ReVille engaged in sexual misconduct with minor campers while he was employed as a summer camp counselor in the Mark Clark Summer Camp. Our review took into consideration, as applicable, the 2001 allegations involving USMC Captain Michael J. Arpaio for historical context, and the institution's reporting obligations under state and federal laws, including The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f); Clery Act). The Margolis Healy portion of the review was conducted to gain a more objective understanding of these events and The Citadel's response.

Wise Results, LLC was charged with evaluating the policies and procedures for reported complaints of sexual misconduct at on and off campus events, including compliance with federal, state, local and internal requirements for reporting abuse and sexual misconduct with minors and sexual assault of others at College sponsored activities. Findings from the areas assigned to Wise Results, LLC are found in a separate document.

The Independent Review Team (IRT) evaluated The Citadel's current policies and procedures in order to reinforce or develop effective practices in the investigation and response to complaints of sexual misconduct. The IRT examined relevant investigative and administrative documents, and conducted interviews with College leadership and administrative staff. We examined The Citadel's compliance with Clery Act reporting requirements, specific to this matter.

The IRT reviewed extensive documentation and conducted research before and during its site visit(s) from January 21 – 25, 2013 and February 4 – 5, 2013. The multidisciplinary team, led by Dr. Gary J. Margolis (Managing Partner, Margolis Healy), consisted of professionals with extensive backgrounds in law enforcement and sexual violence investigations; legal affairs; student affairs; sexual and gender violence prosecution; and university public safety. During the site visit, the team reviewed the areas specified in the scope of work; conducted interviews of staff of various departments related to the review; and met with College leadership. The IRT performed the necessary background research, document review, site visit, interviews, verification and analysis to have become familiar with the issues under review and key participants. The review included the following:

-
- Multiple day site visits to the campus in Charleston, SC;
 - Interviews with College administrators, faculty, and staff representing departments and demographics relevant to the various areas under review; and
 - Review and analysis of relevant procedures, protocols and policies;

We considered the following documents and information provided by the Law Offices of Joseph M. McCulloch, Jr.; the Law Offices of Barnwell Whaley Patterson & Helms, LLC; and The Citadel in forming the basis of our opinions.

1. Arpaio case documents, investigative reports and statements
2. Arpaio litigation files
3. Barnwell Whaley Patterson & Helms, LLC Billing Records
4. Brandenburg emails and notes
5. Board of Visitors Meeting Minutes (June & September 2007)
6. Colonel Joseph Trez, Work Calendar (April 2007 – September 2007)
7. Doe v. Marion (373 S.C. 390, 645 S.E.2d 245),
8. Email archives for:
 - a. William Bates
 - b. Emma Bennett-Williams
 - c. Michael Bingham
 - d. Mark C. Brandenburg
 - e. Denny Carpenter
 - f. Susan K. Danko
 - g. William A. Fletcher
 - h. Jenni Garrott
 - i. John Lackey
 - j. Wanda J. Milligan
 - k. Thomas Philipkosky
 - l. John W. Rosa

-
- m. Janet Shealy
 - n. Jennifer Shiel
 - o. Robert L. Shipman
 - p. Joseph W. Trez, Sr.
 - q. William N. Ragland
9. Email responses to The Citadel's community request for information relative to this review
 10. Institutional Program Assessment Committee (IPAC) Final Report, Executive Summary, Cover Letter and Appendices
 11. John Doe July 2007 interview transcript
 12. Letter to Col. John Lackey from Charleston Police Lt. Dale Middleton
 13. Letter from Solicitor's Office to South Carolina Law Enforcement Division on decision not to prosecute
 14. Lt. General John W. Rosa, Work Calendar (April 2007 – September 2007)
 15. MDBI Organizational Plan & Time Line
 16. Media Accounts/Advisories/News Stories on ReVille (2012)
 17. ReVille case documents, investigative reports and statements (including Charleston, Mount Pleasant, Summerville, and SLED Police investigative reports & statements)
 18. ReVille litigation files
 19. The Citadel Clery Reports (Annual Security Reports), 2001-2002 and 2005-2012
 20. The Citadel Counselor Handbook (1998, 2000-2006)
 21. The Citadel Daily Crime Log (2011)
 22. The Citadel Emergency Response Plan
 23. The Citadel Organization Charts
 24. The Citadel SPRINT Cell Phone Bills, Apr-Oct 2007

-
25. The Citadel Policies and Procedures:
- a. Activities Involving Children on The Citadel Campus –Memo #2
 - b. Authorized Entry – The Citadel Campus, Memo #3 and #5
 - c. At Risk College Sponsored Activities and Events
 - d. Barracks Regulations for Summer School, Memo #7
 - e. Campus Safety and Security Reporting, Memo #2-27
 - f. Children on The Citadel Campus – Memo #10
 - g. Critical Information Reports Policy
 - h. HR Sexual Harassment Training 2007
 - i. College Regulations – 1999-2000, 2003-2006
 - j. Computer/Electronic Information Security Policy Memo #3-6, 3-3, 3-2
 - k. Faculty/Staff Quarters Policy Memo #47
 - l. Faculty Manual Dec 2004
 - m. Tort Liability Insurance Policy
 - n. Serious Incidents Policy Memo # 15, 39
 - o. Sexual Harassment Memos # 2-26, 15, 20 51
 - p. Sexual Violence Prevention and Response Memo # 2-25
 - q. South Carolina Insurance General Liability
 - r. Sexual Assault Crisis Intervention Policy Memo # 4, 6, 9
 - s. Use of Citadel Facilities Policy, Memo #2-4
 - t. Visitor's Access to Campus Policy Memo #2-19
 - u. Citadel White Book – 2001-2004
26. South Carolina Law Enforcement Division letter to The Citadel closing the case (April 4, 2012)
27. The Handbook for Campus Safety and Security Reporting (2011). The United States Department of Education.

The IRT sought to interview all who were relevant to the investigation, and most cooperated fully. Ms. Jennifer Shiels, Mark Brandenburg's former administrative assistant, and Mr. David Stuckey, from the Insurance Reserve Fund, declined our interviews. In addition, a letter and email was sent to The Citadel community in February 2013 inviting people with information to contact the Independent Review Team through the external counsel (Joseph M. McCulloch, Jr., Esq.) or via an email address established for this purpose (citadel@margolishealy.com). The following people were interviewed given their material involvement or possession of information relevant to the investigation.

BOARD OF VISITORS

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- Colonel Allison Dean Love, CGC, '93
- Colonel Fred L. Price, Jr., '75
- Colonel Douglas A. Snyder, '82, Chairman

ADMINISTRATION & STAFF

- Major William Bates, Director (former), Mark Clark Summer Camp
- Mark C. Brandenburg, General Counsel
- Colonel Dennis Carpenter, Human Resources
- Colonel William Fletcher, Chief of Police, The Citadel Police Department
- Jenni Garrett, Asst. Camp Director, Mark Clark Summer Camp
- Colonel John "Tony" Lackey, Director (former), Mark Clark Summer Camp
- Wanda Milligan, Administrative Assistant to the President

-
- Captain William N. Raglin, Clery Act Coordinator, The Citadel Police Department
 - Lieutenant General John W. Rosa, (USAF, ret.), President
 - Janet Shealy, Director, Office of Sexual Violence Prevention
 - Colonel Joseph Trez, Director of Center for Leadership and Ethics (formerly Executive Assistant to the President)
 - Emma Bennett Williams, Title IX Coordinator

LAW ENFORCEMENT

- Chief Gregory Mullen, Charleston Police Department
- Captain Dale Middleton, Charleston (SC) Police Department
- Captain Ryan Neill, South Carolina Law Enforcement Division (SLED)
- Agent Charles Ghent, South Carolina Law Enforcement Division (SLED)

CITADEL ATTORNEYS

- M. Dawes Cooke, Jr., Esq., Barnwell Whaley Patterson & Helms, LLC
- Philip Federigos, Esq., Barnwell Whaley Patterson & Helms, LLC

EMAIL FORENSIC REVIEW

The Independent Review Team retained the Capsicum Group, LLC (Capsicum) to collect and process email files belonging to College employees (custodians) identified relevant to the investigation, and between April 2007 and October 2011. Capsicum facilitated remote collection and processing through the following steps:

- Capsicum shipped a computer forensics workstation (laptop) with appropriate hardware and software to The Citadel technology team (received on 3/6/2013);
- Upon receipt, Citadel Information Technology staff connected the computer to the Internet;
- Using Logmein software, Capsicum technicians connected to the computer remotely, allowing Citadel IT staff the ability to monitor or shadow remote sessions in order to monitor progress;
- The Capsicum laptop was connected to a NAS (Network Attached

Storage) device containing restored data from two (2) sources as follows:

- Recovered Microsoft Exchange mailstores;
- Exported Personal Storage Table (PST) files from The Citadel's email archive system. Citadel IT staff made the recovered, exported email from both the Exchange server, as well as the email archive server, available. NOTE: Capsicum did not perform the collection of this data; Citadel staff did it.
- Capsicum technicians received a list of custodians (email folder owners; see above for list), and performed email extraction, search and culling as follows:
 - Utilizing Paraben's Network Email Examiner (v 4.1), technicians extracted reports of all mailboxes available on the restored Exchange mailstores. These reports were used to identify the availability and location of the custodian mailboxes, which were then extracted to individual Microsoft Outlook message (.msg or MSG) email files;
 - Utilizing Aid4Mail Enterprise v1.998, technicians extracted the email archive PST files prepared by the Citadel IT staff to individual MSG files;
 - Extracted MSG files were indexed and processed using Capsicum's Metadata Ninja software in order to extract metadata from the emails whereby allowing a culling by sent date and removal of duplicates;
 - Resulting date culled, de-duplicated email MSG files were then indexed for keyword searching using DTSearch v7.66 software;

The resulting searched MSG files (approximately 23,000 culled from hundreds of thousands) were processed to PST files for final delivery to the IRT. The IRT then ran searches on the files through Microsoft Outlook and using the following keywords: brandenburg, dawes, cooke, federigos, louis, reville, skip, [complainant], porn, masturbate, summer, camp, claim, law, enforcement, sex, child, abuse, penis, mandatory, report, duty, arpaio, jessica, horton, molest, sled, police, cpd.

Our opinions in this matter will address the decisions made by The Citadel relating to the complaints of John Doe and the information

gathered on Louis N. "Skip" ReVelle. Our observations and opinions are presented to a reasonable degree of professional certainty, and are based on our knowledge, education, training, and years of experience as law enforcement professionals in university and city policing and prosecution; our experience in matters of campus safety and security; the study of the above materials; the applicable Citadel policies, procedures and protocols in place at the time of the incident; and our understanding of applicable state and federal statutes, and case law.

SECTION II – ABBREVIATED STATEMENT OF THE RECORD

On Monday, April 23, 2007, at approximately 3:45 p.m., Father Doe (Citadel Class of 1972) placed a phone call to The Citadel's Office of the President asking to speak with President John W. Rosa, Lt. General USAF (ret.).¹ The president was out of the office as part of the institution's capital campaign and was not expected to return until Tuesday, April 24, 2007.² Father Doe shared with Wanda Milligan, the president's administrative assistant, that his son, John Doe, told him earlier that day that he had had problems as a camper at the Mark Clark Summer Camp. John Doe, now 18 years of age, had attended the camp starting at the age of ten and in the years that followed returned as a camp counselor. Father Doe did not share with Ms. Milligan the nature of what had been disclosed by John Doe, but did indicate that whatever had happened had been when his son was twelve, thirteen or fourteen years old. Ms. Milligan referred Father Doe to Mark Brandenburg, The Citadel's General Counsel.³

Mr. Brandenburg, during his interview with the IRT, recalled an immediate concern when he learned that this involved a camper in the Mark Clark Summer Camp, and shortly thereafter returned a phone call to Father Doe. Mr. Brandenburg's concern stemmed from his knowledge and involvement in the earlier case of USMC Captain Michael J. Arpaio. Captain Arpaio had returned to The Citadel from 1997 – 2001, after his graduation, to volunteer and work at the summer camp. On July 9, 2001, a family in Clay County, FL reported to the sheriff's office that their 10-year old son was acting strangely after he was picked up from The Citadel days earlier. The camper told his parents that he had spent nights in Captain Arpaio's bed, during which time he had been fondled, and he complained of pain and discomfort while sitting.⁴ The Clay County Sheriff's Office contacted the Charleston Police Department, and Lt. Dale Middleton (now a Captain with the Charleston Police Department) was assigned to investigate. During the course of the Charleston Police investigation, and subsequent involvement of the Naval Criminal Investigative Service (NCIS) upon a complaint to the Pentagon, Captain Arpaio was charged and later convicted of multiple counts of child sexual abuse. He was found to have plied young boys with alcohol and drugs; to have exposed them to pornography; to have sexually molested them; and to have forced them to watch as he had sex with a woman. In 2003, he pled guilty in military court to charges of providing alcohol to minors and indecent exposure, amongst others, and was sentenced during a court-martial to confinement at the Naval Consolidated Brig in Hanahan, South Carolina.⁵ The lawsuits brought by the victims and their families, in which Mr. Brandenburg

¹Wanda Milligan interview

²Joseph Trez interview; records of president's appointment schedule

³Milligan interview; Mark Brandenburg interview and his notes

⁴Police investigation and media accounts

⁵Ibid

was involved as insurance defense counsel, were settled in 2006; shortly thereafter the Mark Clark Summer Camp was officially closed.

Mr. Brandenburg learned from Father Doe that John Doe didn't want to return to the camp after his first or second year as a camper because a counselor named "Skip" had had movie nights and would invite John Doe and other campers to watch pornography. During these movie nights, Skip would masturbate in front of them and also shower with the boys. According to statements made by Father Doe to Mr. Brandenburg, John Doe's grades suffered significantly in the years that followed.⁶

This same day, April 23, 2007, Mr. Brandenburg contacted Phillip Federigos, an attorney with Barnwell Whaley Patterson & Helms, LLC (Barnwell Whaley), to report a potential claim involving a new matter unrelated to the Arpaio litigation. The length of this call, according to Barnwell Whaley billing records is less than six minutes and neither Mr. Brandenburg nor Mr. Federigos recall the details of the conversation.⁷ Mr. Brandenburg shared during his interview that it was likely that the call was to alert Barnwell Whaley to the possibility of litigation in this matter, and that it was unlikely that he called Mr. Federigos for advice given his (MB) senior experience to Mr. Federigos. Mr. Federigos confirmed the phone call and speculated that what was shared was not alarming to him as he did not recall the details of the call, nor did he ever open a new matter number for the claim. Mr. Brandenburg told us that it was possible that he spoke with M. Dawes Cooke, Jr. from Barnwell Whaley about the phone call from Father Doe, but neither he nor Mr. Cooke have any independent recollection of such a conversation at the time.⁸ There is no documentation in Mr. Brandenburg's notes or in law firm's billing records, although both Mr. Brandenburg and Mr. Cooke said that they often communicated without recording the time for the conversations. Mr. Cooke indicated during his interview that the first he heard about the ReVille matter was in October 2011.

Later on during the evening of April 23, 2007, Mr. Brandenburg spoke with John Doe by phone. John Doe corroborated the information shared by his father, and added that Mr. ReVille had been the Cadet in Charge of Quarters (CCQ) at the time of the incident(s). He also disclosed that Mr. ReVille, "engaged in this activity frequently, though, with many other campers."⁹ (Note: the point that John Doe makes about other instances and other victims is repeated during his July 2007 interview in Texas).

⁶Brandenburg interview and hand written notes

⁷Brandenburg interview; Philip Federigos interview; BWPB billing records

⁸Brandenburg interview; M. Dawes Cooke, Jr., interview

⁹Brandenburg interview and hand written notes

Mr. Brandenburg did not share this information immediately with Lt. General Rosa upon his (JR) return to the office on May 1, 2007, as it would not have been his practice to do so. Although Mr. Brandenburg did not recall the specific details of his conversation with the president, he did indicate that it would likely have been something shared informally, and not during a scheduled meeting; they had a pattern of informal discussions several times per week. Mr. Brandenburg did not have a practice of emailing Lt. General Rosa, or calling him on his mobile phone, as he (MB) preferred to walk down the hall for an in-person conversation. According to the president, "if there was a need, he could find me."¹⁰ Mr. Brandenburg spoke deferentially to the IRT of Lt. General Rosa given the president's military rank, and described the role he played in providing legal advice to the president. Lt. General Rosa described a good professional relationship, noting that he generally deferred to Mr. Brandenburg's legal advice, especially in the first years of their working relationship. Lt. General Rosa confirmed during his interview that Mr. Brandenburg was not afraid to challenge him or disagree on legal matters and opinions, and that Mr. Brandenburg would keep him informed, as needed. Mr. Brandenburg indicated that Colonel Joseph Trez could also assist Lt. General Rosa with legal matters because he had prior military experience, was older than the president, and could "explain things to him that even I couldn't."¹¹

At the time, Mr. Brandenburg had regularly scheduled legal updates with the president, and while he did recall meeting with Mr. Brandenburg on May 9, 2007, Lt. General Rosa has no independent recollection of that meeting, or around the time of the call to his office. Lt. General Rosa did have a specific recollection that Mr. Brandenburg had described the allegation as a single incident occurring five years prior that did not involve physical contact, unlike the Arpaio matter. Lt. General Rosa understood from Mr. Brandenburg that this was a settlement case according to the Doe family's wishes, and that the family's desire was for this to remain a private matter. It was Lt. General Rosa's impression from Mr. Brandenburg that Father Doe wanted his son to attend The Citadel.¹² Lt. General Rosa's impression, confirmed in interviews with others, was that this case was different from others that may have been reported to the authorities because: (i) it involved an adult complainant (at the time of the report) whose family was involved in the complaint and able to make their own decision to report to authorities; (ii) it occurred during a program that no longer existed; and (iii) John Doe was not a Citadel student. Mr. Brandenburg and Lt. General Rosa confirm that there were

¹⁰Brandenburg interview

¹¹Ibid

¹²Lt. General John W. Rosa interview

no discussions between them about reporting this matter to the Citadel Police Department, the Charleston Police Department, or the South Carolina Law Enforcement Division (SLED).

On April 24, 2007, Mr. Brandenburg and Colonel Joseph Trez, Executive Director to the President, spoke with Louis N. "Skip" ReVile, and he denied the allegations made by John Doe. Mr. ReVile also identified for Mr. Brandenburg other CCQ's (Cadet in Charge of Quarters) at the summer camp during that timeframe. Mr. Brandenburg did not inquire about Mr. ReVile's previous, current or other employment or activities to ascertain whether or not he had contact with or access to children.¹³ Mr. Brandenburg did not share the nature of the call or the information he gathered with The Citadel Police Department, Charleston Police, SLED or Citadel staff specializing in responding to reports of sexual and gender violence.¹⁴

Later this same day, Mr. Brandenburg spoke with Jennie Garrott, the Deputy Director of the Mark Clark Summer Camp in 2001. In this role, Ms. Garrott was responsible for daily operations and counselor supervision, and reported to Major William Bates and Colonel John "Tony" Lackey. She arrived at The Citadel in this role in October 1997, the same day that Major Bates started in his role with the summer camp. Prior to this, she was involved with an Episcopal summer camp program for two years.¹⁵ Mr. Brandenburg had significant contact with her during the Arpaio litigation. Currently, Ms. Garrott works in the Commandant's Office. She told Mr. Brandenburg that Mr. ReVile had been asked to leave his employment with the Pinewood Preparatory School in Summerville, South Carolina. She did not, however, share with Mr. Brandenburg an incident when she had had previously reprimanded Mr. ReVile in 2002 or 2003 for being alone in his room with a junior counselor, nor was this reprimand noted in camp records reviewed, or in Mr. ReVile's personnel file.¹⁶ Ms. Garrott told the Independent Review Team that Louis N. "Skip" ReVile was highly trusted given his leadership role as a Citadel cadet (e.g., Honor Board, CCQ), and that she did not suspect he was a child sexual predator. As mentioned, she caught Mr. ReVile alone with a camper on one occasion where he was placing ointment on the young man's legs to alleviate soreness from a run. Ms. Garrott counseled Mr. ReVile about camp policies precluding being alone in his room with a camper or junior counselor, and he accepted responsibility and the oral reprimand.¹⁷ She could not recall if she shared the incident with Major Bates, but said that she did not document the incident pursuant to camp policies under the belief that it

¹³Brandenburg interview; Trez interview

¹⁴Interviews with law enforcement and various Citadel employees

¹⁵Jenni Garrott interview

¹⁶Review of camp personnel files; Garrott interview; Brandenburg interview

¹⁷Garrott interview

was an aberration. Ms. Garrott expressed significant remorse during our interview for not suspecting that Mr. ReVille may have been a child sexual predator.

On April 24, 2007, Mr. Brandenburg spoke with Major William "Bill" Bates, Director of the Mark Clark Summer Camp at the time of the incidents, and someone that Mr. Brandenburg knew well given Major Bates' connection to the Arpaio litigation. Major Bates joined The Citadel staff as the Director of the Mark Clark Summer Camp in 1997 after unsuccessfully pursuing another position at the College. He left the camp program in late 2002 or early 2003 for a position outside the College, but returned in September 2003 as a Company Tactical Officer, a position he currently holds. Major Bates is responsible for the oversight of more than one hundred cadets (training, advising, mentoring and disciplining), and reports to Colonel Leo A. Mercado, Commandant of Cadets. Prior to these positions, Major Bates spent 22 years in the United States military, and upon retirement became the headmaster of an independent K-12 school in South Carolina in 1992. In the summer camp, he was responsible for administrative oversight and overall camp direction, and reported to Colonel John "Tony" Lackey and Brigadier General Emory Mace, the Commandant of Cadets at the time.¹⁸

Major Bates confirmed for the IRT a belief shared by others that Louis N. "Skip" ReVille was highly regarded as Chairman of the Honor Committee, and he remains confounded as to how Mr. ReVille went undetected as a sexual predator under his watch. He stated to the IRT that policies and procedures for interaction with campers were clearly communicated, and that he had experience reprimanding and terminating counselors who violated these directives. He had no recollection of Ms. Garrott informing him that she found Mr. ReVille alone in a room with a camper. Major Bates told us that neither he, his staff, nor counselors had had training on sexual abuse, grooming behaviors, what to look for, or similar matters.

Mr. Brandenburg conducted an investigation in order to corroborate the information he received and determine if the incident had, indeed, occurred. He looked at summer camp applications, Citadel admissions applications, and summer camp yearbooks. On May 1, 2007, he contacted former campers and counselors, by email and postal letter, whom he believed could provide important information. He received return communication from some, but not all, of those contacted, and he did not call or visit them.¹⁹ He did not write a report, and recorded incomplete notes on these communications.

¹⁸William Bates interview

¹⁹Brandenburg interview; review of emails and communications

On Wednesday, May 9, 2007, Mr. Brandenburg spoke with Colonel John "Tony" Lackey, Assistant Commandant of Students and Camp Director, at a church supper. At the time, Colonel Lackey reinforced what he believed to be Mr. ReVille's strong character and indicated that he had personally chosen ReVille as Senior Counselor. Mr. Brandenburg spoke with individuals who had been camp counselors during the period of time that John Doe was a camper, and Mr. ReVille was a counselor, with the intent of finding corroborating information to confirm or refute John Doe's story. Although he verified much of the information shared by Father Doe as to time frame and layout and structure of the camp at the time, Mr. Brandenburg found no information to directly corroborate John Doe's allegations with the exception that there had been a movie/pizza party, and Mr. Brandenburg took this lack of corroborating information as good news.²⁰

In May 2007, Mr. Brandenburg contacted David Abromaitis, by phone and email, at the State of South Carolina Insurance Reserve Fund (IRF) to brief him on the possibility of a claim being filed. A letter, sent by email to the IRF, indicated that John Doe was likely 14 years old when the incident occurred, along with other details of the incident including information that Mr. ReVille engaged in similar behavior with other campers, and that John Doe had been denied admission to The Citadel Class of 2007. In the e-mail, Mr. Brandenburg described the civil statute of limitations and the Do's statements on whether they intended to file a civil claim or retain counsel. Contacting the IRF was at that time (and remains) a typical practice for Mr. Brandenburg when The Citadel received a claim or notice of a pending claim. Mr. Abromaitis assigned the case file to David Stuckey, an IRF case manager/adjuster.

The IRF, according to its website (<http://www.irf.sc.gov/>), "functions as a governmental insurance operation with the mission to provide insurance specifically designed to meet the needs of governmental entities at the lowest possible cost. The Insurance Reserve Fund operates like an insurance company, by issuing policies, collecting premiums (based on actuarially calculated rates), and by paying claims from the accumulated premiums in accordance with the terms and conditions of the insurance policies it has issued." The relationship between The Citadel, the Office of the General Counsel, and the IRF was described for the IRT as tripartite, where each works together with the others to form the whole when addressing civil litigation matters. Mr. Brandenburg explained that he worked closely with the IRF on a day-to-day basis during the Arpaio matter,

²⁰Brandenburg interview; John Lackey interview

and felt that he could be valuable in helping the IRF resolve this claim.

In a written communication to the IRF, Mr. Brandenburg offered to conduct a pre-suit investigation as their special investigator. He described his investigation of the Arpaio case, and stated that he had "experience in investigations of this kind" and "extensive knowledge of the camp from this time period." In sum, Mr. Brandenburg noted that having the IRF fund his interview of John Doe would be "the most likely approach to lead to a quick and inexpensive resolution of this claim." On June 15, 2007, Mr. Stuckey authorized Mr. Brandenburg's status as an IRF special investigator and approved his travel to interview John Doe in Texas, where the family lived, which he did on July 1, 2007. Prior to the interview, Mr. Brandenburg spoke with Father Doe who shared that he wanted his son to attend The Citadel as a student.

At the June 16, 2007 Board of Visitors meeting, Mr. Brandenburg shared with the Board in executive session the possibility of a new claim involving the Mark Clark Summer camp and sexual misconduct.²¹ There are no notes from this meeting, and members of the Board cannot recall specific details of the briefing though several remember the discussion. Mr. Brandenburg indicated that he told the Board that the allegation involved sex (masturbation) but no touching, and that the IRF was involved. He explained to the board that he was going to Texas to interview the victim. Mr. Brandenburg indicated to the IRT that he may have told the Board that he had not found corroborating information to that point in time. According to Mr. Brandenburg and those interviewees present at this meeting, it is likely that the entire briefing took only minutes and the Board engaged in no discussion and posed no questions on the matter. Members of the Board stated that they recall believing that this was only a civil litigation matter.

According to Mr. Brandenburg, no one in the leadership of The Citadel, including the president and the Board members, expressed reservations at the time with his appointment as an IRF special investigator or that he was planning to interview the victim on an upcoming trip. He recalled for the IRT conversations with Lt. General Rosa and Colonel Trez supporting this course of action, especially given the fact that as an attorney for The Citadel, the interviews would be protected under the work product doctrine as attorney/client privilege. Lt. General Rosa shared with the IRT that he believed this course of action was a good strategy in that it provided a face-to-face meeting where The Citadel could find out "where

²¹Interviews with Brandenburg, Rosa, and members of the Board of Visitors

we are with these people and then come back and report." He added that, "normally people come to us, so this was the only case I know of where we went to the person." Mr. Brandenburg saw this course of action as one that would save The Citadel and the IRF money. He regularly attended a professional association conference held each year in June, and in 2007 the conference was held in California, allowing him to stop over in Texas before returning to South Carolina.

Mr. Brandenburg believed that he had the experience to interview John Doe given his involvement in the Arpaio matter. He also believed that interviewing John Doe would set a trigger date for the statute of limitations under South Carolina law (S.C. Code Ann. 15-3-555). Lt. General Rosa had no involvement in approving or consenting to decisions made by the Insurance Reserve Fund.²² M. Dawes Cooke, Jr., Esq., from Barnwell Whaley Patterson & Helms, LLC noted to the IRT that, in his opinion, Mark Brandenburg's visit to interview John Doe was a step beyond the Insurance Reserve Fund's normal activity at this nascent stage of a claim, implying to Mr. Cooke that the IRF felt that this was a reasonable course of action towards a quick resolution.

On July 1, 2007, upon return from a trip to the National Association of College & University Attorney (NACUA) Annual Conference in San Diego, California, Mr. Brandenburg stopped in Texas to meet with John Doe and his parents, Father and Mother Doe, in Dallas. He retained the services of a court reporter, who transcribed the interview. In an email to the IRF sent on August 8, 2007, Mr. Brandenburg summarized his findings and opinions stemming from the interview, "In short... I found [John Doe] to be believable. His story remained the same as the one he related to me over the phone some time ago." Mr. Brandenburg clarified this statement to the Independent Review Team by explaining that he was referring to his projection of what a jury would believe, but that he, himself, did not believe John Doe's report to be credible. During that interview, John Doe, consistent with his earlier account, confirmed that he had not been touched by Mr. ReVile but that he felt "dirty and ashamed," as a result of the group masturbation and situation writ large. During the interview, John Doe identified Louis N. "Skip" ReVile from a photograph as the responsible camp counselor. In this same email to the Insurance Reserve Fund, Mr. Brandenburg called attention to Mr. ReVile's emphatic denial of responsibility in this matter, and likens it to statements made by Arpaio in the 2002 sexual abuse investigation. Mother Doe, according to Mr. Brandenburg, was the most emotional of the three and "... feels significant

²²Rosa interview

animosity towards the school." Father Doe, according to the August 8, 2007 email, believed that The Citadel could be part of the solution and Mr. Brandenburg surmised that Father Doe would be pleased to see his son attend the College, a hope shared by many graduates for their children. In the weeks that followed, Mr. Brandenburg had further communications with Father Doe and related discussions with Citadel admissions staff concerning John Doe's qualifications for admission to the institution. John Doe lacked pre-requisite coursework, and an offer was made for The Citadel to help finance classes through a technical college so that he would be prepared to apply for admission in 2008. Per instructions from the IRF and a desire for assistance confirmed by Father Doe, Mr. Brandenburg summarized his impressions in an email/letter to David Stuckey (dated August 8, 2007) so that the IRF could authorize a payment for John Doe's technical college courses.

The regularly scheduled legal update between Mr. Brandenburg and Lt. General Rosa did not occur on July 30, 2007 because the president was attending a funeral. Per Mr. Brandenburg's typed "Topics for Meeting with Lt. Gen. Rosa," the Doe matter was on the list of issues to discuss that day. Their next meeting was on August 6, 2007, and Lt. General Rosa indicated that Mr. Brandenburg would have provided an update on the interview with John Doe and the settlement discussions. Lt. General Rosa told the IRT that he did not realize (or recall) at the time that there was a transcript of the interview, and did not read this document until 2011.

On November 16, 2007, Mr. Brandenburg emailed David Stuckey to update the IRF on a lack of further activity on the matter, and to request reimbursement for \$1,090.55 of out-of-pocket expenses that amounted to his hotel and flight charges. He shared that Father Doe had not provided documentation for his son's coursework, and therefore no disbursement had been made. Mr. Brandenburg speculated as to why they had not heard from Father Doe, and indicated his intention, absent communication from the Dos to defer the matter until the spring of 2008. He offered, again, to provide the IRF with a copy of the transcript of the interview. Mr. Brandenburg also noted that the July 1, 2007 interview provided an "unequivocal trigger of the statute of limitations," and that John Doe had until February 2, 2015 to file a lawsuit. He concluded, "I'm sorry we were not able to close it with a release, but I feel confident that we are well armed if John Doe should ever decide to pursue a case against The Citadel."²³ On August 20, 2008, David Stuckey wrote a letter to Mr. Brandenburg in which he said, "Per our meeting on August 15, 2008, we will be closing our file in

²³Email to Stuckey/IRF from M. Brandenburg

this matter due to a lack of pursuit by John Doe.” Mr. Brandenburg did not consider requirements found in The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) because, he explained to the IRT, the allegations did not include touching and were therefore not a violation of the Act’s definitions of sexual offenses.

The Doe matter was on the list of topics for subsequent legal update meetings between Mr. Brandenburg and Lt. General Rosa on September 3, 2007 and October 3, 2007. Lt. General Rosa told the IRT that recalls being briefed on the status of the settlement, including the Insurance Reserve Fund’s offer. Mr. Brandenburg’s handwritten notes for the October 3, 2007 meeting show a comment that indicates “no action” and Lt. General Rosa thought he may have seen a letter in 2008 indicating that the matter was closed. Aside from a small number of handwritten notes, emails to the IRF and campers and counselors, and the John Doe interview transcript, there is no written report of Mr. Brandenburg’s investigation.

In 2011, allegations of Mr. ReVile’s sexual misconduct at a private preparatory school and subsequent police investigation by the Mount Pleasant (SC) Police Department, the Summerville (SC) Police Department, and the South Carolina Law Enforcement Division (SLED) brought attention to the incident involving John Doe in 2002. Louis N. “Skip” ReVile was arrested on Friday, October 28, 2011, entered a plea of guilty, and was sentenced in June 2012 to 50 years in prison for the sexual molestation and abuse of 23 boys, including John Doe.²⁴

²⁴Police records and media accounts

SECTION III – FACTS & OBSERVATIONS

As part of this review of The Citadel's decisions and response to the information of sexual misconduct by Louis N. "Skip" ReVile, the Independent Review Team (IRT) explored the various related reports and their findings. According to information gathered in the police investigation conducted by the South Carolina Law Enforcement Division (SLED) and supported by the Mount Pleasant and Summerville Police Departments, Mr. ReVile is a preferential child molester who targeted adolescent boys. He was skilled at manipulating, grooming and coercing them into situations where he could take advantage of, and sexually molest them. Mr. ReVile's ability to manipulate these young boys through power and control prevented them from disclosing the acts of abuse, and therefore allowed him to avoid detection for years. He used his public persona and stellar reputation to his advantage, and was able to avoid detection, even by his wife. He served as a summer camp counselor; a tutor; a youth coach in numerous community and school settings; a youth ministry/bible study director and teacher, and as a foster parent, school teacher and administrator.

ReVile was a Citadel cadet from 1998 – 2002, where he won the respect and trust of his peers, professors, staff and College leaders. He was selected to serve as the Human Affairs Corporal; Squad Sergeant; Bulldog & Bullpup Cadet Leader (a youth mentoring program); and, in his senior year, Chairman of the Honor Committee, arguably one of the most highly regarded positions a cadet can hold at The Citadel. Not only was Mr. ReVile well regarded, but given his status on the Honor Court, he was connected with members of the senior administration. His studies included a course in adolescent growth and development. He used his history and degree at The Citadel and his religious faith to bolster his position of trusted adult, allowing him unsupervised access to children.²⁵

In 2001, Colonel Lackey was the Assistant Commandant of Administration & Director of the Mark Clark Summer Camp, and he recommended Mr. ReVile to his camp staff for employment as a counselor.²⁶ According to former Camp Director Major William "Bill" Bates and Assistant Director Jenni Garrott, following the Arpaio child sexual abuse scandal in 2001, Mr. ReVile was specifically selected in 2002 for a Senior Counselor position at the camp because he was a cadet of high honor who could be trusted with oversight of children, and who could assist in an effort to restore honor to the camp program.

²⁵ReVile files and interviews with Citadel staff

²⁶Lackey interview

Colonel Lackey, Major Bates and Ms. Garrott each said to the Independent Review Team that they were on high alert following the Arpaio matter and made changes in how the camp was run to avoid child sexual abuse. During the IRT investigation all three reported that they saw no indications that Mr. ReVille was a sexual predator. According to Major Bates, "I just don't know why it happened again. I'm not sure if I was naïve and just didn't know what to look for. At the time I had no training about sex abuse, offender behavior, grooming behavior and what to look for. No training for Counselors either. We watched out for the safety of children as it relates to injury prevention during camp activities and sports – not thinking about child abuse. All of us recognize it is a different world today. I often wonder if the structure and culture of Citadel has not changed to keep up with the changing times. Citadel tends to have a culture of tradition 'you can't do that because we have never done that.'"

It was only after skilled law enforcement investigators trained to investigate these crimes confronted Mr. ReVille that he was identified as a predator. Mr. ReVille provided law enforcement investigators with the names of 23 male campers at the Citadel Summer Camp between 2001 - 2003 to whom he showed pornography and with whom he engaged in incidents of child sexual abuse, including masturbation, exposing his genitals, and touching their penises. He admitted to hundreds of acts of child sexual abuse on dozens of underage boys between 2001 and 2011, at The Citadel and elsewhere.²⁷

THE RELATIONSHIP BETWEEN MARK BRANDENBURG AND BARNWELL WHALEY

Mark C. Brandenburg is a 1990 graduate of The Citadel who then attended the Duke University Law School before returning to South Carolina to begin a clerkship for the Honorable William L. Howard in the 9th Judicial Circuit (1993 – 1995). Like so many others, his father and many members of the extended Brandenburg family are also Citadel graduates. Mr. Brandenburg was in private practice until joining Barnwell Whaley Patterson & Helms, LLC (Barnwell Whaley) in October 1999 where he then focused on civil defense and construction litigation for The Citadel, in addition to other clients.

According to their website, Barnwell Whaley was established in Charleston, SC in 1938, and their attorneys serve and counsel businesses and professionals throughout the state and beyond. The firm's seventeen

²⁷Mount Pleasant, SLED and Summerville (SC) Police investigation records

member and associate attorneys focus on intellectual property protection, civil litigation defense, professional malpractice defense, construction law, business law and products liability defense in both state and federal courts. "One of the central practice areas for Barnwell Whaley is its insurance defense practice, which represents numerous insurance carriers and self-insured businesses in the state. The firm is frequently retained to defend insured individuals and businesses who have been sued in various types of negligence actions, including professional liability and malpractice, products liability, construction defects, vehicular accidents, premises liability and other insured risks." The firm does not handle criminal matters.

M. Dawes Cooke, Jr. is a senior attorney with the firm and has a long history of service to The Citadel, having been involved in numerous litigation matters including the Shannon Faulkner lawsuit to integrate women into the College.²⁸ Mr. Cooke is a well-respected, trusted advisor to the Board of Visitors and senior leadership team, and is a recipient of an honorary degree from The Citadel. Mr. Brandenburg told the IRT that he has known Mr. Cooke since he was a cadet when Mr. Cooke was a guest lecturer in his legal writing class. Likewise, Mr. Cooke remembered Mr. Brandenburg from years earlier given Mr. Brandenburg's testimony as a witness in the Shannon Faulkner lawsuit.

At Barnwell Whaley, Mr. Cooke was the senior attorney assigned to The Citadel and Mr. Brandenburg served in a supporting role performing all the "grunt work." The Arpaio litigation had begun less than two years after Mr. Brandenburg joined Barnwell Whaley, and Mr. Brandenburg became intimately involved in the pre-claim investigation and subsequent litigation. Mr. Brandenburg kept Mr. Cooke apprised of case developments and issues for the Arpaio litigation, who would then make any significant decisions. Once Mr. Brandenburg transitioned to his role as General Counsel to The Citadel, he described Mr. Cooke's involvement with the College as more background. Mr. Cooke shared that Mr. Brandenburg was the ideal candidate to become the General Counsel at the College, a process that was in motion before Lt. General Rosa became president. According to Mr. Cooke, "for many reasons, it seemed like Mark was born and bred to be The Citadel attorney."

By the time Mr. Brandenburg joined The Citadel as its General Counsel in October 2005, his practice at Barnwell Whaley was almost entirely focused on The Citadel's legal needs, including litigation defense

²⁸M. Dawes Cooke, Jr., interview

for the Arpaio cases. When Mr. Brandenburg described being hired by The Citadel as General Counsel, he said that he “felt like I was always going to come here.”²⁹

He and Mr. Cooke continued to discuss the Arpaio litigation from time to time, but Mr. Brandenburg felt that he understood, and was comfortable with, his role. During his early months and years as general counsel, conversations with Mr. Cooke were occasional but not described as regular or weekly. Mr. Brandenburg expressed deference and respect for Mr. Cooke’s expertise, history and reputation and shared that he knew he had an open line of access to Mr. Cooke by phone and email.³⁰ Mr. Cooke and Mr. Brandenburg each acknowledged that after Mr. Brandenburg became General Counsel, from time to time they would have conversations that were not documented and did not appear on law firm’s billing records. Mr. Cooke generally did not bill for incidental calls or emails. At times, and depending on the matter at hand, the Insurance Reserve Fund (IRF) would request that Mr. Cooke be contacted or placed on “standby” for a pending or possible litigation, and Mr. Cooke acknowledged that Mr. Brandenburg would do this. It was clear during our interviews that Mr. Brandenburg considers Mr. Cooke a mentor, and Mr. Cooke recognized that Mr. Brandenburg looks up to him. According to Mr. Cooke, Mr. Brandenburg was adept at keeping him “in the loop” and informed of legal matters that could or would impact the College.

According to some the IRT interviewed, Mark Brandenburg has a reputation of being “by the book.” One interviewee shared that, “many times I wanted to take heavy hands [in disciplinary matters], and Mark would make me do the right thing when I wanted to do the heavy thing. I sometimes tried to go around Mark to Dawes, but I guess I learned not to do that, both because it wasn’t fair to Mark, but also because Dawes always supported him.” Mr. Cooke told the IRT that he trusted Mr. Brandenburg’s judgment without limitation. At the time of Father Doe’s report, Lt. General Rosa was recently appointed as president and had no independent relationship with Mr. Cooke or Barnwell Whaley. The president believed that Mark Brandenburg was doing his “level headed best,” and he expected that Mr. Brandenburg would rely on Mr. Cooke and Barnwell Whaley for advice, as needed.³¹

With respect to the Doe allegation, neither Mr. Cooke nor Mr. Brandenburg recalls specific conversations about the details, and no interviews or documentation, including law firm billing, cell phone and

²⁹Brandenburg interview

³⁰Ibid

³¹Rosa interview

email records reveal such consultation. According to Mr. Brandenburg, it's likely to have happened but he can't recall. Mr. Brandenburg did contact Philip Federigos at Barnwell Whaley after he spoke to the Doe's in April 2007 in order to alert him to a potential claim, but neither Mr. Brandenburg nor Mr. Federigos can recall the detail short conversation (less than 6 minutes according to billing records).³²

Even if Mr. Brandenburg and Mr. Cooke had conferred, we are not confident that a referral to law enforcement or the involvement of other College resources would have occurred given Mr. Cooke's professional background in insurance defense litigation and his similar perspective to Mr. Brandenburg's. He possessed comparable professional instincts learned as an insurance defense attorney, and shared a similar understanding as Mr. Brandenburg into the nature and dynamics of sexual abuse (e.g., preferential child molestation).³³

THE DECISION-MAKING PROCESS

The allegation in the Arpaio case involved a report of sexual touching that had initially been investigated by the Charleston Police Department, and then subsequently by the United States Marine Corp. Captain Michael J. Arpaio was found guilty of crimes of sexual violence, and sentenced to prison. In the spring 2003, Mr. Brandenburg became involved in handling the civil defense case and even attended Michael Arpaio's guilty plea at the court martial at Parris Island in June of that year. The first civil suits were filed against The Citadel shortly after the plea, and Mr. Brandenburg conducted the depositions of multiple victims. He told us that he was deeply affected by their emotional demeanor and pain.³⁴

Mr. Brandenburg believed that his experience with the Arpaio litigation prepared him to address the allegations raised by John Doe. He did not interpret the information he received as requiring consultation from other members of The Citadel community who would likely have experience with matters of sexual and gender violence (e.g., Citadel Police, Title IX Coordinator or Citadel Counseling Center). "I would not have considered getting advice from the Citadel Police. We were talking about an event from five or six years before, a person who was now nineteen years old at the time of the report, who didn't live anywhere near the school, about an activity (summer camp) that didn't exist any longer, and the accused³⁵ was not employed in a situation where he had any kind of contact with minors." Furthermore, "What we learned was that it is the

³²Brandenburg interview; Federigos interview; BWPH billing records

³³Cooke interview

³⁴Brandenburg interview; Arpaio case files

³⁵Brandenburg interview

victim who makes the call on contacting law enforcement, even according to the [April 4, 2011, Department of Education's Officer for Civil Rights communication to all educational institutions now known colloquially as the Dear Colleague Letter]. At this point, we have a 19-year old victim who is not contacting the police, the family's focus was on putting John Doe in The Citadel, that John Doe said he deserved some compensation, that the family did not want to go to the police. The family certainly could have called the police – their phones dial 911. I remember the dad not wanting the case to be the front page of the news." Mr. Brandenburg felt that the school could not control whether or not the Doses chose to make a report to law enforcement. Moreover, at the time, there was no discussion by anyone at The Citadel as to any possible implication such a report could have for the College's reputation should the Doses decide to report. According to all witnesses we interviewed, no Citadel employee discussed the possibility that the Doe family might make a report or that the school might have an independent basis to do so without the family's consent.

Regarding the proposed agreement involving the Doe family, The Citadel and the Insurance Reserve Fund for \$20,000 in tuition payments, Mr. Brandenburg felt that he had negotiated a "win/win solution." He said, "they get what they want, we don't pay any money, we don't bend the rules, there is no claim... it cost the Citadel \$37 in legal bills!" He told us that, "From my perspective, I talked to the Insurance Reserve Fund, to Philip Federigos, probably to Dawes Cooke, to General Rosa, to Colonel Trez, to Bob Williamson, the Citadel's Risk Manager, and I sent a letter to the Insurance Reserve Fund." Mr. Brandenburg didn't regard the response by the Doe family as credible, "I didn't see it. The Doses didn't do anything to prove their case, they didn't follow up, they never knew his last name, he went back to camp as a camper for the next year, and two more years as a counselor. This was just behavior that wasn't consistent with somebody who had been permanently scarred by some act of sexual abuse. It didn't compare to the [Arpaio] cases at all... We get this questionable claim with a clear financial motive behind it from the very beginning, which has persisted to this day. Did I have doubt about it? Yeah, absolutely, but that did not factor into whether we called the police or not. Did it factor into how we handled the case? No, we were still planning to pay out..."

According to Mr. Cooke, Mr. Brandenburg analyzed the problem as a civil insurance defense claim and he appropriately handled the allegation in a way that was for the most part, "text book" as to how to handle a civil insurance defense claim. Mr. Cooke noted, "What is your fondest desire

in a civil claim? To make it go away. Is that a cover up? To an outsider, it may look like that.” With a civil claim, Mr. Cooke explained that, “you try to corral it, control it, and settle it if you can - not to save reputation, but because that’s how you handle an insurance case.... civil litigation is a lot of triage in identifying risks. It is very different from a criminal investigation where you want to tie down every loose end.” Mr. Cooke also notes a strong element of misdirection during the fact gathering, given fundamental differences between investigation of Mr. Arpaio and Mr. ReVille. As Mr. Brandenburg conducted discovery in the Arpaio litigation, the “gloss came off” as he dug deeper and learned Mr. Arpaio’s true nature. In contrast, Mr. ReVille “managed to fool everybody.”³⁶

Mr. Brandenburg struggled with 20/20 hindsight about how to assess the appropriate course of action by The Citadel at the time, “I have a 19 year old who doesn’t want to talk to you, with a five year old report, and no corroboration, no last name, and he [ReVille] was the chair of the Honor Board, and now we’re going to go out and report this to the police? Even the allegation against ReVille would have been life-altering, and in my view it just wasn’t there.” He saw the potential impact on Mr. ReVille the same as he did the impact of the allegations on the lacrosse players at Duke University, and clergy in the Catholic Church for unfounded cases. He told us, “Whether he was believable or not, did not affect the decision to call the police. If this was a touching, I would have called the police, but this didn’t involve touching or mandatory reporting because it was a 19 year old.”

Mr. Cooke confirmed for the IRT Mr. Brandenburg’s assessment, noting, “It was an older complaint, five years older, the summer camp was not in force, there was no suggestion of any remedial action that needed to be taken regarding staffing, and there was no corroboration.” Further, “[John Doe] was an adult, his parents were right there with him, and Mark [Brandenburg] had directly addressed law enforcement with the family and come away with the impression that they did not want to do it.”

The Citadel did not have a policy for reporting crimes against the wishes of the victim, whether it involved sexual assault or hazing. At no time did it occur to Mr. Brandenburg that he should consult the College’s Counseling Center, Title IX Coordinator, or Police Department for advice.

Colonel Joseph Trez, Executive Director to the President at the time of the call from Father Doe, participated in the Arpaio litigation and sat through the depositions of victims. During those interviews, he heard the

³⁶Brandenburg interview

"disgusting acts... of rape and sodomy," and he learned that most victims of sexual abuse don't want to report to the authorities. He told the IRT that if the victim doesn't want to come forward, let them have control of that decision and don't force it. Colonel Trez believed, based on his discussions with Mr. Brandenburg, that this was a matter of a father trying to get his son admitted to The Citadel, and that this was a negotiation settlement of sexual abuse much like the Arpaio case(s), but not as bad because there was no touching. He believed that Mr. Brandenburg had the necessary experience to conduct an investigation because of the Arpaio cases. He said that they never contacted The Citadel's Title IX Coordinator at the time because the complaint was an informal one. From Colonel Trez's perspective, Father Doe's allegation was handled as a matter of civil liability, and supported in this way by Lt. General Rosa and the Board of Visitors.³⁷

Colonel Trez told the IRT that, in hindsight, he is of the personal opinion that they should have called the police. He didn't believe, however, that law enforcement authorities could have made a case against Mr. ReVile because the Charleston Police Department had been unable to provide the Solicitor's Office with adequate information to generate a criminal charge during the first Arpaio investigation, and in that case The Citadel reported it immediately. The Doe allegation was already five years old, and the Arpaio case was only solved because Naval Criminal Investigative Services (NCIS) arrived with all its resources.³⁸

Prior to becoming the General Counsel for The Citadel, Mr. Brandenburg had limited experience in higher education law, including working knowledge of The Clery Act, or with the application of Title IX in the college setting beyond a basic familiarity of its applicability to athletics. Title IX is a portion of the Education Amendments Act of 1972, Public Law No. 92 318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. sections 1681 through 1688. Title IX states, in part, "that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Under Title IX, discrimination on the basis of sex includes sexual harassment and sexual violence. Mr. Brandenburg also came to the College with no criminal or family law experience, and possessed no formal training or experience in the dynamics of sexual abuse or sexual predators. His training was largely focused on insurance defense, and he brought with him a considerable background in this area of the law.

³⁷Trez interview

³⁸Ibid

Mr. Brandenburg told the IRT that he did not believe John Doe because of his flat, emotionless demeanor, "I looked at John Doe. I was waiting to see the emotion that I had seen with everyone else, but it wasn't there, it absolutely wasn't there." His prior experience with the Arpaio litigation colored Mr. Brandenburg's evaluation of John Doe as a credible victim because he expected certain stereotypical behaviors from sexual molestation victims given his interviews with Arpaio victims. By his own admission, Mr. Brandenburg was looking at the Doe complaint from the perspective of a civil defense attorney, "I handled this like a civil claim, like this was a potential lawsuit, that was the direction of my actions... from the beginning, we were looking at this like a civil claim." Furthermore, his experience with the Arpaio litigation colored his evaluation of Mr. ReVille because he expected to find the same kind of information ("dirt") as he did with Arpaio. He lacked a sufficient understanding of victim trauma and child sexual predators to bring the appropriately nuanced view to each new and unique set of facts.

Given the content of John Doe's disclosure, Mr. Brandenburg was not adequately prepared to conduct his own investigation. He incorrectly identified the disclosure as a single civil claim, and despite his experience in the Arpaio matter, he failed to listen to John Doe. He did not hear the possibility of multiple victims, and the need for law enforcement involvement or, at the very least, more experienced counsel, legal or otherwise, given the potential of a child predator with multiple victims.

At the time of the disclosure/report, Mr. Brandenburg had no training on conducting child sexual abuse investigations. He was not equipped to understand the complexities and dynamics of child sexual abuse and offenders who target, exploit and sexually abuse children. He lacked training on both conducting forensic interviews of victims and on obtaining corroborative details from victims, both as evidenced throughout the interview with John Doe.

Mr. Brandenburg was not equipped or resourced to identify, locate and conduct interviews with multiple victims and witnesses, and lacked an understanding or appreciation of a victim or witness' reluctance to be involved in reporting child sexual abuse. He failed to understand or appreciate sexual abuse victims' embarrassment, fear and reluctance to disclose sexual abuse. These limitations were evident in his sending emails to possible witnesses seeking information as to their involvement.

Mr. Brandenburg lacked investigative procedural skills as evidenced by his initial approach to, and alerting of, Mr. ReVille to the nature of the allegation and before fully understanding or appreciating the facts and scope of the allegations from the victim(s). He did not develop an investigative and interview plan consistent with what we would expect for such an allegation. He was not prepared to conduct an interview and interrogation of a child sexual abuse suspect, and did not appear to fully understand the behavior and course of conduct of a preferential child molester.

THE INFLUENCE OF LEADERSHIP

Lt. General John W. Rosa (USAF, ret.) served as the Superintendent of the United States Air Force Academy (2003 – 2005) before becoming the 19th president of The Citadel on January 3, 2006. Lt. General Rosa is known for his efforts to ensure that the process of reporting sexual and gender violence at the US Air Force Academy was trusted and respected by victims and people who came forward to disclose. Upon arriving at The Citadel, he began a similar process to ensure that when victims came forward, expressing his belief that “[they] really [have] the stick on where they want to go.” He shared a belief that mandating reporting to the police can have a chilling effect on victims coming forward to share or report their experiences.³⁹

Lt. General Rosa explained to the IRT that he understood the matter involving John Doe to be a civil claim at the time it was presented to him in 2007. He was not aware of the details in the interview transcript at the time, and did not read the transcript of the interview with John Doe until the fall 2011 when the news reports into Mr. ReVille’s arrest were made. When he did read it, it was done so “with almost disbelief.” He explained, “When you read that transcript, with my experience in the sexual assault world, there was much more going on than what we were led to believe (by Mark Brandenburg).” In hindsight, upon reading the transcript Lt. General Rosa believes that it was much more complex and that many more kids were involved, and he thought it should have gone to the police.⁴⁰ When asked to clarify what additional actions should have been taken, Lt. General Rosa told the IRT that he would have gone back to the family to encourage them to report to law enforcement. Yet, even with 20/20 hindsight, he said that he may not have reported the incident without the family’s consent given the potential impact doing so would have had on the victim. “You’re damned if you do, you’re damned if you don’t,” he stated.

³⁹Rosa interview

⁴⁰Rosa interview

The IRT interviewed members of the Board of Visitors present at the June and September 2007 board meetings, during which Mr. Brandenburg provided his first and second legal briefing on the concerns raised by the Doe family. These legal briefings given during executive session were not recorded, per usual practice. Those interviewed who remembered hearing about the incident at the June 2007 meeting shared mixed recollections as to the level of detail, but uniformly believed that this was a civil litigation matter and not a sexual assault or harassment case. They recall Mr. Brandenburg drawing inferences to the Arpaio matter and stating that a former camper in the Mark Clark Summer Camp had made an allegation of inappropriate behavior against a counselor. Several members of the Board of Visitors shared with the IRT that they were relieved to hear from Mr. Brandenburg that there was no indication of touching or physical contact. Mr. Brandenburg told them he was going to investigate the allegations and report back at the regularly scheduled September 2007 board meeting. His plan was to meet with the family. Members of the board also shared their belief with the IRT that this was presented as a matter of a father and Citadel alumnus displeased with his son's rejection of admission, as a tactic to gain him entry into the College. Some recalled hearing at the June meeting of the involvement of the Insurance Reserve Fund, and that they deferred to Mark Brandenburg as the Citadel's attorney to guide the process. There was no recollection with the IRT that Mr. Brandenburg shared the allegation made by John Doe that Mr. ReVille engaged in this behavior with other campers, and most believed the entire briefing lasted only minutes. IRT interviews revealed a lack of consensus and clarity amongst board members on the scope and direction of Mr. Brandenburg's investigation. Several told the IRT that if they knew in 2007 that the scope of Doe's allegations included the possibility of other child victims that they would have wanted a criminal investigation, but there is nothing the IRT found to indicate that the board members inquired more deeply into the facts at the time, or that they even raised the question of whether or not additional children were involved.

During the September 2007 board meeting, Mark Brandenburg reported on his interview with Mr. ReVille, and his trip to Texas where he met with John Doe and his family. Some recalled to the IRT that they remembered him starting the briefing in executive session with a conversation on the statute of limitations and the desire for a settlement, and that he (Brandenburg) believed the case was about a father who wanted his son to become a Citadel cadet. Mr. Brandenburg told the

board that he had been unable to corroborate the allegations based on interviews with Mr. ReVille, witnesses and other possible victims. In fact, Mr. ReVille denied the allegations leveled by John Doe. He shared with the Board that The Citadel had no legal obligation to contact law enforcement, and that he had been authorized by the Insurance Reserve Fund to offer the Does \$20,000 to help John Doe prepare academically for re-admission. He was seeking Board of Visitor approval to accept this course of action.⁴¹ There is a mixed belief amongst interviewees expressed to the IRT that Mr. Brandenburg would have involved M. Daves Cooke, Jr. and Barnwell Whaley in deliberations and strategic decision-making. The majority of interviewees the IRT spoke with believed that this would have happened. Lastly, many felt that by not contacting law enforcement, they were following the wishes of the Doe family.

Although Lt. General Rosa, Mr. Brandenburg and many board members remember Mr. Brandenburg specifically identifying the claim as one involving masturbation, the more specific details of the allegations by John Doe from the July 2007 interview transcript were unknown to Lt. General Rosa and the members of the Board of Visitors the IRT spoke with until the fall of 2011. At that point news coverage began in Mount Pleasant and Summerville of sexual molestation allegations against Louis N.

“Skip” ReVille. Some board members indicated that they learned the details through these newspaper accounts, and not from The Citadel. Some interviewees believe there was nothing to do in terms of involving law enforcement authorities, which they believe would have been unable to act given the scarcity of corroborating information. Others strongly believe that The Citadel should have notified law enforcement agencies, and that this is what the Board of Visitors would have directed be done if its members had read the Doe interview transcript shortly after it was taken in 2007.

THE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) requires that all postsecondary institutions participating in the Higher Education Act of 1965 (HEA) Title IV student financial assistance programs to disclose campus crime statistics and security information. It requires that postsecondary institutions (universities and colleges) to provide the campus community with information necessary to make informed decisions about their safety

⁴¹Brandenburg interview; Board member interviews

by, in part, providing a “timely warning” of any Clery Act crime that might represent an ongoing threat to the safety of students or employees (34 CFR 668.46(e)). In addition to being timely, the intent is that the warning aid in the prevention of similar crimes. A timely warning must be issued for all Clery Act crimes:

1. Reported to campus security authority or local police agencies;
2. Occur on property defined in the Act;
3. Are considered by the institution to represent a serious or continuing threat to students and employees;

First, the sexual misconduct reported by John Doe in April 2007 does not meet the definition of a Sex Offense in the Clery Act, and therefore does not trigger Clery Act requirements. According to the United States Department of Education’s Handbook for Campus Safety and Security Reporting (2011) (The Handbook), The Clery Act (34 CFR 668.46(c)(7)) defines sex offenses in two categories: forcible and non-forcible.

A. **Sex Offenses—Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. There are four types of Forcible Sex Offenses:

- **Forcible Rape** is the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females... The ability of the victim to give consent must be a professional determination by a law enforcement agency.
- **Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth

or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- B. **Sex Offenses—Non-forcible** is defined as unlawful, non-forcible sexual intercourse. There are two types of Non-forcible Sex Offenses:
- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Count one offense per victim.
 - **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent... The statutory age of consent differs by state... The ability of the victim to give consent must be a professional determination by a law enforcement agency.

Second, according to the Handbook (2011), the issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including its nature, on-going danger to the campus community, and possible risk of compromising law enforcement efforts. The incident was reported to have occurred five years before the report, and therefore could reasonably be construed to not pose an ongoing threat to The Citadel community.

Third, the Act requires postsecondary institutions with a police or security department to maintain and make available a daily crime log, the purpose of which is to record criminal incidents and alleged criminal incidents that are reported to the campus police or security departments. Crime log entries include all crimes reported to the campus police or security department for the required geographic locations, not just Clery Act crimes. The Citadel does maintain a police department, but the alleged criminal act was reported to the president's office, initially, and not the campus police. The incident was not reported to The Citadel Police Department, and therefore, there was no requirement to list the report in the College's daily crime log.

SECTION IV – OPINIONS

COVER UP OR CONFLUENCE OF FACTORS?

The IRT found no evidence or indication of a cover up or an intentional decision by any individual or individuals in collusion with one another to refrain from sharing the allegations made by John Doe with law enforcement authorities, or other College resources. To the contrary, it appears that there was no discussion among key individuals involved either with each other or between them and the College's experts on sexual and gender violence, and law enforcement. The failure to share the report with law enforcement seems not to be the result of a coordinated decision. Many of the people interviewed by the IRT expressed emotional, heartfelt regret and sorrow for Mr. ReVille's victims and blamed themselves for not being able to see him for what he was. As a master manipulator and child sexual predator, Mr. ReVille outmatched them.

With the benefit of hindsight, one can conclude that the remaining questions, therefore, are (1) whether The Citadel had a moral or other legal obligation to share John Doe's allegation with law enforcement and relevant campus and community resources; and if so, (2) whether The Citadel's failure to do so was reasonable under the circumstances.

Upon review of applicable local, state and federal laws and pertinent case law, the IRT found no legal obligation for The Citadel to have reported John Doe's allegations to law enforcement or child protective services at the time that it was received on April 23, 2007. In *Doe v. Marion* (373 S.C. 390, 645 S.E.2d 245), the South Carolina Supreme Court affirmed the decision of the Court of Appeals that, in part, there is no common law duty to warn future foreseeable victims of the predilection for child molestation. Furthermore, the March 29, 2012 letter from Solicitor Scarlett Wilson concludes, according to the law, that John Doe was not a child at the time of the report, and Mr. ReVille was not a caregiver. Moreover, it is not clear that, at that time, a college attorney or president of an institution of higher learning is a mandatory reporter under South Carolina law of child sexual abuse or neglect. Similarly, while on its face, the Jessica Horton Act, effective June 6, 2007, appears to have created a legal obligation to share a report of criminal sexual conduct with the South Carolina Law Enforcement Division (SLED), the acts described by John Doe do not fall with the statutory definition of criminal sexual conduct. Having said this, it is reasonable to have assumed that there were other victims and the likelihood of additional offenses given John Doe's statement to Mr. Brandenburg that Mr. ReVille, "engaged in this activity frequently, though, with many other campers."

Retrospectively, it is easy to conclude that the most protective action for The Citadel would have been to make an external report to law enforcement or child protective services upon learning of the allegations. Even though Doe was now an adult, the alleged conduct involved at least two minors, was sexual in nature, was reported to have been an ongoing practice involving other victims, and was allegedly committed by an individual who operated in a position of authority over minors --- all of which are circumstances that bear careful assessment of the full scope of the misconduct and the potential risk of harm to other minors regardless of when the actual event is reported to have occurred. A report to, or consult with, law enforcement and other College/community resources is an open and transparent approach to sexual and gender violence (child abuse) that provides information to those who are in the best position to evaluate the conduct and the potential risk of harm to any others (children) by the perpetrator. Ultimately, such a report to law enforcement in Mount Pleasant, SC provided the means to identify Mr. ReVille for what he was. However, having said this, speculation that contacting The Citadel Police Department, the Charleston Police Department or the South Carolina Law Enforcement Division (SLED) at the time would have definitively resulted in the identification and apprehension of Mr. ReVille as a child sexual predator is academic. There are too many factors, including reluctance of victims (complainants) and witnesses to participate in such investigations, to know what would actually have happened.

A central point for discussion arising throughout the IRT interviews is the definition of what it meant to "report" to law enforcement? By way of misunderstanding, ignorance or both, a significant number of those interviewed felt that reporting would not have amounted to much given the facts, as they understood them, and the Doe family's wishes to keep this a private matter. There was no sense of what services law enforcement could provide, and in some instances, a belief that law enforcement was initially ineffective given prior experiences and perceptions with the Arpaio investigation when much more was initially known. The erroneous perception that law enforcement agencies, in general, would move forward with stereotypical disregard for the needs of the victim(s), in pursuit of justice at all costs, was pervasive. It was often used to explain the decision.

We sensed a lack of awareness, recognition or appreciation for campus services that might have provided invaluable insight for this decision-making process. At no point did the people who were initially aware of John Doe's general and specific concerns seek input from the Counseling

Center, Title IX Coordinator, Chief of Police or others on campus (e.g., communications office) that could have provided different perspectives on how the College may want to address the allegations. The lack of triage within a multidisciplinary team at The Citadel is as concerning as a lack of contact with outside services (e.g., local or state law enforcement). This approach, however, was not within the contemplation of key individuals who received John Doe's allegation. Even in 2013, key individuals still seemed uncertain as to whether or not contacting external law enforcement would have been the more effective course of action, and there remains little recognition in the value of sharing with other College officials, as identified.

The College's decision to not report to outside authorities cannot be assigned to any particular individual. Here, the College's General Counsel, Mark Brandenburg, took the initial report and spoke with the complainant, his father, and the respondent (ReVille). Mr. Brandenburg contacted the College's outside counsel, Barnwell Whaley, and within a reasonable time frame, notified the president, Lt. General John Rosa, and the Board of Visitors. Mr. Brandenburg also notified the College's risk manager, Bob Williamson, and its insurance company, the Insurance Reserve Fund. Thus, with the exception of The Citadel Title IX Coordinator, Counseling Center, Communication's Office, and The Citadel Police Department, all relevant parties were notified of the allegation, and importantly, of the action Mr. Brandenburg planned to take in response. There is no evidence found by the IRT that any of these individuals raised the issue of involving other College resources or contacting law enforcement, or that they directed Mr. Brandenburg to do so. The IRT found no information to suggest discussions at the highest levels that it might have been prudent for normal channels or ad-hoc resources to conduct the investigation given the important oversight role that in-house counsel might need to play. The lack of such direction may be attributed to a lack of details shared; the way in which the matter was presented (civil claim); a lack of appreciation for the complexity and richness of law enforcement response to crimes of sexual violence; an agreed upon understanding of the role of in-house counsel in such matters; and individual biases in understanding the nature of the crime, its victims and predators.

Seven factors contributed to the College's failure to make an external report:

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- 1) The lack of clear policy and protocol governing such a report covering, among other matters, the role of The Citadel Police Department, Counseling Center, and its Title IX Coordinator;
 - 2) Insufficient understanding by key individuals of the Clery Act, Title IX and the dynamics of child sexual abuse;
 - 3) The lack of integration or connection to College resources and community agencies responsible for child protection and response to sexual and gender violence;
 - 4) The unique personal lens and prior experience each key individual with decision making responsibility or leadership brought to bear upon the institution's response, including members of the Board of Visitors;
 - 5) The suspension of belief in the possibility of the offense given Mr. ReVille's accomplishments and standing in community;
 - 6) The context of the allegation (e.g., time lag between report and incident(s); fact that the camp was closed; age of the victim at the time of the report; family's desire for privacy, etc.); and
 - 7) Reliance on Mark Brandenburg's prior experiences.

The accompanying report by Wise Results, LLC addresses some of these matters in greater detail.

MARK C. BRANDENBURG, ESQ.

While the IRT review is focused on more than any particular individual, Mark Brandenburg has been at the center of the matter since the fall 2011 when Mr. ReVille was arrested. As such, it's important that the IRT address his role and involvement more directly. Mr. Brandenburg has a deep, proud, and passionate connection to The Citadel, as a child, through his family, as a graduate, as outside counsel and later, as the College's in-house counsel. He considers his current role to be his "dream job." We do not believe that his loyalty to The Citadel played any part in implicit or explicit decisions to not report the allegation he received to the proper governmental authorities. To the contrary, Mr. Brandenburg was portrayed to the IRT as a "by the books" individual incapable of an intentional cover up.

He has been internally and externally vilified for his role in responding to the allegations, but approached this matter through the only lens he knew, civil insurance defense. Mr. Brandenburg's professional career and experience has focused almost exclusively on this area of the law. Indeed, he handled the College's civil defense in the Arpaio cases, both as outside counsel and later as general counsel. Consistent with his worldview, when he became aware of John Doe's allegation, he approached the matter as a potential claim against The Citadel, and not as a reportable, or even criminal, event in need of investigation or review according to applicable state and federal laws, including Title IX and the Clery Act.

Using that lens, Mr. Brandenburg conducted an investigation based on his experience but not informed by contemporary practices in child sexual abuse investigations. The IRT found inadequate follow-up with potential victims and witnesses in light of the possibility of multiple victims and the lack of reply from those contacted. Furthermore, Mr. Brandenburg did not document his investigation and, as such, there are inadequate notes and no written investigation plan or strategy. Using terms consistent with Title IX language, but generally unknown to him in the context of institutional compliance with the Act and the later US Department of Education, Office of Civil Rights (OCR) Dear Colleague Letter (dated April 4, 2011), he interviewed the complainant, his parents, and the respondent (Mr. ReVille). He spoke with former Mark Clark Summer Camp administrators, reviewed relevant documents, and attempted to interview former campers and counselors. Indeed, several witnesses observed that Brandenburg's investigation was greater in scope than a typical pre-claim assessment the Insurance Reserve Fund (IRF) would have pursued. The difference here is that Mr. Brandenburg's investigation was designed to serve as a triage, to vet the scope of potential litigation. It was not designed to run all leads to ground in an exhaustive search for the truth, as in a traditional law enforcement investigation. He lacked a robust understanding of Title IX and the Clery Act, and the College's obligations in each. He was a relatively young, inexperienced college general counsel, working with a president new to a civilian institution of higher education.

Mr. Brandenburg incorrectly identified John Doe's report as a single civil claim and repeatedly neglected to recognize the fact that multiple victims were, or could be, involved. He did not recognize the need for a criminal investigation because like Arpaio, the allegations against Mr.

ReVille suggested a child predator with multiple victims. He had no specific training in the dynamics of child sexual abuse, predatory behaviors of offenders, or in how to investigate an allegation of sexual abuse. As stated, he believed that he was competent to investigate this allegation on behalf of the College through the lens of insurance defense, and others concurred, because of his experience in the Arpaio matter. Mr. Brandenburg's extrapolation of the dynamics of sexual misconduct based on the Arpaio case, however, did him a disservice. Given his limited experience with the dynamics of sexual misconduct, he was left to inappropriately use the Arpaio matter as a benchmark with which to compare and assess John Doe's allegations and credibility. As such, he failed to recognize the difference between the Arpaio and ReVille matters, the former that unfolded after law enforcement was involved.

His lack of awareness of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) failed to alert him to the possibility of other Clery Act related crimes, and did not trigger, in part, a disclosure to The Citadel Police Department as the responsible party for Clery Act compliance at the College.

The goals of his investigation were, in essence and consistent with civil litigation defense, to make the claim dissolve with minimal exposure, expense or damage to The Citadel. Mr. Brandenburg was doing exactly what he had done during a successful career in insurance defense litigation prior to joining The Citadel's administration. Given this and his deeper lack of awareness of the dynamics of child sexual abuse, he was unable to see the bigger picture, that John Doe's behaviors may have been consistent with those of a survivor of child sexual abuse, and appropriate given the nature of Mr. ReVille's conduct. He was unable to see that Mr. ReVille could be capable of widespread predatory behavior, and that any allegation of child abuse, even with delayed reporting, should have involved other College resources and be reported to the authorities for criminal investigation. During interviews with the IRT, Mr. Brandenburg shared the following, "I've been part of this school, I have missed one homecoming since 1982, and to say that I tried to cover something up, what would the motive be? This doesn't affect me, ReVille wasn't my classmate, I wasn't part of the camp, I didn't have any reason to hide this and neither did General Rosa." The statement is reasonable in light of the results of this investigation.

The role of in-house counsel (general counsel) in the modern university and college is to provide legal advice and representation to the institution

through its president, governing board, and administration on a broad array of legal issues. The General Counsel, Vice President for Legal Affairs, or Legal Counsel's office finds itself delivering advice on all matters that have legal significance for the institution. The term "general" is not lost given the complexity of higher education, and the need to provide advice, and access to advice, on topics that include academic affairs, accreditation, benefits, civil rights, compliance, construction, computer/internet law, employment matters, contracts, endowments, freedom of information, general liability, housing, immigration, information security, intellectual property, licensing, labor unions, leases, media rights, online education, public safety, publishing, real estate, sexual harassment, student affairs, student loans, student records (FERPA), study abroad, taxes, tenure, use of logos, and utilities.

The prudence of having the College's general, or in-house counsel conduct an investigation such as this one deserves consideration. An important role of the in-house counsel is to think broadly and more holistically about an institution's response to such allegations. The general counsel needs to keep a variety of considerations in mind; including reputational risk to the institution and ensuring that an independence of the investigation is achieved and maintained. In this case, it might have been prudent to allow the normal investigative channels to conduct the inquiry for these reasons, and if they didn't exist, to make decisions on an ad-hoc basis in order to determine a process with the most credibility. When the in-house counsel loses their objectivity and independence relative to such an investigation, it becomes difficult to distinguish the in-house attorney from a fact witness. When the in-house counsel interviews potential victims and witnesses, it becomes unclear who the client is? What is the impact on attorney client privilege in such instances? Beyond the concern that Mr. Brandenburg could become a fact witness, in this case his familiarity with Mr. ReVille created the potential for an acquaintance bias that may have blinded him to what Mr. ReVille was. The need existed for a dispassionate, objective and independent review of the allegations made by John Doe; one with a different analytical framework than found in civil litigation defense.

LT. GENERAL JOHN W. ROSA (USAF, ret.), PRESIDENT OF THE CITADEL

Lt. General John W. Rosa arrived at The Citadel in January 2006 following his retirement from a successful career in the United States Air Force, and as Superintendent of the United States Air Force Academy. Lt.

General Rosa led the Academy through a transformative period in the institution's response to sexual misconduct, and he understood as a result that the autonomy of an adult sexual assault victim should be respected. Lt. General Rosa believed that an external report to law enforcement should be carefully considered absent an adult victim's consent, and he applied this thinking to the limited information he received from Mr. Brandenburg. In his view, John Doe was an adult, and neither he nor his parents wanted law enforcement involved. Even in January 2013, Lt. General Rosa indicated that the only action he would have taken in hindsight was to encourage the family to make a report, but that he did not believe that he would have made the report over the objection of John Doe.⁴² Furthermore, Lt. General Rosa's perception was that Mr. ReVille was a poster child for The Citadel, "I had never met him, everybody put this guy up on a pedestal and he lied to us. Were we wrong to believe him? Were we wrong to not pursue that more? You always look back after an airplane crash, after a tragedy, and it becomes clear as bell." Like most everyone else, he was no match for the lies that Mr. ReVille told and lived.

Lt. General Rosa indicated to the IRT that the details of what he read in the John Doe interview transcript in the fall 2011 would likely have changed his thinking and the College's response in 2007 had he seen it then. He reasonably relied on his advisors to inform his decision-making and understanding of applicable laws at the time. Of Mr. Brandenburg, he said, "I believe Mark was doing his job. He might have made some different decisions, maybe I would have, it's clear now... I never had a reason to question Brandenburg. I thought he gave us good advice."

BOARD OF VISITORS

It is beyond the scope of this report or the Independent Review Team's expertise to evaluate the operations of the Board of Visitors outside of this matter. It appears that the lack of a formalized litigation review process, absence of policies and procedures for investigating these types of allegations, and the Board's reliance on legal counsel in this matter may have contributed to the minimal level of their involvement. Governing boards of higher education institutions strive to find a balance in their oversight responsibilities that appropriately weights a strategic leadership role with a more hands-on, day-to-day one, and they must reasonably select people who will manage the institution's daily functions and tasks.

⁴²Rosa interview

At the time of the executive session legal briefing in June 2007, the Board of Visitors seemed to exhibit a passive level of engagement with what they were told. Mr. Brandenburg presented the information as an insurance defense matter (civil claim) and shared a course of action approved by Lt. General Rosa and endorsed by the Insurance Reserve Fund (IRF). Board members, who, during their interviews, actually recalled the briefing, remember nothing remarkable about it. They trusted that Mark Brandenburg knew what he was doing given his involvement in the Arpaio litigation. Many, but not all, assumed he was conferencing with Barnwell Whaley, specifically M. Dawes Cooke, Jr., to craft the institutional response and course of action.

In spite of The Citadel's experience years earlier with revelations of USMC Captain Michael J. Arpaio's sexual abuse of summer campers, and his subsequent arrest and conviction, no member of the Board of Visitors present at the June or September 2007 executive briefing raised questions, concerns or inquiries into what they were told by Mr. Brandenburg about another report of sexual misconduct at the summer camp. Of note, several Visitors served on the board at the time of the Arpaio revelations. They assumed, based on what they were told, that it was an insurance defense and civil claim matter, and believed from what they were told that this was the case of a father displeased with his son's unsuccessful application for admission to the College. Several commented that, in retrospect, they wouldn't have understood what, if any, decisions were needed to be made. It was presented as an informational briefing. Their combined lack of educational orientation and understanding of sex crimes, coupled with an absence of the facts in this case and a lack of appreciation for the involvement of law enforcement and College resources, allowed them to remain silent instead of voicing an important leadership perspective.

CONCLUSION

In our review of the information available to us for the matter under consideration, it is our opinion that The Citadel's failure to report John Doe's allegations to law enforcement, or to seek advice from law enforcement or internal campus resources (e.g., campus police, counseling center, communication's office, and Title IX coordinator) is the result of a cascade of unfortunate circumstances, not a deliberate conspiracy of silence to hide information. The familiarity of many of the key individuals in this matter with Louis N. "Skip" ReVelle, who evaluated the allegation in the context of his prominence and their professional responsibilities,

did a disservice to the opportunity for an objective, dispassionate and independent investigation. It is difficult to look back a decade or more through today's lens, and given recent events that shape perceptions on sexual and gender violence on campus, and to advocate the retrospective adoption of practices and tools that we know today are effective in prevention and responding to these issues. Having said this, we are obligated to explore the prudence of decisions made by all involved.

Our opinions are expressed to a reasonable degree of certainty within our areas of expertise in campus safety and security, sex crimes investigation and prosecution, student affairs, legal affairs, and police administration. We reserve the right to supplement this report as new information becomes available.

SECTION V – FIRM'S BACKGROUND

Margolis Healy & Associates, LLC, is a professional services firm specializing in higher education safety and security. Our focus includes, but is not limited to, special investigations; campus safety and security assessments; emergency management; public safety management studies; litigation consultation; security technology audits; Title IX and Clery Act assessments; and public safety arming studies & deployment strategy. In January 2008, after more than fifteen years each of providing consulting services to clients in the education, public and private sectors, Dr. Gary J. Margolis and Mr. Steven J. Healy merged their practices, Margolis & Associates, LLC and Strategic Security Consulting, LLC, into Margolis Healy & Associates, LLC. Their combined experience quickly catapulted Margolis Healy into one of the leading professional services firms for safety and security needs at universities, colleges and K-12 school systems in North America.

Our team of professionals brings a diverse set of skills and expertise to client institutions ranging from large public universities to private institutions, community colleges and K-12 school districts.

Mr. Healy and Dr. Margolis have been intimately involved in the national discussion on behavioral threat assessment; crime prevention in higher education; study abroad safety and security; and mass notification systems for college campuses. Each has testified before the United States Congress on matters of campus and public safety and security.

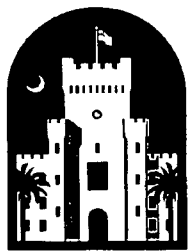
Dr. Margolis, Mr. Healy and their team have personally managed or been intimately involved with scores of critical incidents on college campuses ranging from violent crime to natural disasters (including the 9/11 tragedy and its impact on the schools in NYC). We have first-hand experience in crisis response and recovery planning and operations at institutions of higher education. In 2008, Dr. Margolis was contracted to review the next iteration of the Federal Emergency Management Department's *Incident Action Guides* to assure their relevancy to the higher education environment.

Mr. Healy and Dr. Margolis are the lead authors of the International Association of Campus Law Enforcement Administrator's *Blueprint for Safer Campuses: An Overview of the Virginia Tech Tragedy and Implications for Campus Safety*. This document, unveiled at a press conference sponsored by the Woodrow Wilson School at Princeton University on April 18, 2008, is a roadmap for campus safety and security. In 2006, Mr. Healy was selected to serve as a faculty member for the first-ever comprehensive, collaborative

Clery Act training sessions funded by a U.S. Department of Justice grant. As a certified instructor for this program, he has provided training at several programs delivered across the country.

Shortly after the Virginia Tech incident, the President of The National Association of Attorneys General (NAAG), Georgia Attorney General Thurbert Baker, determined to establish an ad hoc Task Force on School and Campus Safety (Task Force) to consider what had transpired since the issuance of the previous NAAG report in 1999, including the incident at Virginia Tech, and issue a report making updated recommendations regarding the prevention of, and response to, violence in schools and on college campuses. Mr. Healy participated in the development of this report, *The National Association of Attorneys General Task Force on School and Campus Safety*.

Margolis Healy manages competitive grants from the U.S. Department of Justice (Community Oriented Policing Services Office and Bureau of Justice Assistance) on topics ranging from behavioral threat assessment to crime prevention and study abroad safety.



**THE
CITADEL**
THE MILITARY COLLEGE OF SOUTH CAROLINA



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Margolis Healy & Associates, LLC
445 Greystone Drive
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866.817.5817 (toll free & fax)
Email: info@margolishealy.com

www.CampusSentinel.com
www.CampusCrimePrevention.org
www.CampusThreatAssessment.org
www.margolishealy.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOHN DOE 2,)	CIVIL ACTION NO:
)	2:12-cv-00794-RMG
Plaintiff,)	
)	
vs.)	
)	
PRESIDENT JOHN W. ROSA,)	
INDIVIDUALLY,)	
)	
Defendant.)	
)	CIVIL ACTION NO:
MOTHER DOE,)	2:12-cv-00795-RMG
)	
Plaintiff,)	
)	
vs.)	
)	
PRESIDENT JOHN W. ROSA,)	
INDIVIDUALLY,)	
)	
Defendant.)	

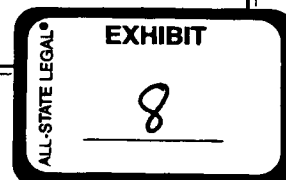
* * * * *

VIDEOTAPED
DEPOSITION OF: GENERAL JOHN W. ROSA
DATE TAKEN: Thursday, January 30, 2014
TIME: 10:30 a.m.
PLACE: McLeod Law Group, LLC
3 Morris Street
Charleston, South Carolina
REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

* * * * *

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CHARLESTON, SOUTH CAROLINA 29413-1784

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843.832.0801 * www.carolina-reporting.com



1 Q. As far as MDBI's reputation, they have a
2 pretty healthy and good reputation, don't they?

3 A. I don't know that. Like I said, I
4 wasn't involved in any of that. I just know that
5 they asked a couple of different groups to come in
6 and interview.

7 Q. Now, if you were to learn that one of
8 your contemporaries at another college or
9 university conspired to -- to conceal a report of
10 sexual abuse, would you find that conduct to be
11 unconscionable?

12 MR. COOKE: Objection to the form.

13 Q. You can answer.

14 A. Again, I think it would be a huge lack
15 of integrity and lack of character. I guess it
16 would be unconscionable.

17 Q. Do you remember giving a speech or a
18 talk in Florence, South Carolina, in April of 2007
19 for the Pee Dee Coalition Against Rape?

20 A. Yeah. I was asked to come up and speak.

21 Q. Tell me about that.

22 A. I don't remember much of it at all. I
23 think it was our board chair. I was relatively
24 new, and he asked me to come up and speak. I
25 don't remember what I even spoke about, to be

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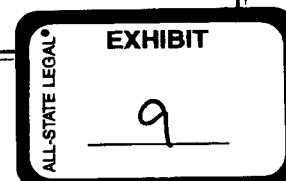
STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
 MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
 JOHN DOE CAMPER,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
 JOHN DOE 2,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

VIDEOTAPED DEPOSITION OF:
DOUGLAS SNYDER

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1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 2)
 3 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859
 4 MOTHER DOE 2, ON BEHALF)
 5 OF JOHN DOE 3,)
 6)
 7 Plaintiff,)
 8)
 9 vs.)
 10)
 11 THE CITADEL,)
 12)
 13 Defendant.)

9 VIDEOTAPED
 10 DEPOSITION OF: DOUGLAS SNYDER
 11 DATE TAKEN: Friday, October 18, 2013
 12 TIME: 11:30 a.m.
 13 PLACE: Pierce Hems Sloan & Wilson
 14 321 East Bay Street
 15 Charleston, South Carolina
 16 REPORTED BY: EVE WILBANKS
 17 Registered Professional
 18 Reporter, Certified LiveNote
 19 Reporter and Notary Public

18 * * * * *

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 23 CHARLESTON, SOUTH CAROLINA 29413-1784

1 didn't interview everybody.

2 Q. So you had been told before your
3 interview by other Board of Visitors members that
4 they're not interviewing everybody?

5 A. Right.

6 Q. And they were upset about that?

7 A. I don't know if they were upset. But
8 they told me that they --

9 Q. Wanted to know why?

10 A. They just told me they weren't.

11 Q. All right. Down at the middle of the
12 page where it's got Gary Margolis, it starts out,
13 "We were told that MDB strategy was not
14 acceptable, too intensive an investigation." Do
15 you see that?

16 A. I do.

17 Q. Who is MDB?

18 A. That was one of the firms that was
19 initially contacted regarding doing the
20 investigation.

21 Q. Do you know the name of that firm?

22 A. I think it's called MDB. Those are the
23 letters.

24 Q. Okay. So, then, there was also a firm
25 called Guideposts, right?

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1 A. Correct.

2 Q. Which one was contacted first; do you
3 know?

4 A. Guideposts.

5 Q. Was Guideposts the one where there was
6 maybe some perceived conflict of interest or
7 something?

8 A. Correct.

9 Q. Somebody -- one of their principals was
10 a Citadel grad or had some connection?

11 A. I think one of their various boards, he
12 was a shareholder. I mean, a sitting board
13 member, not a shareholder.

14 Q. So that's why Guideposts wasn't used.
15 And then MDB was contacted?

16 A. Correct.

17 Q. Had Joe McCulloch been hired before
18 Guideposts was contacted and before MDB was
19 contacted?

20 A. No.

21 Q. So The Citadel -- who at The Citadel
22 made the decision to contact MDB? Was that --

23 A. Um, it was one of the firms that Joe
24 McCulloch had selected among other firms to
25 interview.

Issue Outline 9/8/2012 11:14 PM

Full Name Description # Facts

1 Identification of Records and Documentation Relating to the Inquiry

Identification and Acquisition of Records and Documentation Relating to the Inquiry 25

2 Role and/or Actions of Citadel

Personnel In Decision Making

Relevant to Issues Pertinent to the Independent Review

Role and/or Actions of Citadel Personnel In Decision Making Relevant to Critical Issues that are the Subject of the Independent Review

20

2.1 Role and/or Actions of Citadel

Personnel In Matters Pertinent to the Inquiry from 2001 to 2003

Determination of the role and actions of The Citadel administrative and leadership personnel who had or may have had any knowledge or suspicion of Louis Neal ReVile's activities in the 2001-2003 time frame as well as those who were involved in the The Citadel decision-making process subsequent to receipt of the 2007 allegation of his conduct.

9

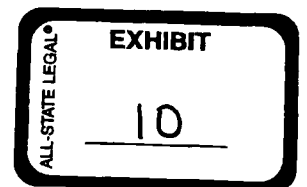
2.2 Role and/or Actions of Citadel

Personnel Post Receipt of 2007

Victim Report of Sexual Abuse by

Louis N. ReVile

Determination of the role and actions of The Citadel administrative and leadership personnel who had or may have had any involvement in the The Citadel decision-making process subsequent to receipt of the 2007 allegation of ReVile's conduct.



11

**3 Citadel Employment Screening
Processes**

Determination of The Citadel Employment Screening Processes 8

**3.1 Facts Related to the Citadel's
Employment of Michael Arpaio or
his involvement in an Act of
Sexual Abuse/Misconduct at the
Citadel**

**Facts Related to the Employment of Michael Arpaio or his involvement in an Act of Sexual
Abuse/Misconduct at the Citadel**

6

**3.2 The Citadel's Determination of
the Suitability of Louis N.
ReVille for Employment**

Determination whether The Citadel conducted a reference check at Pinewood Prep, Summerville, SC. which would possibly have resulted in learning of allegations of inappropriate behavior on the part of Louis Neal ReVille while employed there.

2

**3.2.1 Background Inquiry
Conducted by The Citadel
regarding ReVille at**

Pinewood Preparatory School

Determination of the nature and scope of the background inquiry, if any, conducted by The Citadel regarding ReVille at Pinewood Preparatory School

0

**4 Knowledge or Suspicion of ReVille
for Acts of Potential Sexual Abuse
by Citadel Personnel**

Determination of the identity of The Citadel administrative and leadership personnel who had or may have had any knowledge or suspicion of Louis Neal ReVille's activities in the 2001-2003 time frame as well as those who were involved in the The Citadel decision-making process subsequent to receipt of the 2007 allegation of his conduct.

17

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Brooke Dimeo

From: Mullins McLeod
Sent: Friday, September 27, 2013 11:38 AM
To: Brooke Dimeo
Subject: FW: Sex Abuse

From: Tony Daniels
Sent: Friday, August 17, 2012 10:46 AM
To: j2harley@comcast.net
Cc: Greg Meacham; John Burke
Subject: RE: Sex Abuse

Good to know. Thanks John.

Tony Daniels
CEO
Manuel, Daniels, Burke International, LLC
1426 Duke Street
Alexandria, VA 22314
Tel: (703) 299-9520
Fax: (703) 299-1119
E-mail: TDaniels@mdbinternational.com
<http://www.mdbinternational.com>

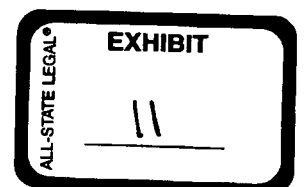
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From: j2harley@comcast.net [<mailto:j2harley@comcast.net>]
Sent: Friday, August 17, 2012 10:45 AM
To: Tony Daniels
Subject: Re: Sex Abuse

Tony...I don't know if it would help get the business, but the Director of Alumni Relations for the Citadel is Mike Rogers, a retired Agent. I have no idea if he wields any influence but he is a nice guy who would probably like to see any contract go to Bureau people.....John

From: "Tony Daniels" <TDaniels@mdbinternational.com>
To: j2harley@comcast.net
Sent: Friday, August 17, 2012 10:40:44 AM
Subject: RE: Sex Abuse



Thanks John. Any questions, I'll give you a call or email.

Tony Daniels
CEO
Manuel, Daniels, Burke International, LLC
1426 Duke Street
Alexandria, VA 22314
Tel: (703) 299-9520
Fax: (703) 299-1119
E-mail: TDaniels@mdbinternational.com
<http://www.mdbinternational.com>

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From: j2harley@comcast.net [<mailto:j2harley@comcast.net>]
Sent: Friday, August 17, 2012 10:39 AM
To: Tony Daniels; John Burke; Greg Meacham
Subject: Fwd: Sex Abuse

Tony....I tweaked this a bit to include interviews of victims, family members and perps. If you look at the things the bishops promised to put in place, to include the accountability piece, you will see that both Penn State and The Citadel behaved in precisely the same fashion as the pre-Charter Catholic Church when allegations began to roll in. They did not aggressively investigate, they did not report to civil authorities, they made no attempt to reach out to the victims, they had no vetting procedure, they presumably had no safe environment training for youth or camp counselors, and they had nobody looking over their shoulder to monitor their performance.

From: j2harley@comcast.net
To: tdaniels@mdbinternational.com, gmeacham@mdbinternational.com,
jburke@mdbinternational.com
Sent: Thursday, August 16, 2012 4:49:54 PM
Subject: Sex Abuse

Tony....Too much? not enough? Was there something else you wanted me to cover? I thought so, but could not recall what it was....John

JOHN PALMS

August 23, 2012

Lt. General John W. Rosa
President
The Citadel
171 Moultrie Street
Charleston, SC 29409

Dear General Rosa:

I am proud to transmit to you the final report of The Institutional Program Assessment Committee (IPAC). The committee has responded to your charge to evaluate all aspects of The Citadel procedures and operations, define the most serious risks that may exist to its values and mission and provide recommendations for corrective actions to minimize or eliminate these risks. The committee believes it has satisfied your charge as evidenced in the report.

Higher Education in our country today faces a conundrum of very serious realities, of which the most challenging are related to the cultural forces actualizing major negative influences on our young teenagers and adults. The most dramatic have become very evident and include the following: demise of traditional family values and traditions, binge drinking, sexual assault and harassment, gender and race discrimination, disrespect, and attacks on the value of honor. For the past several years, we have witnessed the implications of these deprivations on a number of the nation's higher education campuses.

The Citadel has not been immune to these as we enroll and host young people from all over the country.

The long traditions that honor The Citadel are the values of honor, duty and respect. These are the reasons The Citadel graduate is so highly esteemed and in demand (one of the highest graduation rates in the country). By all the indicators by which higher education institutions are evaluated, The Citadel continues to rank in the higher level of its category. It is our duty as members of its community and at this time in history to continue this tradition, guard its richness, respond to its threats and challenges and support those who share our commitment.



Lt. General John W. Rosa
August 23, 2012
Page 2

I believe the IPAC has provided comprehensive observations and has made recommendations to further foster and significantly enhance the actions for continued excellence that are already in place. The members of the committee have evidenced their love and commitment to this great institution by very effectively serving on its committee.

With your accepting this report and implementing its recommendations with strong leadership, the future of our beloved institution will be assured. I've been honored to serve as the Chair of IPAC. I owe a great deal to The Citadel and offer to continue to serve it in any way possible.

Sincerely,

John M. Palms

JMP/co

IPAC FINAL REPORT

7 September 2012

Section 1: The Formation of IPAC and the Development of its Central Mission

Higher Education in our country today faces a conundrum of very serious realities, the most challenging of which are related to the cultural forces actualizing major negative influences on our young teenagers and adults. The most dramatic influences have become very evident and include the following: the demise of traditional family values, gender and race discrimination, sexual assault and harassment, binge drinking, disrespect, and attacks on the value of honor. For the past several years, we have witnessed the implications of these problems on a number of the nation's higher education campuses.

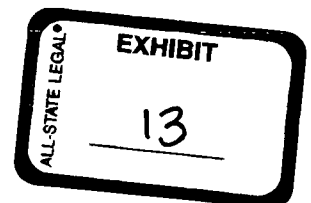
The Citadel has not been immune to these problems as we enroll and host young people from all over the country.

It would be difficult to overstate the degree to which The Citadel community was rocked by the arrest of our graduate, Skip ReVille, in the fall of 2011. As chair of the Honor Committee and cadet recipient of the Algernon Sidney Sullivan award, ReVille had seemed to epitomize our core values. The profound disconnect between who ReVille really was and who he had seemed to be caused many on campus to question whether there might be other instances in which our institution's realities are at odds with our ideals and values.

As one of many ways of responding to this institutional concern, Lieutenant General Rosa announced the creation of an Institutional Program Assessment Committee (IPAC). "The work of the IPAC," President Rosa wrote in a message to the college's faculty and staff on 6 January 2012, "will demonstrate our resolve to continue living up to the standards stated in the mission, vision, and core values of The Citadel and the highest standards of practice within the higher education community."

A most significant task charged to IPAC was to conduct a comprehensive self-study that would identify significant risks to the institution inherent in our customary operations. The official charge was for IPAC to conduct its work in two phases:

- First, the IPAC will identify and prioritize the institutional programs that need to be assessed based on the potential risk presented by the programs. The IPAC will make recommendations to President Rosa for the appointment of assessment panels/teams as needed to focus on a priority program area (e.g., programs that bring minors onto campus) (January 2012.)



- Second, once that review is completed, the IPAC will recommend improvements in the management of and administrative policies and procedures (to include compliance requirements) for Citadel programs that may present potential risk to the college and its key constituents (e.g., students, faculty and staff, alumni). (April/May 2012) The second phase will result in recommended modifications to programs, policies, and procedures, which are needed to strengthen the institution, incorporate best practices in higher education, maintain a unique military culture, and minimize risk for the institution and our constituents.

President Rosa asked Dr. John Palms, one of our college's most distinguished graduates and a former president of the University of South Carolina, to chair IPAC. Dr. Russell Warren, who has been provost and acting president of James Madison University as well as president of Truman State University, agreed to serve with Dr. Palms, thereby providing more external expertise. Joining Drs. Palms and Warren on the IPAC were, from within The Citadel, Deans Bo Moore and Ron Welch, Patricia McArver of the School of Business, Coach Kevin Higgins, Janet Shealy, the Director of Cadet Advocacy, Response, and Education, Colonel Douglas Fehrmann of the Krause Center, Dr. Suzanne Bufano, the Director of the Counseling Center, and Justin Pearson of the Admissions Department. Professor Harry Carter, our former provost and an expert on the theory and practice of leadership in higher education, was named Vice-Chair of IPAC.

To begin the self-study, a meeting was held with The Citadel Experience Integration Team (CEIT). With a membership including, among others, Provost Sam Hines, the Commandant of Cadets, the College Chaplain, the Executive Director of the Krause Center for Leadership and Ethics, and the faculty advisor to the Honor Committee, the CEIT is very familiar with both the realities and highest ideals of the institution. In response to General Carter's questions about possible areas of risk, CEIT members identified more than a dozen.

This list of concerns was taken to a series of six focus groups convened in early January. The focus groups were made up of the following constituencies. From the corps of cadets, there were separate groups made up of the top nine ranking cadets and other upperclassmen, the human affairs officers (24), representative fourth-classmen (20—nominated by their CIT 101 instructors), and representative third-classmen (16—nominated by their LDRS 201 instructors). There were two focus groups of staff members—one of TAC officers (20) and one of NCAA coaches and athletic administrators (10).

Each focus group participant was given the list developed by the CEIT, and each item on the list was discussed from a definitional point of view. Then each participant was asked to pick a "top five." The participants were also encouraged to add to the list, if they felt that there were significant issues not present on the CEIT-developed list.

Following the meetings, Institutional Research analyzed the results of the “top five” listings by the different participants.

Given the specific nature of the different groups, there were inevitable discrepancies among the cadets. Fourth classmen, for instance, saw “fourth class training abuses” as a substantially higher risk than did their fellow cadets. There was, nonetheless, substantial agreement among them all regarding eight issues. Their top issue, by far, was

- “accountability and exceptions to policies/standards” (mentioned by 39 of the 82 cadet respondents).

This was followed by

- “discipline system” (34 respondents),
- “communications and transparency” (33) and
- “substance abuse with special emphasis on alcohol & K2” (33).

Slightly below this second group of issues was a third pair

- “sexual harassment/abuse & gender issues” (31) and
- “honor system” (30).

Slightly below that, the cadets as a whole listed a final pair of issues

- “institutional decision making” (28) and
- “fourth class training abuse” (27).

The coaches had four issues at the top of their list: “honor system” (10), “fourth class training abuses” (9), “discipline system” (7), and “sexual harassment/abuse & gender issues” (6).

The TAC officers had as their top issue by far “Fourth class training abuses” (12); then they had a second group of three issues—“communications & transparency,” “discipline system,” and “honor system” (each with 8 mentions)—and a third group of three, each with seven mentions—“sexual harassment/abuse & gender issues,” “accountability and exceptions to policies and standards,” and “other cadet training abuse (Summerall Guards and other groups).”

There are obvious differences in priorities among the different focus groups. While most of the cadets other than the freshmen had “fourth class training abuses” as a low priority, the TACs had it as their highest. But agreements among the focus groups are notable. The cadets, coaches, and TACs all agreed that the cadet discipline system is a significant issue. The cadets and TACs shared a concern with “accountability and exceptions to policies & standards.” All of the groups noted problems with the honor system, although the TACs and especially the coaches saw this as a more significant concern than the cadets did.

On behalf of IPAC, Institutional Research also conducted an online survey of the college’s faculty and staff. Surveys were sent to 946 individuals and were completed by 315, a response rate of 33%. Like the focus group participants, the faculty/staff members were invited to list five areas of concern. They were given examples from

the CEIT list that the focus group participants had used but were told that "the items listed above are just examples" and that they "may or may not include any of them."

The open-ended nature of the survey led to a wide number of issues receiving mention, but the responses did focus on a small handful of issues. Nearly half of the respondents identified "sexual harassment/abuse & gender issues" as a significant concern. About one-third of the respondents identified "fourth class training abuses." The other issues that drew substantial mention were "substance abuse," "honor system," and "discipline system."

An interesting discrepancy between the survey results and the findings of the focus groups is the relative weight given to the issue of "sexual harassment/abuse & gender issues." The faculty & staff survey had this as by far the top area of risk to the institution, while the cadets as a whole, coaches, and TACs had it somewhere in the middle. (The cadet human affairs officers did have this issue as their top concern.)

In response to this data from the survey and the focus groups and after reflecting on their own sense of the risks to the institution, the IPAC as a whole identified two tiers of issues. The first tier was made up of five issues:

- sexual assault, harassment, gender and racial bias
- alcohol and substance abuse
- hazing and training abuse
- honor system
- discipline system.

In the second tier were four issues:

- disaster preparedness (including issues of campus security)
- student welfare & morale
- employee welfare & morale
- questions involving accreditation and certification.

On 24 January 2012 IPAC briefed President Rosa on the two tiers of issues. Following this briefing, President Rosa decided on six investigative panels, one each for the five first tier issues and a sixth for campus security and student and employee welfare and morale.

Volunteers for the six panels were solicited from the college's faculty and staff. Provost Hines and Professor Carter worked to staff the panels with a strong cross-section of faculty members and staff members. They also recruited several prominent alumni to serve on panels.

One key principle followed in staffing the panels was to ensure that members would be knowledgeable and interested in their subject, but in no case at that time professionally responsible for it. So, for example, the Faculty Advisor to the Honor Court did not serve on the panel on the cadet honor system, nor did the Assistant

Commandant for Discipline serve on the panel on the cadet discipline system. In both cases these individuals provided information and perspective to the respective panels, but the panels retained their own objectivity and independence.

With the establishment of the six investigative panels, IPAC had thus fulfilled the first part of its charge.

Section 2: IPAC Top Ten Recommendations

On 7 March General Rosa and Dr. Palms held a meeting with IPAC and the six IPAC panels, beginning the second, main phase of the IPAC self-study.

The six IPAC panels met continuously throughout the months of March and April, identifying elements of risk within their areas and developing recommendations for improvements. It soon became apparent, however, that drafting well-informed reports was going to take longer than eight weeks. The deadline for the separate panel reports was therefore extended until the end of July.

But in order for President Rosa to brief the Board of Visitors and for the college's administration to begin work on some of the matters that IPAC would be bringing forward, the panels were asked to identify their most important recommendations. Working closely with the chair, the other members of IPAC, and the panel chairs, a briefing was prepared for President Rosa on 14 May of IPAC's top ten recommendations.

IPAC's top ten recommendations are as follows:

- Implement mandatory background checks and training programs for employees, students, and volunteers involved with youth programs.
- Modify, consolidate and promulgate policies and procedures regarding protection of youth
- Establish a full-time alcohol prevention program for the entire campus
- Improve weapons security on campus (M14s & personal weapons)
- Lock doors on all cadet rooms in the barracks
- Reinvent the OC Program and "Take back the Night"
- Implement the operational changes regarding the Honor system
- Implement the operational changes regarding the Summerall Guards
- Develop and implement a workable plan to address the hostile environment that exists with regard to women in the Corps of Cadets.
- Develop and implement a new plan to diversify the workforce and student body

To avoid redundancy in this report, we will discuss the top recommendations in the paragraphs devoted to the separate panels. Documentation of the issues can be found in the actual panel reports presented as appendices to this narrative.

At the May briefing, President Rosa asked for information on two other matters not covered in the IPAC top ten—fourth-class training and mentoring programs such as the host family program. The panel on training abuses had devoted most of its attention to questions about Summerall Guards, but fourth-class training has remained on its agenda. The panel recommendations on fourth-class training are discussed below. Regarding mentoring programs, Professor Carter decided to take the lead himself since the question didn't fit naturally into any one of the current panels. In a follow-up meeting in early July between the President, the vice-presidents, and the IPAC panel chairs, the following concerns associated with the mentor programs and sponsor program were identified:

- Establishment of program goals
- Selection and assignment of mentors, to include the issue of background checks
- Integration of the programs with The Citadel experience
- Evaluation of the programs

The decision was made that the Citadel Experience Integration Team should be responsible for addressing these issues.

Subsequent to the May briefing and the July follow-up meeting, the Provost developed an action plan for the top ten IPAC recommendations. A coordination plan, linking members of IPAC to the relevant vice-presidents regarding each of the top ten recommendations was also developed.

Section 3: IPAC Panels

Each panel submitted its report in late July 2012. These complete reports are presented here as appendices 2 through 7. For the reader's convenience, we provide here summaries of each report. Appendix 1 contains the recommendations from each panel.

- IPAC Panel on the Cadet Discipline System

Chaired by Dean Bo Moore of the School of Humanities and Social Sciences, the IPAC Panel on the Cadet Discipline System examined the current policies and practices of the cadet discipline system. The January focus groups had so prominently featured concerns about "accountability and exceptions to policies/standards" that *consistency* and the *targeting of cadets* were among the items this panel was asked to consider. They were also asked to look at the role of the TACs and OCs and the conceptual base of the entire discipline system.

In fulfilling their charge, this committee reviewed the college's official publications such as the Blue Book, White Book, Red Book, and the Honor Manual. They also consulted internal documents such as the recent Social Climate Surveys and Commandant's briefings to the Board of Visitors. They conducted extensive interviews of cadets, TACs, OCs, and other members of the Commandant's department, including the Assistant Commandant for Discipline and the Commandant of Cadets himself. Finally, three panelists made unannounced nighttime observation visits to the barracks.

Panelists (four of whom had once been cadets) were surprised at how exceedingly cumbersome and antiquated the operations of the discipline system are.

- With more than 350 pages of regulations, our policies are far more elaborate than those of other military institutions such as VMI, Norwich, and West Point. Testimony to the Panel indicates that "very few (if any) people try to read, much less understand and follow, the intimidating volume of written rules."
- Our process of adjudicating punishments involves cadet commanders, TAC officers at both the company and battalion level, and administrators in Jenkins Hall. As a result, it frequently takes about two weeks for a punishment actually to be assigned. Part of the delay is that much of this is done in handwriting, with paper copies being handed from person to person along the way to a final disposition.
- Although computerized, the Class Absence System nonetheless generates an enormous amount of paperwork, as cadets compose ERWs to avoid punishment and various college officials respond to them. The estimate is that roughly 40% of the administrative activity in the discipline system has to do with class absences.
- Because so much of the discipline system still takes place in a "pencil and paper" environment, the Panel was unable to answer with confidence the question in its charge regarding consistency. The Panel report points out that "there is no centralized, electronic data base that lends itself to making systematic comparisons and evaluations."

The Panel also expressed significant concern about the conceptual model of the discipline system, which seems to stress "intimidation and punishment" and which seems very much at odds both with psychological research on developing self-discipline and with the best practices of the United States Armed Forces. Panelists also heard of significant variations in disciplinary emphasis and practice between companies, and about the lack of systematic training and evaluation of TACs.

But the Panel's greatest concern has to do with the Night OC system, which, the report indicates, "is in need of major change and perhaps ought to be eliminated

altogether and replaced by something different.” Testimony to the Panel indicated that the OCs “exercise little authority and are not well respected by cadets.” The unannounced nighttime visits by three panelists to the barracks strongly corroborated this testimony. (Reports on these observation visits are included as attachments to the Panel report.)

Recommendations and Conclusion Given its importance, the summary and conclusion of the panel report is also presented here:

The Citadel’s disciplinary system is broken. Its written rules for cadets are too long and complex to serve as an optimally effective code of conduct. Few, if any, people read all of them. Many read virtually none of them. Common law “traditions”—many of which violate either the spirit or the letter of the written rules—within individual companies exercise greater power over cadet behavior. TACs, OCs, and cadet leaders are given vague mission statements, no measurable goals to achieve, no targeted training on how to accomplish them, and no regular evaluations of their performance in comparison to their peers. Most recordkeeping is done with pencil and paper. Administration of the system is cumbersome and inefficient. There is no electronic database with all of the readily accessible information necessary for an empirical assessment of how well the college is performing the various missions it has undertaken within the Corps of Cadets. There is a wide variation in the manner in which rules are interpreted, followed, and enforced. Intimidation and punishment—rather than encouragement and more positive motivational techniques—appear to be the norm. Opportunities for serious misbehavior are much greater than they should be—especially during the understaffed evening hours when there are real and present dangers of catastrophic incidents. But even absent the occurrence of such incidents the wide gap that exists between stated principles and actual practices steadily harms the college, undermines its credibility, and if permitted to continue poses no less a threat to its vital interests. Broadly based and well-integrated reforms should be pursued immediately to reduce present risks, reverse existing trends, and create a new disciplinary system that is better suited to achieving The Citadel’s mission of producing enlightened, principled, and successful leaders for the increasingly diverse and globalized society of the twenty-first century.

The Panel on the Discipline System has made eight recommendations, which are listed in the report, which is Appendix 2. The IPAC top recommendation regarding the Night OCs comes from this panel, as well.

The problems with the discipline system that the Panel was able to document are so significant that the IPAC as a whole has added the following to its list of top recommendations: “The College must undertake a major reform of the cadet discipline system, to include the approach and philosophy used for discipline.”

- IPAC Panel on the Cadet Honor System

The IPAC Panel on the Cadet Honor System worked to develop new Standard Operating Procedure documents for the honor system—one on the duties of the Faculty Advisor, one on the selection of members of the Honor Committee, and one on the structure and function of Honor Boards of Review.

In being tasked to develop these documents, this Panel had a considerably more focused charge than the other panels. There are two reasons for this:

- First of all, the honor system already functions as a way of keeping risk away from the college. As the college's general counsel confirmed to the Panel, colleges have a great deal of discretion in disciplining students. Courts will not interfere unless colleges act arbitrarily and without regard to students' rights. So in developing the SOPs, the Panel was not identifying a risk but was, instead, enhancing the operations of a fundamental cornerstone of the college's operations.
- Second, as mentioned above, the January focus groups all identified the cadet honor system as a cause of concern. These results highlighted what President Rosa and others had felt for some time—the honor system needed attention. On a few occasions, trial findings of "in violation" had been overturned by Honor Boards of Review or by the President himself because of procedural problems where the Honor Court had not followed its published standards. The President was also concerned about whether accused cadets were receiving fair and objective advice. The IPAC Panel was a way to act on these concerns in developing new SOPs that would enhance equity and transparency in the operations of the honor system.

Chaired by Colonel Douglas Fehrmann, the IPAC Panel on the Honor System began its work by looking over files and reports pertaining to the current and past operations of the court. Colonel Fehrmann reported to the panel on a telephone interview that had taken place with representatives of the honor system at VMI. Panelists also looked over the honor manual from the United States Air Force Academy. They also conducted interviews with The Citadel's general counsel, with the current and previous advisors to the court, Professors Kyle Sinisi and Michael Barrett, and with Coach Kevin Higgins.

To facilitate the drafting of the SOPs, one of the panelists used the honor manual to create a flow chart tracing a hypothetical case from accusation through its ultimate disposition. Panelists then examined every step with a view to enhance equity and transparency.

The proposed SOPs are an integral part of the panel report, which is Appendix 3, and should be read in their entirety. What follows is a brief description of the principal changes to be found in the SOPs.

The SOP for Faculty Advisor A most important feature of the new SOP on the duties of the faculty advisor is the proposed creation of a three-person staff—the Faculty Advisor to the Honor Court (FAHC), and two Advisors for Investigations, one for the prosecution (the AIP) and one for the defense (the AID).

At The Citadel, the tradition has been for a single faculty member to serve as advisor to the Honor Court. The work is exceptionally time intensive. Its corps is smaller and the number of violations per year is proportionately smaller still, but VMI has three people advising its honor court. Although he does not agree with the changes suggested by the IPAC panel, the former faculty advisor, Professor Sinisi, did indicate that he could have used some help in fulfilling his duties.

The position of Faculty Advisor has traditionally been without term limits and without any formal supervision. In the new SOP, the FAHC will serve a maximum of five years and will be evaluated annually by the Director of the Krause Center for Leadership and Ethics. The Krause Center Director will be the president's senior advisor on the honor system.

One of the most significant criticisms of the honor system has been that, when a case is being developed, the Faculty Advisor gives advice to both the Vice Chair for Investigations and his or her investigative teams and to the accused cadet. This can be seen as a conflict of interest. Working as closely as they do together over the course of a year, the Faculty Advisor and VCI inevitably form a working relationship that critics believe could prove prejudicial to accused cadets. The proposed creation of the two new advisor positions is intended both to separate the FAHC from investigations and to create the opportunity for an accused cadet and those helping with his or her defense to receive objective advice during the entire process. In the new SOP, the AIP and AID will work separately with the prosecution and defense. The FAHC will supervise the process.

Currently cases are approved for investigation by the Executive Assistant to the President and for trial by the cadet Vice Chair for Investigations. In the new SOP, it is proposed that the Deputy Director of the Krause Center assume the role of the EAP. (This is part of the move shifting the honor system to the Krause Center for Leadership and Ethics, the most appropriate venue for it.) The FAHC will, after consulting with the Honor Court president and the AIP and AID, approve all cases for trial.

The SOP for the Honor Committee One of the most significant concerns recently raised about the honor system is that sometimes cadets have served on courts despite being ineligible to do so. The IPAC panelists strongly believe that members of the honor court must be above reproach. The new SOP mandates that cadets who

serve on the honor committee must be proficient in terms of academics, discipline, and fitness. Regarding discipline, the requirement is that "cadets who have committed a Class I offense during the current or previous year are ineligible for nomination/election [to the Honor Committee]. Cadets who have been suspended or dismissed from the college for any type of disciplinary offense and subsequently readmitted are ineligible for nomination/election to the Honor Committee." Regarding academics, members of the Honor Committee must have attained the classification of "1A" in fall and "1B" in spring; they must also have at least a 2.3 GPA. Prior to each trial, the FAHC has the duty of confirming that each member sitting on the panel currently meets all requirements for service on the Honor Committee.

The SOP for Honor Boards of Review The only significant changes proposed here are that the Deputy Director of the Krause Center will take over the role of the Executive Assistant to the President in establishing HBORs, that academic department heads may now serve as chairs of HBORs, and that the Advisor for Investigations/Defense (AID) will be available as an advisor to the appellant.

Recommendations and Conclusion The adoption of the operational changes in the cadet honor system described in the new SOPs is an IPAC top recommendation. The Panel on the Cadet Honor System has made additional recommendations regarding record keeping and honor education. The Panel also recommends a comprehensive review of the college's honor system, covering, among other matters, the problem of overlap between the college's cadet discipline and honor systems.

- IPAC Panel on Hazing and Training Abuses

Chaired by Associate Provost Mark Bebensee, the IPAC Panel on Hazing and Training Abuses spent a significant amount of time in March and April focused not on freshmen, but on upperclassmen. They did this because rumors were widespread on campus about bizarre practices involved in the training and selection process of the 2011 and 2012 Summerall Guards. In looking into the matter, panelists discovered that the Commandant's department was conducting its own inquiry. The Commandant of Cadets met with the panel and shared what he had learned.

Upon hearing the Commandant's testimony, panelists developed recommendations of how to respond to the training abuses associated with the Guards. These recommendations are as follows:

1. Until further notice, all off-campus performances/trips for the 2013 Summerall Guard should be hereby suspended; on-campus performances at Parents' Day and Homecoming should proceed as usual, provided that adequate progress is being made in the areas outlined in point #2 below.

The resumption of off-campus performances should be considered only after the activities in point #2 below have been accomplished.

2. Working with a select group of faculty, staff, and alumni the following activities should be conducted.
 - a. Redefine the mission and culture of the SG...represent the "best of The Citadel...professionalism."
 - b. Redefine the selection process using only objective criteria to include Physical fitness, Drill proficiency, Conduct proficiency, Military proficiency, and Academic proficiency.
 - c. Eliminate all servitude ("roaching").
 - d. Define the training period, training activities, and training supervision.
 - e. Redefine the governance model to be a command and control model as follows: President, Commandant, OIC (direct report to Commandant), Cadet Commander. [Note Officer in Charge (OIC) rather than "Advisor."]
 - f. Establish accountability within this command and control model.
3. Provided that these activities are completed during AY 2012/13, select and train the 2013/14 SG.

The Panel made these recommendations to President Rosa at the 14 May IPAC briefing.

Subsequent to the briefing, Professor Beensee represented IPAC in a Working Group that the Commandant had called together to develop a "Summerall Guards Transformation Plan." The outcome of this Transformation Plan has, as of this writing (17 August 2012), not yet been announced.

After considering the Summerall Guards problem, the Panel turned its attention to fourth-class training abuses and did so "by looking at the three major studies of that system which the institution had conducted since 1968." Panelists noted that the three studies—the Whitmire Report (1968), the Mood Report (1980), and the Lane Report (1991)—share many of the same findings. The Panel report, available here as Appendix 4, contains a detailed summary of each of these major reports.

Recommendations and Conclusion The adoption of recommended operational changes for the Summerall Guards is an IPAC top recommendation. The Panel also has made a series of recommendations regarding the fourth class system based both upon the common findings of the three major studies and upon the lengthy experience of the panelists in working with fourth-classmen. Among these recommendations is one to consider the "scrambling" of company assignments, another to consider shortening the duration of knob training, and another to consider the rotation of rank during the school year. All of the recommendations are listed in the Panel's full report in Appendix 4 and in the list of recommendations in Appendix 1.

- IPAC Panel on Alcohol and Substance Abuse

Chaired by Dr. Jane Warner, Director of the Academic Support Center, this panel studied official policies and survey data as well as applicable federal and state laws and alcohol and drug policies from other institutions.

The Citadel has a zero tolerance policy for illegal drugs. The zero tolerance policy is enforced through the random testing of the cadet corps for illegal drugs. During the 2011-12 academic year, the Commandant's department reported 13 expulsions, one dismissal, and one suspension for drug-related offenses.

Data from the Fall 2011 CORE Institute Alcohol and Drug Survey indicate that Citadel cadets report significantly lower rates of marijuana usage than their peers—11.2% for cadets vs. 31.2% for members of their peer group. The Citadel's random drug testing is working to keep this number low; 45.8% of respondents within the corps who had "used illegal drugs in the past reported that The Citadel's random drug testing deterred them from using" them currently.

Survey results indicate that alcohol abuse is substantially more prevalent among cadets than is drug abuse. The Citadel has administered the CORE survey nine times—twice to freshmen only and seven times to the corps as a whole. Cadets have consistently reported higher incidence of annual alcohol usage than have their national reference group peers, although the gap between the cadets and their peers has narrowed in the last two administrations of the survey. In the Fall 2011 administration of the survey, 51% of the cadet respondents reported binge drinking in the previous two weeks and 60% reported underage consumption in the past thirty days.*

The Panel found that The Citadel "is making a significant effort" in combating alcohol abuse. The Commandant's department punishes violations of college policies and regulations. The predominant alcohol-related offense is possession of alcohol on campus; among other alcohol-related offenses that have been punished in the past three years are "hazing," "major violation of the fourth-class system," "gross poor judgment," and "bringing discredit to The Citadel." The Citadel Counseling Center reported that in the 2010-11 academic year 104 cadets sought counseling regarding alcohol-related issues; 89 of these were mandatory referrals based on an alcohol-related violation of school rules.

* It is worth noting here that the IPAC Discipline Panel heard some troubling testimony about the impact of binge drinking on the cadets. In interviews with night OC's, one of the panelists was told that alcohol abuse was the single most pressing discipline issue. One OC told the panelist that his basic rule was that, if a cadet came to the barracks gate drunk but could walk and say his or her name, he would let the cadet enter; if not, he would make the cadet go to the infirmary.

TAC officers play an important part of the college's education and enforcement program regarding alcohol and illegal drugs. Not only do the TACs enforce the college's rules, but they also educate the students by presenting The Citadel's policies and rules to the cadets of all four classes in the "Rules of the Road" components of the Leader Education Program. The TACs are also well placed to encourage cadets "to seek counseling or self-help programs both on and off campus before disciplinary actions are required." One must note, however, that the TACs are not usually present on campus when cadets come into the barracks after a night of drinking.

Recommendations and Conclusion The severity of the problem of alcohol abuse on campus has led the Panel to recommend that The Citadel establish an office to provide a comprehensive alcohol and substance abuse program for The Citadel and that "staff for this office be hired from outside The Citadel." This is an IPAC top recommendation. The full Panel report is available as Appendix 5.

- IPAC Panel on Sexual Assault and Harassment and Gender and Racial Bias

Chaired by Professor Julie Lipovsky of the Psychology Department, this panel studied official policies and survey data. They also conducted interviews and considered best practices.

Youth-Related Programs The Panel found that, although The Citadel has taken many steps to prevent the sexual abuse of minors, there is no coherent approach to the problem. The Panel report, available here as Appendix 6, indicates that many people on campus ... have contact with minor children. Many of these people likely are unaware of and unskilled in behaviors that are protective of children. No one person with an expertise in child protection oversees programs involving children, and no one policy covers all aspects of this area.

To remedy this lack of oversight, the Panel recommends two steps:

- first, the institution should hire someone to "coordinate training, background screenings, policy development and compliance related to child protection"
- second, the institution should engage "an outside consultant with expertise in child sexual assault ... to examine and consolidate our policies in this area as well as to advise the institution about ways to improve its proactive stance towards child sexual assault." The Panel strongly believes that an external, rather than internal, review is necessary.

To enhance the safety of minors who come on campus, the Panel also believes that employees, campus residents, students and volunteers should receive Darkness to

Light *Stewards of Children* training. These individuals should also be required to have SLED background checks.

Currently any organization or group that wants to use Citadel facilities for a program involving youth is required to complete the "Activities Involving Children Approval Form"—commonly called the "Camp Packet." A completed form circulates from office to office on campus acquiring signatures. Each person whose signature is required examines the form from his or her own departmental perspective, but it is unclear if one person ever looks at the completed form from an over-all Citadel perspective. As the report indicates, "if everyone has partial responsibility, no one has full responsibility."

To correct the lack of oversight with the "camp packets," the Panel recommends that one person should have final approval of each packet and that the packet itself should require information from the applicant organization that would enhance child protection.

Sexual Assault When examined from a best practices perspective, The Citadel is doing an excellent job in addressing the problem of sexual assault. The Panel report indicates that "Janet Shealy, the director of C.A.R.E. (Cadet Advocacy, Response, and Education) has worked with others on campus to develop and implement programs designed to educate people about sexual assault, prevent the occurrence of sexual assault, and respond effectively in the case of a sexual assault incident."

Statistics on sexual assault show roughly seven reports over a twelve-month reporting period. This number has increased slightly over the past six years, but the best professional judgment is that such a slight increase is more likely to reflect an improvement in reporting rather than an actual increase in events.

Although there seems to have been progress in the reporting of sexual assaults, significant challenges remain. Panelists heard testimony that "cadets of both sexes in some companies have reported they have been discouraged from reporting incidents of sexual assault" because "what happens in the company should stay in the company." Panelists also heard of a significant amount of resistance to the college's efforts to provide education on sexual assault. Evidently "cadets do not all take the education sessions seriously," thereby creating a hostile environment. As the report notes, "policies can only go so far when the environment fosters secrecy and the culture among cadets minimizes the problem."

Sexual Harassment As is the case with sexual assault, The Citadel seems to be following best practices in developing programs and policies responding to sexual harassment.

Emma Bennett-Williams, the college's Chief Diversity Officer, is responsible for sexual harassment education and response regarding employees. Ms. Bennett-

Williams reports that there have been only a few complaints concerning employees in the past several years.

In contrast to the situation with employees, the situation with female cadets seems significantly more serious. Despite efforts to address the problem that are based on best practices, several knowledgeable sources on campus told the Panel that it seemed to them that most, if not all, women cadets experienced some form of harassment. While some of the harassment is the typical sexual harassment found at other institutions, some of it is what would be more accurately termed "gender based" and is tied to a lingering resistance to having women in the Corps of Cadets. That is, women in the corps are being harassed because they are women. The 2011 Social Climate survey of cadets indicated that 45% of male cadets believe that women do not belong in the corps.[†]

To go along with this hostility towards women in the corps is a corresponding sense among many male cadets (nearly 43%) that women cannot be effective leaders. A particularly disturbing element of the survey data is that, while most male freshmen cadets hold positive views regarding the leadership of women, "the percentage of cadets who do so decreases over the next three years. Thus, upper-level cadets are, in effect, teaching younger cadets to disrespect women." There is also the sense that "embarrassing and disrespectful behavior" observed from some alumni towards women cadets has contributed to the development of negative attitudes in cadets.

The Panel is concerned that the college has not provided enough positive examples of the leadership abilities of women to counter this negative impression. For example, only one of the fourteen Greater Issues speakers in the past five years has been a woman. There are currently only two female tactical officers, the senior leadership within all of the ROTC detachments is male, and there are not even pictures of women on any of the ROTC department websites. Within the corps, women tend to be overrepresented in some leadership areas, such as Human Affairs, but nearly absent in others, "particularly those at the company and battalion levels, as well as within the Honor Court." There are few female administrators, few female faculty members (particularly in the rank of full professor), and few senior staff members.

Adding to concerns about the lack of women in leadership positions on campus is the relative lack of visible programs that address women's leadership or highlight successful women. There is focus on this issue within academic and LDRS coursework, the military programs, specialized groups (e.g., Women Actively Seeking Achievement), and through occasional speakers in a variety of

[†] Nighttime observations of the battalions conducted by members of the IPAC Panel on Discipline uncovered an obvious instance of this hostility. Under the label "Wall of Shame" on a door in one of the battalions was a cartoon showing a pony-tailed head wearing a cadet shako with the universal sign of a slash across it. See the picture on p. 24 of this text.

contexts. However, this focus is not readily apparent beyond these venues, nor is it integrated across the campus.

Diversity of Employees and Students The Panel report notes that “The Citadel historically has been made up of a homogeneous faculty, staff, and student body” and that the institution’s efforts to change that status quo have not succeeded.

Regarding workforce diversity, in the required 2012 South Carolina Human Affairs Committee Report to the General Assembly the institution states that “not only has The Citadel consistently failed to effectively utilize females and minorities in employment but for the past ten years, The Citadel has also failed to attain a minimum of 70% of its affirmative action goals.” No other state agency has such a prolonged history of failure in regard to affirmative action goals.

Despite this history of failure, The Citadel has continued to use “the same recruitment approaches to attract minority and women faculty and staff that have always been used.” The Panel believes that a new approach is essential, an approach developed with outside consultation and that is “specific to the characteristics and needs of The Citadel.”

The difficulties associated recruiting a more diverse workforce are present also in recruiting a more diverse cadet corps. Over the past five years the percentage of women cadets has remained stable at between 5.8 and 6.5 while the percentage of African American cadets has risen slightly from 6.8 to 8.4.

The Panel report maintains that “The Citadel continues to operate with unsuccessful policies and procedures despite little change in the percentage of women and African Americans enrolled each fall.” For instance, alumni volunteers conduct some recruitment activities for the cadet corps. But of the eighty or so volunteers, it is estimated that only eight are African American and only three are women.

It has been argued that until we have a cadet corps with a population of about 15% women, we will “continue to struggle with issues of sexual harassment.” Given the dangers of the status quo to our institutional mission, it is imperative that we change what we are doing. The institution might, for instance, expand into new academic majors as a way of attracting more women students. But the Panel believes that, in order to make the essential changes, the institution needs a new plan, one developed with outside consultation and specific to our distinct institutional needs.

Gender and Racial Bias Given the complexity of the issues already described, the Panel was not able to explore other problem areas in any kind of depth. Panelists believe, however, that “many of the same problems/concerns may arise in relation to the climate with respect to race, Corps Squad, and other areas of diversity broadly defined (people with disabilities, international students, and

people in the GLBT community).” In recent months, the college has sponsored training of faculty and staff members by the National Coalition Building Institute (NCBI). Further NCBI training of personnel throughout the college would help improve the institutional climate regarding diversity.

Recommendations and Conclusion Here at the conclusion of the panel phase of the IPAC process, it is safe to say that the matters dealt with in this Panel report have clearly been revealed as the most pressing of all those facing The Citadel. A measure of this is that four of IPAC’s top recommendations have to do with this area:

- Implement mandatory background checks and training programs for employees, students, and volunteers involved with youth programs
- Modify, consolidate and promulgate policies and procedures regarding protection of youth
- Develop and implement a new plan to diversify the workforce and student body
- Develop and implement a workable plan to address the hostile environment that exists with regard to women in the Corps of Cadets.

The Panel has made numerous other recommendations and provided suggested resources to address the above issues. These are given in the report itself, which is Appendix 6, and are listed in Appendix 1.

- IPAC Panel on Campus Security and Student and Employee Welfare and Morale

Chaired by James Grigg, the Director of Physical Plant Operations and Resident Engineer, this panel investigated a wide range of issues having to do with campus security and welfare by conducting interviews and consulting published documents and surveys, particularly the 2012 Faculty/Staff Social Climate Survey and The Citadel Senior Experience and Social Climate surveys of cadets. Panelists also met with Faculty Council and with members of the Graduate Students Council.

Weapons Security The threat of a school shooting came up repeatedly in interviews conducted during the IPAC process. Public Safety does conduct regular training on what to do in response to a shooting, and they have coordinated plans of action with the Charleston Police Department. But there is widespread concern about the lack of weapons security on campus, both in regard to the M-14s issued to cadets and to personal weapons.

The M-14s are federal property and have been issued to The Citadel by the United States Army Cadet Command of Fort Monroe, Virginia. The 2008 Memorandum of Agreement between The Citadel and Cadet Command notes that the rifles “are not de-militarized” and that “although firing pins and selector switches have been removed...a resourceful cadet could purchase a firing pin and selector switch from a

local gunsmith or gun show and restore the weapon to full mission capable status.” Citadel Public Safety officers, the College Armorer, and others knowledgeable about the M-14 do confirm that a rifle could easily be made operational quickly and for less than \$100.

The Citadel stores the M-14s in the same way as they do at the United States Military Academy. When the cadets are on furlough, the M-14s are locked in a secure armory. When school is in session, the rifles are issued to the cadets who are responsible for keeping them secure. When not in use, each rifle is supposed to be behind two locks—the lock on the rifle rack in the cadet barracks room and the lock on the barracks room door itself.

Despite regulations to the contrary, Citadel traditions strongly discourage cadets from locking their room doors. It is therefore not uncommon for some, if not most, of the rifles to be relatively unsecured for long stretches of each day.

From all that the Panel learned, it seems quite easy to make an M-14 functional but very difficult for the college to keep it adequately secure. This set of circumstances is, therefore, a significant risk to The Citadel.

Nor are the M-14s the only cause of concern regarding weapons security. College regulations allow cadets to bring their privately owned firearms onto campus, so long as they check them with Public Safety and store them in the college armory. Firearms have, however, been found in cadet rooms and vehicles, and there is a suspicion that some may be in the Central Supply warehouse cadet storage area. Moreover, there seems to be no college policy regarding whether faculty, staff, or visitors may bring weapons onto campus.

Disaster Preparedness As a state agency, The Citadel takes part in the South Carolina Emergency Operations Plan, “an all-hazard plan developed for use by state government departments and agencies to ensure a coordinated and effective response to natural, technological, or man-made disasters that may occur in South Carolina.” The Citadel also has an Emergency Response Plan, a Crisis Management Plan, and plans for hurricanes and influenza pandemics. Citadel personnel train for emergencies according to a schedule put in place in an Annual Exercise Program for Safety, Security, and Public Safety.

Although we have sound plans for dealing with emergencies, there is a sense that these plans are not as well known as they should be.

Faculty and Staff Morale The 2012 Faculty/Staff Social Climate Survey was administered in March and April of 2012, the same months that the IPAC Panels were doing the bulk of their work and a time of great upset on campus following the revelations about Skip ReVelle. The 2009 survey was administered at a time that the institution was dealing with significant state budget reductions.

The 2012 results differ substantially from the results of an administration of this survey in 2009. The difference is most obvious in the responses from the faculty because the faculty response rate of slightly more than 38% is more than double the staff response rate (18%).

For the faculty, 54 of 55 items on the survey have lower results in 2012 than in 2009. Among the most significant declines are those items having to do with the institution's senior leadership. For example, the item "this institution is well run" fell from an agreement rate of 65% to 41%. Similar declines occurred in the following areas; (1) providing a clear directions for the future, (2) knowledge, skills and experience necessary for institutional success, (3) showing a genuine interest in the well-being of employees, (4) communicating openly about important matters, (5) modeling institutional values, and (6) believing senior leadership.

These survey results suggest that there has been a significant decline in the trust and confidence that faculty place in the senior administration of the institution. This is a critical issue because, as Stephen Covey explains in his 2006 book entitled *The Speed of Trust*, trust is the "life-blood" of an organization.

One significant disappointment of the 2012 survey is that it indicates that changes that had been prompted by the 2009 survey have not really borne fruit. The institution had seen room for improvement based on the 2009 results. That survey had been administered on the heels of the economic collapse of 2008, when Citadel employees were dealing with budget cuts and, in some staff areas, even facing the prospect of reductions-in-force. To increase communications regarding these issues, the college's senior administration began a series of "town hall meetings," where employees were given the opportunity to raise concerns.

The Panel has made several suggestions in its report regarding ways to improve the town hall meetings and further communications between faculty, staff, and the senior administration. In order to gain a better understanding of these survey data, IPAC recommends that follow-up studies be conducted using independent, non-administrative facilitators as focus groups leaders. This is particularly needed due to the very different environments which existed when these surveys were conducted. Finally, it should be noted that simply increasing communications will not fully address this issue.

Given the seriousness of the issue, IPAC as a whole has added the following to its list of top recommendations: "To strengthen the trust between students, faculty, and staff that is essential for The Citadel to achieve its mission, the College's administration must enhance communications and the decision making processes within the institution. Above all, The Citadel must ensure that its actions are consistent with its communications."

Student Morale Panelists looked at results from the Cadet Social Climate surveys and the Citadel Senior Experience surveys. The Social Climate survey

measures attitudes on gender and race, among other issues; the Senior Experience survey contains questions on the college's programs and on the students' career plans.

What was particularly striking about the survey data is the relative lack of change in responses from year to year. Despite all that has changed in the last ten years with expanded leadership development programs and Values and Respect training, the Social Climate surveys suggest that attitudes within the corps have remained more or less constant. The consistently expressed views suggest that "the culture and traditions of the Corps overwhelm the changes to maintain the status quo."

As a way of exploring attitudes held by CGC students, a panel member met with some members of the CGC student government. These individuals made a number of interesting suggestions about how to improve the CGC student experience. For instance, they pointed out that many graduate students think that required courses in their programs are not offered often enough so that they end up having to delay the completion of their degrees. They also stressed the need for a physical space for graduate students, a place where they could relax between classes, buy food in the evening, and basically just get to know each other in an informal setting.

Recommendations and Conclusion Two of the IPAC top recommendations come from this Panel—"Improve weapons security on campus (M14s & personal weapons)" and "Lock doors on all cadet rooms in the barracks." The Panel has also made a series of other recommendations in its full report, available here as Appendix 7. Regarding disaster preparedness, the Panel recommends centralizing access to all relevant disaster plans and improving training on them. To improve morale, the Panel also recommends some steps that would enhance communication on campus.

Section 4: Conclusion

In response to the charge from President Rosa, IPAC is here presenting its report highlighting significant challenges facing the college. The members of IPAC and its six panels point out these challenges frankly and in an earnest spirit of improving the college's performance of its central mission of educating principled leaders.

Based on the results of the study, the case of Skip ReVille is but one of too many instances in which the institution's realities are at odds with its ideals and values. The report further concludes that the continuation of the status quo in these areas of the college's operations poses serious risks to The Citadel. The committee's response has been to recommend a series of bold corrective actions to be instituted immediately. Action on these recommendations should not be delayed.

In addition however, actions of the sort called for in this report must be accompanied by a change of culture within the institution that will maximize the

possibility that these actions will gain traction and produce long-term results. Implementation and success will require exceptional leadership from the highest levels of the institution.

While there are a number of important recommendations from the panels (see Appendix 1), it is the consensus of IPAC that the following fourteen recommendations must receive first priority and immediate action by the institution. These fourteen critical recommendations are presented here in the context of The Citadel's core values of Honor, Duty, and Respect:

HONOR

To enhance equity and transparency in the cadet honor system, the College must adopt the new Standard Operating Procedures documents on the duties of the Faculty Advisor, on the selection of members of the Honor Committee, and on the structure and function of Honor Boards of Review.

To strengthen the trust between students, faculty, and staff that is essential for The Citadel to achieve its mission, the College's administration must enhance communications and the decision-making processes within the institution. Above all, The Citadel must ensure that its actions are consistent with its communications.

DUTY

The OC program currently in place is not providing necessary security in the barracks at night. This program must be reexamined and reinvented.

By all reports, cadets are not following regulations about locking their room doors. This is a clear instance of the saying that, without vigilant supervision, "culture eats strategy for breakfast," and it must change.

The College must improve weapons security on campus, in regard both to the federally-owned M-14s and to privately-owned weapons.

The College must address the problems that have arisen regarding the training and selection of the Summerall Guards by adopting a strict and comprehensive operational plan for the Guards.

With documents like the Whitmire Report, the Mood Report, and the Lane Report in mind, the College must take a new, comprehensive look at the fourth-class system, one that considers our knob traditions in light of our core values of HONOR, DUTY, and RESPECT.

Given the seriousness of the problems of binge drinking and underage drinking in the corps, The Citadel must establish a fully staffed office to provide a more robust alcohol and substance abuse program for the college.

The College must modify, consolidate, and promulgate policies and procedures regarding the protection of youth.

The College must implement mandatory background checks and training programs for employees, students, and volunteers involved with youth programs.

The Citadel Experience Integration Team must devise an operational plan governing all sponsorship and mentoring programs on campus.

The College must undertake a major reform of the cadet discipline system, to include the approach and philosophy used for discipline.

RESPECT

The College must develop and implement a new plan to diversify the workforce and student body.

The College must develop and implement a new plan that combats negative attitudes toward women and builds upon the work of those cadet companies and other entities within The Citadel that have successfully assimilated women.

This institutional assessment affords The Citadel a critical opportunity to enhance the culture and character of the institution consistent with its core values of Honor, Duty, and Respect. During the course of this assessment, it has become clear that many members of The Citadel community are eager to participate in actions called for in this report. Such an initiative has the potential of building community within the institution as well as strengthening the institution and its reputation as an institution of higher education dedicated to achieving excellence in the education of principled leaders.



Illustration referenced in footnote on p. 16. [Return to text.](#)

IPAC Final Report

Appendix 6

Panel Report on Sexual Assault and Harassment and Gender and Racial Bias

YOUTH-RELATED PROGRAMS

This panel was charged with examining current policies/procedures and areas of potential risk in relation to activities involving Citadel faculty/staff/students/volunteers and youth. The charge was to make recommendations to address any areas of concern moving forward. We did not look into past events or The Citadel's response to them.

The panel cannot stress enough how concerned we are about the risk of future incidents of sexual assault by Citadel students, staff, or faculty. Based on information reviewed, we believe The Citadel is an incident waiting to happen. We have many people on campus who have contact with minor children. Many of these people likely are unaware of and unskilled in behaviors that are protective of children. No one person, with an expertise in child protection, oversees programs involving children and no one policy covers all aspects of this area. The current system for mitigating risk of child sexual assault for organized programs is not under one person's responsibility and has a number of significant flaws that increase the risk of an incident occurring.

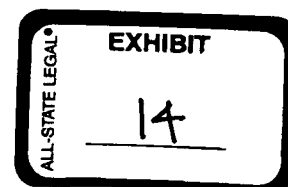
The panel recognizes that it is impossible to completely eliminate the risk of child sexual assault. However, we see a need for change in order to prevent harm coming to children who are involved with The Citadel, as well as to mitigate and minimize risk. **ACTION IN THIS AREA SHOULD BE CONSIDERED TO BE A HIGH PRIORITY.**

Findings, Concerns, and Recommendations

Based upon our review of current efforts to protect children from harm, we conclude that **The Citadel is at high immediate risk for inappropriate sexual behavior to occur between its representatives and minors. The risk is ongoing throughout the year, but highest during the summer.** This conclusion derives from the following findings:

1. There is no one person on campus who has the responsibility to oversee child protection. Thus, many people have a part in the current policies and procedures, but no one has primary responsibility to ensure that these are actually followed.

Recommendation: One full time position should be created on campus to address child protection needs. This person would coordinate training, background screenings, policy development and compliance related to child protection. Other campuses place this responsibility within those of



the Chief Compliance Officer who oversees compliance on all issues.
This would be appropriate at The Citadel.

2. Policies are not clearly defined in one document and no single policy includes all aspects of conduct with minors on and off campus.

Recommendation: An outside consultant with expertise in child sexual assault should be engaged immediately to examine and consolidate our policies in this area as well as to advise the institution about ways to improve its proactive stance towards child sexual assault. **The panel believes that an internal review is not adequate.**

3. Knowledge of appropriate prevention and response strategies, as well as supervision of those working with children varies widely across Citadel-sponsored activities and in other situations where The Citadel might be liable. Thus, while policy requires some people to go through training in sexual assault prevention, there are other people, places, and programs that may pose risks because they do not neatly fall under existing policies. For example, a requirement for approval of youth-related programs is that all people involved in the program go through training in child sexual abuse laws and appropriate responses. In contrast, cadets involved with the Preknob Program, which brings minor children onto campus for a visit that includes spending the night in the barracks, do not receive any training in child sexual abuse prevention.

Concerns about knowledge and awareness extend to situations of unknown, but potentially high risk, including residential areas on campus that include families with children, families hosting cadets in private homes apart from formal programs, and off-campus situations involving Citadel students or employees. In other words, concerns are not confined to those in formal programs serving youth.

Knowledge of laws and reporting procedures are important, but not sufficient in this panel's opinion, to increase prevention of child sexual assault. The Citadel currently uses the Children's Law Office program to educate people about laws and reporting procedures. Darkness to Light is an alternative program that focuses on prevention and is the only evidence-based training that has been shown to change adult behavior about the way adults care for children.

Recommendations:

Every employee, student, adult resident, and adult volunteer on campus should

- Receive, acknowledge receipt, and commit to conform to Citadel child protection policies
- Receive, acknowledge receipt, and commit to a Code of Conduct related to protecting children

- o Complete the Darkness to Light Stewards of Children child sexual abuse prevention program.

The Citadel should form an official partnership with Darkness to Light.

4. While SLED checks are required of every employee, they are not required of every student, nor others who work or live on campus.

Recommendation: Require every employee, student, volunteer, resident, and other adults who use campus facilities to have a SLED background screening.

5. Organizations/groups that want to use Citadel facilities for programs involving youth must complete the “Activities Involving Children Approval Form” (often referred to as the “Camp Packet”). This is an extensive packet addressing a number of areas of risk. The applicant organization completes the packet, which then makes its way around through a long list of signatories, each of whom is reviewing the packet from a different perspective (e.g., facilities, finance, compliance with official policies, etc.). A number of flaws were noted:
 - a. It is unclear who has final responsibility to review and sign off on the packet when it has been thoroughly reviewed by the many relevant people on campus. Thus, a person who gives approval based upon his/her role will be unaware if the next person down the line modifies the packet based upon a different role/perspective. More important, there is no one person at the end of the process who ensures that everything meets Citadel standards. Put simply, if everyone has partial responsibility, no one has full responsibility.
 - b. Human Resources, who is responsible for conducting background checks does not appear in the list of signatories to the approval packet.
 - c. The Approval Form does not request information that is essential for evaluating/minimizing risk and ensuring an appropriate response in the event of an incident.
 - i. There is no section within the “Camp or Enrichment Program Risk Assessment Worksheet” that pertains to the risk of sexual assault.
 - ii. There is no section within the entire packet that describes the child protection and response plan for the proposed program.
 - iii. The forms do not designate a particular person in the proposed program who is identified as the point person in case of an incident of sexual assault.
 - d. Accountability for completion and approval of these forms is lacking. This panel heard reports that
 - i. Some applications are completed *after* a youth-related program has begun.
 - ii. Some on-campus programs administered by third parties do not have their insurance in place until *after* the program has begun

- iii. Programs sometimes find ways to get around the entire process of oversight and approval.
- iv. Packets may be difficult to find when they are in the process of being passed from signatory to signatory.
- v. There appears to be little to no follow-up after approval to ensure that programs are following their proposed procedures for minimizing risk.

Recommendation: The entire process for approving youth-related programs on campus should be revised.

At minimum, the *process* should include

- One person who is clearly identified to have final approval once all relevant parties have reviewed and signed the application
- Inclusion of Human Resources in the approval process.
- A firm deadline for submission of applications at least 30 days prior to the start of the program
- Regular follow-up with the applicant program's designated child protection person

At minimum, the *application*, should include

- designation of an individual within the applicant organization who is responsible for overseeing child protection
- a thorough assessment of risk of child sexual assault
- a clear plan for preventing the occurrence of child sexual assault
- a clear plan for responding to a report/incident of child sexual assault

6. Many time-limited events take place in Citadel facilities (e.g., Bishop England graduation) that may bring some risk to the institution.

Recommendation: The school needs to look into how contracts may be written with organizations wishing to use Citadel facilities for activities involving youth so that they clearly indicate that the organization assumes the risk for child protection.

In conclusion, this panel's review revealed a number of areas of weakness in The Citadel's policies and procedures as they relate to child protection. We recommend that

- one person be responsible for coordinating training, background screenings, policy development and compliance related to child protection.
- The Citadel engage an outside consultant to examine and consolidate policies related to child protection

- all adults on campus go through a SLED background check, receive and commit to child protection policies, and complete the Darkness to Light Stewards of Children program
- The Citadel form an official partnership with Darkness to Light
- procedures for approving youth-serving programs on campus be overhauled to strengthen child protection in such programs
- contracts with organizations using Citadel facilities for programs including youth be written in such a way as to place the burden of responsibility on the organization if at all possible

Information on which the above findings and recommendations are based:

1. Policies reviewed (may not be a comprehensive list):
 - a. Children on the Citadel Campus (Memorandum number 10)
http://www.citadel.edu/policies/images/files/02-president/child_activ.pdf
 - b. Sexual Violence Prevention and Response (Memorandum number 2-25)
http://www.citadel.edu/policies/images/files/02-president/2-25_sexual_violence_prevention_and_response_policy.01-11-12.pdf
 - c. Sexual Harassment (Memorandum number 2-26)
http://www.citadel.edu/policies/images/files/02-president/2-26_sexual_harassment_policy.01-10-12.pdf
 - d. Campus Assessment Team (Memorandum number 2-23)
http://www.citadel.edu/policies/images/files/02-president/2-23_campus_assessment_team_policy.final.11-16-10.pdf
 - e. The Citadel Ombudsperson (Memorandum number 2-6)
http://www.citadel.edu/policies/images/files/02-president/2-6_ombudsman.08-16-10.final.pdf

2. Additional information
 - a. Best Practices for the prevention of child sexual abuse is U.S. Department of Health and Human Services manual for Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures (2007)
<http://www.cdc.gov/ViolencePrevention/pdf/PreventingChildSexualAbuse-a.pdf>
 - b. The Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or abuse of A Minor by Church Personnel
 - c. The list of formal activities that involve interactions between cadets/graduate students and minor children.
 - d. 2009 Social Climate Survey completed by cadets

- e. Interview with Robert Williamson, Risk and Safety Management Officer
an James Grigg, Director of Facilities and Engineering

SEXUAL ASSAULT

The panel was very impressed with the quality of the sexual assault awareness, prevention, and response programs at The Citadel. Over the past six years, The Citadel has taken many steps to strengthen the institutional response to sexual assault. Janet Shealy, the director of C.A.R.E. (Cadet Advocacy, Response, and Education) has worked with others on campus to develop and implement programs designed to educate people about sexual assault, prevent the occurrence of sexual assault, and respond effectively in the case of a sexual assault incident. Programs are tailored primarily towards cadets, but reach faculty and staff. Programming to address the needs of graduate students and others on campus is under development, but requires additional personnel to fully implement. *The Citadel is already doing many things that reflect recommended practices.*

Current compliance with applicable policies

Karjane, Fisher, & Cullen (2005) examined what college campuses are doing about rape and sexual assault. They listed a number of suggested practices and found that a high percentage of colleges and universities fall short. In contrast to their findings, The Citadel is doing an exemplary job in the following best practice areas:

1. The Citadel's document presenting policy related to sexual assault is lengthy, but clear. Policies and procedures comply with recommended practices.
2. The policy clearly defines sexual assault/misconduct and procedures for who is responsible for responding to reports of sexual assault.
3. The policy describes the appropriate response to a report of sexual assault.
4. The Sexual Assault Response Team (SART) includes a number of trained staff and/or faculty members as Sexual Assault Victim advocates.
5. Cadet members of the Human Affairs Team are trained to respond to reports of sexual assault.
6. Ms. Shealy coordinates the SART and is available 24/7 to respond to such reports. When she is unavailable, a member of the SART is on call.
7. The Blue Book and Guidon, issued to every cadet, include pertinent information with respect to The Citadel's official policies on sexual assault
8. Every cadet is required to have a copy of the Crisis Resource Directory, which offers information about what to do in the event of a sexual assault, on their desk.
9. A site for C.A.R.E. on The Citadel website is under construction. This site will organize the information on sexual assault that is already available if one searches "Sexual Assault" on The Citadel website. Information includes, among other topics, defining sexual assault, describing what to do if one is assaulted, "do's and don't's" for responding to sexual assault.

10. The entire undergraduate student body, as well as new faculty, parents, tutors in the Academic Support Center and Tactical officers are exposed to state-of-the-art information about rape and sexual assault.
11. Cadets are exposed to many levels of state-of-the-art information regarding sexual assault across their four years through the C.A.R.E. program and also within their ROTC programs. Each program offers at least one lesson per year. Ms. Shealy addresses cadets twice in their freshman year, providing them with definitions, laws, and policies about rape and sexual assault and what to do if they find themselves in a situation where such conduct occurs. She coordinates presentations in subsequent years that are designed specifically for each class and are conducted by different presenters. For example, the "1 in 4" group, a group of young men committed to ending sexual assault, presents information about helping sexual assault victims and stopping this crime. In addition, female athletes receive information from Kelly Simpson, the Senior Woman Administrator.

The above activities and programs ensure that everyone on campus is aware of relevant laws and The Citadel's policies regarding sexual assault. These actions are consistent with recommended best practices

The Scope of the Problem

Ms. Shealy's statistics on reports of sexual assault over the past six years show an average of 6.67 reports of sexual assault (not necessarily rape) per 12 month reporting period. While these reports reflect separate incidents, in a number of cases, multiple incidents involved the same perpetrator. Reports have increased somewhat over the past six years which is encouraging, as it indicates that more people are reporting. It is a well-established fact that rape and sexual assault are frequently unreported (e.g., see Karjane, et al., 2005), so slight increases in reporting at The Citadel likely reflect greater awareness of policies and greater trust in the system by victims rather than an increase in the actual occurrence of sexual assault.

Ms. Shealy noted that cadets of both sexes in some companies have reported they have been discouraged from reporting incidents of sexual assault. The prevailing attitude seems to be: "what happens in the company stays in the company." This seems to be improving, but as long as it continues to occur at all, victims will be dissuaded from getting the help that they need. In addition, we will have no way of knowing the true scope of the problem if reports are discouraged. Finally, if sexual assaults go unreported, The Citadel becomes less safe for everyone.

Given the above, it is expected that the actual number of sexual assaults at The Citadel is higher than these official reporting statistics. However, these numbers are

consistent with reports of the prevalence of rape and sexual assault on college campuses in general (e.g., Karjane et al, 2005). This is encouraging.

According to Ms. Shealy, contrary to comments presented by cadets in the Student Climate Survey (2009), *there are no indications that false reporting is a concern that needs to be addressed.*

Problems in the area of understanding sexual assault at The Citadel

While policies are clear and accessible to everyone on campus, it is not clear that they are always followed by cadets, as noted above. Discouraging women from reporting sexual assault is a phenomenon that is not unique to The Citadel, but it should not be tolerated. As long as pressure continues to be put on victims not to report, rape and sexual assault will remain underreported and underdetected.

Ms. Shealy is responsible for directing the C.A.R.E. program, which involves education, advocacy, advising the Human Affairs Team, the 1-in-4 members, and Women Actively Seeking Achievement members, as well as being the liaison with a number of community groups. She also is The Citadel's Title IX Compliance coordinator for cadet incidents and works in conjunction with LTC Dopf in the training and advising of the Human Affairs Team. In effect, she is on call 24/7. This is quite a lot of responsibility placed on one person.

It is not unusual for a person at the forefront of educating and responding to sexual assault to face a hostile environment. It is common for the person to be targeted by those who think the topic is unnecessary, over-discussed, or that it unfairly presents a negative image of men (which Ms. Shealy works very hard to avoid). According to Ms. Shealy, cadets do not all take the education sessions seriously and she frequently meets within a hostile environment.

As long as women remain such a small percentage of the Corps of Cadets (about 6.5%), their ability to report sexual assault to someone who can respond appropriately will be compromised.

While graduate students, active military and veteran students, faculty, and staff are exposed to important information, we need to establish programs to educate them on reporting structures and awareness of these crimes.

Conclusions and recommendations

The area of sexual assault prevention and response is one with which most colleges and universities struggle. Most of the findings of this committee are positive in terms of the quality of policies, the attention to education of the cadets over the course of their time here, and the commitment of a number of individuals to reducing the risk of sexual assault on campus. Change over the past six years has been considerable. Victims on campus know that they have a safe place to report and be supported. However, policies

can only go so far when the environment fosters secrecy and the culture among cadets minimizes the problem. We are moving in the right direction and this panel believes that the following recommendations would help to keep us on the right track.

5. The Blue Book and Guidon on the website were dated when reviewed. They need to be modified and posted yearly.
6. Reports that cadets have been encouraged to withhold the truth about experiences of sexual violence should be associated with consequences for the offending cadets.
7. Add one staff person as well as one or two graduate assistants to work with Ms. Shealy. This will free her up for the significant administrative work that comes with her position and will allow her to further refine and improve the sexual assault prevention response program. It will provide sufficient resources to expand advocacy, response, and education efforts to include *all* students on campus. Ms. Shealy can be even more effective than she has been if she is not seen as working in isolation on this issue.
8. Following the first year presentation, which is necessary to establish that students have all been given standard information about sexual assault and proper “do’s and don’t’s” it might be preferable to incorporate information into academic courses rather than having Ms. Shealy be the primary voice emphasizing the importance of treating others with respect in the area of sexual assault. In particular, the case study format used in LDRS101 is well-suited to include one or two scenarios that present ambiguous dating/sexual situations for instruction and discussion.

Information on which the above findings and recommendations are based:

Policies reviewed:

1. Campus Assessment Team:
http://www.citadel.edu/policies/images/files/02-president/2-23_campus_assessment_team_policy.final.11-16-10.pdf
2. Sexual Violence Prevention Response:
http://www.citadel.edu/policies/images/files/02-president/2-25_sexual_violence_prevention_and_response_policy.01-11-12.pdf
3. Commandant’s special staff describing the Cadet Advocacy, Response, and Education (C.A.R.E.) program directed by Janet Shealy
(<http://www.citadel.edu/root/images/Commandant/Garrott/commandants%20special%20staff%202012.pdf>).
4. Blue Book:
<http://www.citadel.edu/root/images/Commandant/blue-book-revised-feb20-09.pdf>

5. Guidon: <http://www.citadel.edu/root/images/Commandant/guidon-2009-final-6-17-09-1.pdf>

Literature reviewed:

Karjane, H.M., Fisher, B.S., & Cullen, F.T. (2005). Sexual assault on campus: What colleges and universities are doing about it.

<https://www.ncjrs.gov/pdffiles1/nij/205521.pdf>,

Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., Martin, S.L. (2007). The Campus Sexual Assault study. <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

Data collected to assess compliance with applicable policies

Official reports of sexual assault over the past 6 years provided by Ms. Shealy.

Interview with Ms. Shealy and LTC Dopf

Student Comments on 2009 Climate Survey

The Citadel Crisis Resource Directory

Cadet Advocacy, Response, and Education program description/details

SEXUAL HARASSMENT/GENDER BIAS

Over the past six years, The Citadel has taken many steps to strengthen the institutional response to sexual harassment. The stated policy regarding sexual harassment is clear. Emma Bennett-Williams, Chief Diversity Officer HR programs address sexual harassment education and response for every faculty and staff member. Janet Shealy, the director of C.A.R.E. (Cadet Advocacy, Response, and Education) has developed education programs about sexual harassment that are directed primarily towards cadets. Programming to address the needs of graduate students and others on campus is under development, but requires additional personnel to fully implement. Despite such efforts, sexual harassment, particularly in terms of creating a hostile environment, remains problematic, particularly with regard to female cadets. **ACTION IN THIS AREA SHOULD BE CONSIDERED TO BE A HIGH PRIORITY.**

Current compliance with applicable policies

As is the case for The Citadel's Sexual Assault Policies, policies and procedures regarding sexual harassment are clear and consistent with best practices.

12. The document presenting policy related to sexual harassment is lengthy, but clear and complies with recommended practices. Furthermore, many findings listed below reflect recommended practices for disseminating information and responding to reported harassment.
13. The policy clearly defines sexual harassment, identifies to whom a victim can report, and describes the appropriate institutional response.
14. The Blue Book and Guidon, issued to every cadet, include pertinent information with respect to The Citadel's official policies on sexual harassment.

15. Every cadet is required to have a copy of the Crisis Resource Directory, which offers information about what to do in the event of sexual harassment, on their desk.
16. A site for C.A.R.E. on The Citadel website is under construction. This site will organize information about sexual harassment to make it more accessible to everyone on campus.
17. The entire undergraduate student body, as well as new faculty, parents, tutors in the Academic Support Center and Tactical officers are exposed to state-of-the-art information about sexual harassment.
18. Cadets are exposed to many levels of state-of-the-art information regarding sexual harassment across their four years through the C.A.R.E. program.
19. The Human Affairs Teams (HAT) are trained to respond to reports of sexual harassment.

The above activities and programs ensure that everyone on campus is aware of relevant laws and The Citadel's policies regarding sexual harassment. These actions are consistent with recommended best practices

Scope of the problem

According to Ms. Bennett-Williams, HR has received only a few complaints regarding sexual harassment from faculty/staff over the past several years.

In contrast to the situation amongst faculty and staff, according to Ms. Shealy, sexually harassing behaviors by male cadets occur at a significant level and include male-towards-female, male-towards-male, and male-towards-female harassment that does not involve women on campus, but those off campus. In addition to what is considered to be traditional types of harassment that are clearly *sexual* in nature, some of our cases are more accurately defined as *gender-based* and reflect the attitude revealed in the 2011 Climate Survey showing that a significant percentage of male cadets do not accept women as members of the Corps of Cadets. This behavior is of considerable concern, not only to those on this IPAC panel, but amongst many on campus.

The members of the IPAC panel cannot stress enough their concern about the continuing attitude by male cadets that women do not belong in the Corps of Cadets. This is clearly demonstrated by the finding of the 2011 Cadet-completed Climate Survey that **45% of male cadets do not agree that women belong in The Citadel Corps of Cadets**. Data obtained across cadets' time at The Citadel indicate that the **negative attitudes are strengthened the longer a student is enrolled**. Furthermore, almost the same percentage of male cadets (**42.7%**) **does not agree that women can be effective leaders**. These numbers have not improved, suggesting that the approaches taken by The Citadel to change the climate have been ineffective.

A number of sources on campus that the Panel interviewed expressed the belief, that virtually every woman cadet has been harassed at least once during their time at The

Citadel and many experience harassment on an ongoing basis. Many of these incidents go unreported for fear of reprisal from male cadets and because the victims do not want to be perceived as being unable to “take it.” Until people on campus feel that it is safe to report such behavior, it cannot be addressed directly.

We have an example of a well-written policy that frequently is violated. Formal and informal discussions with many members of The Citadel community indicate that most people are aware of male cadets’ disrespectful behavior towards women. Some try to do something about it, but the situation persists. As women continue to experience a hostile environment, it is clear that the approaches taken by The Citadel to change cadet behavior have not been as effective as we would like. A new approach is needed.

The negative attitude towards women is not confined to men in the Corps of Cadets. Reports have been made to IPAC panel members (generally through third parties) that Tactical officers, OC personnel, coaches, faculty, staff, and alumni have been heard/observed to respond negatively towards female cadets. Many examples were provided of behaviors that are disrespectful and leave women feeling that they are not accepted as part of The Citadel family.

Additional relevant issues

Question of whether double standard exists. Comments on the Climate Surveys suggest that many male cadets believe that a double standard exists on campus whereby women are given special treatment with regard to punishments, the Honor Code, and are assigned to leadership positions over other, more deserving male cadets. Such concerns were very difficult to analyze, as it appears that many responses to possible infractions and influences about rank take place before any official report is made. Official statistics regarding punishment obtained from The Commandant’s Department do not reveal racial or gender bias in punishments assigned. However, comments by a number of people interviewed by this committee suggested that decisions regarding punishments are made well before any official report is made regarding a cadet’s behavior and that bias may come into play here. Interestingly, staff comments most frequently suggested that bias may not be along gender/racial lines, but along lines of favoritism played towards men. This is a very challenging issue to disentangle.

Data regarding punishments were readily available, but not in a form that allowed for easy analysis of trends. We recommend developing a system that allows for more streamlined analysis of important information related to cadet performance.

Persistently small number of women students. This panel’s analysis included an examination of the distribution of women throughout the Corps of Cadets. While SGM Bauer carefully assigns women to companies to ensure that there are no male only companies, the number of women in any company typically is quite small. In addition, as a result of attrition, the number of women may dwindle over the course of the school year. This creates an environment whereby women will invariably be isolated, which leaves them vulnerable to mistreatment with little recourse to find support within their

chain of command. We stand by recommendations included in this panel's report on Workforce/Student Diversity to grow the percentage of women to a target level of 15%.

Lack of women in leadership positions: This panel's work included analyses of women in leadership positions. All areas reveal a lack of presence of women

- only one of 14 Greater Issues speakers in the past five years was a woman.
- there are only two female tactical officers
- senior leadership within all the military departments are men. No women above the rank of Lt. were found listed, nor were there any pictures of women military faculty on any of the ROTC department webpages.
- Women tend to be overrepresented in some positions of leadership but are nearly absent in other areas, particularly those at the company and battalion levels, as well as within the Honor Court
- As noted in the report on workforce diversity, there are few women administrators, faculty members, and senior staff members

Without women in positions of leadership, our female students have few role models. Within The Citadel's leadership development model, it is essential that they be exposed to women who are successful in a variety of career paths. The presence of strong women in leadership positions will reinforce the confidence amongst our female students that they are capable of succeeding.

It also is important for male cadets to see successful female leaders throughout the campus, not simply at the lowest ranks of faculty, staff, and the military. All of our graduates will be entering a workforce, whether civilian or military, business or service, that is increasingly made up of women. All of our graduates will find themselves working with or for a woman at some point in their careers. The Citadel's current demographic composition and prevailing attitude against women in the Corps of Cadets leaves a gap in the leadership program by failing to develop skills for being successful in a workforce that increasingly includes women in positions of authority.

Academic performance by gender. Women cadets, as a group, consistently achieve higher GPA's than their male counterparts. This indicates that our female students, as a group, are succeeding academically despite functioning in an unwelcoming environment.—imagine the heights they could attain if they were accepted by their peers in all aspects of their cadet life. Furthermore, the benefit of women's achievement within the Corps would extend beyond their personal development; it would improve the overall learning experience for all students. It is well established that diverse organizations offer superior opportunities for individual development and growth as compared to non-diverse organizations.

Retention. Retention rates depend on when they are measured. Reportedly, a higher rate of women than men leave The Citadel within the first week of arrival. However, retention rates reported for women cadets from the date of matriculation historically have been consistent with, and in some cases substantially higher than that of men.

Importantly, this latter trend did not continue in the 2010-11 cycle, where there was a 15% decrease in retention of women from the prior year. We need to keep an eye on that number to ensure that it does not continue. In general, however, despite the negative environment, women who make it through the training week are succeeding at The Citadel. Clearly we are admitting women who have strong leadership and academic capabilities; we should recruit more just like them. Imagine what they could do if they were accepted by their fellow cadets.

Socialization by upperlevel male cadets that maintains hostile environment.

Information obtained from cadets over the course of their time at The Citadel reveals a very disturbing trend. While most male freshmen hold positive views regarding women's leadership abilities at The Citadel, the percentage of cadets who do so decreases over the course of the next three years. Thus, upperlevel cadets, are, in effect, teaching younger cadets to disrespect women. This is antithetical to The Citadel's core values and leaves many on campus wondering whether the institution's goals are really being met.

Role of Alumni in perpetuating a negative attitude towards women. Many of the people interviewed in the course of this analysis commented on the embarrassing and disrespectful behavior observed by alumni in relation to women cadets. The most striking example of this was the report that the class of 1999 wore t-shirts proclaiming "Last All-Male Class at The Citadel" during their 10th reunion weekend. These men paraded their anti-female sentiment around campus. Such behavior among alumni must not be tolerated. Male leaders within The Citadel (and preferably alumni) must communicate that such displays of negative attitude are contrary to the school's core values and harmful to its mission. Such displays communicate loud and clear that women are an unwanted part of The Citadel. They leave the general public with a negative impression of The Citadel.

Consequences of persistent negative attitudes towards women

This IPAC panel is very concerned about the inconsistency between the espoused core values of The Citadel and the actual behavior that is occurring at the institution. Persistent negative attitudes towards women undermine the core values of The Citadel and the integrity of its leadership development program. There cannot be a strong, cohesive, "One Corps," when some of its members are targeted for just being who they are. Rather than fostering an attitude that engenders support, encouragement, and respect for *all* who go through the rigorous training program, the current climate fragments the Corps and fosters an attitude that engenders conflict, resentment, and disrespect for women cadets who aspire to the same types of leadership positions as men. In short, there are many people on campus who question this as a leadership development program for all. It seems to foster abuse of power rather than true leadership

Honor

Honor, as defined on The Citadel's website emphasizes the importance of integrity, and commitment to moral and ethical behavior, not just while on campus, but throughout a

cadet's life. Hostile behavior towards women is not moral, it is not ethical, and clearly is not **honorable**.

Duty

As stated on The Citadel's website, the definition of Duty includes the statement that a cadet's "primary duty is to perform academically and then to perform as a member of the Corps of Cadets and the campus community." We would argue that a cadet is unable to perform his duty if he has the attitude that other, fully qualified cadets, by virtue of their sex, should not be members of the Corps. Furthermore, the definition of **Duty** as presented in the Blue Book indicates that "Cadets have the moral and ethical responsibility to report offenses affecting good order and discipline including sexual discrimination and harassment." Thus, when male cadets harass female cadets or tolerate such behavior, they are violating the core value of **Duty**.

Respect

It seems self evident that harassing behaviors towards women are **disrespectful**.

Recommendations

A negative climate with regard to gender persists 15 years after the first women were admitted to the Corps of Cadets. Almost 50% of the male cadets do not agree that women should be part of the Corps and about the same percentage does not believe that male and female cadets are equally effective leaders. These percentages have been stable over the past few years. This panel sees this as a serious problem that cannot be changed simply by bringing more women onto campus. Rather, this suggests that there are systemic elements that need to be changed. The *climate* on campus, negative views expressed by vocal alumni, and tacit acceptance by many others must change. Otherwise, the Corps will continue to be divided and act in ways that are inconsistent with the institution's core values.

Based on our review, this panel is recommending efforts to change the climate from top to bottom.

10. As this panel's report on workforce/student diversity indicated, we have few women in leadership positions across campus or within the Corps of Cadets. Therefore, we recommend enhanced deliberate efforts for recruiting fully qualified women in administration, on the faculty, among the staff, within the military academic departments, and among tactical officers and OC personnel. Those who recruit cadets should clearly have an attitude of acceptance towards women cadets.
11. We need to assist administration, faculty, staff, and students to become aware of their own gender biases, to commit to eliminating these, and to develop skills to address harassing behavior in a non-blaming manner. Such an

approach would reduce tolerance for such behaviors across the campus. The Citadel is fortunate to have a team trained by the National Coalition Building Institute (NCBI) to offer leadership programs that encourage inclusion and respect while developing a sense of one's personal identity. Programs are designed to raise knowledge and awareness, while teaching skills that foster an inclusive environment as we develop leaders who can be effective in a diverse society.

NCBI training is recommended for administrators, faculty, staff, and students. In particular, given their involvement in day-to-day activities with cadets, all Tactical Officers, OC's, cadet leadership, cadre, and Human Affairs Officers should experience the NCBI "Welcoming Diversity" workshop to help them to a) give voice to their concerns, b) become aware/knowledgeable about each other, c) become aware of their own biases with regard to gender, and d) learn strategies for addressing comments/behaviors by cadets (male or female) that inappropriately relate to gender. The latter will assist the more than half of male cadets who *do*

12. Make greater efforts to highlight the military and academic achievements of women cadets by integrating existing programs and developing new programs (e.g., Women's History Month offerings) to highlight women's leadership in a manner that is visible across the campus community.
13. Ensure that mandated programs that feature speakers include presenters who are female.
14. Ensure that images presented on The Citadel website depict women more frequently.
15. Ensure that multiple perspectives regarding gender and racial issues are presented to cadets. For example, anecdotal reports suggested that at least some cadets were offended by comments made recently by Phyllis Schafly about "feminists" without having the opportunity to hear a different perspective.
16. Continue the Commandant's evaluation of Tactical officer's leadership skills with regard to cadets' ability to "train, educate, and challenge all cadets regardless of race, religion, ethnic background, or gender" as well as serving as role models for other cadets. If the TACs are being evaluated under these criteria, they can only be successful if they hold their cadet leadership to the same standards.

17. Continue the Commandant's evaluation of attitudes towards women as part of the objective evaluation criteria used when making decisions about leadership and rank.
18. Address attitudes towards women as a leadership issue. Respect for others garners respect and loyalty from others.

Information on which the above findings and recommendations are based:

1. Campus Assessment Team: http://www.citadel.edu/policies/images/files/02-president/2-23_campus_assessment_team_policy.final.11-16-10.pdf
2. Sexual Harassment Policy: http://www.citadel.edu/policies/images/files/02-president/2-26_sexual_harassment_policy.01-10-12.pdf
3. Commandant's special staff describing the Cadet Advocacy, Response, and Education (C.A.R.E.) program administered by Janet Shealy (<http://www.citadel.edu/root/images/Commandant/Garrott/commandants%20special%20staff%202012.pdf>).
4. Blue Book: <http://www.citadel.edu/root/images/Commandant/blue-book-revised-feb20-09.pdf>
5. Guidon: <http://www.citadel.edu/root/images/Commandant/guidon-2009-final-6-17-09-1.pdf>

Data collected to assess compliance with applicable policies in relation to students

Official reports of sexual harassment within the Corps of Cadets over the past 6 years provided by Ms. Shealy.

Interview with Ms. Shealy and LTC Dopf

Student Comments on 2009 Climate Survey

Data from 2011 Climate Survey

Interview with Emma Bennett-Williams

GENDER/RACIAL DIVERSITY IN COMPOSITION OF FACULTY, STAFF, STUDENTS

This panel's assessment of gender/racial diversity in the workforce and student body revealed that there are few role models for women/minorities within administration, faculty, staff, tactical officers, OC's, cadet leadership, senior military faculty, and speakers at mandatory events. The Citadel historically has been made up of a homogeneous faculty, staff, and student body. With respect to faculty and staff composition, the institution consistently demonstrates a level of diversity that is below its own established goals within strategic initiative seven of *The Blueprint*. It remains at the bottom of the list of SC state agencies with regard to meeting diversity goals.

The Citadel has made no meaningful progress in diversifying its workforce over the past 10 years. The following excerpt from The Citadel Office of Equal Employment and Diversity, 2012 SC Human Affairs Committee Report to the General Assembly sums up the problem:

Not only has The Citadel consistently failed to effectively utilize females and minorities in employment but for the past ten years, The Citadel has also failed to attain a minimum of 70% of its affirmative action goals. The Citadel is the only state agency with a ten year history of consistently failing to attain a minimum of 70% of its affirmative action goals.

The panel strongly encourages The Citadel to examine and modify its recruiting methods. If the institution is to stay relevant in a world that is becoming more diverse, it must make efforts and use methods that have not been used before to truly diversify its workforce and student body. There is more to it than this, however. The fact that the institution has tolerated a lack of progress in this area over at least a decade suggests that there is a systemic problem that must be addressed.

Best practices suggest that the diversity of the workforce and student body has a positive effect on the work and learning environment. Furthermore, if the institution is to remain relevant in a diverse and globalized society, it must itself undergo change in terms of its faculty staff and student body. If the institution chooses otherwise, it will likely remain at the bottom of the list of SC public schools. More importantly, without exposure to diverse faculty, staff, and peers, graduates of The Citadel are more likely to find themselves out of synch with a changing world. Such changes will only occur if different approaches are adopted to find and recruit fully qualified people.

ACTION IN THIS AREA SHOULD BE CONSIDERED TO BE A HIGH PRIORITY.

Findings and Concerns

Faculty/staff

1. As noted above, **The Citadel has failed to meet 70% of its affirmative action goals for the past 10 years in a row.** Thus, the workforce does not reflect the Citadel's own desired diversity with respect to women and minorities.
2. At every level, except clerical, The Citadel has a significant deficiency of women in the work force.
3. Minorities are underrepresented in all but the lowest pay grades.
4. **The Citadel uses the same recruitment approaches to attract minority and women faculty staff that have always been used, regardless of the fact that they have not resulted in meaningful change in the composition of the faculty.**

5. The Citadel does not present a welcoming atmosphere for potential women and minority candidates. For example, search committees themselves often are not diverse with respect to gender and/or race.
6. Tactical Officers and OC's are almost exclusively white males.
7. There is evidence that the few women and minorities that are hired are not always treated respectfully. Since September, 2011, there have been a significant number of formal complaints to the EEOC officer related to racial discrimination, sexual harassment and/or Title IX violations. The number of complaints from previous years is unknown.

Recommendations

11. HR, academic departments/schools, workplace units must examine their current recruitment methods to identify approaches that work and those that don't work with regard to attracting fully qualified women and minority faculty, staff, and administrators. Those that continue to be unsuccessful should be replaced.
12. A different, integrated/proactive plan to ensure more effective recruitment of fully qualified women and minority faculty and staff is necessary to develop a workforce that more closely reflects the characteristics of society. This should be developed over the next year by a committee with outside consultation to develop a plan that is specific to the characteristics and needs of The Citadel. A cursory look at the literature in this area indicates that this is a very complex issue (see resources below for examples of the detailed recommendations) and The Citadel should engage a consultant who has been a part of a successful workforce transformation.
13. Departments/schools/units that are recruiting new employees should be certain that search committees are diverse.
14. Search committees should extend their searches until the best candidates are women and minorities.

Undergraduate admissions

1. The percentage of women cadets has remained relatively stable at 5.8 – 6.5% over the past five years. Until we are able to boast a group of women that comprises about 15% of the total Corps of Cadets, we are likely to continue to struggle with issues of sexual harassment as described in a separate document produced by this committee.
2. The percentage of African American cadets has risen only slightly from 6.8 – 8.4% over the past five years.
3. The total number of all minority students has risen from 15 – 19% over the past five years, which appears to indicate some success in recruiting minority students. However, combining all minority students in a single statistical category may obscure important differences such that it is not clear that the needs of distinct

minority groups, each present in the Corps of Cadets at a level less than 15%, are adequately met.

4. Many of the same issues noted above with regard to the workforce are relevant to recruitment of students. The Citadel continues to operate with unsuccessful policies and procedures despite little change in the percentage of women/African Americans enrolled each fall.
5. Some recruitment of students is conducted by alumni volunteers. There does not appear to be significant training or supervision of these recruiters' activities, particularly in relation to their approach towards recruiting women and minority applicants. Shamus Gillen in the Admissions Office estimated that of approximately 80 active volunteers, 8 are African Americans and 3 are women.

Recommendations

1. The admissions office must examine their current recruitment methods to identify approaches that work and those that don't work with regard to attracting fully qualified women and minority students. Those that continue to be unsuccessful should be replaced.
2. Reportedly, the Fall, 2012 class includes a higher percentage of women than in previous years. This is encouraging and reasons for success should be identified and replicated in order to reach a minimum of 15% of women in the Corps of Cadets.
3. A different, integrated/proactive plan to ensure more effective recruitment of women and minority students is necessary to develop a student body that more closely reflects the characteristics of society. This should be developed over the next year by a committee with outside consultation to develop a plan that is specific to the characteristics and needs of The Citadel. A cursory look at the literature in this area indicates that this is a very complex issue (see resources below for examples of the detailed recommendations) and we should engage a consultant who has been a part of a successful student body transformation.
4. Volunteer recruiters should be screened in terms of their attitudes towards women in the Corps of Cadets and should receive training with regard to recruiting prospective women and minority students.
5. Involve diverse alumni in recruitment of female and minority students.
6. Recruiters for student admission should participate in a National Coalition Building Institute (NCBI) "Welcoming Diversity" workshop to learn about their own biases as well as perspectives of diverse individuals. Increasing knowledge, awareness, and skill in this area is expected to improve recruiters' ability to engage effectively with fully qualified, prospective female and minority students.

Information on which the above findings and recommendations are based:

1. Review of The Citadel Office of Equal Employment and Diversity 2012 SC Human Affairs Committee Report to the General Assembly
2. Interview with Emma Bennett-Williams, Chief Diversity/EEO Officer

3. Interview with Lt Col John W. Powell, Jr., Director Admissions
4. Official statistics regarding gender/racial breakdown of faculty/staff/students

A sample of resources found on line with very detailed recommendations for recruiting a diverse workforce/student body (or both):

www.ewu.edu/groups/academicaffairs/BestPractices.ppt

<http://med.stanford.edu/diversity/recruiting/>

http://equity.arizona.edu/tips_for_recruiting_diverse_faculty

<http://www.iwu.edu/diversity/>

<http://www.vt.edu/diversity/diversity-strategic-plan.pdf>

http://www.marshall.edu/coe/peu/recruiting_plan.pdf

General Issues related to gender/racial bias at The Citadel

As noted in another document submitted by this IPAC panel, The Citadel's workforce and student body are not diverse. Additionally, female cadets often experience a hostile environment. While several people who were interviewed noted that racial tensions seem to have improved over the past few years, comments also were made that the campus is not particularly welcoming to minorities. Our mission is to educate principled leaders – female as well as male leaders, black as well as white leaders. In order to do this, the entire climate of The Citadel must change. Best practices suggest that it often takes a concerted effort over a period of 5 – 10 years for such change to occur. The Citadel should develop and administer programs that ensure that everyone who is qualified, regardless of gender, race, country of origin, or sexual orientation, has the opportunity to develop him or herself into a leader we can be proud of.

The findings and recommendations listed below are derived from this panel's work. They either cut across areas evaluated or do not fit neatly into any one category.

Findings and recommendations

1. Citadel programs addressing diversity are spread across campus and do not necessarily communicate regularly or share resources.

Recommendations

Develop a Diversity Council that addresses diversity beyond simply gender and race. The purpose of the Council would be to

- conduct ongoing evaluation of diversity issues campus-wide
- to make recommendations to promote continued improvement in recruiting and retention of a diverse workforce and student body
- to make recommendations to promote inclusiveness across campus

Create an Office or Center for Global Diversity that implements recommendations of the Diversity Council and integrates diversity-related programs/initiatives across the campus, to include the CGC as well as the undergraduate programs. At a fundamental level of efficiency, a centralized approach would serve the purpose of integrating and supporting existing institutional efforts, thus improving communication/collaboration within the campus as well as with external entities. The purpose of such an office would be to

- promote diversity-related programs that are on campus at present (e.g., Office of Multicultural Student Services and International Studies)
 - provide information and expertise on new initiatives
 - facilitate NCBI training and workshops
 - identify and negotiate consolidation of overlapping programs
 - act as a focal point for new initiatives
 - support the best practice of maintaining affinity groups (e.g., African American Society, WISE) on campus
 - seek funding from corporate and foundation sources.
2. Many reporters commented on the quality of the training for Tactical officers. They are seen as the gatekeepers in many different ways, from determining which rule violations go forward to the Commandant's Department to ensuring that they support the policies of The Citadel. The panel is encouraged by seeing the Commandant's current approach to training and evaluating Tactical officers.

Recommendation

Continue to evaluate and refine training and assessment of Tactical officers with regard to equitable practice

3. A perusal of the course offerings at The Citadel reveals quite a few courses that have significant content addressing international studies, which, by definition, will include focus on multicultural issues. Additionally, many courses address issues relevant to race and/or gender as a part of their focus. There is an African American studies minor, which, again, by definition, addresses cultural issues. The Leadership minor as well as the Southern minor also appear to have multicultural focus. Noticeably absent is a regularly offered course in women's studies and one in comparative religion.

Recommendations

Enhance the academic curriculum by

- having schools/departments continue to address relevant multicultural content in coursework and encouraging them to add such content where relevant
- developing a regularly scheduled course in gender studies
- developing a course in comparative religions

4. Interviews with a number of people on campus suggested that many of the questions we are attempting to answer simply cannot be quantified, as so much goes on behind closed doors and cadets remain loyal to their companies rather than reporting inappropriate/unacceptable behavior. A number of staff members suggested that particular battalions/companies are more problematic than others. Companies frequently were referred to as "fraternities." Comments were made that some companies appear to be more inclusive with respect to women and minority students. Many people commented that they believed that behavior that cadets display when they are in public is quite different from what they engage in behind the sally port of the barracks. Finally, the responses of white male students on the Climate survey suggest that they also feel that they are discriminated against because of the school's focus on multicultural and gender issues.

Recommendations

While this may not completely address the above findings, the panel encourages The Citadel to develop a metric for evaluating companies in terms of their treatment of women and minority students within the context of being fair to all. The objective should be to pull women and those of minority status of all types up, not to bring those with majority status down. Companies that do well in this area should be rewarded.

Utilize NCBI training programs and principles to help students become aware of their own social identities as well as the experiences of a diverse campus family. This helps to bring people together, to understand the challenges that each faces, and to build skills to address inequality, however it appears.

5. There is little diversity within the Military departments, particularly at the senior levels.

Recommendation

The Citadel should continue to request female and minority instructors and Commanders. To enhance involvement of women and minorities in these departments, the panel recommends broadening the criteria to include graduates of any service academy or senior military college. We recognize that this is a complex issue that The Citadel has limited control over, but recommend that The Citadel make requests in an attempt to enhance diversity in these departments.

6. Many people interviewed by this panel expressed the view that alumni contribute to a climate that is not welcoming of women and minorities.

Recommendation

Educate alumni about the importance of developing a campus culture that must be modified from the time when they attended. This is needed not only to address the changing demographics of students, but also to address the changing nature of the college student population.

The reports submitted by this IPAC panel address primarily the climate at The Citadel with respect to gender. Many of the same problems/concerns may arise in relation to the climate with respect to race, Corps Squad and other areas of diversity broadly defined (people with disabilities, international students, and people in the GLBT community). These issues are troubling and deserving of evaluation, but this panel could not take on those areas in addition to those addressed in our reports. Fortunately, we believe that many of our recommendations in regard to increasing acceptance of women and expanding the diversity of our workforce and student body will improve these other areas as well.

Respectfully submitted

Julie A. Lipovsky

John Colombo

Stephenie Hewett

Doug Warner

Dennis Willey

Lisa Zuraw

(with consultation from Russell Warren)

Brooke Dimeo

Subject: FW: Citadel

From: j2harley@comcast.net [mailto:j2harley@comcast.net]
Sent: Monday, October 15, 2012 7:54 PM
To: Tony Daniels
Cc: Phil Manuel; Greg Meacham; Kathleen McChesney; John Burke
Subject: Re: Citadel

Tony...Thanks. I don't think The Citadel has dealt with MDBI, or with Ann forthrightly. As I mentioned earlier, my experience in SC is that it's all about connections, protecting the chosen in the network, etc. The last thing they want is a truly clean, comprehensive and independent investigation that may make Citadel and its leaders look worse than they already look....John

From: "Tony Daniels" <TDaniels@mdbinternational.com>
To: "John.Burke" <JBurke@mdbinternational.com>
Cc: "Phil Manuel" <PRManuel@mdbinternational.com>, "Greg Meacham" <GMeacham@mdbinternational.com>, "Kathleen McChesney" <kathleenkinsale@msn.com>, j2harley@comcast.net
Sent: Monday, October 15, 2012 4:33:27 PM
Subject: FW: Citadel

FYI. Ann Franke's take on the Citadel.. Interesting.

Tony Daniels
CEO
Manuel, Daniels, Burke International, LLC
1426 Duke Street
Alexandria, VA 22314
Tel: (703) 299-9520
Fax: (703) 299-1119
E-mail: TDaniels@mdbinternational.com
<http://www.mdbinternational.com>

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From: Ann Franke [mailto:annfranke@verizon.net]
Sent: Monday, October 15, 2012 4:27 PM
To: Tony Daniels
Subject: RE: Citadel

Hi Tony,



I **completely** agree that we should have been alerted to the ipac report.

Here's my latest brainstorm. The general counsel Mark Brandenburg used to work for the outside counsel, Dawes Cook. They worked together on the earlier Arpaio cases. Brandenburg then left the law firm and became in-house counsel at the Citadel.

When ReVille's first victim, [REDACTED] came forward, Brandenburg conducted that transcribed interview with [REDACTED]. *IF* Brandenburg sent the interview transcript to Dawes Cook, or discussed with Cook his conclusion that [REDACTED] was credible, then Cook may share responsibility for not following up about ReVille.

Because Cook & Brandenburg had worked together on Arpaio, and Cook remained the Citadel's outside counsel, it seems quite possible that Brandenburg consulted with Cook after the interview.

I'll see how this hypothesis holds up.

Best regards,
Ann

From: Tony Daniels [<mailto:TDaniels@mdbinternational.com>]
Sent: Monday, October 15, 2012 2:37 PM
To: Ann Franke
Subject: Citadel

Ann,

You might want to pull up a report submitted to The Citadel dated Sept. 7, 2012. Google citadel ipac report.

I find it incredible that we were never made aware of this study or the report.

Best of luck.

Tony Daniels
CEO
Manuel, Daniels, Burke International, LLC
1426 Duke Street
Alexandria, VA 22314
Tel: (703) 299-9520
Fax: (703) 299-1119
E-mail: TDaniels@mdbinternational.com
<http://www.mdbinternational.com>

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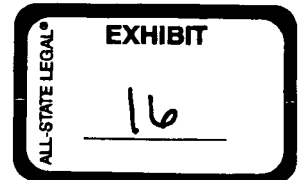
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

John Doe 2,) C/A No.: 2:12-CV-00794-RMG
)
Plaintiff,)
) AFFIDAVIT OF ([REDACTED]
v.)
)
President John W. Rosa, individually,)
)
Defendant.)
_____)

Personally appeared before me [REDACTED], who being duly sworn deposes and states:

1. I am a resident of the state of Georgia. I am over the age of 18 and I am of sound mind and body to provide the below statement.
2. I am the father of the camper that came forward and reported having been sexually abused while at The Citadel Summer Camp.
3. When my wife and I first learned about the sexual abuse, our family was focused on two things only: taking care of our son, who was in a lot of pain; and making sure Skip ReVille did not abuse any other children.
4. We, as a family, decided the most effective way to stop or prevent future abuse was to report our son's abuse to Lt. Gen. John W. Rosa.
5. I graduated from The Citadel in 1972 and have at all times tried to live my life consistent with the values instilled in me during my years at The Citadel.
6. I have spent most of my career as an executive working in the aerospace and defense industry. During my career I have had occasion to work with and develop respect for officers of the Armed Forces.



7. After I called President Rosa's office and reported that my son was sexually abused at The Citadel Summer Camp, Mark Brandenburg called me to get additional information.

8. When Mr. Brandenburg called me, I specifically asked whether he was calling on behalf of President Rosa. This was important for my family as we did not want anything to fall through the cracks.

9. At the time we reported our son's abuse to President Rosa, we had no knowledge that ReVille was then a member of The Citadel faculty.

10. From April 2007 through July 1, 2007, I spoke to Mr. Brandenburg about scheduling a meeting so that my son could give a statement about the abuse he suffered.

11. My wife and I were led to believe Mr. Brandenburg did not know Skip ReVille and had not met with him regarding the allegations at the time my son gave the statement on July 1, 2007.

12. Our sole purpose in meeting in Dallas, Texas was to further what Mr. Brandenburg led us to believe was the first step in making sure that ReVille would never abuse another child.

13. I have read statements in the media that President Rosa and others have indicated that my son traveled to Dallas in order to reach a settlement of a civil claim.

14. These statements are categorically and unequivocally false. If our purpose was to reach a settlement, we certainly would not have met with Mr. Brandenburg in Dallas without a lawyer.

15. I believed the reason Mr. Brandenburg had a court reporter present in Dallas was to ensure that my son's statement was recorded in a professional manner, that Mr. Brandenburg would use my son's statement to help hold the perpetrator accountable, and to ensure that no other children

would be abused. In fact, Mr. Brandenburg assured us that the record of my son's abuse was taken correctly.

16. I have read published reports in which President Rosa stated that one of the reasons he didn't do what he assured us he would do is because we wanted privacy.

17. This statement by President Rosa is categorically false. Neither I, my wife, nor my son ever asked that this abuse be kept confidential.

18. After my son gave his statement on the record, we were assured by Mr. Brandenburg that he would take it from there.

19. My wife and I did not live in the Charleston area and our sole focus was trying to help our son and put our family back together.

20. In the fall of 2011, my son called us and said ReVille had just been arrested. We told him it couldn't be ReVille because we had taken care of this.

21. The next day I called Mr. Brandenburg. I asked him "What the hell is going on?"

22. He then asked me how my son was doing. I informed him my son was taking this news very badly and that we were beyond upset with the fact that The Citadel hadn't done what they led us to believe would be done.

23. Once Mr. Brandenburg realized how angry and upset we were, he asked me to consider the fact that he had a family.

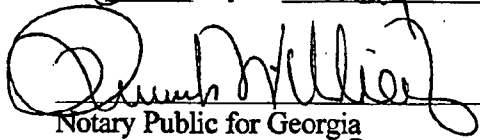
24. When I insisted that there was no excuse for this to have happened, he asked me "is there anything we can do to take away [REDACTED]'s pain?"

Further affiant sayeth not.

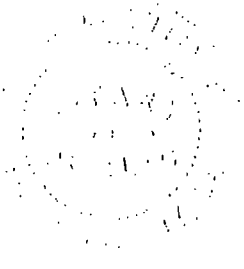
[REDACTED]

May 24, 2013

Sworn to and subscribed before me
this 24th day of May, 2013



Notary Public for Georgia
My Commission Expires 9/26/15



**Ravonda Williams
NOTARY PUBLIC
Barrow County, GEORGIA
My Comm. Expires
09/26/2015**

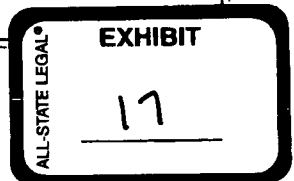
STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
)
 MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
)
 JOHN DOE CAMPER,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
)
 JOHN DOE 2,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

VOLUME I VIDEOTAPED
 30 (b) (6) DEPOSITION OF: MARK BRANDENBURG

CAROLINA REPORTING
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1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 2)
 3 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859
 4 MOTHER DOE 2, ON BEHALF)
 5 OF JOHN DOE 3,)
 6 Plaintiff,)
 7 vs.)
 8 THE CITADEL,)
 9 Defendant.)

10 VOLUME I VIDEOTAPED
 11 30(b) (6) DEPOSITION OF: MARK BRANDENBURG
 12 DATE TAKEN: Wednesday, June 5, 2013
 13 TIME: 10:00 a.m.
 14 PLACE: Pierce Hems Sloan & Wilson
 15 321 East Bay Street
 16 Charleston, South Carolina
 17 REPORTED BY: EVE WILBANKS
 18 Registered Professional
 19 Reporter, Certified LiveNote
 20 Reporter and Notary Public
 21

18 * * * * *

22 POST OFFICE BOX 21784
 23 CHARLESTON, SOUTH CAROLINA 29413-1784
 24
 25

1 The Citadel Alumni Magazine. I just can't recall
2 what the exact name of it is. I'm sorry. Alumni
3 News. Alumni News is what it's called.

4 Q. And who is the lady in General Rosa's
5 office that took the initial call from Father Doe?
6 Was it Wanda?

7 A. Wanda Milligan.

8 Q. Her last name is Milligan?

9 A. Milligan, M-I-L-L-I-G-A-N.

10 Q. All right. Do you know whether or not
11 Wanda Milligan has ever had training with regard
12 to The Citadel's sexual assault, sexual
13 prevention, child abuse, any of those codes or
14 regulations?

15 A. I do not.

16 Q. You would agree with me that Father Doe,
17 when he called on April 23rd of 2007, he didn't
18 call the legal department, did he?

19 A. I believe he called the President's
20 office.

21 Q. Called the President's office?

22 A. Right.

23 Q. And the President's office made the
24 decision to send it to the legal department?

25 A. Somebody did, yes.

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1 one that the court reporter has. Okay?

2 A. So 109?

3 Q. Right. This -- I take it, this is what
4 you received from Wanda Milligan?

5 A. At some point.

6 Q. So you didn't actually have this
7 document on April 23rd, you don't think?

8 A. I don't know.

9 Q. Do you specifically recall talking to
10 Wanda Milligan about this --

11 A. No.

12 Q. -- or you just don't know whether you
13 got this note or whether you talked to her or
14 Colonel Trez?

15 A. I don't remember, no. I think I talked
16 to Wanda, for some reason, but I just -- I don't
17 remember.

18 Q. We've already discussed, this Father Doe
19 who called, he didn't call the general counsel or
20 the legal department, right?

21 A. No.

22 Q. He called the President?

23 A. He called the President.

24 Q. And it was up to the President's office
25 as to who to send this report to and who to

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1 investigate it, right?

2 A. Um, I suppose so.

3 Q. And the President's office, for whatever
4 reason, chose you?

5 A. It found its way to me somehow. I don't
6 know how that happened.

7 Q. And --

8 A. The information, again, that -- the
9 piece of paper, I don't know when that ended up in
10 my file, whether it was on that day or sometime
11 after.

12 Q. And then these documents were given to
13 us kind of in reverse chronological order. But if
14 you go back, can you tell us -- the first note
15 going backwards I think would be your telephone
16 conference with Father Doe, and tell us where that
17 starts.

18 A. That looks like it was at Citadel FOIA
19 100.

20 Q. Okay.

21 A. Are you asking --

22 Q. Yes -- now, is that the telephone call
23 with the dad?

24 A. Yes.

25 Q. And then I take it these notes that run

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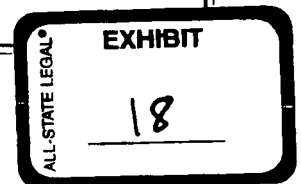
STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
)
 MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
)
 JOHN DOE CAMPER,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
)
 JOHN DOE 2,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

DEPOSITION OF: JOHN DOE CAMPER
 TAKEN: MARCH 25, 2014

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1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 2 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859
 3 MOTHER DOE 2, ON BEHALF)
 OF JOHN DOE 3,)
 4)
 Plaintiff,)
 5)
 vs.)
 6)
 THE CITADEL,)
 7)
 Defendant.)

8 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 9 COUNTY OF CHARLESTON) CASE NO. 2013-CP-10-5247
 10 CAMPER DOE 6,)
 11)
 Plaintiff,)
 12)
 vs.)
 13)
 THE CITADEL,)
 14)
 Defendant.)

15 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 16)
 17 COUNTY OF CHARLESTON) CASE NO. 2013-CP-10-4770
 18)
 JOHN DOE, A MINOR, BY)
 19 HIS GUARDIAN AD LITEM,)
 JOHN ROE)
 20)
 Plaintiff,)
 21)
 vs.)
 22)
 THE CITADEL,)
 23)
 Defendant.)

* * * * *

25

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1 DEPOSITION OF: JOHN DOE CAMPER
2 DATE TAKEN: Tuesday, March 25, 2014
3 TIME: 10:00 a.m.
4 PLACE: Barnwell, Whaley, Patterson &
5 Helms
6 288 Meeting Street, Suite 200
7 Charleston, South Carolina
8 REPORTED BY: EVE WILBANKS
9 Registered Professional
10 Reporter, Certified LiveNote
11 Reporter and Notary Public
12

13 * * * * *

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CHARLESTON, SOUTH CAROLINA 29413-1784

1 A. Yes. Absolutely.

2 Q. Was he proud of having gone to The
3 Citadel?

4 A. Very proud.

5 Q. Did you begin to learn about The
6 Citadel's value and belief system as a young boy?

7 A. I did.

8 Q. And was that the way you were raised?

9 A. It is.

10 Q. In 2007 -- let me back up. And you were
11 a counselor at The Citadel Summer Camp for two
12 years; is that right?

13 A. Yes, I believe so.

14 Q. And you became familiar with the camp's
15 policies regarding whether or not they condone the
16 type of sexual abuse that you suffered at the
17 hands of Skip ReVille; isn't that right?

18 A. Yes.

19 Q. So when you ultimately -- when you first
20 reported in 2007, your father actually researched
21 President Rosa, didn't he?

22 A. Yes.

23 Q. And I just want to make sure the record
24 is clear. Your report in 2007 was to President
25 Rosa; is that right?

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1 A. Yes.

2 MR. STONEY: Objection.

3 Q. And share with these lawyers, from an
4 authority standpoint, the way you viewed President
5 Rosa and why you reported the sexual abuse to him.

6 A. I viewed General Rosa as a staple of the
7 community. I viewed him as a man that would do
8 the right thing and obviously a very successful
9 man in his profession, which is a -- which is a
10 pretty impressive profession. And I chose to
11 report it to Rosa because I believed with all of
12 my heart that he would see the evil in all of this
13 and take care of it.

14 Q. Did you feel in 2007 that President Rosa
15 had more power than you did as a 19-year-old boy?

16 A. Yes.

17 Q. In 2007, were you aware that the
18 President of The Citadel was also, from a chain of
19 command standpoint, was the head of the summer
20 camp as well?

21 A. Yes.

22 Q. And the abuse that happened to you at
23 the summer camp, during that time -- the President
24 was a different individual, but, at that time, the
25 President of the college was also ultimately in

1 charge of the summer camp; isn't that right?

2 A. Yes.

3 Q. Now, they asked you questions about the
4 interview that was dated July 1st, 2007. And he
5 asked you, does the interview accurately reflect
6 what you all talked about. And I want to ask you,
7 on the first page, Mr. Brandenburg indicates that
8 you all talked before the proceeding began; is
9 that right?

10 A. Yes.

11 Q. And you all also talked after the
12 proceeding concluded; is that right?

13 A. Yes.

14 Q. So does the interview transcript
15 encompass everything you all talked about that
16 day, or what you all talked about while the tape
17 recorder was on?

18 A. It -- what we talked about while the
19 tape recorder was on.

20 Q. Now, did you and your father verify from
21 Mr. Brandenburg that he was there on behalf of
22 President Rosa?

23 A. Yes.

24 Q. When Mr. Brandenburg explained to you
25 that he was a lawyer for the school and he was

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1 Q. Well, let's find out what you -- page
2 100 is Father Doe, right?

3 A. Page 100, yes.

4 Q. Right. All right. And he tells you, in
5 the middle of the page, that his son was sexually
6 abused at summer camp?

7 A. Those would have been his words, I
8 think, yes.

9 Q. And then he says it's a guy named Skip,
10 right?

11 A. Yeah, yep.

12 Q. And then under that section where it
13 says "invited" and it has a name, that's the
14 person who was in the room with Camper Doe,
15 correct?

16 A. That's what he told me, yes.

17 Q. And for purposes of today, I'm going to
18 call that -- that's Eyewitness Doe. I don't want
19 to say his name.

20 A. Okay.

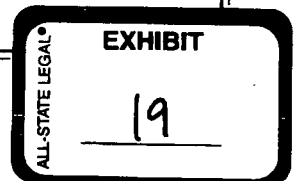
21 Q. You were told about Eyewitness Doe by
22 Father Doe on April 23rd of 2007, right?

23 A. Right.

24 Q. And he told you that Eyewitness Doe and
25 Doe were shown pornography and that Skip

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1 Citadel and paid by The Citadel?

2 A. Yes.

3 Q. All right. And you also on page 14,
4 later that night, again, on April 23rd, you talked
5 to Camper Doe, right?

6 A. Correct. That's what my notes indicate,
7 yes.

8 Q. And the activity that was described by
9 him was -- that ReVille showed him pornography and
10 masturbated in front of the boys and showered with
11 the boys, correct?

12 A. What my notes say is, would have locker
13 box sessions, would have kids watch pornography
14 and masturbate; Skip would join in.

15 Q. And the kids is plural, K-I-D-S --

16 A. Yes.

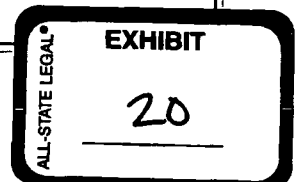
17 Q. -- in your notes?

18 A. Yes. I don't see anything in here about
19 showers on these notes. But I think the father
20 had said that to me earlier that day. Yes.

21 Q. When is the first time in all of this
22 that you -- did you ever consult any Citadel
23 policies or procedures or guidelines or codes?

24 A. I don't know.

25 Q. As you sit here today, you don't



1 Q. -- the top of that --

2 A. Yeah.

3 Q. -- says "Conversation with Doe."

4 A. Yeah.

5 Q. Is that a conversation --

6 A. That's my notes from the interview in
7 Texas.

8 Q. Okay. So 102 to 108 are your notes from
9 your interview with Doe in Texas?

10 A. 103 to 108.

11 Q. Sorry. 103 to 108?

12 A. Are my interview in Texas -- my notes of
13 the interview in Texas.

14 Q. And then 98 and 99 are your interview
15 with Doe on April 23rd; is that right?

16 A. I'm sorry. 98 and 99?

17 Q. Yeah.

18 A. That's my conversation with the former
19 camper, it looks like 9:30 at night.

20 Q. So from your notes, you have two pages
21 of notes from Father Doe and a page and a half of
22 notes from Doe, right --

23 A. Correct.

24 Q. -- from April 23rd, correct?

25 A. Correct.

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1 sorry -- sessions. Would have kids watch porno
2 and masturbate. Skip would join in. Doe and --
3 Doe did this once. And I think you said
4 Eyewitness One equals other camper in room that --
5 and I have kind of a bracket around this and a
6 note that said, Would order food. Skip was CCQ at
7 time. He and Eyewitness One were in same section,
8 happened in E and G, never heard of anything else.
9 Six-year camper, two-year counselor. Remembers as
10 Garrott and Lackey. Never told anyone until today
11 with mom. Doe equals 19 now, birthday there.
12 Were more than him - campers, more than one year,
13 never any other counselors involved.

14 Q. And those are the full extent of your
15 notes from the conversation with Doe?

16 A. That's what I wrote down during that
17 conversation, yes.

18 Q. What is the next thing you decided to do
19 after hearing from Father Doe and his son?

20 A. It looks like the next thing -- I mean,
21 the next thing I have notes on is a conversation
22 with Jenni Garrott on the 24th, conversation with
23 Bill Bates on the 24th, and a conversation with
24 ReVille, all on the 24th.

25 Q. Okay. And what -- in chronological

1 sorry -- sessions. Would have kids watch porno
2 and masturbate. Skip would join in. Doe and --
3 Doe did this once. And I think you said
4 Eyewitness One equals other camper in room that --
5 and I have kind of a bracket around this and a
6 note that said, Would order food. Skip was CCQ at
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9 Six-year camper, two-year counselor. Remembers as
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11 with mom. Doe equals 19 now, birthday there.
12 Were more than him - campers, more than one year,
13 never any other counselors involved.

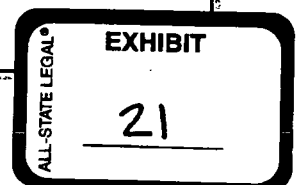
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21 the next thing I have notes on is a conversation
22 with Jenni Garrott on the 24th, conversation with
23 Bill Bates on the 24th, and a conversation with
24 ReVille, all on the 24th.

25 Q. Okay. And what -- in chronological



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

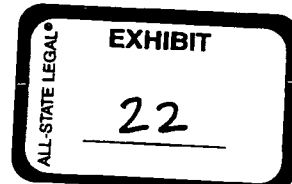
John Doe 2,) C/A No.: 2:12-cv-00794-RMG
)
Plaintiff,)
)
vs.)
)
President John W. Rosa, individually,)
)
Defendant.)
_____)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

MOTHER DOE, on behalf of John Doe 3,) C/A No.: 2:12-cv-00795-RMG
)
Plaintiff,)
)
vs.)
)
President John W. Rosa, individually,)
)
Defendant.)
_____)

I, Louis Neal "Skip" ReVelle, am providing this affidavit on Tuesday May 21 2013 at Perry Correctional Institution. I am making this statement on my own volition.



1. In April of 2007, I was on The Citadel campus and received a message at the writing center to meet with Mark Brandenburg in Bond Hall. At this time, I was working as a learning strategy consultant for the Writing Center.
2. I was under the impression that this meeting would concern a project that LTC Ward and I were working on. This project was a leadership initiative within the Values and Respects Program, and I had talked over the project's scope with Col. Trez in his office earlier that year (incidentally, in that meeting, Col. Trez recommended I read a book, Small Unit Leadership, by Malone or a similar name).
3. At Bond Hall, Mr Brandenburg met me and walked me to a conference room on the first floor of Bond Hall, which was only a few doors down from the President's office. It was at this time - outside the door

3 (cont.) of the conference room - when I saw in Mr. Brandenburg's hand a Citadel Summer Camp Bulletin.

4. Once inside the conference room, I took a seat on the left-hand side of the table and Mr. Brandenburg went to get Col. Trez.
5. Within a few minutes, both Mr. Brandenburg and Col. Trez returned - Brandenburg sat across from me and Col. Trez sat to my left. Mark began by telling me that there had been allegations ~~the~~^{ER} from a camper that I had acted inappropriately with that camper. Although I denied any allegations, I had in fact sexually abused this camper.
6. During the course of the conversation, Col. Trez made it known to me that from the Citadel's standpoint, their main concern was to protect the institution.
7. At the conclusion of the meeting, I asked what I needed to do, and their reply was that, while they

(cont.) conduct their own investigation, I should lay low and stay off campus.

8. In the Fall (late) or Winter of the following year, I was invited by LTC Weart to speak on campus to the Honor Committee. I called Mr. Brandenburg's office in order to notify him and, more importantly, to gain an idea of ~~my~~^{or} the development of their investigation. I spoke to Ms. Jennifer Shiel and left my name and number. I never received a reply from Mr. Brandenburg.

9. Over the course of the next few years, I returned to the campus to speak with incoming freshmen as well as an invited visit, again by LTC Weart, in 2010 at the unveiling of the remodelled Honor Court.

Jo ReVill 5/21/2013

Sworn before me this
21st day of May, 2013

Blodeau Orkell
Notary Public for SC
My Commission Expires:
10/10/13

1 Q. Do you know whether the Margolis folks
2 talked to Skip ReVille?

3 A. I don't believe he's listed as one of
4 the people that they interviewed.

5 Q. Do you know whether they tried to?

6 A. I have no idea.

7 Q. It doesn't -- I mean, there's a section
8 that says people they wanted to talk to and
9 couldn't. I think one was your secretary or --

10 A. Was Ms. Shiel, yes.

11 Q. So it didn't say that they tried to talk
12 to him and he wouldn't talk, right?

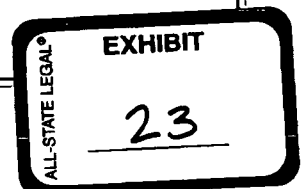
13 A. It does not say that in the document,
14 right.

15 Q. Are your duties with regard to reporting
16 a child predator to the police any different if
17 the perpetrator is a Citadel employee or not a
18 Citadel employee?

19 A. No.

20 Q. It's not in your notes, so I want to ask
21 you, did ReVille, when you met with him on April
22 the 24th of 2007, did he at some point say that,
23 You know me, and you responded by saying, We
24 thought we knew Arpaio?

25 A. That sounds like something I would say.



1 Q. Did you hear Colonel Trez say that, My
2 job is to make sure that The Citadel is not
3 harmed?

4 A. That sounds like something he would say.

5 Q. Did you hear -- did you tell Mr. ReVille
6 to stay off campus?

7 A. I don't have the power to tell somebody
8 to stay off campus.

9 Q. Do you have the power to suggest they
10 stay off campus?

11 A. I can certainly suggest that.

12 Q. Did you suggest to Mr. ReVille that he
13 should stay off campus until further notice?

14 A. I don't recall doing that.

15 Q. Did you tell ReVille to lay low?

16 A. I don't recall doing that.

17 Q. Did you ask Mr. ReVille whether or not
18 he would agree to have a court reporter present
19 when you had your meeting?

20 A. I don't believe I did.

21 Q. All right. Why would you have had
22 Colonel Trez present in the room, if he were
23 there, for a meeting with ReVille?

24 A. I mean, you're asking me a hypothetical.
25 Why would I have done something that some people

12-UP-10-1858

Ex 24

CD is in CP file Cabinet

1 A. No.

2 Q. Now, you said it was handled as a civil
3 case. I want to make sure I understand. There's
4 no such thing as civil or criminal; there's always
5 sexual abuse?

6 A. Yeah, right.

7 Q. So it's not -- all matters of sexual
8 abuse should be handled the same, regardless of
9 whether there's a civil lawsuit or whether there's
10 a criminal prosecution?

11 A. Right.

12 Q. You agree with that?

13 A. Yeah.

14 Q. So as far as the school's policies and
15 procedures, whether or not there was a civil case,
16 or whether or not there was a criminal
17 investigation, that had no bearing on the school's
18 responsibilities to enforce its own policies and
19 procedures?

20 MR. COOKE: Objection to the form of the
21 question.

22 A. Right. And I don't think -- I don't
23 think I said that. If I said that, that's not
24 what I meant. We -- when we have an alleged -- a
25 case, we follow our policies and procedures,

GENERAL JOHN W. ROSA - 7/29/2013

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO. 11-CP-10-9200

Mother Doe A,)
)
Plaintiff,)
)
vs.)
)
The Citadel,)
)
Defendant.)
)

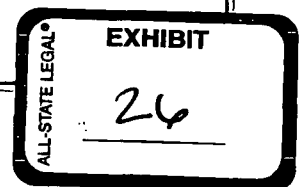
STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO. 12-CP-10-1860

John Doe Camper,)
)
Plaintiff,)
)
vs.)
)
The Citadel,)
)
Defendant.)
)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO. 12-CP-10-1858

John Doe 2,)
)
Plaintiff,)
)
vs.)
)
The Citadel,)
)
Defendant.)
)

Carolina Reporting (843) 832-0801
www.carolina-reporting.com



1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 2) NINTH JUDICIAL CIRCUIT
 2 COUNTY OF CHARLESTON) CASE NO. 12-CP-10-1859
 3
 4 Mother Doe 2, on behalf of John)
 4 Doe 3,)
 5)
 5 Plaintiff,)
 6)
 6 vs.)
 7)
 7 The Citadel,)
 8)
 8 Defendant.)
 9)
 10)
 11)
 12)

* * * * *

13
 14 VIDEOTAPED
 14 DEPOSITION OF: GENERAL JOHN W. ROSA - VOL. I
 15 DATE TAKEN: Monday, July 29, 2013
 16 TIME: 10:00 a.m.
 17 PLACE: 321 East Bay Street
 18 Charleston, SC
 19 REPORTED BY: TERI L. SAMPSON, RPR,
 20 Notary Public and Certified
 20 Live Note Reporter

* * * * *

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 CHARLESTON, SOUTH CAROLINA 29413-1784

Carolina Reporting (843) 832-0801
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1 A I don't know if he knows him, I don't know if
2 he knows who he is, but that says he knows him.

3 Q Uh-huh (affirmative). I've heard repeatedly
4 from witnesses and in this Margolis report and from you
5 that you think Mr. Brandenburg saw this as a claim, as
6 a settlement case, right?

7 A Right.

8 Q You've read that? Okay.

9 A Right.

10 Q If -- if that were true, why on earth
11 wouldn't he have told the Board of Visitors and you
12 that, "Just like Arpaio, we don't have one child who
13 was abused, we have six, there's really going to be six
14 claims, it's a -- it's a storm coming," why on earth
15 wouldn't he say that?

16 A I -- I have no idea.

17 Q So, I mean -- and that doesn't make you think
18 that that word "conceal" is the appropriate word?

19 A I don't think it is. I think this is a guy
20 that had not done a lot of this. I did not know that
21 at the time. This was not his selected field of law
22 and he didn't do a very good job.

23 Q Right. Well, let's -- I mean, let's go
24 back -- I mean, he was by his own admission intimately
25 involved in the Arpaio litigation --

From: Jennifer M. Hawley Shiel [/O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SHIELJ137528770]
Sent: Wednesday, October 24, 2007 5:03 PM
To: 'Joe Trez'
Subject: Legal File System

Attachments: Untitled attachment 149892.htm; File List.xls; File System.xls



Untitled
achment 149892.ht



File List.xls



File System.xls

I've mentioned this to you, but I thought you might want to see this system Mark & I have devised. It works like a champ. The only thing I haven't done is put in all the locations yet. I'm using a numbering system for the file locations, with 1 being the copier room and 4 being Records Management. That way when Mark wants a file, we can go straight to it without looking in several places. I also insist on using the file "Out" cards when we pull a file. It keeps me from having to try to remember who has what file. I've driven myself crazy too often to rely on my memory.

The other list attached explains the file numbering system.

It is really a thing of beauty.

Mrs. Jennifer Shiel

President's Support Office

Bond Hall, Room 369

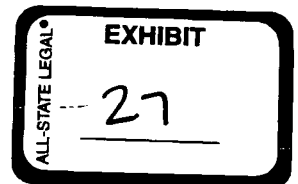
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GENERAL FILES			LEGAL	
Departments		Subject	Litigation	
1	BOV	20	100	BOV
2	President	21	101	President
3	Provost	22	102	Provost
4	Commandant	23	103	Commandant
5	Finance	24	104	Finance
6	Facilities & Engineering	25	105	Facilities & Engineering
7	External Affairs	26	106	External Affairs
8	Athletics	27	107	Athletics
9	Affiliated Orgs	28	108	Affiliated Orgs
10	PSO	29	109	PSO
11	Faculty	30	110	Faculty
12	Staff	31	111	Staff
13	Cadets/Students	32	112	Cadets/Students
14	General Counsel	33	113	The Citadel
15	Infirmary	34	114	
16	Counseling Center	35	115	
17	Procurement	36	116	
18	SHAC	37	117	
19	Risk Management	38	118	
20	Academic Affairs	39	119	
21	ITS	40	120	
22	PSAF	41		
23	Cadet Activities	42		
24	Engineering	43		
25	CGPS	44		
26	Business Administration	45		
27	Honor Committee			
28	Human Resources			
29	Admissions			
30	HESS			
31	Telecommunications			
32	Financial Aid			
33	Gift Shop			

CITADEL 0004760

GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
101.001	Burfiot v. Lt Gen Rosa, et al.	Burfiot v. Rosa, et al	2007	President	lawsuit	1
101.002	Bulldog Bite 11 July 2007	Possible litigation resulting from mascot biting employee	2007	President	lawsuit, mascot	1
101.003	Erik Runge v. Rosa, et al	Potential litigation involving USAFA	2007	President		1
107.001	Savannah River Charters	Alleged Breach of Contract	2007	Athletics		1
108.001	Michael Royal v. Aramark Food Service Corp.	Lawsuit involving assault by Aramark employee on campus	2007	Affiliated Organizations	Aramark; employee; lawsuit; assault	1
110.001	Speelman, Patrick	Possible litigation re: hiring decision in History Dept.	2006	Faculty	Boughan	1
113.001	City of Isle of Palms v. Greenwood Beach, et al	Right of way	2007	The Citadel		1
113.002	Marion Collins v. Anthony Rausa and The Citadel		2004	The Citadel	Joe Riley Park	1
113.003	Paul Burnett v. The Military College of SC	Lawsuit for Wrongful Discharge of Student	2005	The Citadel	discipline; hazing; discharge; injury	1
113.004	Rlx, Laurence N. II	Alleged hazing, property damage	2006	The Citadel	computer, Band Company, India Company	
001.020.001	Stadium Committee		2006	BOV		1
001.020.002	D&O Insurance Coverage	Research of D&O coverage for Board members	2006	BOV	lawsuit, board, IRF	2
001.020.003	Veterans' Program	Reinstatement of the Veterans Undergraduate Day Program	2007	BOV	veterans, day program	
001.024.001	FOIA Briefing - 6/16/07	Briefing to BOV on FOIA 6/16/07	2007	BOV	FOIA, briefing	2
001.024.002	Board of Visitors Meeting 4/20 - 4/21/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.003	Board of Visitors Meeting 6/15 - 6/18/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.004	Board of Visitors Meeting 2/2 - 2/3/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.005	Board of Visitors Meeting 9/7 - 9/8/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.006	CRCL Committee Mtg. 6/13/07	Geller Appeal	2007	BOV		2
001.024.007	CRCL Committee Mtg. 5/16/07	Wilcox and McCown Appeals	2007	BOV		2
001.024.008	Board of Visitors Teleconference 5/10/07	Approval of VPEA position; approval of execution of deed to Joe Riley Park; legal matters	2007	BOV		2
001.024.009	CRCL Committee Mtg. 7/11/07	Babey Appeal	2007	BOV		2
001.024.010	Board of Visitors Teleconference 8/30/07	BOV Committee Assignments	2007	BOV		2
001.024.011	Strategic Planning Committee Mtg. 8/30/07	Master Plan; Stadium; Items for BOV meeting	2007	BOV		2
001.024.012	CRCL Committee Mtg. 3/2/07	McDade Appeal	2007	BOV		2
001.024.013	CRCL Committee Mtg. 5/4/07	Re: Proposed changes to College Regulations				2
001.025.001	College Regulations, Section IX	Review of College Regulations - Section IX	2007	BOV	regulations	2
001.025.002	Emeritus Members - Ability to Vote	Attorney General opinion letter request re: ability of emeritus members to vote in committee	2007	BOV	AG opinion, BOV, voting	1
001.025.003	Female Hair Policies	BOV review of current female hair standards	2006	BOV	female, military, hair	2

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
001.025.004	Locks on Cadet Room Doors		2007	BOV	locks, security	1
001.025.005	BOV Elections		2007	BOV	elections	2
001.025.006	BOV Records Retention		2007	BOV	FOIA	2
001.025.007	BOV Seat Numbering	Research on possible numbering of Board seats	2007	BOV		1
002.020.001	Provost Search - AY2006-07	Search for new provost	2007	President	search committee, provost	2
002.020.002	The Citadel Ombudsman Program	Review of the Ombudsman Program	2007	President	Ombudsman	
002.021.001	Darby, G. Pinckney Jr.	Agreement for display of Kershaw's Brigade flag at museum.	2008	President		2
002.031.001	Engelman Allegations	Response to Governor re: Engelman Allegations Involving Charleston Educational Network, Mark Brandenburg and Jack Douglas	2007	President	Charleston Education Network, Jack Douglas, Buist Academy, Hillary Douglas, Grinalds	1
002.031.002	Harrell, Craig	Complaint re: cadets access to online pornography	2007	President	internet, pornography	2
002.031.003	Herlong, Thomas H.	Complaint re: alleged hazing	2007	President		2
002.034.001	Rosa, John - Ethics Statement 2007	Research and opinion on activities for report	2007	President	ethics, activities	2
002.034.002	Demody, Brandon	Lobbyist for Johnson Controls	2007	President	Johnson Controls, lobbyist, ESCO Protest	1
002.037.001	Crisis Management	Reference Materials	2007	President		2
002.039.001	Mansour, Reda Ambassador	Consul General of Israel to the Southeastern United States request for protest of British University and College Union	2007	President	boycott, Israeli academia	2
002.039.002	Lybrand, Sam	Letter re: Corps Values from Class of 59 Alumnus	2007	President	God, prayer	2
002.039.003	Glenn, A. J. III	Letter re: mess formation	2007	President		2
003.021.001	SC Voc Rehab MOA	MOA for provision of services to students under ADA	2007	Provost	ADA, SCVRD, MOA	2
003.021.002	Herff Jones, Inc. - 2006	Sheepskin and diploma agreement	2006	Provost	diploma, sheepskin	2
003.021.003	Royal Holloway and Bedford New College, University of London - AY 2006-07	Study abroad agreement	2006	Provost		2
003.021.004	CSI	Copies of employment agreements for students & teachers	2006	Provost	OASIS	2
003.021.005	New Morning Foundation (It's Up to Me)	Grant for Provision of Teen Pregnancy/Counseling on Campus	2004	Provost		2
003.028.001	IUTM "Camp"	It's Up to Me Children on Campus request	2007	Provost	children on campus, camps	2
004.021.001	Stemer, Mark (CAMPUSPEAK)	Guest Speaker - 2/13/07	2006	Commandant	speakers	
004.021.002	ADO Program AY 2007-08	MOU for ROTC Departments	2007	Commandant	policies	
004.025.001	MUSC Intern Housing Request	Request to house interns during the Summer	2007	Commandant	barracks, third party	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
004.025.002	Blue Book Revision - 2007	Revision of Blue Book	2007	Commandant		
004.025.003	Handling of Intoxicated Cadets/Alcohol Policy	Materials relative to development of a new policy	2007	Commandant	alcohol, drunk tank, transport	
004.025.004	Health & Wellness Searches	Background materials	2006	Commandant	drug testing, dog searches, inspections	
005.025.001	Quartermaster Accounts - Students	Reference	2006	Finance	billing, invoice, statement	
005.040.001	Audit Letters 2007	Letters to outside auditing firms	2007	Finance	liability, litigation	
006.020.001	Preservation Ordinance - City of Chas.		2006	Fac. & Eng.	BAR	
006.020.002	Columbarium Project	Development of columbarium on-campus and associated policies and procedures	2006	Fac. & Eng.	columbarium, burial, cremains, alumni, donors	
006.021.001	ESCO Protest	Protest of Energy Conservation Contract	2006	Fac. & Eng.	procurement, RFP, contract	
006.021.002	Joe Riley Park Deed	Deed to Riley Park	2007	Fac. & Eng.	property, deeds, contracts	
006.021.003	City Gym Purchase	City Gym Purchase	2007	Fac. & Eng.	property, deeds, contracts	
006.021.004	Roper Parking MOU	MOU with Roper St. Francis re: parking agreement for JHS property	2007	Fac. & Eng.	MOU, contracts, stadium	
006.021.005	Project Seahawk	MOU with Project Seahawk for use of Citadel water tower.	2007	Fac. & Eng.	MOU, water tower, security	
006.021.006	On Campus Housing 2006	Leases and other information	2007	Fac. & Eng.	On campus housing, sub-lease	
006.021.007	Burke High School Easements	Perpetual Easement Agreements	2002	Fac. & Eng.	Burke, easement, SCSD	
006.021.008	National Guard Readiness Center	Agreement for Joint Use Fac. At JHS	2007	Fac. & Eng.	National Guard	
006.021.009	Dredge Spoil Site		2007	Fac. & Eng.	RFP, dredge, spoil	
006.021.010	MUSC Oath Ceremony 2007	Use of Summerall Field	2007	Fac. & Eng.	MUSC	
006.021.011	Airgate PCS, Inc. (Sprint)	Use of water tower	2006	Fac. & Eng.	water tower, telecommunications	
006.021.012	SunCom Wireless	Use of water tower	2007	Fac. & Eng.	water tower, telecommunications	
006.021.013	CARTA (Rutledge Avenue Shed)	Placement of shed on Citadel property	2006	Fac. & Eng.	CARTA, shed, easement	
006.021.014	US Army Corps of Engineers Site Investigation	Right of Entry Site Investigation for possible munitions on old Natl. Guard Armory site	2007	Fac. & Eng.	National Guard Armory, munitions	
006.021.015	Skybox Guarantees	Personal Guaranty for Skybox lease	2007	Fac. & Eng.	McQueeney	
006.021.016	Burke High School - High School Band Competition	Agreement for Use of JHS	2007	Fac. & Eng.	Stadium	
006.022.001	ACME Research	Barracks Construction Projects	2007	Fac. & Eng.		
006.022.002	Palmetto Metal Products	Request to review records	2006	Fac. & Eng.		
006.023.001	Enwistle Builders	Subpoena for records	2008	Fac. & Eng.		
006.031.001	Daniel Library - Mold	Complaint, Study and Findings	2005	Fac. & Eng.	mold, library, air quality	
006.031.002	P&CC Enterprises	Bid Protest	2006	Fac. & Eng.	bid, protest	
006.034.001	Wilson Field		2007	Fac. & Eng.	stormwater, legislation, DHEC	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
006.039.001	Vehicle Static Display - Johnson-Hagood Stadium 11/10/07	Request from Army ROTC Dept. to place a vehicle static displays near JHS for 11/10/07 football game	2007	Fac. & Eng.	tanks, HAC, SCNG	
006.044.001	Four Corners Land & Investment/Edward Oswald	Interested in developing mixed used are at College Park	2007	Fac. & Eng.		
006.044.002	Line and Hagood Street Property	Property Purchase	2003	Fac. & Eng.		
008.044.003	Buffer Line Ordinance Revision		2000	Fac. & Eng.		
006.044.004	Johnson Hagood Stadium - Rebuilding	Rebuilding of JHS	2004	Fac. & Eng.		
006.044.005	Property - Miscellaneous	Deeds, plats, research of, property inventory, property reports	Unk.	Fac. & Eng.		
008.044.006	Brittlebank Park	Various	Unk.	Fac. & Eng.	marina, city, rowing facility	
008.045.001	Altman Center Matter AY 2004-05	Altman Family complaint re: relocation of JHS	2005	Fac. & Eng.	stadium, Stoney Field	
007.020.001	Democratic Debate 2007	Contracts, opinions on 1st Amendment	2007	External Affairs	political, debate, campaign, Democratic Party, McAllister Field House	
007.021.001	MS Walk 2007	Agreement for use of campus and MCH	2005	External Affairs	MS Walk	
007.021.002	Meltwater News	Service and software agreement	2007	External Affairs	news, Internet, computer	
007.021.003	Carolina Events and Tents	Rock the Block 2007	2007	External Affairs		
007.032.001	Smisson Logo Use Request	Request for use of some Citadel logo features in new company logo	2007	External Affairs	logo, third party use, copyright	
007.032.002	Anderson Area Citadel Club	Licensing Request	2007	External Affairs	merchandising, alumni	
007.032.003	Tri-County Roofing	Alumnus request to use Citadel reference in marketing materials	2007	External Affairs	merchandising, alumni	
007.032.004	Quadra Productions, Inc.	Film footage license	2006	External Affairs	film	
007.032.005	Colins, Nick	Use of footage filmed on campus	2007	External Affairs	film	
007.032.006	Wilbert Funeral Services	Use of trademarked Citadel Logo	2006	External Affairs	logo; trademark; casket	
007.032.007	Citadel High School	Use of "Citadel" in name for new high school	2007	External Affairs		
007.039.001	Fantasy Football League	Opinion on college joining	2007	External Affairs	gambling, betting, bookmaking	
007.039.001	Kennickell, AI	Permission to use and alter picture of cadets on field	2007	External Affairs	computer	
007.039.002	Miscellaneous Public Relations Issues	Various	2007	External Affairs		
008.020.021	Bulldog Puppy Lottery		2007	Athletics		
008.021.001	Daktronics - Advertising	MOU, 3rd party contracts	2006	Athletics	MOU, contracts, advertising	
008.021.002	Sertoma Lease	Sertoma Lease of McAlister Field House 8/07	2007	Athletics	MOU, lease, Sertoma	
008.021.003	Coaches Contracts 2007	Head and Assistant Coaches Contracts	2007	Athletics	Coaches	
008.021.004	CSU/Citadel Football 2002 - 2006	Agreement on schedule and compensation	2002	Athletics	CSU, football, schedule	
008.021.005	P&C Sponsorship Agreement 2008-07		2006	Athletics	advertising	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
008.021.008	Nike/Conroy Contract	Brand merchandising agreement	2006	Athletics		
008.021.007	Coaches Contracts 2006	Head and Assistant Coaches Contracts	2006	Athletics	Coaches	
008.021.008	Comcast - Kevin Higgins Show (Sep 06)	Programming Agreement	2006	Athletics	Coaches	
008.021.009	CSTV 2006	Domain Name Agreement	2006	Athletics		
008.021.010	Basketball Contracts - 2006	Contracts with Notre Dame & Univ. of Iowa	2006	Athletics	money games	
008.021.011	Nike/Football Contract	Brand merchandising agreement	2007	Athletics	advertising	
008.021.012	Challenger Films, Inc.	Location Release	2007	Athletics	filmmaking	
008.021.013	Premier Charter Network, Inc.	Round Trip Service to Madison, WI	2007	Athletics	air charter	
008.021.014	Collegiate Licensing Company / IMG Worldwide	Licensing of Citadel merchandise	2007	Athletics	licensing	
008.021.015	Johnson-Hagood Stadium Readiness Center	Naming Opportunities Agreement	2007	Athletics	South Carolina National Guard	
008.021.016	SC State - Use of Johnson-Hagood Stadium	Agreement for use of JHS 11/17/07	2007	Athletics		
008.021.017	Conroy, Edward Shawn	Employment contract	2007	Athletics	coach, basketball	
008.021.018	XOS Contract	Athletics website	2007	Athletics		
008.022.001	Karcher, Richard	Request for copy of Kevin Higgins' contract	2007	Athletics	FOIA, contract, coach	
008.022.002	Gazelle Group	Copies of Conroy & Higgins contracts	2006	Athletics	contracts	
008.022.003	IMG	Information re: coaches salaries	2007	Athletics	coaches; salary	
008.022.004	Ropes & Gray LLP	Copy of Conroy contract	2007	Athletics	Conroy; basketball; coach	
008.025.005	Financial Guidance on 2007-08 Budget	Memorandum from Lt Col Plunkett to Coaches and Staff	2007	Athletics		
008.031.001	Auto Allowances for Female Coaches	Title IX Complaint	2006	Athletics	coaches; Title IX; auto; allowances	
008.031.002	Evans, Virgil V. III	Complaint re: Hiring Decision - Womens' Golf Coach	2007	Athletics	Golf coach, discrimination	
008.039.001	Vest, Jonathan P.	Conversation with Andy Clawson re: press release	2007	Athletics	banned substance, football, NCAA	
008.040.001	State of SC Audit - FY 2005		2005	Athletics	audit, state	
008.041.001	US Dept. of Education Title IX Survey - 2006		2006	Athletics	survey, NCAA	
009.021.001	The Citadel Trust By-Laws	By-Laws	2007	Affiliated Orgs	by-laws	
009.023.001	William C. Mills v. City of North Charleston	Subpoena in civil lawsuit; former Alumni Assoc. Pres.	2004	Affiliated Orgs	subpoena, alumni	
009.025.001	The Citadel Football Association	The Citadel Brigadier Foundation	2006	Affiliated Orgs	TCF	
009.025.002	The Citadel Brigadier Foundation	Agreement and by-laws	2004	Affiliated Orgs		
009.027.001	The Citadel Trust	Historical Materials	2007	Affiliated Orgs		
009.029.001	The Citadel Rod & Gun Club	Unpaid state sales tax	2007	Affiliated Orgs	clubs, taxes	
009.045.001	Anderson, Rheta F.	Settlement of Donor Estate	2006	Affiliated Orgs		
009.045.002	Crumpton, Sidney	Settlement of Donor Estate	2006	Affiliated Orgs		
009.045.003	King Estate	Settlement of Donor Estate	2007	Affiliated Orgs		

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
011.022.001	Wiley, Charles	FOIA Request for All Employment Records	2007	Faculty	Adjunct professor, 1998, Political Science, Eli Gemini	
011.030.001	Murray, Kent	Salary Agreement (Civil Action #2:99-4180-18AJ)	2007	Faculty	Settlements, civil action, salary	
011.031.001	Henson, Ken	Resignation as Dean/Reassignment as faculty, Agreement and Release	2004	Faculty	department head; dean; tenured	
011.039.001	Faculty - Miscellaneous AY 2006-07	Various inquiries and communications	2006	Faculty		
012.021.001	Tomasik, Donald M.	Separation Agreement	2007	Staff		
012.022.001	Dewey Ballantine, LLP	Employment Records - Francis S. Foley	2006	Staff	coach, Vikings, football	
012.023.001	Riley, Jessica (aka Jessica Wilson)	Subpoena for all Employment Records	2007	Staff		
012.023.002	Ripley, Leonard C.	Subpoena for all Employment Records	2007	Staff		
012.023.003	Rue, William	PSAF Subpoena for Employment Records	2006	Staff	subpoena, PSAF	
012.026.001	Huddleston, Jody	Disciplinary action related to freshman cadet Honor Violation	2006	Staff	Honor; lying; freshmen; soccer; cell phone	
012.031.001	Black Relations Advisory Committee		1987	Staff	Nasmith, ethnic, black, Clyburn	
012.031.002	Jefferson, Renee	Mold Allergy, Capers Hall	2006	Staff	mold, Capers, allergy	
012.031.003	West, Susan	EEO/SHAC Complaint	2006	Staff	EEO, SHAC, Bufano	
012.031.004	Speaker, Gregory	Reactivation and re-employment	2006	Staff	deployment, reemployment, military	
012.039.001	Miscellaneous Staff Issues AY 2005-06	Various	2007	Staff		
013.020.001	Dana, Payson	Investigation into student's death during furlough	2007	Cadets/Students	death, suicide	
013.022.001	Duckett, Daniel A.	FOIA Request for Various Materials/Records	2007	Cadets/Students	hazing	
013.022.002	McGarvey, Murray P.	Records Request from Executor	2007	Cadets/Students	executor, deceased	
013.022.003	Logan, Michael	Background investigation by Holly Maloney	2006	Cadets/Students	Honor, resignation	
013.023.001	Goldschmidt, Thomas J. MD	Subpoena for Class Rank	2006	Cadets/Students	rank	
013.023.002	Trask, Paul L. II	Subpoena for records	2007	Cadets/Students	deceased, e-mail	
013.023.003	Thomas, William Beaty	Subpoena for records	2008	Cadets/Students		
013.023.004	Witherspoon, Robert M. IV	Subpoena for records	2006	Cadets/Students		
013.023.005	Hunter, Kent S.	Subpoena for records	2007	Cadets/Students	lawsuit, CSXT	
013.023.006	Gipe, Tomm L.	Subpoena for records	2006	Cadets/Students		
013.023.007	Wilkes, Adrian	Subpoena for Court Appearance	2007	Cadets/Students		
013.025.001	Policy for Disciplinary Violations During Summer Furlough	Policy review	2007	Cadets/Students	furlough, discipline	
013.026.001	Adams, Tyler G.	Criminal Charges - 7/3/07	2007	Cadets/Students	criminal, conduct unbecoming, ABHAN	
013.026.002	White, David M.	DUI/Disciplinary Actions	2006	Cadets/Students	DUI, discipline	
013.026.003	Barnes, Justin	Alleged Hazing Incident	2006	Cadets/Students	hazing	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
013.026.004	Waring, Thomas Richard III		2007	Cadets/Students		
013.026.005	Burns & Short	Drugs	2007	Cadets/Students	drugs, cocaine	
013.026.006	Brown, Justin	Expulsion	2007	Cadets/Students	McLeod	
013.026.007	Huggins, Charles	Alleged Hazing Incident	2007	Cadets/Students	hazing	
013.026.008	Wilcox, Ashton	Hazing Incident	2007	Cadets/Students	hazing	
013.026.009	Ramirez, Leobardo	Grand Theft Auto Charges	2006	Cadets/Students	criminal, theft, out-of-state	
013.026.010	Roman, Joshua	Disciplinary and suitability issues	2006	Cadets/Students	F Company	
013.026.011	Reyes, Feilpa/Edwards, Monique	Alleged sexual misconduct	2007	Cadets/Students	sex, barracks	
013.026.012	Tire Incident - 2005	Incident involving 3 cadets	2005	Cadets/Students		
013.026.013	Incident in 2d Battalion - 3 Cadets	Incident involving 3 cadets throwing feces in barracks	2007	Cadets/Students	summer school, feces, discipline	
013.026.014	Wiperman, Phillip	Alleged sexual assault & arrest	2006	Cadets/Students	sexual, assault, arrest	
013.026.015	O'Brien, James	Alleged sexual assault & arrest	2006	Cadets/Students	sexual, assault, arrest	
013.026.016	Pizzi, Clifford	Due Process Opinion on Commandant's Board	2006	Cadets/Students	hazing, due process	
013.026.017	Boggs, John E.	Underage drinking, public intoxication, arrest	2006	Cadets/Students	alcohol, arrest, underage	
013.026.018	Booker, Montair	Opinion on MRB letter	2006	Cadets/Students	MRB, discharge, psychological	
013.026.019	Borders, Dwayns R.	Expulsion for Conduct Unbecoming a Cadet	2006	Cadets/Students	sex; rape; off-campus	
013.026.020	Highland Games Incident - 2006	Cadets drinking during community service activity	2006	Cadets/Students	underage; alcohol; college vehicle; Boons Hall	
013.026.021	Place, Lawrence H.	Letter re: arrest	2006	Cadets/Students	underage; alcohol; assault; arrest	
013.026.022	Sheehy, Kelly	Conduct unbecoming - Roper ER	2006	Cadets/Students		
013.026.023	Herring, Cody T.	Re: multiple alcohol related offenses	2006	Cadets/Students	alcohol, on campus	
013.026.024	Staples, Michael	Request for full refund	2006	Cadets/Students	freshman; hazing	
013.026.025	Nogard, Michael	Arrest	Unknown	Cadets/Students	credit card; stealing	
013.026.026	Unknown Cadet	Police inquiry; possible sexual assault	2006	Cadets/Students	arrest; sexual	
013.026.027	Taylor, Allister	Disciplinary Actions	2007	Cadets/Students		
013.026.028	McLeod, Robert B.	Arrest for sale of Adderall	2007	Cadets/Students	drugs, criminal, controlled substance	
013.026.029	Gastley, Ryan S. and Glover, Douglas C.	Alleged Hazing Incident	2007	Cadets/Students	Posnick, Hotel Company	
013.026.030	Morris, Alexander F.	Alleged arson in the barracks	2007	Cadets/Students	arrest, fire	
013.027.001	Orvin, Christopher O.	Honor Violation - Spring 2007	2007	Cadets/Students	honor, medical	
013.027.002	Gregory, John E.	Appeal for Reinstatement	2007	Cadets/Students	honor, appeal, reinstatement	
013.027.003	Skipper, Daniel	Honor Violation - Fall 2008	2008	Cadets/Students	cell phone; lying; leniency	
013.027.004	Altman, Andrew K.	Honor Violation - Spring 2007	2007	Cadets/Students		
013.027.005	Self, Justin W.	Honor Violation - Fall 2008	2006	Cadets/Students	Skipper, toleration	
013.027.004	Pressley, Thomas	Appeal for Reinstatement	2007	Cadets/Students	lying	
013.027.006	Kirkland, Joseph	Cheating case	2006	Cadets/Students	computer; Fisher	
013.027.007	Wilson, William B.	Cheating case	2006	Cadets/Students		
013.027.008	Fisher, Kyle	Cheating case	2006	Cadets/Students	Kirkland	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
013.027.009	Nance, Robert B. Jr.	Failure to complete Leniency Program	2006	Cadets/Students	Leniency; readmission	
013.027.010	Volleyball Team - 2006	Alleged honor violations	2006	Cadets/Students	lying; athletics; coach	
013.027.011	Hemmingway, Charles	Plagiarism during Summer School	2006	Cadets/Students	summer school; honor; plagiarism	
013.027.012	Young, Joseph D.	FERPA Release, announce of trial outcome in mess hall	2007	Cadets/Students	messhall; FERPA	
013.027.013	Ouzts, Michael P.	Honor violation and investigation	2007	Cadets/Students		
013.028.001	Dog Day 2007		2007	Cadets/Students	parties, student, liability	
013.028.002	Drill Team Weekend 2007		2007	Cadets/Students	Camp	
013.028.003	Dog Day 2008		2007	Cadets/Students	parties, student, liability	
013.029.001	Lusted, Ethan Mark	Freshman with severe hearing impairment	2007	Cadets/Students	ADA, deaf, CSI	
013.030.001	Bost, Dorr, Finlay and Vaughn	Settlement for damages resulting from faculty member e-mail.	2007	Cadets/Students	slander, libel, Kirchino	
013.031.001	Browne, Princess	Sexual Harassment Complaint	2007	Cadets/Students		
013.031.002	Female Hair/E-Mail - February 2007	Female cadets complaint re: new hair policy	2007	Cadets/Students	hair, female, complaint, cadet	
013.031.003	Al Jalahma, Mohammed	Alleged Racial Discrimination	2006	Cadets/Students	racial, discrimination, cadet	
013.031.004	Weathers, J. D.	Alleged Sexual Harassment	2006	Cadets/Students	sexual, harassment, male	
013.031.005	Wigal, Mark	Complaint re: football GA position	2006	Cadets/Students	graduate assistant; compensation	
013.031.006	Streeter, Bryan R.	Appeal of Academic Discharge	2007	Cadets/Students	academic advisor, athlete	
013.031.007	Ellis, Chelsea			Cadets/Students	sexual harassment, Husar, Stuckhart	
013.031.008	Mayes, Joshua	Alleged Racial Discrimination	2007	Cadets/Students	hazing, EEO	
013.036.001	Cole, Jeffrey H.	FERPA Complaint	2007	Cadets/Students	FERPA, honor	
013.036.002	Lewis, Timothy	FERPA Complaint	2007	Cadets/Students	Amy ROTC	
013.038.001	Bennett, David	MRB	2005	Cadets/Students	MRB, suicide	
013.038.002	Deas, Joshua A.	MRB	2006	Cadets/Students	MRB, hazing	
013.038.003	Davis, Matthew W.	MRB	2007	Cadets/Students	psychosis	
013.038.004	Nall, William Robert	Medical/psychiatric	2007	Cadets/Students		
013.038.005	Bladen Stacie L.	Injury inflicted by soccer coach	2004	Cadets/Students		
013.038.006	Johns, Mildred M.	MRB, psychiatric	2007	Cadets/Students	sexual abuse,	
013.039.001	Cadets/Students - Miscellaneous AY 2006-07	Various inquires and communications	2007	Cadets/Students		
013.039.002	Cadets/Students - Miscellaneous AY 2008-07	Various inquires and communications	2007	Cadets/Students		
013.039.003	Jaeger, Michael P.	Fundraising on campus inquiry	2007	Cadets/Students		
013.039.004	Cadets/Students - Miscellaneous AY 2005-06	Various inquires and communications	2007	Cadets/Students		
014.001.001	Little Mendelson, P.C.	Potential Outside Counsel	2007	General Counsel	outside counsel; DC	
014.001.001	Childrens Camps on Campus AY 06-07	Contracts and Associated Documentation	2007	General Counsel	children, camps, liability	
014.001.002	Childrens Camps on Campus AY 07-08	Contracts and Associated Documentation	2007	General Counsel	children, camps, liability	

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
014.024.001	FERPA Briefing to 4th Class - Aug 07	Briefing to Incoming 4th Class	2007	General Counsel	FERPA, brief, knobs, cadets	
014.024.002	Vice President's Meetings - AY 2007-08	Notes and Materials from Weekly Meetings	2007	General Counsel		
014.024.003	President's Meeting - AY 2007-08	Notes and Materials from Weekly Meetings	2007	General Counsel		
014.025.001	Study Abroad Program Review		2007	General Counsel	Study; risk; student	
014.025.002	FERPA Policy AY 2006-07	Annual Policy Update and Notification	2006	General Counsel		
014.025.003	FERPA Policy AY 2007-08	Annual Policy Update and Notification	2007	General Counsel		
014.031.001	Evans, Michael	Alleged hazing of unknown cadet	2008	General Counsel	hazing, e-mail	
014.034.001	Alcohol Advertisements in Citadel Publications	State Laws for Advertising by Dealers/Distributors	2007	General Counsel	O'Hara & Flynn; alcohol; advertising; underage	
014.036.001	FERPA Brochure for Faculty & Staff	Development of hand-out for faculty/staff briefings	2007	General Counsel	briefing; brochure	
014.036.001	Johnson, Kevin	Request for legal advice re: FERPA complaint	2007	General Counsel		
014.037.001	Single Gender Scholarships	Opinions and Reference Material	2007	General Counsel	gender; scholarship	
014.037.002	Title IX	Opinions and Reference Material	2007	General Counsel	gender	
014.037.003	ITS	Opinions and Reference Material	2007	General Counsel	Facebook; MySpace; educational records; computer; network; privacy	
014.037.004	Sexual Harassment	Opinions and Reference Material	2007	General Counsel		
014.037.005	Politic Campaigns	Opinions and Reference Material	2007	General Counsel		
014.037.006	Election Day Policies	Opinions and Reference Material	2007	General Counsel		
014.037.007	Employment	Opinions and Reference Material	2007	General Counsel		
014.037.008	Campus Demonstrations & Protest	Opinions and Reference Material	2007	General Counsel		
014.037.009	Sexual Assault	Opinions and Reference Material	2007	General Counsel		
014.037.010	SC Freedom of Information Act	Opinions and Reference Material	2007	General Counsel		
014.037.011	Raffles	Opinions and Reference Material	2004	General Counsel		
014.037.012	ADA	Opinions and Reference Material	2007	General Counsel		
014.037.013	Equal Opportunity	Opinions and Reference Material	2007	General Counsel		
014.037.014	Admissions	Opinions and Reference Material	2007	General Counsel		
014.037.015	Communicable Diseases On Campus	Opinions and Reference Material	2007	General Counsel	DHEC, flu, infirmary	
014.037.016	Clery Act	Opinions and Reference Material	2007	General Counsel		
014.037.017	Sample Matriculation Materials	Samples of handouts	2007	General Counsel	knobs, literature, matriculation	
014.037.018	Hazing	Opinions and Reference Material	2007	General Counsel		
014.037.019	Honor Committee		2007	General Counsel		
014.037.020	Confederate Flag / Dixie Issues	Historical Materials	2007	General Counsel		
014.037.021	Flu Epidemic / Pandemic	Reference Materials	2003	General Counsel		
014.037.022	Loco Parentis	Opinions and Reference Material	2007	General Counsel		
014.037.023	First Amendment	Opinions and Reference Material	2007	General Counsel	freedom of speech	
014.037.024	Compliance Programs - Higher Education	Opinions and Reference Material	2007	General Counsel		
014.037.025	Contracts - General	Opinions and Reference Material	2007	General Counsel		
014.039.001	Littler Legal Learning Group (LLG)	Legal training services for managers	2007	General Counsel		

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
014.039.002	Extamship Program - Nussbaum, Angela	Extern from Charleston School of Law July 2007	2007	General Counsel		
014.042.001	NCAA v. White	NCAA Request for Assistance in Legal Matter	2007	General Counsel	NCAA, lawsuit	
017.021.001	Accelrys Software, Inc.	License/Service Agreement	2007	Procurement		2
017.021.002	ARAMARK	Contract	2007	Procurement	foodservice, catering	
017.022.001	ACME Research	Annual FOIA Request	2007	Procurement	FOIA, vendors	
017.022.002	ECSI	Request for bid copies - RFP R5078-JW-06/16/06	2006	Procurement	RFP, bid	
017.022.003	ACME Research	Annual FOIA Request	2006	Procurement	FOIA, vendors	
017.022.004	Unite Here!	Request for copies of ARAMARK contracts	2007	Procurement	unions, foodservice, hospitality, lawsuit	
017.022.005	TouchNet Commerce Management System	Redacted proposal	2007	Procurement		
017.037.001	Simplex Grinnell	Security System Information from Sales Call	2007	Procurement	security	
017.039.001	Miscellaneous Procurement Issues 2007-08	Various	2007	Procurement		
019.020.004	Chief Mullen Initiative	Police Enforcement of Alcohol Use Laws at JH Stadium	2007	Risk Management	alcohol, stadium, police, alumni, brigadier, football, tailgate	
019.020.005	Break-ins in Athletics Facilities	Materials re: ongoing security issues	2008	Risk Management		
019.021.001	DDC Private Sub-Agency Training Agreement - 2007	Agreement for 15-passenger van driver training	2007	Risk Management	Van, driver, training	
019.021.002	NTI Group, Inc.	Contract for Emergency Notification System	2007	Risk Management	Disaster, security, ConnectEd	
019.025.001	Automatic External Defibrillators (AEDs)	Opinion on Purchase and Policy	2007	Risk Management	defibrillators	
019.025.002	Disaster Management	Info on Emergency Preparedness	2007	Risk Management		
019.025.003	Trees on Campus	Opinion on liability re: on campus trees	2006	Risk Management	trees, liability	
019.025.004	Arming Public Safety	Discussion on allowing PSAF officers to carry guns	2007	Risk Management		
019.025.005	Hurricane Evacuation Plan - Ernesto 8/06	Plans for possible evacuation of cadets	2008	Risk Management		
019.031.001	Parson, Denise	Fall on Campus	2007	Risk Management	compensation, injury	
019.037.001	Federal Signal	Proposal information for campus security alert system	2007	Risk Management		
019.039.001	Photo ID Badges	Staff Council Recommendation	2006	Risk Management	bomb threat, ID badge, security	
020.041.001	CCSD - Educational Leadership Graduate Classes	Agreement for services	2007	Academic Affairs		
020.041.002	Meyers, Jeffrey	Agreement for services	2006	Academic Affairs	fee basis, lecture	
020.041.003	Environmental Systems Research Institute, Inc. (ESRI)	License Agreement for Biology Lab Kits or Lab Kit Paks	2007	Academic Affairs	Granting, Creson	
020.041.004	Gaussian, Inc.	GaussView W4 Academic Site License Agreement	2007	Academic Affairs	Dorko, chemistry	
020.041.005	Vault	Subscription to online career library	2007	Academic Affairs	LeClerq, library	

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File Number	File Name	Description	Opened	Department	Keywords	Location
021.021.001	Founders' Service Agreement	Agreement for access to HDIS service	2007	ITS	Human Development; Experture	
021.021.002	Ruckus	Legal on-campus downloading program	2007	ITS	Honor Committee; Sholtzberger	
021.025.001	RIAA	General Info	2007	ITS	file sharing	
021.025.002	New Computer Use Policy		2007	ITS	computer, use	
022.040.001	Clerk Act Report - 2007	Annual Crime Report	2007	PSAF		
023.021.001	Off the Wall Entertainment 9/2006		2006	Cadet Activities		
024.021.001	Lockheed Martin	Joint Medical Info. Sys./DHS Info. Assurance Support Svcs. Prog.	2006	Engineering		
025.029.001	Posser, Jean	Inquiry about ADA Accommodations	2007			
025.031.001	Stabler, Wendy	Complaint re: graduate program	2007	CGPS		
027.025.001	Honor Manual Review - 2007	Review of Proposed Changes to Honor Manual	2007	Honor Committee		
027.039.001	Miscellaneous Honor Issues AY 2005-06	Various	2007	Honor Committee		
028.039.001	Miscellaneous EEO Issues - AY 2007-08	Various	2007	Human Resources		
028.039.002	Miscellaneous HR Issues - AY 2005-06	Various	2007	Human Resources		
028.040.001	US Dept. of Labor Compliance Audit	Compensation audit	2007	Human Resources	compensation, federal, investigation	
029.021.001	Education Systems, Inc.	License, Maintenance & Support Agreement	2007	Admissions	recruiting software	
030.021.001	EMS Ride-Along Program	Cadets Ride-Along with Chas. EMS	2007	HESS	EMS, ride-along, cadets	
032.031.001	Long, Charles Andrew	Appeal of Residency Status	2007	Financial Aid	residency, out-of-state	
033.031.001	Kirkman Broadcasting - 2007	Advertising Agreement	2007	Gift Shop		
033.039.001	Point of Sale Proposals	Inquiry from Ray Crenshaw	2006	Gift Shop		

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I've mentioned this to you, but I thought you might want to see this system Mark & I have devised. It works like a champ. The only thing I haven't done is put in all the locations yet. I'm using a numbering system for the file locations, with 1 being the copier room and 4 being Records Management. That way when Mark wants a file, we can go straight to it without looking in several places. I also insist on using the file "Out" cards when we pull a file. It keeps me from having to try to remember who has what file. I've driven myself crazy too often to rely on my memory.

The other list attached explains the file numbering system.

It is really a thing of beauty.

Mrs. Jennifer Shiel
President's Support Office
Bond Hall, Room 369
Phone: (843) 953-5815
Fax: (843) 953-7592

CITADEL 0004772

From: Susan K. Danko [dankos1@citadel.edu]
Sent: Tuesday, June 15, 2010 2:06 PM
To: Kristy Zimmerman
Subject: RE: File List
Attachments: File List 02-20-08.xlsx

Not at all. Please send it back to me when you update the list.
Thank you!!

From: Kristy Zimmerman
Sent: Tuesday, June 15, 2010 2:03 PM
To: Susan K. Danko
Subject: File List

Hi Susan,

Since I am on a new computer and no longer have the file list, do you mind sending it to me?

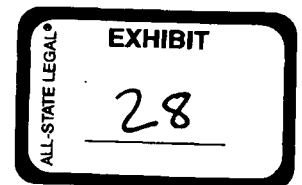
Thanks,
Kristy

Kristy Zimmerman
Legal Intern to the General Counsel
The Citadel, The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409
(843) 953-7592 (facsimile)
zimmermank1@citadel.edu

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CITADEL 0006641

2/10/2014

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GENERAL COUNSEL FILE LISTING

File Number	File Name	Description	Opened	Department	Keywords	Location
100.112.001		Suicide in Barracks	2009	Cadets/Students		
100.112.002		Gator Accident on 10/03/09 during halftime of App State/The Citadel football game	2009	Cadets/Students		
101.001		Burfiect v. Rosa, et al	2007	President	lawsuit	1
101.002		Possible litigation resulting from mascot biting employee	2007	President	lawsuit, mascot	1
101.003		Potential litigation involving USAFA	2007	President		1
102.001		Shantell Brown v. SC Dept of Ed/The Citadel	2008	Provost	Lawsuit	
104.001	Ampex Corporations - Bankruptcy	Visual Information Technology	2008	President	Bankruptcy	
107.001	Savannah River Charters	Alleged Breach of Contract	2007	Athletics		1
108.001		Lawsuit involving assault by Aramark employee on campus	2007	Affiliated Organizations	Aramark; employee; lawsuit; assault	1
110.001		Possible litigation re: hiring decision in History Dept.	2006	Faculty	Boughan	1
112.001		Son fell in gym 1991-1992	2008	Cadets/Students		
113.001		Right of way	2007	The Citadel		1
113.002			2004	The Citadel	Joe Riley Park	1
113.003		Lawsuit for Wrongful Discharge of Student	2005	The Citadel	discipline; hazing; discharge; injury	1
113.004		Alleged hazing, property damage	2006	The Citadel	computer, Band Company, India Company	
113.005		Alleged hazing in CSI	2006	The Citadel	Hawkins	
113.006		Alleged sexual abuse at Summer Camp	2007	The Citadel	Arpalo	
113.007		Alleged sexual abuse at Summer Camp of 11 yr old	2009	The Citadel		
113.008		US District Court Case No. 2004RD1026 Court Docket Number: 09-CR-00141	2009	The Citadel		
113.009		Potential Claim for Medical Reimbursement	2010	Graduate Student		
001.020.001	Stadium Committee City/County Contributions - Funds Request and 06/30/08 Agreement - Charleston County Council	Stadium Brief; 06/30/08 Agreement between Citadel and Charleston County; BOV Telecom of Athletics Committee 9/2/08 re: Stadium Update	2006	BOV		1
001.020.002	D&O Insurance Coverage	Research of D&O coverage for Board members	2006	BOV	lawsuit, board, IRF	2
001.020.003	Veterans' Program	Reinstatement of the Veterans Undergraduate Day Program	2007	BOV	veterans, day program	
001.020.004	Discipline Project	Discipline Policy, Catalog Changes, Revisions	2006	BOV		2
001.020.005	Athletic Director - Search Committee	FOIA; Funding Committee	2008	BOV		
001.020.006	Commandant - Search Committee	FOIA; Funding Committee	2009	BOV		
001.020.007	SACS 5 year report	Five year Internm Accreditation Report for SACS	2009	BOV		
001.021.001	FIG Executive Group, Inc.	Contract - Executive Leadership and Coaching Service	2009	BOV		
001.024.001	FOIA Briefing - 6/16/07	Briefing to BOV on FOIA 6/16/07	2007	BOV	FOIA, briefing	2
001.024.002	Board of Visitors Meeting 4/20 - 4/21/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.003	Board of Visitors Meeting 6/15 - 6/16/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.004	Board of Visitors Meeting 2/2 - 2/3/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.005	Board of Visitors Meeting 9/7 - 9/8/07	Materials from committee and BOV meetings	2007	BOV		2
001.024.006	CRCL Committee Mtg. 6/13/07	Geller Appeal	2007	BOV		2

CITADEL 00066642

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GENERAL COUNSEL FILE LISTING

001.024.007	CRCL Committee Mtg. 5/16/07; 12/10/07	Wilcox-McCown Appeals; Cortes-Mooney-Arrigo Appeals	2007	BOV		2
001.024.008	Board of Visitors Teleconference 5/10/07; BOV Teleconference 11/02/09	Approval of VPEA position; approval of execution of deed to Joe Riley Park; legal matters	2007	BOV		2
001.024.009	CRCL Committee Mtg. 7/11/07	Bebey Appeal	2007	BOV		2
001.024.010	Board of Visitors Teleconference 8/30/07	BOV Committee Assignments	2007	BOV		2
001.024.011	Strategic Planning Committee Mtg: 8/30/07; 02/22/08; 07/16/08; 07/27/09	Master Plan; Stadium; Items for BOV meeting	2007	BOV		2
001.024.012	CRCL Committee Mtg. 3/2/07	McDade Appeal	2007	BOV		2
001.024.013	CRCL Committee Mtg. 5/4/07 (College Regulations Revised 8 April 2004)	Proposed changes to College Regulations; 7/03/08 changes	2006	BOV		2
001.024.014	Board of Visitors Meeting 9/28 - 9/29/06	Briefing packet	2006	BOV		
001.024.015	BOV Building & Grounds comm. Mtgs: 1/27/08; 09/10/08; 01/14/09; 04/02/09; 09-22-09	Notes on committee meeting	2008	BOV	handwritten notes on meeting	
001.024.016	BOV Stadium Committee Mtg 1/27/08	Notes on committee meeting	2008	BOV	handwritten notes on meeting	
001.024.017	BOV Executive Committee Mtg 1/24/08	Notes on President's compensation, etc	2008	BOV	TCF, TCBF	
001.024.018	Honorary Degree Teleconference 1/24/08	Honorary Degree	2008	BOV		
001.024.019	BOV Exe Comm Mtgs:	2/1/08 - 2/2/08; 3/15/08; 4/18/08; 5/29/08; 6/2/08; 06/13-14/08; 10/01/08; 10/23/08; 12/06/08; 01/26/09-Athletics Committee BOV; 04/04/09; 05/29/09; 06/04/09; Athletics 08/24/09	2008	BOV		
001.024.020	CRCL Teleconference 10/30/08; 11/18/08; BOV Athletics; BOV Jan 2010 meetings	Appeals of Harrell and Traversa	2008	BOV		
001.024.021	Town Hall Meetings - Faculty & Staff	Notes	2009			
001.024.021	BOV External Affairs Committee Mtg 01/10/08; 01/22/09; 09/23/09	Notes on committee meeting	2008	BOV		
001.025.001	College Regulations, Section IX	Review of College Regulations - Section IX	2007	BOV	regulations	2
001.025.002	Emeritus Members - Ability to Vote	Attorney General opinion letter request re: ability of emeritus members to vote in committee	2007	BOV	AG opinion, BOV, voting	1
001.025.003	Female Hair Policies	BOV review of current female hair standards	2005	BOV	female, military, hair	2
001.025.004	Locks on Cadet Room Doors		2007	BOV	locks, security	1
001.025.005	BOV Elections		2007	BOV	elections	2
001.025.006	BOV Records Retention		2007	BOV	FOIA	2
001.025.007	BOV Seat Numbering	Research on possible numbering of Board seats	2007	BOV		1
001.025.008	BOV Presidency Eligibility - Opinion Request	Honorable H. McMaster, Esq. 's opinion requested	2007	BOV	state resident? Regist. Voter?	
001.025.008	BOV Residency	Art Belden	2007	BOV		
001.025.008	Via Facsimile First Class Mail - Eligibility to serve	William Kastner eligible to serve on BOV	2004	BOV	Barr, Unger & McIntosh letter	
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001.025.011	Board Opinions	Proposed Minutes	2006	BOV		
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002.020.002	The Citadel Ombudsman Program	Review of the Ombudsman Program	2007	President	Ombudsman	

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002.020.004	Fed R Civ P - Elevate E-mail as a risk for Boards and Presidents	Trusteeship Magazine	2008	President		
002.020.005	May 6, 2008 Charleston County Council Meeting	Finance Committee Meeting - accommodations tax revenue	2008	President	City of Charleston Council Meetings Notes Included	
002.020.006	Fiscal Review Board - FRB	Fiscal Board Meeting Minutes	2008	President		
002.020.007	Horizon Redevelopment Project Area	City of Charleston Ordinance Establishing the Horizon Redevelopment Project Area	2008	President		
002.020.008	Suicide Prevention Program	License Request from US Army	2009	President		
002.020.009	Asbestos at Quarters One	Asbestos Survey at President's House	1999	President		
002.020.010	President's Car	Presidential Vehicle	2009	President		
002.020.011	Honorarium	President Honorarium	2009	President		
002.020.012	PT Curriculum	Physical Effectiveness	2009	President		
002.021.001	XXXXXXXXXXXX	Agreement for display of Kershaw's Brigade flag at museum.	2006	President		2
002.021.002	SC Technical College System	President's compensation FOIA	2008	President	FOIA	
002.021.003	Lowcountry Graduate Center - LGC	Consortium Agreement between 3 institutions - Lowcountry Graduate Center Bylaws	2008	President	Contract	
002.031.001	Engelman Allegations	Response to Governor re: Engelman Allegations Involving Charleston Educational Network, mark Brandenburg and Jack Douglas	2007	President	Charleston Education Network, Jack Douglas, Bulst Academy, Hillary Douglas, Grinalds	1
002.031.002	XXXXXXXXXXXX	Complaint re: cadets access to online pornography	2007	President	internet, pornography	2
002.031.003	XXXXXXXXXXXX	Complaint re: alleged hazing	2007	President		2
002.031.004	XXXXXXXXXXXX	Letter regarding concerns on state of the college	2008	President	alumni	
002.034.001	Rosa, John - Ethics Statement 2007; 2008 Participation in Charity Auction	Research and opinion on activities for report; Nat'l Kidney Foundation participation in charity auction	2007	President	ethics, activities	2
002.034.002	XXXXXXXXXXXX	Lobbyist for Johnson Controls	2007	President	Johnson Controls, lobbyist, ESCO Protest	1
002.037.001	Crisis Management	Reference Materials	2007	President		2
002.039.001	Mansour, Reda Ambassador	Consul General of Israel to the Southeastern United States request for protest of British University and College Union	2007	President	boycott, Israeli academia	2
002.039.002	XXXXXXXXXXXX	Letter re: Corps Values from Class of 59 Alumnus	2007	President	God, prayer	2
002.039.003	XXXXXXXXXXXX	Letter re: mess formation	2007	President		2
002.039.004	XXXXXXXXXXXX - Auto Accident 11/11/07	State owned car	2007	President	Automobile, collision	
002.039.005	Day of Caring - 2006	Request for Employees to Volunteer	2006	President		
002.047.001	XXXXXXXXXXXX	Employment Discipline	2008	President	Internal Audit Travel Exceptions Summary	
002.050.001	Letter from XXXXXXXXXXXX	Citadel, an independent entity	2008	President		
002.050.002	Emergency Management	Emergency Response	2008	President		
002.050.003	XXXXXXXXXXXX	Correspondence	2009	President		
003.020.001	Study Abroad	Conversation, meeting	2008	Provost	Spike Meits	
003.020.002	Citadel Center for Leadership Development	Policy for Consulting Opportunities	2004	Provost	Exposure	
003.020.003	Army ROTC Adeptive Leadership Exercise	Waiver of Liability	2008	Provost		
003.020.004	UT Austin Leadership Research Proposal - University of Texas at Austin	Leadership Research Proposal	2008	Provost		
003.020.005	XXXXXXXXXXXX , individual, and The College of Charleston	United States District Court District of SC Charleston Division; Case No. 08-cv3512-PMO	2009	Provost		
003.020.006	College of Charleston MBA Proposal	CoC MBA program proposal	2009	Provost		

CITADEL 0006644

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G. MARGOLIS

1
2 It's actually been blacked out.

3 Q. Oh, okay. All right. Well, I'm
4 going to tell you, I didn't want to have it
5 as an exhibit to have his name listed, but
6 I'm going to tell you -- Mr. Stoney's here,
7 he's got an unredacted copy, as well -- that
8 113.006 is the name of Doe.

9 A. Got it.

10 Q. Okay? And what does it say the
11 description of Doe's potential legal case is?

12 A. "Alleged sexual abuse at summer
13 camp."

14 Q. And when was it opened?

15 A. 2007.

16 Q. Okay. And what is the keyword that
17 is associated with the Doe complaint?

18 A. "Arpaio."

19 Q. All right, sir. Would you agree
20 with me that the name Skip ReVille doesn't
21 appear anywhere on this general counsel file
22 listing in June of 2010?

23 A. I would agree with you, yes.

24 Q. Would you agree with me that that
25 could be construed as evidence of a cover-up



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G. MARGOLIS

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2 by the general counsel of The Citadel to
3 make sure that ReVille's name does not show
4 up anywhere on the document?

5 A. I would agree that it raises
6 questions and suspicions.

7 Q. All right. As we go along in this
8 deposition, you're getting quite a few more
9 questions and suspicions than you had in
10 March of 2007; isn't that accurate?

11 A. I would say you're raising questions
12 that I'm now thinking about. Whether they
13 are significantly more is, I guess, a
14 relevant term.

15 Q. All right. Now, you had these
16 e-mails and all the attachments, you had
17 these before you released your report, right?
18 That's what The Citadel gave you?

19 A. It is. Yes, sir.

20 Q. All right. Let's go back to --
21 let's go to Notebook Number-1, which is
22 Exhibit-1. And I'd like you to turn to Tab
23 23 in Notebook-1.

24 You'd agree with me that the central
25 question as asked by your report is whether



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G. MARGOLIS

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2 six different children on The Citadel campus,
3 telling him to lay low, how do you, Dr.
4 Gary Margolis, characterize that?

5 A. Well, Mr. Sloan, I would characterize
6 it's possible that to say to him stay off
7 campus means stay away from The Citadel. So
8 I'm not saying that it's not troubling. I'm
9 just not making the same leap to the
10 conclusion that you are.

11 You know, saying stay off campus, I
12 can see that being said. And many people
13 who are respondents to sexual violence on
14 college campuses are given orders by the
15 institution to stay off campus.

16 Q. What specifically about telling him
17 to lay low?

18 A. Well, I have no comment or
19 understanding about lay low. I understand to
20 stay off campus. I agree with you that the
21 lay low comment is -- is concerning.

22 Q. And it concerns you why?

23 A. Because I don't know what it means.
24 I don't know the intent in which it was
25 made. And it could be made in the intent



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2 to, you know, go into hiding, to stay away,
3 to, you know, keep undercover. Those are
4 all things that, as I'm reading this for the
5 first time, certainly concern me.

6 Q. And you can certainly understand that
7 another professional, or doesn't even have to
8 be a professional, that someone reading this
9 affidavit could see Colonel Trez saying that,
10 from his standpoint, his main concern was to
11 protect the institution, and him telling the
12 accused child sexual predator to lay low, you
13 could -- a reasonable person could take that
14 as part of a cover-up, couldn't they?

15 A. Yes, sir. They could.

16 Q. All right. Particularly when you
17 combine it then with Mark Brandenburg not
18 having the Doe complaint on his general
19 counsel filing list in October of '07, and
20 then instead of having the name ReVille in
21 June of 2010, he inserted the name Arpaio,
22 wouldn't that be further evidence of a
23 possible cover-up that a reasonable person
24 could come to that conclusion?

25 A. Yes, sir. It could, Mr. Sloan, yes.



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In the United States District Court for the
District of South Carolina

Civil Action No.
2:12-CV-00794-RMG

JOHN DOE 2,
Plaintiff

vs.

PRESIDENT JOHN W. ROSA,
Defendant

Expert Witness Report

Prepared for McLeod Law Group, LLC
Representing the Plaintiff, by

Mary Jo McGrath, J.D.
Date: June 17, 2013

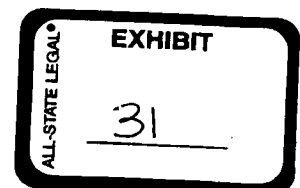


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INTRODUCTION:

This report is submitted in response to your request that I provide an Expert Witness Report in *John Doe 2, Plaintiff vs. President John W. Rosa, Defendant*. This Summary of Opinions and Findings is based on documents and deposition testimony provided and reviewed at the time of this submission. As discovery is still in progress, I reserve the right to expand and change my opinion as I review and examine additional documents or deposition testimony during the discovery process.

The opinions expressed throughout this report are made with a high and reasonable degree of professional certainty, based on my knowledge and experience. The opinions I have reached are:

OPINIONS:

1. Citadel President Lieutenant General John W. Rosa (Rosa) conspired with his senior staff to intentionally cover up a 2007 report of child sexual abuse involving multiple victims on campus during the Citadel Summer Camp.
2. As a result of the cover up by Rosa and his failure to investigate internally and notify the police of the 2007 report of multiple victims of child sexual abuse, a sexual predator was allowed to go undetected for five additional years beyond the original report, causing injury to numerous more child victims.
3. The cover up of the 2007 child abuse report by Rosa was accomplished by deliberately violating a number of Citadel policies and procedures mandating that crimes on campus be turned

over to the police and that a concurrent internal investigation be conducted under Title IX to determine whether a hostile environment exists in the educational environment.

4. President Rosa ignored the required procedures that are explicitly set forth in Citadel policy and procedure on how to conduct a thorough internal investigation of sexual harassment and abuse reports and the mandatory notification to either Public Safety or the Charleston Police Department of such reports of the crime of child sexual harassment and abuse on campus.

5. In November 2011 Rosa conspired with his senior staff to continue his cover up of the sexual abuse of multiple children on the Citadel campus by misleading the public at a press conference and by written statement.

6. Rosa conspired with his senior staff to mislead the public at the same press conference and in written statement, saying:

A. That he did not know at the time of the 2007 report that it involved multiple victims of child abuse [his denial of knowledge is an untrue statement].

B. That the family had only asked for privacy and that there be no report to the police [which is an untrue statement]; and,

C. That there had not been a "touching" claimed in the 2007 sexual abuse report and implied that, therefore, there was not a reportable crime [which is a made-up distinction, untrue and inaccurate under Citadel policy and procedure].

7. In 2011 Rosa furthered his conspiracy to avoid accountability for the subsequent injury caused by his failure to perform his duty in 2007 of reporting to authorities and conducting an internal investigation. He stated that he had acted based on the information that he had at the time and would have acted differently and reported if he knew then what he knows now. He withheld that he was notified on or before May 16, 2007 that:

A. There were multiple sexual abuse victims reported.

- B. That the abuse involved coerced masturbation and that many boys were involved at different times, some much younger than the reporting victim.
- C. That one or more of the identified victims of child sexual abuse were, at the time of the 2007 report, cadets at the Citadel and their abuser ReVille was on campus working in the Writing and Learning Center at that very same time.

8. Rosa conspired with his senior staff to mislead the public and cover up the events at the Citadel camp, placing the reputation of the institution above the safety of children in flagrant disregard for institutional policies and procedures and Federal Title IX that mandate reporting of child sexual abuse to law enforcement.

9. Rosa, his surrogate Mark Brandenburg, and the President's Executive Assistant Trez all had a high level of expertise in the field of sexual harassment and abuse, knew the dynamics of sexual abuse predators, and knew the consequences of failing to take effective action to put the predator ReVille behind bars.

BACKGROUND

Central to this case is how General John Rosa¹ (President Rosa), the Citadel College president, responded to a 2007 report that multiple children had been sexually abused at the Citadel summer camp. The abuse occurred in approximately 2002 and was perpetrated by a camp counselor named "Skip." The 2007 report was made directly to the President's office by one of the abuse victims and his father. Louis "Skip" ReVille (ReVille) was a 2002 graduate of The Citadel and went on to become a coach and educator who worked with hundreds of kids in South Carolina, at schools, churches and recreation programs.

¹ John W. Rosa Lieutenant General, USAF (Retired) became president of The Citadel on January 3, 2006.

Four years after the 2007 report to President Rosa of sexual abuse on campus, ReVille confessed and was convicted of abusing 23 Citadel campers during the years 2001, 2002 and 2003². He is in prison for those and other crimes against more than 50 children, many abused subsequent to the April 2007 report of his pedophilia to President Rosa.

It is important to look at the not-so-distant past to understand the context within which the college president painstakingly crafted his response to the 2007 report of child sexual abuse. By looking there, one can: Understand Rosa's mindset at the time the child abuse report was received; determine his motivation for not following policy and procedure to both thoroughly investigate the report and contact law enforcement; and, Track the tactics that Rosa used to keep the 2007 report from seeing the light of day.

This contextual inquiry assists in understanding why General Rosa would conspire to cover up the 2007 report of sexual abuse and his desire that the report not become "a new round of sexual abuse at the summer camp"³ resulting in additional multi-million dollar lawsuits against the Citadel for child abuse its Summer Camp.⁴

THE NOT-SO-DISTANT PAST

The Citadel had launched its summer camp on campus in the 1950s to help young boys build character and introduce them to life at a military college, a type of early recruitment into college life at the Citadel.⁵ "But in its final years, much darker lessons were being taught."⁶ The Citadel Summer Camp ceased operation after the 2006 year because of financial

² Investigation Into The Citadel's Handling of Allegations Involving Louis N. "Skip" ReVille, Findings, March 31, 2013

³ See Citadel 0000610 Brandenburg Memorandum to Shiel, May 01, 2007

⁴ See Citadel 0000622 Brandenburg Email to Brandenburg, May 06, 2007

⁵ The age of the campers was between 10 and 15 years old. About 50 percent of the campers went on to matriculate at the college.

issues, space limitations and pressure from several pending lawsuits concerning the sexual molestation of camp students by staff member Michael J. Arpaio, Jr. (Arpaio) between 1997 and 2001.

The Citadel held its last full summer camp in 2006 on the watch of Citadel President Rosa. The camp closure occurred after the Citadel and its insurance company paid \$3.8 million in August 2006 to settle five civil suits for sexual molestation of campers between 1997 and 2001 by Arpaio. Other civil lawsuits in this matter are still pending.

President Rosa has stated that he had no knowledge of the facts of the Arpaio cases, since the abuse occurred long before his tenure.⁷ However, evidence establishes he participated in a presentation on January 30, 2006,⁸ where the Commandant's Department sought presidential guidance for the planning, preparation, and conduct of the 2006 Citadel Summer Camp season.⁹ The analysis incorporated Legal Factors, including litigation considerations and continuing high-risk activity. It strains credulity to believe that during that briefing or later when the civil suits were being brought to closure in August 2006, Rosa never asked any of his executive staff or the Board of Visitors questions like, "What's this about?" or "What can we learn from this crisis as an educational institution?"

These are questions one would expect and even require the new college president to ask so as not to repeat the mistakes of the past. These are questions that under Title IX¹⁰ the leadership must ask to avoid penalties for being deliberately indifferent to a hostile environment at the college for children and staff.

⁶ Smith, Glenn (November 13, 2011). "Citadel warned, but did nothing".

Charleston Post & Courier. Retrieved June 16, 2011

⁷ As reported to the Margolis team. Ibid.

⁸ Course of Action/Decision Brief for LTG Rosa, 30 January 2006, Citadel 00278

⁹ Citadel 00286

¹⁰ Title IX of the Educational Amendments of 1972, prohibits sex discrimination in schools receiving any federal assistance, including financial aid.

Both Colonel Lackey¹¹ and Colonel Tréz¹² have said that there was a dark cloud over the Citadel as a result of the Arpaio sexual abuse scandal and the lawsuits that followed. They testified that the cases had impacted morale and hampered the fundraising efforts of the college. President Rosa, who had been a star quarterback while a cadet at the Citadel, was brought in as college president to turn the tide and usher in a new, brighter era for the institution.¹³ There was a lot of incentive to keep things going in a positive direction.

Arpaio reportedly exposed the campers to pornography, plied them with drugs and booze, and fondled them. In the subsequent civil suits, the complaints allege that the Citadel did not protect the kids and was slow to investigate when the allegations first surfaced. In 2007, when fresh questions of sexual abuse of multiple children at the Citadel summer camp emerged, they must have rung familiar to those in the high command of the Citadel.

2007 REPORT – A NEW ROUND OF SEXUAL ABUSE AT THE SUMMER CAMP

In his report of abuse made to the college president in 2007, the former camper said he was 14 years old when it happened. He stated that not only was he abused but that he was present at the abuse of another camper. The former camper's roommate had told him that five other boys had been abused, too, and the camper had personally observed younger boys going into ReVille's room at night. At the time of the 2007 report to President Rosa, those campers could have been as young as 15 years old and still minors. Further, in 2007 a number of the victims were then cadets at The Citadel. Perpetrator ReVille was also on campus in 2007, employed in the Writing and Learning Center, just minutes away from where the young men were living and going to school.

The former camper reported that he and his roommate had watched pornography on the

¹¹ Colonel John G. Lackey, Deposition dated 4/10/2013.

¹² Colonel Joseph W. Trez, Deposition dated 4/10/2013.

counselor's computer and were coerced to masturbate and observe ReVile masturbating at the same time. When the camper did not want to participate, he said that ReVile got "aggressive" and would not let him leave.

THE COLLEGE PRESS CONFERENCE AND PRESS RELEASE

College officials had a press conference and released a written statement¹⁴ after ReVile's arrest and confession in 2011. On their behalf, Rosa stated that when ReVile was reported to the college president's office in 2007, the pedophile had strongly denied the allegations. They also mentioned that ReVile had been an honor cadet at the time of the abuse of the campers.

It is unclear how these comments relate to the situation other than some sort of rationalization for the college's lack of effective action in 2007. They purport to explain why the college president did not follow established policies and procedures, of which he was highly aware, that required investigation of the complaint, and why he failed to inform the campus security or the Title IX Coordinator of these allegations of sexual harassment and abuse on campus.

In further trying to shift the focus from the college president's behavior and assign responsibility to the victim, President Rosa said that the boys had not been touched. There seems to be some assertion that the crime of sexual abuse requires touching, which is clearly not the case – not in law and not in Citadel policy. The abuse report stated that a staff person had exposed his penis, masturbated, had minors view pornographic material and masturbate at the same time as he. Why "touching" was an issue is unclear, other than as a "red herring" meant to obscure the commission of a crime on campus and the failure to report. It is a distinction without a difference, and irrelevant to the college's duty to effectively respond.

At the November 2011 press conference after ReVile's arrest, President Rosa and Doug Snyder, chairman of the school's board of visitors, explained the president's lack response in 2007 by saying

¹⁴ A message from Citadel President Lt. Gen. John W. Rosa, December 8, 2011

that at the time ReVille strongly denied the allegation and an internal investigation failed to corroborate the story. They further stated that according to the Citadel, ReVille had a clean background, a sterling record and was well liked at camp. They manipulated the press and failed to inform the public accurately when they concealed that:

There was a failure to conduct a proper internal investigation of the abuse that was reported in 2007, with circumvention of well-established policies and procedures;

None of the campers who were there in 2001 or 2002 were interviewed, including the camper's roommate who was an eyewitness to the abuse and was abused himself. This young man was a freshman at the Citadel in 2007, less than a 10-minute walk from the administration building and from his perpetrator.

No written statement was taken from the accused when he met with in-house counsel the day after the report was made. Nothing to reflect the charge was placed in his personnel file to warn others, in spite of a specific Citadel Policy requiring that it be done.

The officials did not report that President Rosa had information that Pinewood Prep had released ReVille from employment in 2002, yet his surrogate did not check into that report. Instead Rosa reported that ReVille's record was unblemished.

The officials concealed that the Camp Director had verbally admonished ReVille while he was a counselor at the camp. He was disciplined for having a boy alone in his room and allegedly rubbing ointment on his leg. Nothing was placed in ReVille's personnel file regarding that incident or of the sexual abuse allegations against him in 2007.

In 2007, President Rosa took no action whatsoever against ReVille and did not notify either campus security or the Charleston police that there had been a report of a crime committed on campus. Rosa and Snyder asserted that they did not take these actions because "The camper's family was very concerned about maintaining their privacy and not having their names publicized." To say that

a request for privacy is the same thing as “do not investigate” is a huge leap in the wrong direction.

Policy provides explicitly¹⁵ that names do not have to be used in a complaint of sexual harassment and abuse. This characterization of the family’s intent was in direct opposition of what was even actually requested by the mother and father. The father explicitly said, “The Citadel can do all the investigating and looking and so forth to corroborate [the] story ... but we don’t want to go and be part of Charleston gossip.”¹⁶

When a written statement was taken from the former camper and his parents in Dallas, Texas, they explicitly said that the sole reason they met with President Rosa’s surrogate, Mark Brandenburg, was to further what Mr. Brandenburg said was the first step in making sure that ReVille never abused another child. They wanted ReVille stopped. They went to the top of the Chain of Command to accomplish that – they went to Citadel President John Rosa to stop ReVille from hurting other children. He failed miserably.

Even though being asked specifically by the complainant’s father to investigate, in-house counsel Brandenburg, acting as President Rosa’s surrogate, took no further steps to investigate the 2007 report after he left the complainants’ home on July 1, 2007. He put the file in the back of his drawer without plans to take any further action,¹⁷ but feeling “well armed if [the abuse victim] should ever decide to pursue a case against the Citadel.”¹⁸

President Rosa placed the children who were abused subsequent to 2007 directly in harm’s way. The recidivism rate for sexual predators is astronomical, ranging anywhere from 15 to 90 percent, depending on additional circumstances.¹⁹ Rosa put those children in peril by ignoring the warning received in 2001 from Captain Middletown about problems at the camp, ignoring the lessons of the Arpaio cases, by failing to do an OCR investigation in 2007, by failing to respond to a clear and

¹⁵ Memorandum #51, The Citadel’s Sexual Harassment Policy and Procedure

¹⁶ The Citadel 0000573

¹⁷ See Citadel 0000651 Brandenburg Email to Stuckey, November 16, 2007

¹⁸ See Citadel 0000652 Brandenburg Email to Stuckey, November 16 2007

¹⁹ Council on Sex Offender Treatment of Sex Offenders - Recidivism; reported April 2012

unambiguous report of sexual abuse of multiple children at the Citadel Summer Camp. He put dollars and his personal agenda in front of common sense. The lessons of Arpaio and ReVillle were lost on him because he operated above the law and failed to do his duty as mandated by law, policy and procedure.

EXCERPTS AND ANALYSIS OF PERTINENT POLICIES:

In addition to the state and federal laws that protect people from harm in public education, The Citadel has adopted several stringent polices with accompanying procedures, which work together to provide a safety net of protection, both for current employees and students and past. In order for that protection to function properly, all must abide by those policies. They are not discretionary and they contain mandatory duties that no one is above.

The most consistent theme in the safety net of policies is that whenever there is an incident of sexual assault or sexual abuse, the incident will be reported to the police.

The reporting to the authorities does not obviate the need to do a thorough internal investigation under the authority of the policies and Title IX, but it assures that criminal conduct is handled by those professional equipped to do the job correctly.

One reason for the mandatory concurrent internal and external processing is that the college has a different responsibility to its constituents than law enforcement does. The college is duty bound to educate and protect, and a determination whether behavior interferes with those duties is determined by a preponderance of the evidence. Law enforcement has the higher burden of beyond a reasonable doubt for prosecuting criminal offenses. Also the college will pursue matters that may not be criminal, but are infractions under its various policies. An example is sexual harassment, which can include sexually explicit language or unwelcome advances that do not rise to the level of a crime, yet those action repeated create a hostile environment.

The main components that are in force in these policies, particularly when something as serious as a report of sexual abuse on campus occurs, are:

- The incident will be reported to the police -- this is non-discretionary.
- Confidentiality will be maintained for the victim by shielding his or her name throughout the process.
- A thorough internal investigation is required to see if there is an existing hostile environment that violates peoples' rights.
- A written report will be filed with the Title IX Officer at the conclusion of the investigation that determines whether sexual harassment or abuse has occurred, with findings of fact, conclusions of law and recommendations for correction.
- The investigator must be neutral to all parties and have no conflict of interest.
- The investigator does not reach a conclusion until the investigation is completed.
- The reporting to the police does not affect any disciplinary proceeding conducted by The Citadel.
- The final decision-maker is the President of the College, John Rosa.

These provisions are not rocket science. In fact, they read just like good, common sense; they are what someone with a decent moral compass would do anyway. It became apparent during the depositions that many of the professional charged with enforcing these policies were led to believe that they should stand down by the President.

When Rosa told the Board of Visitors and others in the high command that the parents didn't want to file a formal complaint, he made that up. That is not what the victim or his parents said. They wanted President Rosa, via his surrogate Mark Brandenburg, to investigate and corroborate their son's story of abuse. Most of all, the former camper and his family wanted to be assured that ReVille would never hurt another kid the way he had hurt him.

It is essential if the goal is to establish culpability and punish the offender, that the complaint be processed formally. That way a thorough internal investigation can be done and notification of law enforcement can occur, letting them know that a crime has been reported within the Citadel

sphere of responsibility. Instead of following the wishes of the victim and his parents, Rosa misrepresented to the Board, to the executives and to the public what the family had asked for.

Rosa told the Board, his high command, and his sexual harassment and abuse experts that the sexual abuse complaint was to be handled as a civil defense claim, something to be settled as cheaply as possible. That approach would not get the family what they wanted. They want ReVile stopped. Rosa didn't care about ReVile or the damage he might continue to wreak. Rosa wanted only that the matter be settled quickly, not cause a mess to the Citadel's reputation and not cost much money.

Rosa intentionally drove the handling of the matter down that civil defense track. He sent Brandenburg to Texas to interview the family and negotiate a settlement. He completely, intentional and with callous aforethought, sent ReVile off unscathed to continue his abuse of children. He took The Citadel astray so that the report would be buried and his vision for the future would not get mucked up a new round of sexual abuse claims. The last round of sexual abuse cases were so recently settled that the ink hadn't dried yet. He was not going to get mired in another one of those swamps.

The Citadel policies are so thorough because they were formulated by Colonel Trez and Mark Brandenburg while working with the Department of Justice and their expert Bernice Sadler, one of the framers of Title IX. Colonel Trez indicated that Mark Brandenburg had all the policies available to him to refresh his recollection (most, if not all, through the Citadel Website) before he went to interview the victim and his family.

Colonel Trez also indicated that their training is to not believe the accused denial; the offender has to provide some prove that it didn't happen.

Colonel Trez has never seen a writing reflecting any statement that Brandenburg took from Mr. ReVile. Colonel Trez also indicated that it is important to have the final report in the party's file, especially if he was an employee. The written report goes into the file so that subsequent

employers can rely on that as reference. The more serious the harassment, the more likely informal procedures may not be appropriate, particularly when violations of the law have likely occurred. It is important that a written report of the allegation end up in the personnel file when the investigation is complete and the president has made his final decision.

Code of Conduct:

Employees of the camp are required to sign a "Code of Conduct" agreement. This agreement lists several regulations that are to be recognized by counselors and staff members at all times. Violation of any of the policies will result in immediate dismissal.

Harassment:

1) Every camper deserves the opportunity to experience camp life free from any form of harassment. Each camper should be able to experience camp without being subject to physical mental or sexual harassment, assault, slurs, degradation or pressure of any kind.

9) Defines sexual harassment as defined in the Blue Book Regulations for the Corps of Cadets – Sexual harassment is unwanted sexual attention. (includes)

- Demean, embarrass, intimidate or coerce a person
- Demands for sexual favors
- Lewd comments
- Leering
- Sexually explicit pictures (including those on a computer)

Note that it does not require a touching

The Citadel

Memorandum Number 39 April 26, 2000
Serious Incidents

Citadel 0001681

Serious incidents are unexpected occurrences directly or indirectly involving The Citadel, which require a response or action from the college administration; or, which have the potential to generate positive or negative publicity regarding the college

... Criminal activity

All members of the Corps of Cadets, day and evening students, faculty, and staff of The Citadel are responsible for reporting such occurrences immediately.

Procedures:

0001689

1. Criminal Activity

The occurrence on the Citadel campus or the involvement of a member of the Citadel Corps of Cadets ... faculty, staff As the suspect or victim in an incident will be immediately reported by the first member of the Citadel community learning of the occurrence. Incidents include, but are not limited to, ...

Individual responsibilities:

Notify the Department of Public Safety

Public Safety responsibilities:

Initiate an incident report and investigation as necessary.

Contact the appropriate law enforcement agency (agencies) as necessary to ascertain the facts in the situation

0001694 - 0001722

Memorandum

Number 51*

30 June 2000

All employees and students are entitled to a positive learning and working environment free of any type of sexual harassment. The Citadel's administration has zero tolerance for any form of sexual harassment or sexual violence.

Sexual harassment between or among any members of the Citadel community is prohibited, including faculty-student and student-to-student harassment. Sexual harassment also violates federal and state laws.

The purpose of this memorandum is to define and prevent sexual harassment, to establish policies on sexual harassment, to establish procedures for reporting and investigating sexual harassment complaints by student, faculty or staff in a timely manner and to describe sanctions.

... B. Office for Civil Rights, U.S. Department of Education; Sexual Harassment Guidance: Harassment of students by School Employees, Other Students, or Third Parties (Title IX of the Educational Amendment on 1972), dated 13 March 1997.

Behavioral and Legal Definition:

A. Behavioral. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment under the following conditions:

...

00001695

B. Legal. Sexual harassment is a form of sexual discrimination and is prohibited by the following:

(2) Title IX ... In February 1992, the US Supreme Court unanimously ruled that complainants under Title IX may sue for damages. Title IX is enforced by the Office for Civil Rights in the Department of Education.

(3) Individuals may also be sued under the provisions of state law for criminal behavior which may include crimes of rape, sexual assault, or sexual abuse.

C. Offending Behaviors: Sexual harassment is unwanted sexual attention. It is usually repeated behavior but it could be one serious incident. It is frequently a display of formal or informal power intended to demean, embarrass, intimidate or coerce a person. It includes but is not limited to, unwanted requests for demands for sexual favors, propositions, questions about a person's sexual practices, lewd comments, leering, sexual insults or innuendoes and sexually explicit jokes. ... Sexual graffiti and sexually explicit pictures, cartoons or objects can also constitute sexual harassment...Sexual harassment can also occur between members of the same sex.

Quid pro quo. One form of sexual harassment is direct or indirect pressure for sexual activity with implicit or explicit threats or bribes

b) ... student's submission to unwelcome sexual advances, requests for sexual favors, or verbal, nonverbal, or physical contact of a sexual nature.

0001696

2) Hostile Environment Sexual Harassment:

a) Sexual harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student (peer), or by a third party) is behavior which is sufficiently severe, persistent, or pervasive to create a hostile or abusive educational or work environment that limits a person's ability to work or participate in or benefits from the educational program or activity.

b) Harassment occurs when one or more people create an uncomfortable, intimidating, and demeaning atmosphere for others either in the work place or educational setting by engaging in unwelcome activities such as sexual remarks, gestures, sexist pictures or pornography.

0001697

Many examples of sexual harassment include, but are not limited to, the following:

...

r) Sexually touching or rubbing oneself in a suggestive way when around another person

...

u) Making demands, threats and bribes – implied or direct – for sexual activity.

4. Confidentiality:

The confidentiality of the reporting party as well as those affected by the harassment (third party) will be observed to the greatest extent possible, with only those with a need to know being informed, provided it does not interfere with the Citadel's ability to investigate or take corrective actions.

This does not say that the Citadel should not investigate or remediate if someone who reports says I want confidentiality.

7. SCOPE:

A. This policy covers all persons – including administrators ... and any other employees of the Citadel.

0001700

13. COMPLAINT PROCEDURES:

A. Options for Handling Complaints

1) The individual informally takes steps which may stop the behavior.
(See Annex A.)

2) The Citadel initiates actions informally. (See Annex A.)

3) Formal charges under the Citadel's Sexual Harassment Procedures can be filed against the offender by either the individual complaining or by The Citadel. (See Annex B.)

4) The person may file formal charges under federal and/or state law.

5) The individual may seek advice or assistance from the Ombudsperson (See paragraph 21.)

...

B. Informal Complaints (See Annex A.)

...

5) Disciplinary action requires a formal charged and by the rules of due process requires a formal hearing. The Citadel cannot take disciplinary action using informal procedures.

6) Informal procedures are aimed at stopping the behavior rather than determining culpability.

...

8) There is no requirement that informal complaints be put into writing.

9) In case of severe harassment, The Citadel may bypass informal resolution by filing its own formal charges against the offenders.

10) In some cases, the identity of the complainant can be kept confidential and not be revealed to the alleged harasser without the person's permission.

C. Formal Complaint Procedures. (See Annex B.)

1) Formal complaint resolution procedures include conducting a thorough investigation that results in a formal written report of the investigator's findings of fact, conclusions of law, and recommended actions to resolve the complaint.

2) The parties to the complaint are interviewed, as are witnesses and third parties.

3) Formal complaint procedures may be pursued by either the person complaining or by the Citadel.

4) A third party, who is not the direct victim of harassment but who feels that the sexual conduct of another in the educational or work environment has the purpose of effect of substantially interfering with the third party's welcome, academic, or work performance, may file a formal complaint.

5) The formal complaint procedures should be completed within 30 days of the date of filing and within 60 days of the date of filing when the individual submit an appeal.

6) Formal complaints should be filed with the Citadel's Affirmative Action Officer who also service as the Citadel's Title IX Coordinator. The Affirmative Action Officer is responsible for ensuring that the policy is followed, that time frames are observed, and that questions from all parties are answered.

7) Investigations of allegations involving a member of the faculty or staff will be conducted in a confidential manner by an Affirmative Action/Equal investigative committee appointed by the President or the Vice President who directed the investigation... the Advisory Committee will collect, record, and safeguard all information and/or evidence relative to the incident and report findings through the Vice President to the President for final disposition.

8) A copy of all completed formal investigations of charges of sexual harassment will be forwarded to the Citadel's Affirmative Action Officer/Title IX Coordinator for filing.

9) Hearings and boards will be either open or closed based on the desires of both the victim and the accused. Both must agree if the hearing is to be open based on their individual desires for confidentiality. If either party objects to the hearing being open, it will be closed.

14. SANCTIONS:

The following list of sanctions may be used when a person is found guilty of harassing behavior. The purpose of the sanctions will be reasonably calculated to end the sexual harassment, punish the harasser, and prevent recurrence of incidents. Although advice and counseling may be appropriate occasionally, they are not applied in lieu of sanctions.

A. Applies to cadets, other students, faculty or staff.

...

5) Whenever there is an incident of sexual assault or sexual abuse, the incident will be reported to the police. Reporting an incident to the police will not affect any disciplinary proceeding conducted by the Citadel.

B. Applies only to faculty/staff.

Probation, suspension, dismissal or termination.

C. ...

2) ... **The important point is to report the alleged harassment to someone in authority.**
(emphasis in original)

0001705

5) The complainant will receive a timely written response to the allegation or be informed of the results face to face from the person listed in paragraph 15c(2) or the person who conducted the investigation.

0001705

17. REPORTING REQUIREMENTS:

A. The Citadel requires that all cadets, students, faculty, and administrators who have knowledge of sexual harassment to report it confidentially to the officials noted in paragraph 15 of this memorandum as soon as possible. The report will not include the name of the victim without the victim's permission unless there is known or perceived threat of physical harm.

0001706

B. Such reporting enables Citadel administrators to identify problem areas that can, in some instances, be eliminated by initiating educational efforts for a particular unit without identifying the information that makes the educational efforts necessary. Such reporting also helps in identifying persons who may have a history of harassment, which requires stronger means of intervention.

C. At a minimum, the information should be reported to either the Affirmative Action Officer, who is The Citadel's Title VII and Title IX Coordinator, or one of the assistant coordinators listed in paragraph 18 of this memorandum.

19. MAINTAINING RECORDS:

A. All complaints of sexual harassment will be recorded once they are reported to the Citadel. The records will remain confidential and will be kept in a secured, locked file.

B. Records will be maintained whether the complaint was made formally or informally. Records will be maintained on informal complaints only if reported to the Title IX Officer. For example, the Ombudsperson will not file reports because all the information that he/she has is confidential.

1) Records on faculty or staff will be maintained by the Director of Affirmative Action, Equal Opportunity and Diversity

D. The information may be used in subsequent complaints against the same person to assess whether a pattern of harassment exists.

E. Before the complaint is filed, the custodian will ensure that the complaint is properly completed and that a determination was properly made as to whether the complaint was substantiated or not substantiated and that is marked properly.

...

0001708

22. MANDATORY POSITNG REQUIRMENTS FOR THIS MEMORANDUM

A. This regulation will be maintained in its entirety and permanently posted in the white Book binder located in each cadet's room. The presence of the booklet is an inspection item during Saturday Morning Inspections....

0001708

D. A copy of this memorandum will be located in every department's policy file in its administrative office.

...

E. Copies of this memorandum will be required reading for all staff and faculty on an annual basis. A roster indicating that the memorandum was read by all will be maintained I the department's administrative office.

00001709

FOR THE PRESIDENT

OFFICIAL: CHARLES B. REGER
COL., USAF, RET
Executive Assistant to the President

Citadel

0001710

APPENDIX A: INFORMAL COMPLAINT PROCEDURE

D. Disciplinary action requires a formal charge and, by the rules of due process, requires a formal hearing. Consequently, the Citadel cannot take action using informal procedures.

Dad said investigate – Son said stop him.

E. Any complaint of harassment will be treated with the greatest degree of confidentiality possible. Only those with a need to know will be informed.

Would not need to tell the Charleston gossip column

I. Informal procedures usually do not require an investigation.

Dad asked for an investigation

J. The more serious the harassment, the more likely informal procedures may not be appropriate, particularly when violations of the law have likely occurred.

ANNEX B: FORMAL COMPLAINT PROCEDURES - Citadel 0001717

1. Formal Procedures are Used When:

A. The person does not want to use informal procedures

B. The Citadel files its own charges

C. Criminal laws are involved, such as sexual assault or sexual abuse ...

D. A third party

2. What happens in a Formal Complaint Procedure?

A. The aim is to find out if the accused violated The Citadel's Sexual Harassment Policy, and if so, to provide sanctions to stop the harassment.

B. A formal complaint almost always requires an investigation, which includes a formal written report or the investigator's findings of fact, conclusions of law, and recommended actions to resolve the complaint.

...

F. Confidentiality is maintained to the greatest extent possible, with only those with a need to know being informed, provided it does not interfere with the Citadel's ability to investigate or take corrective actions.

G. Persons investigating or making decisions should have no conflict of interest which may prevent them from acting fairly.

H. Procedures should be timely with the investigation beginning within a few days of the filing of the report.

I. All of the parties of the complaint should be interviewed, as well as witnesses and third parties.

J. Investigations of allegations involving a member of the faculty or staff will be conducted in a confidential manner by the Citadel Affirmative Action/Equal Employment Opportunity Advisory Committee

...

L. A copy of all completed formal investigations of sexual harassment will be forwarded to the Citadel's Affirmative Action Officer/Title IX Coordinator for filing and reporting.

...

CITADEL 0001719

B. In the case of sexual assault or a criminal sexual discrimination charged filed with either state or federal authorities, The Citadel will still proceed with its internal formal complaint procedures

C. Investigators in formal sexual harassment complaints will receive detailed instruction on the techniques and procedures to be used in conducting the investigation from one of the Title IX Coordinators.

D. Investigations should be performed as expeditiously as possible, within one or two days of receiving a formal complaint.

...

G. Confidentiality will be maintained to the greatest extent possible throughout the process of handling the formal complaint.

CITADEL 0001720

...

D. Is neutral to all parties and represents The Citadel in a fair manner.

E. Is fair and to not reach a conclusion until the investigation is completed

CITADEL 0001721

11. Write the report and provide it to the person (Vice President/President) who will make the decision.

The CITADEL SUMMER CAMP

OFFICIAL CAMP POLICIES REGARDING SEXUAL MISCONDUCT ISSUES

CITADEL 0002283, 0002284

1. ... DISMISSED FROM HIS/HER EMPLOYMENT WITH THE CITADEL AND WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

...

3. CAMP EMPLOYEES WILL KEEP AN OPEN DOOR WHEN VISITING CAMPER ROOMS ALONE. WHEN A CAMPER VISITS A COUNSELOR'S ROOM ALONE, IT IS THE RESPONSIBILITY OF THAT CAMP EMPLOYEE TO ENSURE THAT THE DOOR IS FULLY OPEN AND THAT IT STAYS OPEN UNTIL ANOTHER ALERT PERSON IS PRESENT IN THE ROOM.

4. REGARDLESS OF VALIDITY OF THE VIOLATION, ANY SEXUALLY INAPPROPRIATE CONDUCT REPORTS CONCERNING ANY CAMPER OR EMPLOYEE OF THE CAMP WILL BE TURNED OVER TO THE CITADEL PUBLIC SAFETY DEPARTMENT AND A THOROUGH INVESTIGATION WILL BE CONDUCTED.

5. FAILURE TO REPORT KNOWN MISCONDUCT AND/OR QUESTIONABLE BEHAVIOR IS GROUNDS FOR TERMINATION OF EMPLOYMENT WITH THE CITADEL. IF A CRIMINAL OFFENSE HAS BEEN COMMITTED, FAILURE TO REPORT THE INCIDENT IS CONSIDERED A FELONY AND WILL BE REPORTED TO THE NECESSARY LAW ENFORCEMENT AGENCIES FOR PROSECUTION.

...

CITADEL 0002284

7. ALL SEXUAL MISCONDUCT ALLEGATIONS DISCLOSED AT ANY TIME CONCERNING ANY INDIVIDUAL(S), CURRENTLY OR FORMERLY, ASSOCIATED WITH THE CAMP, WILL BE INVESTIGATED UPON DISCLOSURE. THERE ARE NO TIME PERIOD RESTRICTIONS REGARDING SEXUAL MISCONDUCT INVESTIGATIONS.

...

9. ALL CAMP EMPLOYEES MUST ADHERE TO THE GUIDELINES AND STANDARDS OF THE CITADEL BE SUBJECT TO THE CITADEL'S STANDARD OF REVIEW.

IN THE EVENT OF EMPLOYEE MISCONDUCT ...

CITADEL 00351

As an employee, if you are accused of sexual misconduct, the following consequences may occur as a result of your actions:

- The allegation, the outcome of the investigation, and any disciplinary action stemming from the incident will go in your permanent employee file.
- The Citadel will not expunge molestation findings from your record.
- The Citadel will not terminate an investigation of sexual misconduct in exchange for resignation.
- The Citadel will report necessary information about the incident to state licensing entities and other clearinghouses.
- The Citadel will refuse to negotiate gag order clauses in employee termination agreements.
- The Citadel will provide factual and candid responses to inquiries by other potential employers about your behavior
- The Citadel will fully cooperate with law enforcement agencies that are conducting investigations.

•

•

-
- The five main related policies that are pertinent to the case at hand are:

•

- The Counselor Handbook Training: June 9 – 15, 2002
- The Citadel Summer Camp
- Citadel 000206 – 000237
-
- Memorandum Number 39 April 26, 2000
- Serious Incidents
- Citadel 0001681 - 0001391

- - Memorandum Number 51* 30 June 2000
 - Sexual Harassment
 - Citadel 0001694 – 0001722
 -
 - The Citadel Summer Camp
 - Official Camp Policies Regarding Sexual Misconduct Issues
 - Citadel 0002283, 0002284
 -
 - In The Event Of Employee Misconduct
 - Citadel 00351
-

CONTENTIONS ON THE PART OF THE DEFENSE

There are four central points made by Margolis in his report:

- **This is a case of a “confluence of factors, not a cover-up**

General Rosa and other parties involved did not use all their clearly held expertise to address Camper Doe’s complaint about his own abuse, his 3rd party report of the abuse of others (particularly his eyewitness report of the abuse of the other camper in the room) and wrestling sessions in the shower with campers). This is evidence of a conspiracy to thwart the spirit and letter of the law related to the Citadel’s Sexual Harassment policies for the purpose of having the “next round of sexual abuse” go undetected.

Rather, they used their expertise and intimate knowledge of sexual abuse, harassment and crimes in educational institutions to create false distinctions that would “justify” not investigating or reporting to the police in order to avoid the true import of those policies and their mandates:

1. They said they couldn’t investigate or report because the complainant wanted privacy, which they said meant do not report. According to the transcript this is not what the complainant wanted – he wanted ReVille stopped and the only way to stop him was to use the policies and prosecute to the full extent of the law.
2. They thwarted not only the college in redressing a hostile environment, but law enforcement in stopping a serial child molester who went on to abuse more boys. Their calculated, intentional conspiracy to not use the policies caused that result.
3. They created a false distinction of “no touching” as if that would change the outcome, yet the policies clearly list examples of sexual harassment that : include, but are not limited to...

- Sexually touching or rubbing oneself in a suggestive way when around another person (and)

- Making demands, threats and bribes – implied or direct – for sexual activity.²⁰

²⁰ Citadel 0001697

All Citadel policies regarding sexual harassment and abuse readily are researchable on the Citadel website through keywords, such as crimes on campus, sexual abuse, etc.

In addition, South Carolina law defines the crime of sexual abuse, without requiring touching, and this information is readily searchable on the internet.

The above points show a pattern of deliberate indifference to possible future victims of ReVille, which is unacceptable under Title IX.

▪ **Margolis lists “7 factors (that) contributed to the College’s failure to make an external report”:**

- 1) Lack of clear policy or role of the Citadel Police, Counseling Center and Title IX coordinator.

Brandenburg and Terez wrote the Citadel’s Sexual Harassment and Abuse policy, working with one of the most renowned experts on Sexual Harassment and Abuse, creating the Citadel’s Sexual Harassment policy and procedures. The policy is a model of what should be done, and it references the OCR Guidance as explanatory of all things related to Title IX in the area of sexual harassment and abuse – it just needs to be followed.

- 2) Insufficient understanding by key individuals of Clery Act, Title IX and dynamics of child sexual abuse.

Ignorance is no defense against violation of Title IX violations. In fact, any reasonable person would have known that failure to act violated the law and put children at risk.

It strains belief that after his work on the Arpaio case, Brandenderg could have been unfamiliar with the duties of the College under the law and the College’s own policies.

In addition, as has been documented, General Rosa came to Citadel from the Air Force Academy where he developed expertise in the handling of sexual harassment cases.

- 3) Lack of connection to college resources and community agencies responsible for child protection and response to sexual and gender violence.

A Web search on the College's own site for internal policies and duties under state and federal law, as well as researching the law of the State of South Carolina would be minimal research one would expect of the president, his executive assistant and in-house counsel – these things are not buried in some dusty library in books covered with dust in a far corner – they are readily accessible on the Internet, as testified to by Terez.

- 4) Unique "personal lens" brought by each of the key people involved, including the Board of Visitors

This is why you have accepted professional standards, policies and procedures. There is no such thing as a personal lens under Title IX, internal policies or the Clery Act.

In addition, this is a structured military college. It is run "by the book", not by the "personal lens".

Their procedure would have given them the direction to:

- Report
- Investigate
- Make Findings and Conclusions
- Remedy the Hostile Environment
- Follow up to be sure it is done
- Prosecute and hold accountable

None of this was done, and yet all involved had the experience to know that what was what there was to do.

- 5) Suspension of belief in the possibility of the offense given ReVelle's accomplishments and standing in the Citadel community.

This assertion as a defense draws parallels to the Penn State/Sandusky case. The standing of an individual may in fact come to bear when determining action after a full investigation. It is absolutely legally and morally inexcusable as a justification to not investigate.

- 6) Context of the allegation:

- a. Time lag between the 2001 incident and the 2007 report
- b. The camp was now closed
- c. Age of the victim at the time of the report

d. Family's desire for privacy.

The time lag argument centers around the fact that the complainant was no longer a minor when he reported the incident.

- Under Title IX it doesn't matter if adult is reporting vs. a minor it is still criminal behavior. Saying the complainant was an adult, not a minor.
 - When abuse occurred, not old enough to consent to sexual activity with an adult.
 - The Citadel's case makes the case that there was not so much urgency because camp closed, etc. They waited several months to get a written statement from the complainant and other potential victims on campus in the 2006-2007 school year and ReVille, despite the fact that when complaint came in they had notice of imminent danger as well as past sexual abuse.
 - Predators establish long term relationships with their victims – false bonds of affection and loyalty. It was predictable that ReVille would have been continuing his abusive, sexually harassing conduct with one or more of his victim who were now cadets.
 - Under OCR and internal policy, it doesn't matter when the abuse occurred. In addition, many of the camp participants went on to become Citadel cadets, some of whom may still be have been being victimized based on their continued exposure to ReVille in 2006-2007.
 - Setting aside the Complainant for a moment, policy demands an investigation of the other victims on the Citadel's own initiative, particularly those still on campus exposed to ReVille, regardless of the supposed wishes of Camper Doe for "privacy". The likelihood that a victim would respond is virtually nil – these young people think they were equally partners in the activity – they don't recognize the abusive nature of the conduct until later in life. Recognizing this, Federal and State statues began changing in the 1990's to allow for repressed memory.
- In addition, it would not be uncommon for a victim to think they were a willing participant. These victims drank the alcohol, they enjoyed the porno, and they and

the masturbation felt good. They carry around the guilt for acts that they were too young to assess, until they realize that their lives have been inexorably impacted.

7) The Board of Visitors lacked a review procedure and relied on legal counsel. Margolis's report points out that the Board of Visitors didn't ask questions. Again, this strains understanding given most of them had been through the Arpaio litigation quite recently.

▪ **Denying General Rosa's responsibility for the situation.**

All mistakes and omissions made in the handling of the ReVille investigation have been laid at the feet of Mark Brandenburg. General Rosa has been held harmless. Margolis says Rosa was "no match for the lies ReVille told and lived"... and "thought he was getting good advice from Brandenburg" in spite of General Rosa's extensive experience with Title IX compliance prior to coming to Citadel.

Under Citadel Policy²¹ the College president is responsible. He is the final disposition in reports of sexual abuse. Brandenburg was the president's surrogate; as he says in deposition, he does not make decisions – the president can delegate but cannot abdicate.

General Rosa knew the information – based on his position as president, expertise in sexual harassment and assault, common sense and common decency, it was his duty to report, investigate, follow up, remediate the environment in 2007 (IPAC – an incident waiting to happen)

SUMMARY

The Opinions expressed at the outset of this report are amply supported by the facts and policies contained herein.

²¹ Citadel 0001096

DOCUMENTS REVIEW

DOCUMENTS	MCGRATH, MARY JO
Summons and Complaint (with xibits)	Doe 2 and 3 Fed 3/8/13 and State 3/11/13
Answer	Doe 2 and 3 Fed 3/8/13 and State 3/11/13
Plts and Defs Answers to Discovery (State)	Doe 2 & 3 State ATIS and RRFPs 3/12/13 Defs ATIS and RRFPs 3/11/13
Consolidated Cases (State) Discovery	Defs RRFPs to Mother Doe A Suppl RFP 5/24/13
Defs RRFP documents (FOIA)	3/11/13 Fed Ex
Defs ATIS and RRFPs w docs	5/30/13
FOIA Solicitors Resp	3/8/13
ReVille Statement	3/13/13
News Articles (Rosa Video Clips)	3/13/13
BOV Formal Complaint Procedures	3/6/13
IPAC Report and Appendices	3/6/13
ReVille Guilty Plea	3/13/13
ReVille Police Statement 1 and 2, Statement to SLED, SLED Case Sum and Carrie ReVille Letter	3/13/13
FOIA SLED Resp	3/8/13
FOIA Mt. Pleasant PD Resp	3/11/13
Doe 2 and Doe 3 Statements	3/8/13
Defs MTD/Plts MIO/ORDER	3/8/13
Sgt. Middleton Letter to The Citadel	3/28/13
AFA (10/2003, 1/2004 and 5/2004)	4/23/13
Fletcher Depo and Exs	4/16/13
Fudge Depo and Exs	4/16/13
Trez Depo and Exs	5/2/13 / 5/30/13
Sijtsma Depo	5/2/13
Nida Depo	5/2/13
Lackey Depo	5/2/13
Hurley Depo	5/2/13
Shealy Depo	5/23/13
Bennett Williams Depo	5/23/13
Lipovsky Depo and Exs	5/29/13 / 6/5/13
ReVille Affidavit 5/21/13	6/3/13
Citadel Internal Investigation (Healy and Franke Reports)	6/3/13
Camper Father Affidavit	5/31/13
Lehrer – News Hour	5/30/13
4/5/13 Press Release / Summer Camp Policies / Brandenburg Email	6/5/13
Def RRFP – Blue Books and Honor Manuals	6/6/13
McCulloch Subpoena Documents	6/6/13
MHA's Interview Statements	6/6/13

**MARY JO MCGRATH
EXPERT ENGAGEMENTS**

- 1996 San Jose Unified School District, San Jose, CA (Defense)
Educator Sexual Harassment / Molestation Investigation K-12 setting
- 1997 Wilson, Sera and Sera v. Elko County School District, NV (Defense)
Expert on sexual harassment policy and investigation procedures K-12
- 1998 PriceSmart, San Diego, CA (Defense)
Independent Investigation and Report Regarding Sexual Harassment
- 2001 Jane Doe v. The Port Townsend School District, et. al, WA (Defense)
Educator Sexual Harassment / Molestation case in the K-12 setting
- 2002 Jane Doe v. Everett School District, WA (Defense) *
Student to Student Expert on sexual harassment in the K-12 setting
- 2002 South Kitsap School District, Port Orchard, WA (Defense)
Expert on Teacher Discharge Case involving sex relations at school
- 2002 Sequoia Union High School District, Redwood City, CA
Investigation of gun in the classroom by teacher
- 2002 Curl v. Sequoia Union High School District, CA (Defense) * * *
Testimony regarding sexual orientation discrimination investigation
- 2002 Fualau v. Highline School District, WA (Defense) *
Educator Sexual harassment / molestation case: Expert witness regarding duty of care owed by School District to the student in the Mary Kay Letourneau case
- 2006 Mosley, et al v. Austin Independent School District, TX (Defense)
Expert witness on student-to-student Title IX sexual harassment in K-12
- 2006 Wichita Public Schools, KS (Defense)
Employment sexual harassment case
- 2006 Christopher Castlegrande v. Bayonne Board of Education, NJ (Plaintiff)
Educator sexual harassment / molestation case
- 2007 Eanes Independent School District, TX (Defense)
Sexual Harassment / molestation by kindergartener

2007-2008 Rhinebeck School District, NY (School District)
Consultant - Interfaced with the US Attorney General's office on Court Order Compliance Degree regarding Educator Sexual Harassment/Abuse Training and Policy Revision

2008 Anthony J. v. Victor Elementary School District, CA (Plaintiff) * **
Educator sexual harassment/molestation case

2008 John Doe v. Bakersfield City School District, CA (Plaintiff) *
Educator sexual harassment/molestation case

2008 Russell v. Norris School District, CA (Plaintiff) *
Athletic liability case

2009-2010 Gonzales v. Butte Valley School District, OR (Plaintiff)
Educator sexual harassment / molestation case

2010-2011 Willits Unified School District, CA (Plaintiff)
Educator sexual harassment / molestation case

2011 Doe v. Gladstone School District, OR (Plaintiff)
Student-to-Student racial discrimination and bullying

2011 Jane Doe v. Murrieta Unified School District, CA (Plaintiff) *
Educator sexual harassment / molestation case

2012 Associated Students of California State University at Long Beach
Workplace age discrimination, gender harassment

2012 Prince George's County Public Schools (Defendant) *
Student on student sexual harassment and bullying

2013 John Doe 2 vs. President John Rosa of the Citadel, Military College of South Carolina
(Plaintiff)*
Employee on Minor Sexual Abuse (Plaintiff)

2013 Jane Doe v. Palmer House School District (Plaintiff)
Educator on Student Sexual Harassment and Abuse

2013 Oxnard Union High School District (Defendant)
Educator on Student Sexual Harassment

*Deposition given in case

** Trial testimony

CV Included as Separate Document

COMPENSATION FOR WORK ON THIS CASE

\$400 per hour for Document Review, Analysis and Expert Report

\$600 per hour for deposition and trial testimony/Minimum of 4 hours

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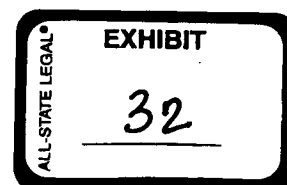
Initial Expert's Report of James D. Ginger, Ph.D.
Doe 2 v. Rosa

1.1 My name is James Donald Ginger, Jr., Ph.D. My permanent residence is 6877 Francis Marion Road, Pamplico, South Carolina. I am over 21 years of age, and I am of sound mind, and qualified to give this report. I have never been convicted of a crime that would disqualify me from providing this report, and this report is made on my personal knowledge, based on a review of documents related to the events of this case.

1.2 I am currently employed as CEO of Public Management Resources, a public-sector research and development firm specializing in policing and police practices. Offices for Public Management Resources are located in Pamplico, South Carolina. I have been so employed since 1992. I have served as a sworn law enforcement officer in Evansville, Indiana (from 1969 to 1977), and as the director of the Research and Development Unit of the San Antonio, Texas Police Department. I have also served as the director of the Southern Police Institute at the University of Louisville (Kentucky), and as deputy director of the Police Foundation in Washington, DC. From 1992 to 2001, I taught criminal justice at St. Mary's University in San Antonio Texas, where I also served as director of the Center for Justice Policy. I hold academic degrees in sociology (University of Evansville, BA, 1973) law enforcement (University of Evansville, BS, 1975) justice administration (University of Evansville, MS, 1977), and public administration (Virginia Polytechnic Institute and State University, PhD, 1984).

1.3 I have served the Federal District Court for the District of New Jersey as the monitor of a consent decree entered into by the State of New Jersey and the United States Department of Justice. In that capacity, I advised the court, from 1999 through 2008, regarding New Jersey State Police activities related to compliance with items articulated in the consent decree, including, in addition to other aspects, use of force, arrest, search and seizure, policy development and implementation, training, discipline, investigation of citizens' complaints, police supervision and issues related to racial profiling by the police.

1.4 I have also served the Federal District Court for the District of the Western District of Pennsylvania as the auditor of a consent decree entered into by the City of Pittsburgh and the United States Department of Justice. In that capacity, I have advised the court, from 1997 through 2005, regarding the Pittsburgh Bureau of Police and the Pittsburgh Office of Municipal Investigation's activities related to compliance with items articulated in the consent decree, including, in addition to other aspects, use of force, arrest, search and seizure, policy development and implementation, training, discipline, investigation of citizens' complaints, police supervision and issues related to racial profiling by the police.



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1.5 I was retained in 2001 by the City of Los Angeles and the United States Department of Justice to develop auditing and monitoring methodologies for implementation of the consent decree entered into by the City of Los Angeles and the Department of Justice. Practices that were the subject of that decree included police use of force, arrests, search and seizure, policy development and implementation, discipline, investigation of citizens' complaints, police supervision and racial profiling by the police.

1.6 To date, I have managed more than six million dollars in grants and contracts with police agencies including the San Antonio Police Department, the Dallas Police Department, the Miami (Florida) Police Department, The Port Authority Police of New York and New Jersey, the Atlanta (Georgia) Police Department, the Tampa (Florida) Police Department, the Yale University Police Department, and others. I have written two police operations manuals (Evansville, Indiana, 1975 and San Antonio, Texas, 1985) and have reviewed and critiqued dozens of other manuals guiding the delivery of police services. I have been designated an expert in police practices in state and federal courts in Texas, Indiana, Kentucky, Louisiana, New Mexico, Arizona, New Jersey, California and Pennsylvania, and the District of Columbia. I have published more than 50 articles, book chapters, monographs and technical reports concerning police practices in the United States, including 30 technical reports filed with the federal district courts in New Jersey and the Western District of Pennsylvania.

1.7 During the course of my career, I have reviewed thousands of police criminal and administrative investigations, evaluating them for adequacy and conformance with accepted standards of police investigations. My curriculum *vita*, attached, identifies additional experience and education that qualify me to develop opinions in the this matter. My rate of compensation for litigation support in this matter is \$300 per hour.

1.8 In preparation for developing opinions in the matter of *Doe 2 v. Rosa*, I have reviewed the following documents and artifacts:

- The Amended Complaint for "Mother Doe v. President John W. Rosa;
- The "Solicitor's File," documenting the police investigation of the child sexual abuse case reported to the Mount Pleasant Police Department in October, 2007;
- The transcript of the "interview" conducted by General Counsel Mark Brandenburg of the "summer camper" on July 1, 2007;
- A letter written by Carrie ReVille (undated);
- Documents detailing the Charleston Police Department/SLED investigation into allegations of child sexual abuse, dated July 23, 2012;
- Citadel Summer Camp applications package, dated March 1st, 2001;
- Citadel Complaint Process for Sexual Harassments, Annex C, undated;

- Letter from Sgt Dale Middleton, Charleston Police Department, detailing issues identified in his investigation into the allegations of sexual assault against Captain Mike Arpaio, dated August 6, 2001;
- Civil Action Complaint, John Doe 2 v. The Citadel, State of South Carolina;
- US District Court Complaint, John Doe 2 v. President John W Rosa;
- Blue Book Regulations for the South Carolina Corps of Cadets;
- Florida Department of Law Enforcement Investigative Report, dated January 23, 2012;
- The Citadel's IPAC Final Report and Appendices;
- Documents supporting the Skip ReVile plea hearing;
- The "Margolis Report" after action report concerning the ReVile incident;
- The Mount Pleasant Police Department interviews of Mr. ReVile;
- The statement made by Mr. ReVile to the Mount Pleasant Police Department dated October 28, 2011;
- The statement made by Mr. ReVile to the State Law Enforcement Division dated December 16, 2011;
- The State Law Enforcement Division Case Summary;
- The statement taken by the North Charleston Police Department of "John Doe," undated;
- The statement taken by the North Charleston Police Department of "John Doe 2," undated;
- The "Summer Camper Application" dated December 19, 2011;
- The affidavit completed by Skip ReVile, dated May 21, 2013;
- The affidavit of President Rosa;
- The affidavit of Chris Fudge;
- The affidavit of Dennis Carpenter;
- The affidavit of Mark Brandenburg;
- The final report of the Margolis-Healy Group, dated March, 2013;
- The Citadel student employment application for Mr. Skip ReVile;
- Objections and Responses to Requests for Production, dated May 10, 2013;
- Defendant's Answers to Plaintiff's Second Set of Interrogatories;
- The deposition of Julie Lipovsky;
- The deposition of Emma Bennet-Williams;
- The deposition of Janet Shealy;
- The deposition of William Fletcher;
- The deposition of Joseph Trez;
- Air Force Academy PowerPoint slides related to the "Rape Culture" dated 2003 and 2004;
- Answer on Behalf of the Defendant, John Doe 2 v. The Citadel;
- The Student Handbook of The Citadel, 2012;
- The Blue Book, years 2001-2008;
- The White Book, years 2001-2008; and
- The IPAC Final Report and Appendices, dated September, 2012.

2.0 Facts:

On October 27, 2011, the parents of an un-named victim, a juvenile male (hereafter referred to as UV-1) reported to Donna Slipko, at the Dee Norton Lowcountry Children's Center, that they had received an e-mail from Skip ReVile. The tone of the e-mail raised concerns about Mr. Skip ReVile and his relationship with their son, UV-1. Upon processing the available information related to this potential complaint, Ms. Slipko became convinced that sufficient evidence existed to warrant making a report to police, as required by South Carolina law.

On the morning of October 28, 2011, Ms Slipko called the Mt. Pleasant Police Department and spoke to Detective Wilson, advising the detective that she had reason to believe that at least one incident of sexual abuse of a minor may have occurred involving Mr. Skip ReVile, and that perhaps several other incidents may have occurred (Mount Pleasant Police Department, Supplemental Report Case Number 2011-P-13461). Law enforcement personnel responded to the Lowcountry Center, and collected preliminary information regarding a possible criminal sexual assault. Using standard investigative techniques, the Mt. Pleasant Police Department located Mr. ReVile at work at the Coastal Christian Preparatory School (CCPS) in Mt. Pleasant, South Carolina. Mount Pleasant police went to CCPS and confronted Mr. ReVile, and brought him to police headquarters for a voluntary interview concerning the potential child sexual abuse allegation.

Mr. ReVile was at police headquarters throughout the day, and into the early evening, going through a series of voluntary interviews. On the same day the potential offense was made known to police, officers from the Mount Pleasant Police Department conducted a search warrant on Mr. ReVile's personal vehicle, which had been left in the parking lot of CCPS. Officers seized a silver Apple laptop computer listed in the search warrant.

Within 24 hours of Ms. Slipko's complaint to the Mount Pleasant Police Department, Mr. ReVile had confessed to the sexual abuse of a number of juvenile males, both on and off The Citadel campus. These acts occurred beginning in 2001 and continued through at least October 2011 (Mount Pleasant Police Department Statement by Skip ReVile, dated 10/28/2011). Mr. ReVile is currently incarcerated, as a result of his crimes.

During the 2001-2011 time frame, based on information included in Mr. ReVile's interviews with the Mount Pleasant Police Department (and follow-up

communications from Mr. ReVile to law enforcement authorities) Mr. ReVile sexually assaulted more than 34 young males, aged 10 to 15 years. During seven years (2001-2007) of this 12-year time frame, Mr. ReVile was employed by The Citadel.

According to information available to me, Mr. ReVile was separated as an employee of The Citadel in April, 2007 during a meeting with the General Counsel of The Citadel, Mr. Mark Brandenburg and Colonel Trez. The offense for which Mr. ReVile was terminated was unclear, but apparently involved his relationship with UV-3 during summer camp in 2003. During the meeting, Mr. ReVile recounts instructions from Mr. Brandenburg to "lay low" and "stay off campus" (ReVile Affidavit dated 5-21-13). Apparently, President Rosa and his surrogates took no steps to ensure that relevant faculty, staff or law enforcement personnel knew of Mr. ReVile's "ban" from campus. They failed to report the incident to campus police or local law enforcement, as required by no fewer than four officially promulgated policies of The Citadel. The Citadel, eventually, closed its summer camp program.

3.0 Opinions Presented

Based on my review of documents provided to me in this case, I have formed the following opinions relating to the incidents perpetrated by Mr. ReVile on and off The Citadel campus.

- The administration of The Citadel knew or should have known that Mr. ReVile constituted a risk to juveniles at the summer camp and elsewhere;
- The Citadel had in place well-known and published policies requiring known criminal activity to be reported to the police (either The Citadel Department of Public Safety, or other South Carolina law enforcement agencies);
- From the time that The Citadel and its key leadership received reasonably credible notice that Mr. ReVile constituted a danger to young juvenile males, key members of The Citadel executive staff engaged in a series of events that can only be construed by any reasonable person as being designed to protect The Citadel, its reputation, and its position in the community, rather than designed to conform to its own well-established official policies designed to protect members of the campus community and the community at large;
- Once The Citadel received a telephonic complaint concerning Mr. ReVile and his assault of UV-1, it engaged in a course of action that reflected

deliberate and reckless indifference to its internal policies and articulated practices; and

- The final product of President Rosa's and his surrogates' response to allegations that Mr. ReVile had sexually assaulted a juvenile male who was attending The Citadel Summer Camp in 2003 was that an additional number of victims, all young juvenile males, ranging in age from 10-15, were assaulted by Mr. ReVile between April of 2007 and October of 2011. These additional assaults were a direct and proximate result of President Rosa and his surrogates' failure to follow its articulated policies regarding criminal activity on The Citadel campus.

Each of these opinions is discussed in detail below.

3.1 President Rosa and His Surrogates Knew or Should Have Known That Mr. ReVile Constituted a Risk to Juveniles at The Citadel Summer Camp and Elsewhere

3.1.1 The Arpaio Incident

In July of 2001, The Citadel was placed on notice that its established policies and procedures for operation of The Citadel Summer Camp were either ineffective or inadequate when, based on a complaint from the parents of a Cove Spring, Florida camper, it participated in an investigation of the operation of the camp by the Charleston Police Department. In 2001, The Citadel "did the right thing," based on its policies and reported the complaint to local law enforcement. Documentation from this investigation, conducted by Sgt. D Middleton, of the Charleston SC Police Department, indicates that the complaining parent had met in person with Major Bill Bates, the director of The Citadel Summer Camp, and Captain Michael Arpaio (USMC) and informed them of allegations reported by his son (Un-named Victim 3, UV-3) that Captain Arpaio had slept in the same bed with UV-3, and had, on three separate occasions that night, fondled UV-3. During that investigation, Captain Arpaio admitted, apparently with Major Bates in the room, that he *had* allowed UV-3 to sleep in his room, and that he (Arpaio) had fallen asleep as well.

UV-3's father noted in his statement to the CPD investigator that Major Bates and Captain Arpaio made excuses for the events of the evening, indicating that Arpaio was close to UV-3 due to the fact that he was having a difficult time adapting to camp, and suggesting that UV-3's allegation of being fondled while he slept in the same bed with Captain Arpaio was "a bad dream" (Charleston Police Department Witness Statement, p. 3 of 4, dated July 10, 2001). According to UV-3's father, Major Bates told him that Mr. Arpaio was a captain in the Marines, and that the incident described by UV-3—inappropriate touching of

his genitals by Captain Arpaio—"just couldn't have happened" (Charleston Police Department Witness Statement, p. 3 of 4, dated July 10, 2001).

Further, evidence exists in the statement of UV-3's mother, also dated July 10, 2001 of actions on the part of Captain Arpaio that constitute classic "grooming" practices for pedophiles: gifts to the victim, special privileges, talking about sex, and "protecting" UV-3 from "other staff." These indicators were apparently missed by Major Bates. UV-3's mother noted that her son told her that he had slept with Arpaio 3-4 times in his room, and that Arpaio had slept with UV-3 (apparently in his bed) twice (Charleston Police Department Witness Statement, dated July 10, 2001). Evidence in the investigative file indicates that under forensic interview at the Children's Crisis Center (conducted by April Hoffmeister) UV-3 confirmed many of the allegations made by his parents in statements to Sgt Middleton. Concurrently, UV-3 noted that the morning following the alleged assault, after he told Ashley Lyon about the alleged assault, she too suggested it was a nightmare (Charleston PD Supplementary Report by Sgt. D Middleton, dated 7-14-01). Also during this interview, UV-3 reported classic symptoms of having been administered a drug: lethargy, heaviness in his limbs and feeling "lousy." He stated he reported to the infirmary at 8am and slept there until about 3pm (Charleston PD Supplementary Report by Sgt. D Middleton, dated 7-14-01). Sgt. Middleton further reports in his investigative supplement that on July 12, 2001 he met with Chief Bingham and Captain Shipman of The Citadel Department of Public Safety, and with Colonel John Lackey in reference to the incident.

In follow-up supplementary reports, Sgt. Middleton notes interviewing other staff at The Citadel Summer Camp about the incident, and finding corroborating evidence from Ross Baker that Captain Arpaio had slept "in the same bed with three campers," and that "while Mike would be sleeping with the campers he would put his arms around them" (Charleston PD Supplementary Report by Sgt. D Middleton, dated 7-17-01). Baker further reported that he *had* seen Captain Arpaio "take a nap with" UV-3, but could not remember the date. Mr. Baker also noted that on four separate occasions Captain Arpaio had come into his room and asked Mr. Baker and his roommates to leave the room, leaving him (Arpaio) alone in the room (Charleston PD Supplementary Report by Sgt. D Middleton, dated 7-17-01).

The results of the Charleston Police Department investigation were inconclusive; however, sufficient problematic information was developed for the investigating officer to prepare and send a letter to Colonel John Lackey summarizing the results of the investigation, and the lack of probable cause to arrest Captain Arpaio. Sgt Middleton *did* however inform Colonel Lackey of numerous violations of protocol, policy and regulations for The Citadel Summer Camp among some summer camp employees. Specifically, he noted five separate problematic

behaviors of camp counselors at the summer camp uncovered by his investigations:

1. Improper control of campers after "taps;"
2. Campers spending time in counselors' rooms after "taps;"
3. Campers and counselors watching TV in counselors' rooms and falling asleep together in the same bed;
4. Counselors removing campers from campus on functions not camp-related without the permission of the campers' parents; counselors engaging in sexually related conversations in the presence of campers; and
5. Counselors keeping alcohol and tobacco products "in barracks" in sight of campers (Charleston Police Department letter written by Sgt D. Middleton, August 6, 2001).

My review of summer camp policies after these known complaints show no meaningful revisions to the policies guiding summer camp operations in the aftermath of Sgt. Middleton's letter.

This notice of problems with the oversight and supervision of summer camp were followed by five civil suits filed by the parents of campers attending The Citadel Summer Camp who made allegations against Captain Arpaio and The Citadel Summer Camp remarkably similar to those filed by UV-3's parents in 2007. These suits were filed in 2005 and 2006, while Mr. ReVille was still employed by The Citadel and came on the heels of Mr. ReVille being admonished by his supervisor and the Director of The Citadel Summer Camp for inappropriate behavior. Further, they were civil suits alleging very similar actions to those attributed in 2007 to Mr. ReVille, and to behavior for which Mr. ReVille was counseled by his supervisors in 2002 and 2003. Further notice existed in the settlement of at least three of these civil cases by The Citadel for amounts exceeding \$800,000.

All these indicators of problematic issues with The Citadel Summer Camp and its supervisory and management practices apparently went unnoticed by those charged with protecting the well being of the participants in the camp in 2007 and after.

In 2003 Captain Arpaio pled guilty in military court to charges of providing alcohol to minors and indecent exposure stemming from the allegations at The Citadel Summer Camp.

Given the problems identified by allegations, and eventual conviction of Mr. Arpaio, and the evident issues in crafting a law enforcement response to such a critical issue in an organization that interacts routinely with minors, such as The Citadel's Summer Camp, including the inability of local law enforcement to be

able to conduct definitive investigations of criminal misconduct on The Citadel campus, it would, in my opinion, based on my knowledge and experience, be incumbent on The Citadel Department of Public Safety, and by extension, The Citadel itself to craft a policy-, training- and supervision-environment that would enable the College to report, investigate and execute closure on similar allegations and incidents in the future. Given that the impetus for this need was a series of criminal acts, it accrues that at least *part* of this solution should fall to The Citadel Department of Public Safety.

3.1.2 Mr. ReVille's Record at The Citadel

Mr. ReVille, himself, gave notice of his proclivity to place himself in unwarranted positions with young juvenile males. During his tenure at The Citadel, Mr. ReVille was counseled at least twice for inappropriate situations with male campers at The Citadel Summer Camp, where Mr. ReVille was employed as a camp counselor. In 2002, Mr. ReVille's immediate supervisor, Jenny Garrot "informally warned" Mr. ReVille about the dangers of having campers in his room with the door closed (SLED Memorandum re Charleston (SC) Investigation, dated July 23, 2012). Major Bill Bates participated in this informal counseling. This warning came in the context of similar discussions Ms Garrot had with Mr. ReVille about having campers in his room without others present.

The following year, 2003, Mr. ReVille was again "informally counseled" by Col. John Lackey, who again warned Mr. ReVille about being alone with campers, and advised him "not to put himself" in such situations in the future (SLED Memorandum re Charleston (SC) Investigation, dated July 23, 2012). None of these "warnings" were documented in Mr. ReVille's personnel file at The Citadel, based on the record available to me at this time. However, a careful reading of Mr. ReVille's summer camp application for 2002 would have given cause to reconsider his suitability for a position requiring close day-to-day interaction with young juveniles. In response to the question "Special qualifications to serve as a counselor" Mr. ReVille replied "5'11; brown hair; brown eyes; athletic; can cook, recite poetry, dance; enjoys walks on the beach." Taken in light of what was already known about the Arpaio guilty plea that same year, such a response should have raised some concern. This is particularly true when considered in light of the need to warn Mr. ReVille for two consecutive years regarding his intimacy with campers.

Finally, in 2007, after The Citadel had "de-briefed" a camper (referred to hereafter as Un-named Victim 2, UV-3) and his family in Dallas, Texas, and specific allegations against Mr. ReVille became known, Mr. ReVille was separated from The Citadel with a "mutually satisfactory release" classification. Based on the record available in this case, that separation came in a meeting between General Counsel Mark Brandenburg, Colonel Joseph Trez and Mr. ReVille, during

which Mr. ReVille was notified of the charges levied by the camper's family, denied those charges, and was told to "lay low" and "stay off campus" (ReVille Affidavit, 5-21-13).

During his interview of the summer camper and the camper's family, Mr. Brandenburg uncovered "believable" evidence that UV-3 was reporting accurate facts about his encounter with Mr. ReVille in summer camp. He further notes the camper was immediately able to identify Mr. ReVille from camp yearbooks, and asserts that no touching was involved between Mr. ReVille and UV-3 (E-mail to David Stuckey and Dan Parris dated August 8, 2007). At that point in time, it is clear that Mr. Brandenburg knew—or should have known—that he had "believable" evidence that multiple crimes had been committed on The Citadel campus: he knew an adult had shown pornography to minors, that an adult had exposed himself to minors, and that an adult had engaged in sexual activity with minors (masturbation). It is also clear from the record that Mr. Brandenburg kept President Rosa abreast of the allegations and actions taken in response to those allegations.

3.2 Policies in Place to Respond to Sexual Abuse and Sexual Harassment at The Citadel

The record is clear that The Citadel had ample policy guidance in place for its employees regarding sexual abuse and sexual harassment on campus. The policies are clear and unambiguous. For example, [find citation in C policies Trez depot before p. 20] specifically stipulates "**Any** sexual relationship between any camp employee and a camper is prohibited. Any person not adhering to this rule **will** be immediately dismissed from his or her employment with The Citadel and **will** be prosecuted to the fullest extent of the law" (Official Camp Policies Regarding Sexual Misconduct Issues, Item 1, emphasis added).

Further, Citadel policy articulates that "Regardless of the validity of the violation, **any** sexually inappropriate conduct reports concerning any camper or employee of the camp will be turned over to The Citadel Public Safety Department and a thorough investigation **will** be conducted" (Official Camp Policies Regarding Sexual Misconduct Issues, Item 1, emphasis added).

In addition, "Memorandum Number 51," dated June 2000 entitled "Sexual Harassment" notes that "whenever there is an incident of sexual assault or sexual abuse the incident **will** be reported to the police...[emphasis added]" (The Citadel, Memorandum Number 51, Sexual Harassment, p. 10, section A-5).

Further, at section "I" of memorandum Number 39, entitled "Serious Incidents" dated June 2000, policies of The Citadel note that:

"Section I: Criminal Activity: The occurrence on The Citadel Campus or the involvement of a member of The Citadel Corps of Cadets, day/evening student, faculty, staff or campus dependent, as the suspect or victim in an incident will be immediately reported by the first member of The Citadel community hearing of the occurrence. Incidents include, but are not limited to murder, rape, robbery, aggravated assault, simple assault, burglary, motor vehicle theft, liquor law violations, drug abuse, weapon possession violations, driving under the influence, theft... trespass, hazing, telephone violations, ATM card violations and mail violations." The first office of report in this policy is The Citadel Department of Public Safety. In the preface to the policy, The Citadel notes: *All* members of the Corps of Cadets, day and evening students, faculty, and staff of The Citadel are responsible for reporting such occurrences to the Department of Public Safety immediately. Further, the duties of the Department of Public Safety are, by policy, initiating an incident report and investigation as necessary, contacting the appropriate law enforcement agencies as necessary to ascertain the facts in the situation, notifying the President and Executive Assistant, the Vice President for Academic Affairs, the appropriate Vice President, and the Vice President for Communications.

In short, the policies of The Citadel, in four separate and distinct places, *require* a member of faculty, staff or the student body to report suspected criminal activity to The Citadel Department of Public Safety, who are duly licensed law enforcement officers in the State of South Carolina. There can be no doubt that sexual assault of a minor is a serious criminal act, yet none of the staff responsible for the safety and care of minor children at The Citadel saw fit to report the alleged sexual abuse of minor summer campers to The Citadel's Department of Public Safety or to other law enforcement officials, despite clear and cogent evidence that felonious criminal activity had occurred on The Citadel's campus repeatedly from 2003 to 2007.

In my experience, the purpose of policy in modern organizations is to ensure that organizational actions are routinized, and occur as the executive level of the organization have decided they should occur. It is my opinion that, based on my review of the record available to me at this time, extant policy at The Citadel *required* those informed of UV-3's father's allegations to report the allegations to The Citadel Department of Public Safety. The policy contains no qualifiers, such as "may" or "should" or "could." They state specifically incidents "will" be reported to The Citadel DPS. Nor do the policies require an on-going criminal activity. In no way do they indicate that past events should not be reported, or that the report be contemporaneous with the crime.

Further, there is little doubt, based on my knowledge and experience, that had The Citadel Department of Public Safety been informed of the allegations—even though the allegations were of a crime committed in 2002—they would have

reported the allegations to the State Law Enforcement Division (SLED). Citadel Summer Camp policy leaves no doubt: Item 7 of the Citadel Summer Camp Official Camp Policies Regarding Sexual Misconduct Issues states unequivocally:

"All sexual misconduct allegations disclosed at any time concerning any individual(s) currently or formerly associated with the camp, will be investigated upon disclosure. There are no time period restrictions regarding sexual misconduct investigations" (Official Camp Policies Regarding Sexual Misconduct Issues, Item 7). It is common knowledge that there is no statute of limitations for criminal sexual conduct or criminal sexual conduct with a minor. In my experience, no law enforcement agency that had reasonably credible evidence that an individual was conducting on-going criminal activity involving young juvenile male victims would fail to take appropriate action, including referring the case to agencies such as SLED who have more wide ranging expertise in such areas than might be expected at The Citadel Department of Public Safety.

3.3 Deliberate Indifference to Established Investigative Practice by Key Leaders at the Citadel

It is clear to me from the available record in this case that on or before July 1, 2007 key members of the leadership cadre at The Citadel, including President Rosa and General Counsel Brandenburg and others knew or should have known that Mr. ReVile was a pedophile who had sexually abused several young juvenile males. Despite this awareness no one in a command/executive position took deliberate steps to report this fact to law enforcement as required by Citadel policy.

3.3.1 President John Rosa

Based on the record available to me at this time, it is clear that, of all people involved in this case from The Citadel, President Rosa understands sexual abuse and sexual harassment better than most. He was instrumental in planning and implementing reforms at the United States Air Force Academy designed to decrease and control sexual abuse at that institution. Among the key concepts developed and delivered during President Rosa's tenure at the Air Force Academy were PowerPoint slides for training of cadets and staff regarding sexual assault. Key points developed for that training under Lt. General Rosa included the relationship between core sexual offenders, those who facilitate sexual offenses, and "bystanders:" those who know about the problem but fail to take action to stop it. Further, the training developed for the Air Force Academy under General Rosa's leadership raised recognition of several key factors that inform the failure to conduct an adequate law enforcement investigation of the allegations of UV-3. These include the conclusion that "core sex offenders" such as rapists and pedophiles will not be "reached by education or other forms of

outreach," and the only "treatment" for core sex offenders such as rapists and pedophiles is isolation from their peers and the community (AFA October 2003, pp. 5). It is further clear from the record available to me at this time that President Rosa knew that problems of sexual abuse are not easily rectified, require outspoken commitment from the top of the organization, that the commitment must be institution-wide, that the only "solution" is to "remove" offenders and bring facilitators "back into the fold" (Ibid, p. 6). Further evidence of President Rosa's understanding of the need for reporting and prosecution of sex offenses is evident in his October 14, 2003 interview with *The News Hour's* Jim Lehrer. In this interview, then-Lt. General Rosa notes the compelling need for reporting and prosecuting sexual predators, stating that the loss in confidentiality by reporting and prosecuting offenders is necessary, adding that the critical thing is to get to the alleged perpetrator, and further noting that "reporting is the answer" because it aids in the prosecution of cases, preserving evidence, and bringing the appropriate action to the perpetrator.

Based on what he knew and when he knew it (the record is clear that President Rosa knew about the allegations as early as April 23, 2007 and no later than May 16, 2007)¹ it is inconceivable to me, given my experience in working in and evaluating large-scale para-military organizations, that President Rosa was unaware of the need to report, arrest, try and convict Mr. ReVile for the multiple crimes he had every reason to believe Mr. ReVile had committed. Although I have not read President Rosa's deposition at this point, as it is unavailable, it is clear that he knew that reporting, investigating, arresting, prosecuting and incarcerating serial sexual offenders is the **only** way to affect behavioral change with that group. Interestingly enough, President Rosa's work at the Air Force Academy was also corroborated by Dr. William Henry Burke, who during the plea hearing held for Mr. ReVile noted that "...there is no cure for any ... pedophile. There is [only] treatment and containment (ReVile Plea Hearing, p. 101). Dr. Burke was the State's expert witness on pedophilia during the investigation of the ReVile case by the multi-disciplinary team-investigation into the ReVile allegations. President Rosa also had to be aware of existing policy requiring the report of criminal offenses to The Citadel Department of Public Safety. Despite strategic, philosophical, and operational knowledge to the contrary, he allowed General Counsel Brandenburg to treat the ReVile case as mere insurance matter (Margolis Report, pp 21-23), and to fail to report the abuse to other components of The Citadel's management group who would have had responsibilities for

¹ General Counsel Brandenburg included a cc to President Rosa of his letter to the Insurance Reserve Fund. This letter included a recitation of the allegations of UV-3, including that a summer camp counselor showed pornography to campers, masturbated in front of juvenile campers, and encouraged the juveniles to masturbate as well. He further notes that "the counselor engaged in this activity frequently...and with many other campers" (Brandenburg letter to the Insurance Reserve Fund, May 16, 2007)

institutional response to allegations of sexual abuse on campus, i.e., the Title IX coordinator, the Human Resources director, and the Department of Public Safety.

3.3.2 General Counsel Brandenburg

As The Citadel's "lawyer in chief," Mark Brandenburg undoubtedly knew, in both theory and practice, of the existing policies to report criminal behavior to the Citadel's Department of Public Safety. He had seen the nature of failing to maintain a proactive stance on issues of sexual assault and pedophilia when, as a member of the law firm of Barnwell Whaley, he was a member of the legal team that defended The Citadel in the Arpaio case and "worked" the settlement of the allegations arising from the Arpaio affair, resulting in payments by The Citadel in excess of \$800,000 in settlement of civil suits arising from that incident. General Counsel Brandenburg, working under the direct supervision of President Rosa, ignored the lessons of Arpaio, a case with which he was intimately familiar; ignored the cost to the victims of Arpaio; ignored the policy and reporting requirements of The Citadel viz a viz sexual assault; and ignored the plethora of "mandatory reporting" functions in South Carolina law, including teachers, counselors, police officers, child care workers, substance abuse treatment staff, doctors, and nurses, many of whom were represented among The Citadel's faculty and staff. Further, President Rosa, a man who was intimately familiar with the need to approach cases of this nature from a firm, focused and fair law enforcement and policy enforcement perspective, allowed Mr. Brandenburg to treat the case simply as a "settlement case."

In his "investigation" of the allegations raised by UV-3's father, Mr. Brandenburg, acting under President Rosa's supervision, failed to conduct, or cause to be conducted a meaningful law enforcement investigation of the allegations raised by UV-3 in his "interview" with Mr. Brandenburg in Dallas Texas on July 1, 2007. Despite Mr. Brandenburg's apparent intent to simply minimize the potential damage to The Citadel and its insurance carriers, UV-3 made specific criminal allegations relating to Mr. ReVile and his treatment of UV-3 and six other young male juveniles during the Citadel Summer Camp in 2003. The knowledge available to Mr. Brandenburg after July 1, 2007 included the following:

- That according to information provided to him by Jenny Garrot, Mr. ReVile had been asked to leave his employment at Pinewood Prep earlier in 2007 (Margolis Report, p. 18). This is significant in that, given the nature of the allegations made by UV-3's family, and the "believability" of those allegations, it would have been reasonable to assume that the reason Mr. ReVile had been asked to leave Pinewood Prep was related to his pedophilia. This is critical, as it leads to the reasonable conclusion, even if Mr. Brandenburg were not aware of the remarkably high recidivism rate of pedophiles intellectually, that Mr. ReVile was a significant and

probable threat to continue his illegal activities if he were not arrested, tried, convicted and imprisoned.

- That during summer camp in 2003 Skip ReVile, then an employee of The Citadel entrusted with the care of minor children, was reported to have sexually abused six juvenile male summer campers, committing at least eighteen felonies on The Citadel campus by:
 1. Showing six juvenile campers pornography;
 2. Masturbating in front of six juvenile males;
 3. Showing two additional campers pornography on a second occasion;
 4. Masturbating in front of two additional campers on that second occasion; and
 5. Encouraging two additional campers to masturbate with him on that second occasion.

In addition, UV-3 gave Mr. Brandenburg ample cause to believe that the events he reported happening to him and six other campers were not isolated events, occurring only with these seven juveniles. He noted in two separate responses that he saw "younger kids" coming in and out of ReVile's quarters in 2002 (Brandenburg interview at p. 81:1) and that he "saw kids coming in and out of his room at all hours" (at p. 105:18).

Despite ample "believable" (E-mail to David Stuckey and Dan Parris dated August 8, 2007) evidence that at least eighteen felonies (and probably more) had been committed by an employee of The Citadel, on The Citadel campus, during a sanctioned Citadel summer camp program, General Counsel Brandenburg failed to report these events to law enforcement as specifically required by university policies. These failures, in my professional opinion, based on my knowledge and experience, constitute reckless indifference to the protected rights of those General Counsel Brandenburg *should* have taken every step to protect. These acts of deliberate indifference stand in remarkable contradistinction to the Citadel's "zero tolerance" attitude toward other transgressions at the summer camp program. For example, during UV-3's first year at summer camp at The Citadel (2001), he reported learning of a counselor who was fired by The Citadel for being "hung over" during duty hours (Brandenburg Interview, 23:18). A second counselor was fired "because he had a girl in his room" (Brandenburg Interview, 44), and a *third* was fired because he sold "grass" (lawn clippings) to campers and told them it was marijuana. Yet the sexual assault allegations went unreported to law enforcement by The Citadel, despite the direct knowledge of its General Counsel and President Rosa that credible evidence existed of multiple felonies having been committed by Citadel staff on Citadel property.

Based on my knowledge and experience, having reviewed literally thousands of police administrative and criminal investigative reports, there is only one reasonable explanation for The Citadel's General Counsel and his immediate supervisor, President Rosa, to have failed to report credible and "believable" evidence regarding at least eighteen felonies committed on The Citadel campus, by an employee of The Citadel, during an officially sanctioned Citadel program: General Counsel Brandenburg and President Rosa intended to avoid the negative ramifications to the school's reputation that would have occurred if they had reported these felonies to the police, as required by existing Citadel policies. This conclusion is supported by an e-mail written by General Counsel Mark Brandenburg on May 8, 2007. The name of the recipient of that e-mail was redacted; however, the *content* is instructive. In that e-mail, President Rosa's surrogate, General Counsel Brandenburg informed the recipient:

1. That no "formal" civil or criminal investigation has been initiated;
2. The complainant could file a report with the police, which would start a criminal investigation;
3. The complainant could file a civil lawsuit which would start a civil investigation; and
4. The complainant has done "neither."

He goes on, however, to say "Moreover, I am hopeful, that by conducting an investigation on behalf of the school, no "formal" investigation—criminal or civil—will occur" (E-mail from Mark Brandenburg to an unknown recipient, dated May 8, 2007). This e-mail perhaps explains better than anything the reason the "investigation" undertaken by President Rosa and General Counsel Brandenburg was so ineffectual.

In my opinion, based on my knowledge and experience, an appropriate law enforcement response and "forensic interview" of this camper in 2007 would have yielded the following information, which would have been critical to an effective law enforcement response to the ReVile case:

- Evidence that serious criminal misconduct occurred involving at least six juvenile males;
- That The Citadel Summer Camp routinely fired (or dismissed) camp counselors for relatively minor transgressions (showing up for work hung over (Brandenburg Camper Interview, pp. 23-4; having a female in the barracks (p. 44); selling "grass" to campers and telling them it was marijuana (p. 67)); and

- That ReVille routinely had “younger kids” in and out of ReVille’s room late at night, thus increasing the probability that additional victims would be found.

Had Mr. Brandenburg conducted a legitimate forensic interview with this camper in 2007, it is highly likely he would have identified other under-age victims of Mr. ReVille’s pedophilia, and would have learned that during the time that Mr. ReVille was involved in The Citadel Summer Camp several young men were the victim of felonious sexual assault committed by Mr. ReVille. Further, given what is now known, based on interviews with other campers within UV-3’s cohort, serious, felonious sexual abuse was perpetrated at The Citadel Summer Camp by Mr. ReVille on numerous occasions with multiple campers.

Based on my knowledge and experience, the *effective* approach in dealing with allegations of child sexual abuse is a multi-disciplinary approach involving child advocacy centers, law enforcement, medical personnel, prosecutors and judges. An excellent example of this multi-disciplinary approach is evident in the community response to the 2011 allegation against Mr. ReVille in Mt. Pleasant, SC. There, social workers and mental health professionals from the Dee Norton Lowcountry Children’s Center, members of the Mount Pleasant Police Department, Agents from SLED, solicitors and judges combined to identify Mr. ReVille as an offender, build a solid case against him, managed a guilty plea in a few short months, and took Mr. ReVille off of the streets in less than 24 hours.

Consider, in juxtaposition to the 2011 response by the Mount Pleasant Police Department and it’s multi-disciplinary team, the 2007 events at The Citadel, led by President Rosa and his surrogates, which involved no law enforcement, no social workers, no medical personnel, and was, in fact, conducted only by a lawyer representing the interests of The Citadel, proved to be ineffectual, and resulted in Mr. ReVille going free for another four years, accosting an even larger number of juvenile males. While President Rosa and his surrogates *did* conduct an investigation, it was grossly negligent and failed to meet even *minimum standards* known to be effective in 2007.

Any reasonable investigation into the allegations of UV-3 would have been led by a “detached” investigator determined to impartially collect and assemble the relevant facts. The investigator would have:

- Assembled a well-trained and experienced multi-disciplinary **team** of professionals, representing the disciplines of law enforcement, social work, prosecution, child advocacy, medicine, and the judiciary;
- Conducted a true “forensic interview” of UV-3, designed to determine what happened and to fully flesh out the magnitude and specifics of any potential violations;

- Asked clear, open-ended questions;
- Focused on establishing clearly what happened, when, and how;
- Asked questions specifically designed to assess whether a criminal act occurred, e.g., "What did he do when you and he were alone?" or "What other campers do you know who were in his room late at night?" or other questions designed to find out exactly what happened;
- Refrained from interrupting, especially when the victim is discussing the nature or frequency of the violations;
- Given the subject "room" to talk about the incident in a narrative stream as opposed to asking "yes or no" questions;
- Used structured questioning to identify other potential victims;
- Developed a written statement covering the victim's version of events; and
- Produced a written report of "findings" of whether or not criminal violations occurred, could be reliably proven, and/or other non-criminal actions were contributory to the injuries that may have been suffered by the victim.

Mr. Brandenburg failed to use any of these methods. Again, his failure can possibly be attributed to his "hope" to avoid a law enforcement investigation.

Such processes were hardly "state of the art" in 2007. In fact, had Mr. Brandenburg simply done a Google search in 2007, he would have found an invaluable resource first published ten years earlier by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Delinquency Prevention.²

Instead, the "interview" conducted by Mr. Brandenburg consisted of interchanges such as the following:

Father of UV-3: "It wasn't a month later that he gets a letter [from admissions] that says, you know, sorry, but, you know, you're not good enough. And the point is, is that the reason that he isn't good enough is because of what happened at The Citadel [the sexual assault]..."

Mr. Brandenburg: "Whoa, whoa, whoa, whoa..." (Interview of UV-3 by Mr. Brandenburg, (p 117:14).

² U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Delinquency Prevention: Law Enforcement Response to Child Abuse: Portable Guides to Investigating Child Abuse. May, 1997 (second printing, March 2001).

The "fact finder," Mr. Brandenburg, General Counsel for The Citadel, interrupts a fact witness who is making a statement only somewhat unfavorable to the institution and adroitly changes the subject, only one "question" later, stating:

Mr. Brandenburg: Regardless of whether The Citadel feels [he] is good enough or not, he is good enough or he wouldn't be sitting in that chair right now after what he's been through." (p. 117:15).

Further evidence of the true intent of Mr. Brandenburg's "interview" of UV-3 is presented by what *was not* asked. For example the word "abused" was never used by Mr. Brandenburg in his interview of UV-3. Nor were the words "sexual," or "assault," or "touch" in relation to other campers. Nor did he use, with one exception, the word "who" in conjunction with *any question* relating to other campers who may have been abused by Mr. ReVille. Even more damning, when UV-3 says "I realized who the bad guy was," Mr. Brandenburg failed to follow up with the obvious open-ended question: "Who *was* the 'bad guy'?" When Mr. Brandenburg asks "Do you know who any of them were," (referring to other assaulted campers) and UV-3 digresses, Mr. Brandenburg fails to restate this critical question.

The interview conducted by Mr. Brandenburg, acting on behalf of President Rosa, was hardly a forensic interview, designed to determine who did what to whom, how, and when. Years later, in the after-action critique of The Citadel's failures in this case, the Margolis Group identifies the true purpose of Mr. Brandenburg's interview with UV-3, noting that Mr. Brandenburg "used his civil litigation lens to the exclusion of contemporary practices in child sexual abuse investigations" (Margolis Report, pp 39ff). In other words, he was there, acting on behalf of President Rosa, as The Citadel's civil attorney rather than its General Counsel. Based on the record available to me at this time, Mr. Brandenburg did *nothing* to ensure that The Citadel Department of Public Safety or local, state, or federal law enforcement agencies were, as required by Citadel policy, made aware of the alleged actions of Mr. ReVille *viz a viz* UV-3 and the other "five campers" who were reportedly victimized by Mr. ReVille.

4. Conclusions

Based on the record available to me at this time, the actions and inactions of The Citadel, through its selected executive leadership, including President Rosa, General Counsel Brandenburg, and Colonel Trez constituted deliberate and reckless indifference to the constitutional protections afforded the victims in this case. Further, the failures and deliberate lack of reporting were intentionally designed to protect the reputation of The Citadel and its key executives rather than to protect the students, staff and faculty of the Citadel and the citizens of South Carolina. As a direct and proximate cause of this indifference, based on

the record available to me at this time, additional juvenile males were victimized by Mr. ReVile from the time The Citadel *should* have reported him to law enforcement (on or before April, 2007) and the time that a concerned parent alerted authorities in October of 2011. In the intervening 43 months, based on the record available to me, after The Citadel *should have intervened* by reporting Mr. ReVile to law enforcement, and instead decided to simply separate him from the institution under a "mutually satisfactory release." Mr. ReVile, a known (to The Citadel) pedophile continued his crime spree abusing even more young juvenile males between 2010 and 2012.


These victimizations were a direct and proximate result of key executive personnel from the Citadel, namely President Rosa and General Counsel Brandenburg, ignoring their duty to protect innocent victims by reporting a known child molester to the police, and instead choosing to protect their institution and positions within that institution. These decisions on the part of President Rosa and his subordinate, General Counsel Brandenburg, constituted, in my opinion, reckless indifference to the constitutional protections afforded the six known additional victims and countless unknown victims.

Given my experience in reviewing thousands of law enforcement criminal and administrative investigations for sufficiency, and based on my familiarity with the need to explore all avenues of inquiry to explain observed behavior, coupled with the remarkable inefficiency and poor quality of the observed investigation conducted by President Rosa and his surrogates regarding the allegations raised by UV-3 and his family, and given the "smoking gun" of Mr. Brandenburg's May 8, 2007 e-mail declaring his "hope" to avoid a formal law enforcement investigation, it appears to me that a formal review of the record in this case by law enforcement personnel familiar with investigation and prosecution of criminal allegations of accessory after the fact may be warranted. Mr. Brandenburg expressly voices his hope of avoiding a criminal investigation, and his ineffectual "investigation" into the matter could possibly be viewed as an overt act forwarding that goal. I am not, nor do I claim to be a legal professional; however, based on my experience in reviewing law enforcement investigations, both criminal and administrative, it is my opinion that such a course of action may be warranted in this case.

In the simplest analysis, the efficacy and propriety of President Rosa's response to the ReVile report in 2007 can best be assessed by comparing it to the Citadel's response to the Arpaio report in 2001. In 2001, the leadership of The Citadel lacked the knowledge that President Rosa had in 2007, regarding how to respond to sexual abuse at the Air Force Academy, i.e., report-investigate-charge-prosecute-isolate. Despite this knowledge, in 2001, the leadership of The Citadel "did the right thing:" it reported the allegations to law enforcement. Six years later, *with the benefit* of advanced knowledge earned through President's

Rosa's experience at the Air Force Academy, i.e., that the "correct" response is report-investigate-charge-prosecute-isolate, President Rosa and his surrogates decided affirmatively to conceal-rationalize-protect-release. The direct and proximate result of this affirmative decision was additional victims of Mr. ReVille. Law enforcement advised The Citadel in 2001 (the Middleton report) that the college was at risk for sexual abuse of children on campus. It was reminded again, quite forcefully, in 2007 with the allegations of UV-3 and his family. In September of 2012, The Citadel's own internal assessment clearly state *for the third time* in a little over ten years that: "Based upon our review of current efforts to protect children from harm, we conclude that: **The Citadel is at high immediate risk for inappropriate sexual behavior to occur between its representatives and minors. The risk is ongoing throughout the year, but highest during the summer** (Institutional Program Assessment Committee, September, 2012, Appendix Six, p. 70, emphasis in the original). The Citadel had made virtually no progress in reducing the *risk* of inappropriate sexual behavior on the campus in more than a decade, despite repeated clarion-call warnings of the risks.

This report is made to the court based on preliminary information available at this time. The conclusions developed for this report were developed to a reasonable degree of professional certainty. I Reserve the right to revise and update this report should additional information become available to me regarding this matter.



 James D. Ginger, Ph.D.

statements that are inappropriate to occur between its representatives and minors. The risk is ongoing throughout the year, but highest during the summer (Institutional Program Assessment Committee, September, 2012, Appendix Six, p. 70, emphasis in the original). The Citadel had made virtually no progress in reducing the risk of inappropriate sexual behavior on the campus in more than a decade, despite repeated clarion-call warnings of the risks.

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CERTIFIED COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON
 PLEAS)
) FOR THE NINTH JUDICIAL
 CIRCUIT)
 COUNTY OF CHARLESTON) C/N: 2011-CP-10-9200

MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 The Citadel,)
)
 Defendant.)

AND RELATED ACTIONS.)

DEPOSITION OF MARY JO McGRATH

Monday, February 3, 2014
Santa Barbara, California

INVOICE NO.: 13262-14
REPORTED BY: MARK McCLURE, CSR No. 12203

TRI-COUNTY COURT REPORTERS
Ventura • Santa Barbara • San Luis Obispo

Ventura Office
701 E. Santa Clara Street
Ventura, CA 93001
Fax 805.963.9740

Main Office
420 E. Carrillo Street
Santa Barbara, CA 93101
805.963.3900

Santa Maria Office
1862 S. Broadway, Suite 102
Santa Maria, CA 93454
Toll Free 877.963.0294

ALL-STATE LEGAL
EXHIBIT
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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)
AND RELATED ACTIONS.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
C/N: 2011-CP-10-9200

DEPOSITION OF MARY JO McGRATH, VOLUME I, taken on
behalf of Defendant, commencing at 9:18 a.m., Monday, February
3, 2014, at 420 East Carrillo Street, Santa Barbara,
California, before MARK McCLURE, CSR No. 12203, Certified
Shorthand Reporter in the County of Santa Barbara, State of
California.

--oo0oo--

1 APPEARANCES OF COUNSEL:

2 For Plaintiffs:

3 McLEOD LAW GROUP, LLC
4 BY: W. MULLINS McLEOD, ESQ.
5 3 Morris Street, Suite A
6 Charleston, South Carolina 29403
(843) 277-6997
mullins@mcleod-lawgroup.com

7 For Defendant:

8 (appearing telephonically)
9 BARNWELL, WHALEY, PATTERSON & HELMS, LLC
10 BY: CHRISTOPHER KOVACH, ESQ.
11 288 Meeting Street
12 Charleston, South Carolina 29401
13 (843) 577-7700
14 ckovach@barnwell-whaley.com
15
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I N D E X

WITNESS	EXAMINATION	PAGE
MARY JO McGRATH	BY MR. KOVACH	4

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
12	State Court Notice of Deposition (6 pages)	5
13	Federal Court Notice of Deposition (5 pages)	6
14	(Number inadvertently skipped)	
15	Curriculum vitae of Mary Jo McGrath (17 pages)	6
16	Article: "The Breadcrumb Trail," McGrath Training Systems, 2007 (7 pages)	22
17	McGrath expert witness report (34 pages)	40
18	"2002 Counselor Handbook" (32 pages)	59
19	Press release, 11/14/11 (2 pages)	87

WITNESS INSTRUCTED NOT TO ANSWER

(NONE)

INFORMATION TO BE SUPPLIED

(NONE)

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MARY JO McGRATH,

having been sworn, was examined
and testified as follows:

EXAMINATION

BY MR. KOVACH:

Q. Good morning, Miss McGrath. My name is Chris Kovach, and I'm counsel with Barnwell Whaley, and we represent General Rosa and The Citadel in these cases.

You've had your deposition taken before, I take it from reading your CV.

A. I'm sorry, would you say the beginning of that?

COURT REPORTER: I'm having a very difficult time with the audio.

BY MR. KOVACH:

Q. We'll start again. Miss McGrath, my name is Chris Kovach. I'm counsel for The Citadel and General Rosa in these matters. Have you had your deposition taken before?

A. Yes.

Q. I know you're familiar with the ground rules. I'll go over a couple of things. Particularly with the audio that we have today, if there's a question that you don't understand, please ask me to repeat it. That way you can answer the question truthfully, particularly since there are problems with the audio.

1 Do you have any questions before we go forward?

2 A. No.

3 Q. Okay. I want to show you what I'll mark as
4 Exhibit 12, which is starting from the previous expert
5 deposition exhibits, which is why we're starting at 12, and
6 that's going to be the notice of deposition in this case.

7 (Whereupon Defendants' Exhibit 12 was
8 marked for identification by the Court
9 Reporter.)

10 BY MR. KOVACH:

11 Q. Have you seen this document before, ma'am?

12 A. Yes, I have.

13 Q. And is it instructing you to bring with you certain
14 documents to the deposition?

15 A. Yes.

16 Q. And then you brought those documents with you today?

17 A. I brought a listing of the documents since they are
18 so voluminous in this case, and they are all Bates stamped and
19 marked and referred to in my expert witness report.

20 I also brought some CDs that Mr. Mullins McLeod gave
21 me yesterday having to do with, I believe, some information
22 from MDBI.

23 Q. Okay. And did you review all that information?

24 A. I haven't reviewed all of what is on the CDs; I have
25 reviewed pieces that he had e-mailed me from that

1 organization.

2 Q. Okay.

3 A. And I don't know if there's more on the CDs than
4 what was e-mailed, I just don't know that.

5 Q. Okay. Would it be fair to say that you reviewed all
6 that information in preparing your report?

7 A. No. That information came to me in the last couple
8 of days.

9 Q. Okay. And I'd like to show you what we'll mark as
10 Exhibit 13, which is the notice of deposition in the federal
11 case. There should be a cross notice of deposition in the
12 federal case

13 (Whereupon Defendants' Exhibit 13 was
14 marked for identification by the Court
15 Reporter.)

16 BY MR. KOVACH:

17 Q. Miss McGrath, I would like to have the court
18 reporter show you your CV and mark that as Exhibit 15.

19 COURT REPORTER: We don't have it yet. It's still
20 being printed. Shall we mark it provisionally and then do it
21 formally when we get the document?

22 MR. KOVACH: That would be fine.

23 (Whereupon Defendants' Exhibit 15 was
24 marked for identification by the Court
25 Reporter.)

1 MR. KOVACH: We're looking for a May 16 letter, an
2 e-mail, and then Miss McGrath's CV.

3 Q. Miss McGrath, I want to show you what we're going to
4 mark as Exhibit 15, which is your CV.

5 A. All right.

6 Q. Can you tell me a little bit about your educational
7 background? I see you started at Los Angeles Community
8 College. Can you start there, and what was your experience?

9 A. I'm going to attempt to read what you're saying at
10 the same time as I'm hearing what you're saying so we don't
11 have to repeat every question.

12 Okay, when you asked what was my experience, what do
13 you mean?

14 Q. Your educational background, please tell me about
15 your educational background. You started at Los Angeles
16 Community College?

17 A. Correct.

18 Q. And what did you study?

19 A. I would general -- general education requirements
20 for an AA and transfer to UCLA.

21 Q. And what was the AA in?

22 A. History.

23 Q. And then at the University of Los Angeles you got a
24 bachelor's degree. What was your major course of study?

25 A. History and women's studies.

1 Q. And then you went on to Loyola School of Law, and
2 when did you graduate Loyola?

3 A. I graduated from Loyola in 1977.

4 Q. And after you went to Loyola, what was your first
5 employment?

6 A. I worked initially with a law firm in Century City,
7 which did business transaction law.

8 Q. Okay, transactional work. So what kind of work
9 would that be?

10 A. Contracts, IRS appeals.

11 Q. Anything involving sexual abuse?

12 A. No.

13 Q. What was your next employer?

14 A. It's been a long time since I thought about this. I
15 believe I went from there to the Carpenters Trust Funds.

16 Q. What did you do there?

17 A. I was a staff attorney and I assisted the Trust in
18 pursuit of contractors who had not paid their appropriate
19 dues.

20 Q. And approximately what years did you work there?

21 A. I don't remember.

22 Q. Okay. Did you do any work with sexual abuse or
23 schools, anything of that nature at that employer?

24 A. No, I did not.

25 Q. It says on your CV that you were a partner at

1 Mullen & Henzell, in Santa Barbara?

2 A. Correct.

3 Q. And what kind of a practice did you have there?

4 A. School law practice, primarily.

5 Q. And what did that entail?

6 A. I was representing -- well, actually, I was hired by

7 school districts to pursue issues of employee discipline.

8 Q. Would that include sexual allegations?

9 A. Yes, it would.

10 Q. And in what context, can you give me some examples?

11 A. Well, one case dealt with a central office

12 administrator who was accused of sexually harassing a teacher.

13 Q. Okay. What about sexual harassment of students?

14 A. Yes, there was a number of cases where I dealt with

15 allegations that a teacher had sexually abused a child, and my

16 work was to determine the facts around that situation, and

17 then, if the facts were established, to pursue the dismissal

18 under the California Stull Bill statutes.

19 Q. So you would represent only school districts or did

20 you also represent any students?

21 A. I didn't represent students.

22 Q. So only school districts.

23 Tell me about McGrath Systems.

24 A. McGrath Systems is a corporation. I wholly own it.

25 It was incorporated in 1993 and it, over the years, starting

1 in 1977 -- no, 1979 I had started to develop programs to train
2 administrators in different legal responsibilities that they
3 had. By the time I got to 1993 I wanted to incorporate that.
4 I had been doing it all those years, but at that point I
5 incorporated into what is actually McGrath Systems, Inc., with
6 a DBA McGrath Training Systems.

7 Q. Are you a licensed attorney?

8 A. I am.

9 Q. What state?

10 A. California.

11 Q. Do you currently practice law?

12 A. I do not.

13 Q. Are you a member of any other professional
14 organizations?

15 A. Yes.

16 Q. Can you tell me what those are?

17 A. I'm a member of the American Association of School
18 Personnel Administrators -- it goes by AASPA -- and also the
19 International Bullying Prevention Association, IBPA.

20 Q. What do those two organizations do.

21 A. AASPA is a nationwide professional organization that
22 provides in-services and training to school personnel
23 directors.

24 Q. What types of training?

25 A. A variety of training. They have what they call

1 boot camp where they are training new administrators and
2 classified people in how to handle the personnel office and
3 the various functions that go on there. The trainings I will
4 provide, often at the annual conference, typically focus on
5 the supervision, evaluation, personnel files, requirements of
6 the job of district level and site level personnel, and also
7 sexual abuse and sexual harassment, and bullying topics.

8 Q. Do you provide any services to these organizations?
9 And by "services," I mean advice or presentations or anything
10 of that sort --

11 A. I just --

12 Q. -- or are you just a member?

13 A. I just explained the presentations I do for those
14 organizations. I do not provide advice.

15 Q. What are some of the school districts that you have
16 represented?

17 A. There's a listing in my CV of the districts that I
18 have represented, I believe.

19 Q. Let me take a look. Your CV references that you
20 have representative educational training clients.

21 A. Yeah, I see that. I stand corrected on that. The
22 CV doesn't speak to legal representation, but many of these
23 same organizations within the state of California I have
24 provided legal representation to.

25 Q. Okay. And do you recall, and it may be difficult to

1 differentiate which ones, but which school districts you've
2 represented?

3 A. I could go through this list and highlight for you
4 which ones I recall representing.

5 Q. Okay, if you can do that, that would be great.

6 A. Cal State University at Long Beach; Coast Community
7 College District; Moorpark College; Imperial County Office of
8 Education, Lake County Office of Education, Santa Barbara
9 County Office of Education; ABC Unified, Acalanes Unified
10 School District; Alhambra City School District; Elm Rock Union
11 Elementary School, Berryessa Union Elementary School District;
12 Beverly Hills Unified School District; Campbell Union High
13 School District, Carlsbad Unified School District, Carpinteria
14 Unified School District; Castro valley Unified School
15 District; Chico Unified School District, Chino Unified School
16 District --

17 MR. McLEOD: Do you want her to read them all off or
18 can you just rely on the CV? Because otherwise it's going to
19 take her a while to go through it.

20 MR. KOVACH: Okay, that's fine, I just wanted to get
21 an idea of which school districts she's represented.

22 MR. McLEOD: In addition to those, she's done VMI
23 and other colleges, but most of it is contained in the CV.

24 MR. KOVACH: Okay.

25 THE WITNESS: VMI, we have not provided legal

1 representation, we provided extensive training.

2 BY MR. KOVACH:

3 Q. So you haven't practiced law since starting McGrath,
4 is that correct, in 1993?

5 A. No, that's not correct. I haven't practiced law
6 since 1998.

7 Q. All right. Have you ever provided any
8 representation to summer camps?

9 A. I'm trying to recall whether some of the school
10 districts had camps during their summer. I know that they
11 would have summer school where the activities were more in the
12 recreational area than they were academics, so I don't know if
13 you'd call that a summer camp or not. I don't recall
14 providing representation to a residential program.

15 Q. What about presentations to a residential summer
16 camp, have you done any presentations to a summer camp on
17 sexual harassment, sexual abuse?

18 A. Again, my presentations to be would the
19 administrators and teachers of an organization. Now, if they
20 conducted summer camp, I never really explored that aspect of
21 what they were doing. My training was pertinent to all of
22 their responsibilities as they related to the education and
23 protection of students.

24 Q. In your experience, have you prepared any documents
25 or training manuals specifically geared towards a summer camp?

1 A. We do a training called "Vulnerable Educators," and
2 we are speaking to the groups that are dealing with activities
3 outside of the classroom. So the sports programs, anything
4 that is extracurricular, so that training does address
5 overnight situations when you're dealing with trips, hotel
6 rooms, supervision of students when they are there throughout
7 the night under the care of and responsibility of the entity.

8 Q. Can you tell me a little bit about that training?

9 A. Sure.

10 Q. What kind of training you provide?

11 A. We train the educators, and I use that term broadly,
12 so that can include anyone who's around kids for the purpose
13 of discussion. We train them in, first, being aware of their
14 responsibility to protect, that when they take on the
15 education and care of children, they take on that
16 responsibility to be sure the environment is safe and free
17 from harassment and abuse, so we train them in that.

18 We train them in what the law says are a variety of
19 areas that they need to be aware of, that there are various
20 channels that are involved around the care of children and the
21 education and how it can result in -- there's administrative
22 law that deals with what are the policies, what are the
23 protocols, what are the regulations they actually need to know
24 inside and out about how they are supposed to be interacting
25 with the kids, and then we also train them that as

1 administrators they really are the front lines. Educators and
2 administrators are where the action happens, so if something
3 is happening, they have to process administratively and they
4 have to determine whether there is a legal or criminal
5 component to it and involving the police when that's
6 appropriate.

7 And then the third channel is the civil actions, and
8 we also discuss the area of civil rights violations and their
9 responsibility under Title IX to provide a safe and caring
10 environment free from sexual harassment and abuse.

11 Q. Do you have any educational background in
12 psychology?

13 A. No, other than taking, like, four semesters of
14 psychology during my undergrad degree.

15 Q. But no postgraduate work?

16 A. That's correct.

17 Q. What about law enforcement training?

18 A. I've worked alongside of law enforcement on a number
19 of the cases I've worked on, because the cases I work on,
20 then, did involve sexual abuse of children, so we would be
21 working in tandem and concurrent with the police.

22 Q. And can you give me an example of that or relating
23 what this was, what cases, how you interacted with the police?

24 A. Well, the San Jose Unified School District, there
25 was a case that I think initially the police had taken a look

1 at it, but they were looking for criminal violations, and what
2 we knew we had to look for was, under an administrative lens,
3 we had to be looking for unprofessional conduct and boundary
4 violations, which are indicative of whether behavior may be
5 occurring. It's a different standard between what the police
6 have to find and what the educational entity is responsible
7 for.

8 Q. Can you elaborate on what the standard is? What is
9 the standard for the police versus what is the standard for an
10 educational entity?

11 A. Well, the police have to prove their case beyond a
12 reasonable doubt, and they really have to determine the intent
13 of the perpetrator and the like.

14 Under the school administration and the standards
15 that are applicable there, that is not the issue. The issue
16 is not intent, but impact, so you're looking for what is the
17 evidence that behaviors are impacting students in the
18 environment.

19 Also, the criminal investigation will look to the
20 behavior of a particular individual. The administrative
21 educational investigations need to look to the entire
22 environment, since the educators are responsible for providing
23 that safe environment.

24 Q. In your work with McGrath, how long have you served
25 as an expert witness?

1 A. I think my first expert witness case was, to the
2 best of my recollection, was about 1995, somewhere in there.

3 Q. In how many cases have you served as an expert
4 witness, in your estimation?

5 A. I've provided a listing, I believe, of all the cases
6 I've worked on in the CV.

7 Q. Okay. I have that in your expert report and we can
8 go over that. It's not in the CV but in the expert report.

9 A. Yes, okay. So it would be easier to go through the
10 listing I provided you than provide --

11 Q. No, I heard you, but I'm saying the listing of your
12 expert testimony is in your expert report, which it should be
13 there in those documents.

14 COURT REPORTER: I don't think we have it yet,
15 Chris.

16 MR. KOVACH: Okay.

17 Well, we can come back to that when we're talking
18 about your report.

19 Q. Now, what percentage of your work at McGrath is
20 providing expert witness services?

21 A. It will vary in different years.

22 Q. On an average?

23 A. 20 percent.

24 Q. And how many cases right now are you serving as an
25 expert witness in any context?

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A. Four.

Q. And what states are those cases in?

A. Five, sorry. Three are California, one is Washington, State of Washington, and then this case in South Carolina.

Q. Have you had any other cases in the state of South Carolina?

A. No.

Q. So this is your first South Carolina case?

A. Yes.

Q. Have you had any cases in North Carolina?

A. Expert witness cases? No.

Q. Georgia?

A. No.

Q. On a percentage basis, what would you say your income, how much of your income is derived from expert witness testimony? I don't need a number but just a percentage.

A. Again, it varies by the year. In the last year, it was about 40 percent.

Q. Okay.

A. In other years it could be 5 percent.

Q. Do you provide services as an expert witness in anything else besides school-related issues?

A. No.

Q. How often have you been called upon to testify at

1 trial as an expert?

2 A. Twice.

3 Q. Can you tell me about those two cases?

4 A. Well, one was I was the investigator on the case,
5 not really an expert, and then the other one was a sexual
6 abuse case, educator sexual abuse.

7 Q. And were you testifying for the plaintiff or the
8 defense?

9 A. Plaintiffs.

10 Q. And what was your testimony in that case, do you
11 recall?

12 A. Your question is so broad I don't know how to answer
13 it.

14 Q. What was the context of the case? Tell me about the
15 case. What were you called upon to testify regarding?

16 A. To the best of my recollection, the case involved a
17 group of students who were sexually abused by their teacher.
18 The case involved activity at school and activity at his home.

19 Q. Okay. And what was the outcome of that case?

20 A. The defense prevailed.

21 Q. Have you ever been excluded as an expert witness?

22 A. I have not. And the defense prevailed on the basis
23 of a lack of notice in that case that I described.

24 Q. Do you recall the name of that case?

25 A. I believe it's Victorville Elementary, Anthony J.

1 versus Victorville Elementary.

2 Q. How many employees does McGrath Services have?

3 A. None.

4 Q. Just you?

5 A. As an employee, yes.

6 Q. Now, you said that you serve as an expert and it
7 varies from year to year as to how many cases you serve as an
8 expert. Who are McGrath's primary customers regarding the
9 training and the other services that you provide?

10 A. Would you repeat the question, please?

11 Q. Certainly. What are the other customers that you
12 provide services to at McGrath Services?

13 A. Primarily K-through-16 school districts and
14 universities.

15 Q. How do you obtain these clients? Did you advertise,
16 do they come to you?

17 A. I have a reputation in the field so there are a lot
18 of referrals; additionally, the speaking engagements at AASPA
19 and at IBPA are a means by which clients hear about us and
20 come to us, and then we have a lot of repeat business.

21 Q. Okay.

22 A. And we do have a mailing list of over 12,000
23 contacts.

24 Q. Do you do any advertising at all?

25 A. No. We use the mailing list to send out notices of

1 courses that we will be conducting.

2 Q. How many courses do you do in a year?

3 A. Well, are you talking about the company or me,
4 personally?

5 Q. Well, the company. You said you're the only
6 employee of the company --

7 A. I'm the only employee of the company. However, we
8 have independent contractors who work with us.

9 Q. Okay. Can you tell me about the independent
10 contractors? How many independent contractors?

11 A. Four.

12 Q. And who are those?

13 A. By name?

14 Q. Yes, ma'am.

15 A. Bill Berard, Michael Rarick, Carol Ruckle, Linda
16 Madison. And then I have administrative people who also are
17 independent contractors.

18 Q. Where are these independent contractors located?

19 A. Bill Berard is in New York; Michael Rarick is in
20 Indiana, I think; Carol Ruckle is in Colorado; and Linda
21 Madison is in Iowa.

22 Q. And what are their primary functions in independent
23 contracting?

24 A. They conduct trainings.

25 Q. Do they ever provide any expert witness services?

1 A. Not through McGrath. If they do --

2 Q. I'm sorry?

3 A. If they do individually, I don't know about it.

4 Q. Have any of them worked on this case?

5 A. No.

6 Q. Miss McGrath, I want to show you an article that you
7 brought called the "Breadcrumb Trail."

8 A. Yes.

9 Q. Do you recall that?

10 A. Well, it's here.

11 MR. KOVACH: I guess we'll mark that as Exhibit 16.
12 I believe that's where we are.

13 (Whereupon Defendants' Exhibit 16 was
14 marked for identification by the Court
15 Reporter.)

16 BY MR. KOVACH:

17 Q. Miss McGrath, I found this article on your website.
18 I wondered if you could tell me about it, when you wrote it
19 and tell me about the article and sexual misconduct at
20 schools.

21 A. It's a very broad question you're asking. I think
22 from reviewing it while I was waiting, it looks like the
23 article was written somewhere around 2004. It was after
24 Dr. Shakeshaft had worked on a report for the U.S. Department
25 of Education under No Child Left Behind, and it is an analysis

1 of that area.

2 Q. Explain to me what it means when you talk about an
3 investigation. How is an investigation supposed to be
4 conducted? I believe that's what this article is discussing.

5 A. Among other things. So what is your question,
6 please?

7 Q. It discusses "Understanding the psychodynamics of
8 sexual misconduct and sexual abuse."

9 A. Yes.

10 Q. And it discuss red flags, green flags, yellow flags,
11 and what I'd liked for you to do is discuss for me or identify
12 for me how one is to -- in your training, how would you train
13 someone to identify sexual offenders.

14 A. In my training? Now you're no longer referring to
15 the article, is that correct?

16 Q. The article is part of the training. That's what
17 I'm trying to find out.

18 A. Sir, you're asking both about the training and then
19 you're asking about the article. I don't know that they are
20 one and the same.

21 Q. Okay. Well, let's start with the training.

22 A. Okay.

23 Q. How would you train someone at a school to identify
24 sexual abuse?

25 A. To identify sexual abuse, is that what you said?

1 Q. Yes, ma'am.

2 A. That's a big question. I start with the concept --
3 well, there are a variety of concepts. One is so essential,
4 is that often the teacher of the year is someone who may be
5 the perpetrator of those kinds of behaviors. It's uncanny,
6 the percentage of people who are honored and highly regarded
7 in the profession who are, if you look at the group of people
8 who are abusers, they are overrepresented. And we talk about
9 why that would be the case, and they have to be mindful of
10 people who have made children their life to the exclusion of
11 having a life.

12 So it's really kind of tricky because you've got
13 this line between an excellent educator and someone who's
14 really obsessing over kids. So we lay out that as something
15 to be aware of, that one should not be deceived by
16 appearances, that molesters do not wear a sign on their
17 forehead or have fangs but look like you and me.

18 We also discuss that people who abuse children quite
19 often, if you look at the statistics, they are married, they
20 have children of their own, they don't fit an expectation that
21 the person will drool or look, you know, mean and malicious,
22 so we cover that very thoroughly.

23 We also train them that much of what they need to be
24 aware of is that the evidence of sexual abuse is usually found
25 in an overall analysis of behavior. We call it boundary

1 violations. If you look at an individual's conduct and that
2 person is too close to the children, are violating rules in
3 order to be close to the children, is unwilling to toe the
4 line in terms of what the rules are, so they will drive kids
5 in their car, they will take them places personally, they will
6 give them gifts, this is the grooming phase of the abuse
7 relationship. So we train the people in that dynamic so that
8 people should be watching for things that are outside of
9 professional parameters.

10 Q. In the training, what do you advise a school
11 administrator to do if they suspect a problem?

12 A. In the training? I didn't hear the rest of your
13 question.

14 Q. My question was, in the training, what do you advise
15 these school administrators to do if they suspect a problem?

16 A. Well, to increase supervision, to enforce the rules
17 and regulations, to make sure there's a written record of
18 infractions so that a pattern can be detected if the behaviors
19 continue, to not give overemphasis to the denial of the
20 educator but to really look more deeply at the entire
21 environment rather than just what one individual may say, such
22 as, "I'm not doing anything."

23 The other thing we should warn them against is
24 shaking their finger at the potential offender and saying
25 "Now, don't ever do that again. It puts you in a bad light,

1 it subjects you to possible claims." That phrase is
2 meaningless to a perpetrator, and yet somehow educators seem
3 to think that that's meaningful, and yet we train them that
4 that has absolutely no meaning and no deterrent value.

5 Q. What about reporting to law enforcement?

6 A. Are you talking about the boundary violations or are
7 you talking about the violations of school or educational
8 rules, what are you talking about, reporting to law
9 enforcement?

10 Q. Boundary violations.

11 A. Depends upon the extent to which the boundary
12 violations form a constellation that raise any suspicion of
13 child abuse.

14 Q. And what would constitute an adequate suspicion of
15 child abuse to report to law enforcement?

16 A. If there is a complaint that comes in from any child
17 or any source, that has to be given very high consideration
18 since the majority of these folks are mandatory reporters, and
19 reasonable suspicion is a very low standard, a very low
20 threshold for when the authorities should be notified.

21 We also train them that it is far better to be safe
22 than sorry, there are no penalties for reporting and there are
23 penalties for not reporting.

24 Q. What about liability for school administrators for
25 failure to report? In your training, what do you discuss in

1 that regard?

2 A. We do discuss the potential personal liability, both
3 for intentional acts, reckless disregard, and, of course, any
4 1983 violations. If people have notice and they do not follow
5 their duties, they are acting intentionally.

6 Q. In your training for the administrators, do you
7 train specifically on what constitutes notice? How do you go
8 about that?

9 A. What we train them in -- most of the organizations,
10 the educational organizations have policies. They pretty much
11 say if you've gotten information from any source, whether it's
12 a third-party complaint or comment or the complaint of the
13 person who has been targeted, that that information should go
14 to an individual who has been trained in sexual abuse
15 investigation, sexual harassment investigation. So under
16 federal law, each educational institution must have a Title IX
17 coordinator. That Title IX coordinator, whether they call it
18 an "affirmative action officer" or "compliance officer," the
19 various names they have for that position, that person has a
20 bunch of responsibilities in terms of making sure both that
21 people are trained in order to prevent sexual abuse and sexual
22 harassment, as well as duties to be sure that proper
23 investigations are occurring. Sometimes the Title IX
24 coordinator is the investigator and sometimes he or she is
25 not, but they are by most policies required to be notified

1 that something is afoot.

2 Q. You say required to be notified under the policies
3 of the schools?

4 A. Well, the policies of the schools have been
5 formulated to comport with the Title IX statute and its
6 implementing regulations. The educational institution's
7 policies do not stand alone; they are the local law for what a
8 person is supposed to be doing, but those need to comport,
9 those need be in compliance with whatever other state laws
10 there may be, as well as federal laws, which is why most of
11 the policies will list, at the end of the policy, it's
12 referenced to both federal and state law.

13 Q. What is your understanding under Title IX regarding
14 what the law states regarding mandatory reporting?

15 A. Title IX does not deal directly with mandatory
16 reporting; it does discuss the correlation between the duties
17 of the institution under Title IX and under its administrative
18 regulations and local policy, and also the fact that it runs
19 concurrently with any civil and criminal responsibility and
20 mandatory reporting that would be on a local basis or a state
21 basis.

22 Q. What is your understanding regarding the mandatory
23 reporting statute in the state of South Carolina?

24 A. That they have one.

25 Q. Okay, what persons are mandatory reporters?

1 A. I'd have to look at the statute rather than guess.
2 I did review it and the categories I recall are
3 administrators, educators, I believe. I'd prefer not to
4 guess, I'd prefer to look at the statute.

5 Q. Had you reviewed the statute prior to making your
6 report?

7 A. Yes.

8 Q. But you don't know the statute off the top of your
9 head, obviously?

10 A. That's right. I am familiar with the statute
11 because when we go into training we always look it up, along
12 with the local policies, and then of course we are bringing in
13 the federal in our materials already, so we are used to making
14 use of the statutory scheme wherever it is we're at.

15 Q. Do you know whether South Carolina required camp
16 personnel to report sexual abuse?

17 A. They would, yes. They are employees of the
18 educational institution.

19 Q. So would it be fair to say that your testimony would
20 be that the employees of The Citadel summer camp were
21 employees of The Citadel and therefore they were responsible
22 to report any allegations of sexual misconduct?

23 A. In my reading of the case and looking at the flow
24 charts and all of that, the summer camp was part of The
25 Citadel, and it wasn't a separate-label entity, and even if it

1 were a separate-label entity, then they would have
2 independently been under the state mandatory reporting laws.
3 There's no entity that is responsible for the care of children
4 that is not covered.

5 I also want to add, it's not only the entity, it's
6 the individuals within that entities who are the mandatory
7 reporters and their responsibility is not delegatable.

8 Q. Who would be the mandatory reporters at The Citadel?

9 A. Whomever gets the information.

10 Q. So would that include all employees or educators?

11 A. Again, I would need to revisit their policies, and
12 if you're asking under their policy or under the state
13 mandatory reporting laws, as I said, I'd like to see it again
14 to refresh my recollection of the wording. Some policies go
15 so far as to say any employee who receives notice shall
16 report, and I believe The Citadel's policies are of that
17 nature.

18 Q. In your training, do you discuss the prevalence of
19 sexual abusers at school districts?

20 A. Yes.

21 Q. And what is your opinion regarding how many abusers
22 are out there?

23 A. Sexual abuse of children is an opportunistic crime,
24 so people who are attracted to children in this aberrant way
25 will seek out opportunities to be near the children.

1 Therefore, it gives a disproportionate representation of
2 pedophiles and the like within the school system because there
3 is the opportunity to have access to the target.

4 Q. So do you think that there would be the possibility
5 of a pedophile in every school district?

6 A. I definitely think there's the possibility of a
7 pedophile in every school district, and I think that people's
8 awareness of that is not a paranoia but a smart awareness in
9 the profession, just as people who are in eldercare have to be
10 aware that there are people who take advantage of helpless
11 people and abuse them. So a standard operating procedure is
12 to have that awareness, that mind-set, and be prepared and
13 qualified to keep an eye out for people who are violating the
14 boundaries and sending up the warning flags that this is
15 someone who does not know appropriate boundaries with the
16 target population.

17 Q. In your training, you testified that you also train
18 colleges, correct?

19 A. Yes.

20 Q. Do you typically train colleges in child sexual
21 abuse or adult sexual abuse?

22 A. We do both, because often, especially in the
23 freshman classes, you've still got young people who are minors
24 so they've to be mindful of their responsibilities for people
25 under the age of 18.

1 Q. Okay. What about training in college contexts for
2 much younger children?

3 A. Depends upon whether they have an early childhood
4 program and whether in having an early childhood program they
5 have exposure to the younger kids.

6 Q. In an early childhood program -- what do you mean by
7 that?

8 A. Well, universities and colleges will often have a
9 Department of Education. That Department of Education may
10 have a group that focuses on early childhood education. In
11 doing that, their students are going to, perhaps, be involved
12 in the programs either in a separate school district or have
13 one within the university or college where children are there.
14 Therefore, they will be covered by the mandatory reporting
15 requirements that protect children.

16 Q. In this case, ma'am, when were you first retained?

17 A. I think it was about February of last year.

18 Q. Who first contacted you?

19 A. Mullins McLeod.

20 Q. Did you know Mullins before this case?

21 A. I did not.

22 Q. To date, how many hours have you spent working on
23 this case?

24 A. I don't recall the hours. You have the bill up
25 until the submission of the expert report, and since then I've

1 put in about an additional 25 hours.

2 Q. You put in an additional 25 hours, but you don't
3 remember the amount of hours beforehand?

4 A. No. It's on the billing that you have a copy of.

5 Q. How did you prepare for this deposition?

6 A. I reviewed my expert report and I read some
7 depositions that I had not read that came in after my expert
8 report was filed, and I met with Mr. McLeod yesterday.

9 Q. About how many hours do you think you've spent
10 preparing for your deposition?

11 A. About 20. Again, preparation for the deposition
12 included reading depositions I hadn't read yet, so I wanted to
13 be up to date.

14 Q. Now that you've prepared the report, do you
15 anticipate any future work on this case?

16 A. The report that I prepared is a preliminary report
17 where I reserved the right to add to it, and I probably am
18 going to do that.

19 Q. Okay. The report that you prepared was in the
20 federal case, correct?

21 A. That's correct.

22 Q. Do you intend to prepare a report in the state
23 cases?

24 A. I don't believe so, unless it's requested of me.

25 Q. What was your fee in this case, ma'am?

1 A. Well, my fee is \$400 an hour for the preparatory
2 review, analysis and opinion, and \$600 for deposition
3 testimony and trial testimony.

4 Q. How much have you been paid so far?

5 A. Again, I don't recall. It's on the invoice. I
6 think that I've been paid about \$50,000 or \$60,000.

7 Q. Ma'am, when you were contacted what was your
8 assignment? Why were you retained, what was your assignment
9 from Mr. McLeod?

10 A. My expertise is the duty of care and the standard of
11 care of educational institutions, and I understood my
12 assignment to be to review the entire file and make
13 determinations as to whether people had done their job
14 appropriately, and also what did the rules and regulations say
15 they were to do.

16 Q. What about the adequacy of any investigation of the
17 allegation?

18 A. Yes, that's part of the responsibility, and, yes, I
19 was to give an opinion on the adequacy of the investigation.

20 Q. And what about the dynamics of sexual abuse, child
21 sexual abuse?

22 A. The dynamics, or what I call psychodynamics of
23 educator sexual abuse are included in the type of training
24 we've already discussed -- boundary violations and those
25 behaviors that give warning to the other educators that

1 something is amiss.

2 Q. Were there any areas where you were specifically not
3 instructed to investigate or render an opinion regarding?

4 A. I don't know.

5 Q. Were you instructed to give any legal opinions?

6 A. No.

7 Q. What about statutory interpretation?

8 A. Only as it applies to the rules and regulations
9 adopted by the institution that govern the performance of the
10 individuals.

11 Q. How about the rule interpretation of the
12 institution?

13 A. Say that again.

14 Q. For example --

15 A. Please ask the question again.

16 Q. Were you asked to testify regarding the rule
17 interpretation of Citadel rules and policies?

18 A. I was asked to analyze the rules and regulations and
19 policies of The Citadel as they applied to this case, or these
20 cases, actually.

21 Q. Were you asked to compare those policies with the
22 policies of any other colleges or institutions?

23 A. Having knowledge of the policies of other
24 institutions is part of my background and expertise, and it
25 informs my analysis of whether a policy is an adequate or good

1 policy.

2 Q. I want to go ahead and introduce your report as an
3 exhibit.

4 A. Can we take a break?

5 MR. KOVACH: Sure, let's take a break.

6 (A short recess was taken.)

7 BY MR. KOVACH:

8 Q. Miss McGrath, prior to being retained in this case,
9 what knowledge did you have regarding The Citadel?

10 A. None.

11 Q. Did you know anything about it?

12 A. No.

13 Q. Had you ever heard of it?

14 A. I think I knew the name. I think it was a Grisham
15 novel or something.

16 Q. Okay.

17 A. We did work with VMI extensively, so actually now I
18 recall that one of my representatives had been in touch
19 with -- is it Colonel Trez? He may have attended a process
20 that was sponsored by Utica National Insurance Company in his
21 region, but I know that we were in conversation a very long
22 time ago about possibly working at The Citadel.

23 Q. So that I understand it, is it your testimony that
24 Colonel Trez may have attended a seminar that you gave?

25 A. I know that he is in our database, and I believe

1 that one of my sales representative, probably at least 10
2 years ago, maybe more, was in touch with him, because when we
3 were working with VMI --

4 Q. What work did do you with VMI?

5 A. We did about four to five years of training in VMI,
6 teaching them how to do everything I told you about our
7 training today, and how to do investigations.

8 Q. Do you know if VMI had a summer camp?

9 A. I don't know.

10 Q. Prior to your involvement in the case, had you ever
11 heard the name Skip ReVille?

12 A. No.

13 Q. Had you ever heard anything regarding any sexual
14 abuse allegations at The Citadel regarding a gentleman named
15 Michael Arpaio?

16 A. No.

17 Q. Had you ever heard any allegations regarding sexual
18 abuse at The Citadel in general?

19 A. No.

20 Q. After you were retained in this case, had you done
21 any research on Mr. ReVille, Skip ReVille? Have you reviewed
22 any documentation in the media or anything else that would not
23 be included in discovery or items that were provided to you?

24 A. Not that I recall.

25 Q. Same question for Michael Arpaio.

1 A. Same answer, I don't recall doing that.

2 Q. Miss McGrath, I want to go back to your article, the
3 "Breadcrumb Trail," which I believe we had as an exhibit,
4 Exhibit 15.

5 A. Yes.

6 Q. On page 4 of that document, you discuss red flags
7 and green flags. Do you see that?

8 A. Correct, I do, I see that.

9 Q. And it states "In the sexual harassment
10 investigation workshop that I conduct with school
11 administrators, it is not unusual for a participant to burst
12 into tears at the realization that he/she missed an early
13 warning sign of what was later revealed as educator sexual
14 abuse."

15 A. Correct.

16 Q. Do you see that?

17 A. I do.

18 Q. Can you elaborate for me on what you mean by that,
19 how often does that occur and what in what context?

20 A. This is so particularly in the 1990s when it was
21 really coming to light, how prevalent this was in our schools.
22 I was very interested in it because I was handling so many of
23 these cases from the administrative hearing aspect in
24 dismissal, so as we started to train more on it and also the
25 field started to develop in the early nineties with the

1 Stoneking case, school districts were held liable under
2 Title IX for monetary damages. I started to get out there
3 more in the field and people would tell me they missed it,
4 which is actually the reason I was so committed to doing the
5 training, because our educators need this information, so the
6 field really started to deepen and expand in the early 1990s.

7 Q. Have you ever had the opportunity to read the
8 deposition of Jeannie Garrott?

9 A. Most of it, yes.

10 Q. And what is your understanding from reading that
11 deposition regarding her reaction to finding out about Skip
12 ReVille?

13 A. Ultimately?

14 Q. Yes, ma'am.

15 A. Because they knew about Skip ReVille earlier, so
16 I --

17 Q. Well, the report in the media came out in 2011.

18 A. Right. Would you frame for me what her reaction
19 was? I'm not recalling it just off the top of my head.

20 Q. Okay. Do you think that she was surprised?

21 A. Again, I don't recall that part of the transcript at
22 the moment, so if you want me to speak to that specifically,
23 I'd like to review it again.

24 Q. Okay. In the article, you state that it was "not
25 unusual for a participant to burst into tears." What early

1 warning signs did these folks miss, these participants miss?

2 A. I don't recall specifically.

3 Q. But do you recall people bursting into tears?

4 A. I particularly recall one training and one woman in
5 Kansas City -- Wichita, actually, in Wichita, Kansas.

6 Q. Can you tell me about that case, what was the
7 context?

8 A. I don't remember the case. I do remember her coming
9 up to me at the break and she was upset that she had missed
10 it.

11 Q. Do you know if there was any further legal action
12 against that perpetrator?

13 A. I have no idea. I wasn't there for that purpose.

14 Q. You-all have the report there, correct?

15 COURT REPORTER: Counsel, I think we've got
16 everything printed now.

17 MR. KOVACH: If we can introduce the report.

18 (Whereupon Defendants' Exhibit 17 was
19 marked for identification by the Court
20 Reporter.)

21 BY MR. KOVACH:

22 Q. Miss McGrath, the court reporter has handed you what
23 has been marked as Exhibit 17. Can you identify this document
24 for the record?

25 A. Yes. It is the expert report that I submitted in

1 the federal case.

2 Q. This is the case of John Doe 2 versus John Rosa.

3 Did you also prepare a report in John Doe 3 versus General

4 Rosa?

5 A. I don't recall.

6 Q. Okay.

7 A. There was a flurry at the end, and the reports would
8 have been the same for Mother and the other plaintiff.

9 MR. McLEOD: She did her report for both, and they
10 are basically -- they are the same.

11 MR. KOVACH: That's what I want to establish.

12 MR. McLEOD: They're the same, we just technically
13 filed them because the scheduling order required both of them,
14 but it's the same report.

15 MR. KOVACH: Okay, great, thank you.

16 Q. Ma'am, I want you to take a look at page 2 of the
17 document.

18 A. Yes.

19 Q. I want to go through this with you. In this
20 document you state that "As discovery is still in progress, I
21 reserve the right to expand and change my opinion as I review
22 and examine additional documents or deposition testimony
23 during the discovery process."

24 Since you wrote this report, what have you looked at
25 in addition to what you looked at prior to writing the report?

1 A. This report was filed in June of 2013, so any of the
2 depositions that were taken after that date I wouldn't have
3 had an opportunity to look at. There was a current listing
4 that adds to the listing that I provided you before, and I
5 think Mr. McLeod's office forwarded that to you.

6 Q. Correct.

7 A. And my recollection is that it includes General
8 Rosa's deposition; Jeannie Garrott's deposition; Kinard -- I
9 can't remember her first name; and the Shiel deposition, and
10 then there was a gentleman I can't remember. So unless I can
11 review that listing that was supplied to you, you know, off
12 the top of my head, those depositions.

13 And then, as I said, I also reviewed the MDBI
14 documentation and some e-mails, an application for
15 unemployment benefits filed by Mr. ReVille, and I reviewed the
16 amended complaint filed in December in the state cases, and
17 that's what I'm recalling at this moment.

18 Q. Based on those documents, do you intend to change
19 any of your opinions on this June report?

20 A. No. Those documents just further supported my
21 opinions.

22 Q. You state the "The opinions expressed throughout
23 this report are made with a high and reasonable degree of
24 professional certainty, based on my knowledge and experience."

25 What would that knowledge and experience be?

1 A. We've been discussing it this morning.

2 Q. Okay. Can you just elaborate for me what that would
3 be?

4 A. The experience that I've gathered in terms of
5 designing curriculum for the training of school administrators
6 and educators throughout the country; the books I've written
7 in terms of the area of sexual harassment, sexual abuse and
8 Title IX; the articles I've written in the field to again
9 assist with the educating of administrators; and the research
10 that went into drafting those articles and those trainings and
11 staying current on the issues.

12 Q. Are any of the opinions in this report based upon
13 legal interpretation in your training as a lawyer?

14 A. No, these are not legal interpretations.

15 Q. Miss McGrath, what is your definition of a coverup?

16 A. When people intentionally act so that -- in this
17 case, in order to take a report of child sexual abuse and have
18 it not become public, and then to take actions to obscure the
19 behaviors that they had taken to keep the report and the facts
20 from becoming public, so it's kind of two-tiered.

21 Q. So the testimony is making sure it doesn't become
22 public, and then what was the other one, I'm sorry?

23 A. And then covering up, or intentionally obscuring the
24 actions taken and the facts around when the report was made.

25 Q. And obscuring from whom?

1 A. I'm sorry, I don't understand your question.

2 Q. That second tier, potentially obscuring the report,
3 obscuring it from people within The Citadel or from people
4 outside The Citadel?

5 A. Both.

6 Q. What is your definition of a conspiracy?

7 A. Acting in concert with another to accomplish
8 something.

9 Q. Does your definition of a conspiracy include an
10 element of secrecy?

11 MR. McLEOD: Objection to the form of the question.

12 THE WITNESS: I don't really understand the question
13 in that obscuring something might be done in full view, so I'm
14 not sure what you mean by secrecy.

15 BY MR. KOVACH:

16 Q. So correct me if I'm wrong, but it would be your
17 testimony that a conspiracy can be done in full view, is that
18 what you said?

19 A. Yes, could be.

20 Q. Could the coverup be done in full view?

21 A. Yes.

22 Q. How could the coverup be done in full view?

23 A. By misrepresenting the facts --

24 I'm sorry, I didn't hear your question.

25 Q. You said a coverup could be done in full view?

1 A. Correct.

2 Q. And how does that occur?

3 A. By misrepresenting facts, giving out partial
4 information, saying that something was done when it wasn't
5 done, misrepresenting what something was and the motivation
6 for doing that thing. All of that can be made public and yet
7 it's an attempt to obscure and obfuscate what is actually
8 occurring.

9 Q. What is your definition of an internal investigation
10 in the context of a sexual abuse case?

11 A. Well, an internal investigation is laid out both in
12 the Title IX regulations, and given how similar The Citadel's
13 policies and memorandums are to the Title IX regulations and
14 the guidance that accompanies those regulations, my definition
15 is really laid out in those documents and those locations.

16 Q. Do all internal investigations involve contacting
17 law enforcement?

18 A. It would depend upon the nature of the information
19 that's being investigated. If the information involves
20 allegations or a contention that sexual abuse has occurred,
21 the answer would be yes.

22 Q. What if the investigation finds sexual abuse has not
23 occurred or is inconclusive?

24 A. Well, both the mandatory requirements, mandatory
25 reporting requirements actually indicate that you're to report

1 with a reasonable suspicion. You're not supposed to
2 investigate before that report is made.

3 Also, the policies within The Citadel have that same
4 standard, that the information of sexual abuse is supposed to
5 be concurrently investigated from a law enforcement aspect as
6 well as the Title IX aspect.

7 Q. Where are you gathering that information?

8 A. It's actually stated numerous times in the sexual
9 harassment policy, in memorandum 51, in the serious incident
10 policy, in the camp policies that were applicable to the
11 education program at the camp, and that's what I can think of
12 at this moment.

13 Q. We'll go through those documents as we progress,
14 look at them individually.

15 Ma'am, in your training, what is your opinion
16 regarding victim choice in reporting sexual abuse?

17 A. Victim choice in terms of reporting sexual abuse is
18 secondary to the law. The law and Title IX regulations and
19 the policies of The Citadel are explicit and clear that the
20 wishes of the complainant cannot interrupt or get in the way
21 of the duty of the administrators or whoever has the
22 information to make the required reports.

23 Q. And that would be in all sexual abuse situations or
24 is that dealing with consent or adults or children?

25 A. If you have allegations that sexual abuse occurred

1 to a child -- it doesn't matter if the report is coming at the
2 time that this individual is an adult -- then you need to
3 report. Whether you get information that criminal behavior
4 has occurred involving an adult, you also likely will have to
5 do the report.

6 Q. So it's always required to report regardless of
7 whether it's an adult or a child?

8 A. Well, since it's irrelevant in this case, that the
9 report was made at the time that the victim was an adult and
10 acquired the wherewithal to actually speak up, he was talking
11 about the fact that he and others were children when this
12 happened. So to ask the question about whether an adult
13 reported being sexually abused as an adult is really
14 irrelevant to this case.

15 Q. How is it irrelevant?

16 A. Because that's not what happened. There's no
17 contention in this case that an adult was sexually abused.
18 There was a potential of that since the perpetrator was still
19 in the vicinity of his victims, but to date I don't know of an
20 allegation that that occurred.

21 Q. So you don't make any differentiation between the
22 time when a child reports that the child is already an adult?

23 A. No, because the law actually has a lot of safeguards
24 for this very thing. Over time, the courts began to recognize
25 that children are often incapable of making reports in

1 proximity to the abuse and they are often unaware that what's
2 hurting them actually related to the abuse. So the repressed
3 memory laws actually allow for a delayed statute of
4 limitations and the ability of people to speak about what
5 happened to them when they were children, so it is not
6 infrequent that a report comes in from an adult about what
7 happened when they were a child.

8 What that report does is it sends up absolute red
9 flags to the danger that may currently be existing to and the
10 peril that the people who are currently in the proximity of
11 the perpetrator and gives rise to a duty to protect those
12 individuals as well.

13 So that's why --

14 Q. (Unintelligible) or discuss that they were abused as
15 a child, would it be your opinion that that must be reported
16 to law enforcement?

17 A. Would you repeat your question? It didn't come
18 through clearly here.

19 Q. Sure. Hypothetically speaking, if an adult comes
20 forward and reports sexual abuse which occurred when that
21 person was a child, is it a requirement that that be reported
22 to law enforcement?

23 A. Yes. Given the high recidivism rate of the
24 perpetrators of these kinds of crimes, it is actually
25 essential to consider the high, high, high likelihood that the

1 person is still offending and is still harming children. If
2 there is not a requirement to get that information to the
3 authorities, then it leaves the community at peril.

4 Q. Where is that requirement found?

5 A. Well, it's in the Mandatory Reporting Act and it's
6 also in the implementing regulations of Title IX, and it is
7 Citadel's policies that require report of a crime. The crime
8 doesn't stop being a crime just because the victim has gotten
9 older.

10 Q. In the context of a 1983 act, what would you define
11 as behavior in a sexual abuse case that shocks the conscience?
12 As an administrator, what kind of behavior would shock the
13 conscience?

14 A. Well, basically what has been laid out in this case,
15 where the individuals who got the information violated every
16 policy, rule, regulation that they had to suppress the
17 information, push it down, some sort of settlement claim
18 resolution, theoretically, and bury it.

19 As I said, there are really at least three arms of
20 any claim of sexual harassment or sexual abuse -- there's the
21 administrative arm and its duties, and then the hand-off to
22 the criminal arm, and then you've got the civil rights arm and
23 then, ultimately, you have potential litigation, which comes
24 last in the analysis.

25 What shocks the conscience is when that comes first

1 in the analysis and it overrides and overshadows the duty to
2 protect children and the duty to protect current cadets who
3 may not be children now but are still in the proximity of
4 their perpetrator at the time of the report or at or near the
5 time of the report.

6 Q. What about the duty to protect individuals such as
7 John Doe 2 and John Doe 3 who were not directly molested by
8 Skip ReVille?

9 A. Those individuals are part whatever is considered
10 the community. So other educational institutions or other
11 places where children congregate, that this person will
12 migrate to, this mobile molester will migrate to places where
13 his opportunity to offend can continue and --

14 Q. Do you think that section 1983 imposes a
15 constitutional right to be protected from all child molesters
16 or criminals, people that are going to do bad things to
17 children?

18 A. I don't understand your question.

19 Q. Sure. Does 1983 impose a duty on The Citadel or
20 General Rosa to protect everybody from the Skip ReVilles of
21 the world?

22 A. The foreseeable people who would be injured, he has
23 a duty to protect those people. That's the whole point of the
24 statutory schematic and of the policies. There are a variety
25 of cases, and I'm familiar with California state statutes that

1 take this very thing into account, and they will reach back
2 and find liability to an offending school district that has
3 either failed to investigate, failed to -- either omitted
4 material facts or misstated material facts and references for
5 employment, and the courts will allow liability to reach back
6 to the sending school district, so it is anticipated that the
7 reach of these offenses, if they are -- and offenders, if they
8 are not stopped, goes beyond the immediate institution, and
9 the responsibility to protect those downstream people is
10 anticipated and built in to the laws and regulations and the
11 duty, the constitutional duty.

12 Q. In your opinion, do you contend that General Rosa
13 participated in the abuse of anyone?

14 A. Did he put his hands on children or did he
15 masturbate in front of them? No.

16 Q. Did he assist Skip ReVille in doing any of those
17 things?

18 A. Well, he did assist him by not stopping him when had
19 specific information about what he was doing.

20 Q. How would have stopped him?

21 A. By reporting him to the police as well as conducting
22 an appropriate, objective, thorough internal investigation,
23 and including his experts that were there at The Citadel to do
24 it.

25 Q. In your estimation, or your opinion, do you think

1 that General Rosa intended to harm anyone?

2 A. He intended to not take his tenure and in placing
3 his tenure above the needs and the protection of children and
4 the adult who's reporting to him, that was intentional
5 conduct. You make choices in life. He made a very bad one.

6 Q. Would you repeat that, I'm sorry, I couldn't hear?

7 A. What he wrote was, "You make choices in life. He
8 made a very bad one."

9 Q. Okay, thank you. Miss McGrath, I want to take a
10 look at the opinions that you've stated on page 2 of your
11 report, if you can get there for me.

12 A. I am there.

13 Q. Okay. Opinion No. 1, "Citadel President John W.
14 Rosa conspired with senior staff to intentionally cover up a
15 2007 report of child sexual abuse involving multiple victims
16 on campus during Citadel summer camps."

17 We discussed earlier what your definition of
18 conspiracy is. When you're talking about a senior staff, who
19 are you specifically referring to?

20 A. Mark Brandenburg and Colonel Trez -- and/or Colonel
21 Trez.

22 Q. Anybody else, any other persons?

23 A. I'm thinking about your question.

24 Q. Oh, I'm sorry.

25 A. You know, I have some question about the behavior of

1 his administrative assistant, Wanda, but I don't know enough
2 about it to form an opinion.

3 Q. What information do you know about his
4 administrative assistant, Wanda?

5 A. I believe I have her name right, and she's the one
6 who got the call from the father of the Camper Doe, I guess
7 you guys call him, and I'd like to see the entire booklet that
8 she was taking notes in. What I saw was one page. The notes
9 seemed truncated, as if there were more information.

10 I also don't know whether she, using the NCR message
11 pad, which most executive assistants do, and I just don't
12 recall what she said about what her standard practice is in
13 receiving messages and giving them to her boss.

14 Q. So you don't feel that you have enough information
15 to form an opinion regarding Wanda?

16 A. That's correct.

17 Q. You also state a 2007 report of "child sexual abuse
18 involving multiple victims on campus during Citadel summer
19 camps."

20 Who were the multiple victims and where are you
21 getting that information?

22 A. Well, a couple of spots. The multiple victims were
23 mentioned by the boy when he was spoken to by Brandenburg that
24 evening. I don't recall whether they were mentioned by the
25 father in the original note. I don't recall. That's why I'm

1 interested to know what the rest of that pad shows.

2 Also, the multiple victims are spoken about by Mark
3 Brandenburg in his e-mails.

4 And the multiple victims are also discussed in
5 detail in the July statement of Camper Doe.

6 Q. Opinion No. 2, "As a result of coverup by Rosa and
7 his failure to investigate internally and notify the police of
8 the 2007 report of multiple victims of child sexual abuse, a
9 sexual predator was allowed to go undetected for five
10 additional years beyond the original report, causing injury to
11 numerous more child victims."

12 A. Yes.

13 Q. We discussed earlier what your definition of an
14 internal investigation would be. Do you believe, in your
15 estimation, that Mark Brandenburg conducted an internal
16 investigation?

17 A. He did not conduct an objective, thorough and timely
18 investigation, which is required by policy and federal law.

19 Q. Would you concede that he did conduct an
20 investigation?

21 A. I wouldn't call it an investigation.

22 Q. What would you call it?

23 A. A coverup, you know, steps to limit liability, steps
24 to obscure the facts and keep them from being given to the
25 police, steps to bypass the protocol, well-established

1 protocol that existed within the institution that would have
2 resulted in a report. I mean you have virtually all of those
3 people, such as the Title IX coordinator, and I think even
4 Colonel Trez said if he had known, they would have reported
5 it. If he had that information, they would have reported.

6 So Brandenburg intentionally took these steps so
7 that that would not happen. That's not an investigation.

8 Also, sending e-mails to potential victims is crazy.
9 It's so bad, it's offensive.

10 Q. Tell me about that. In your training, what is the
11 proper method of investigation?

12 A. Well, if the individuals are there within the
13 institution, you go see them or, you know, you have whomever
14 is overseeing that individual direct them to come see you.
15 Most organizations, and I haven't looked on this one, but most
16 organizations require participation in internal
17 investigations; it's not discretionary, it's mandatory. So
18 the failure to seek out and interview the people, and I
19 believe I read somewhere that like 50 percent of the people at
20 the camp were then cadets, so you had a whole bank of
21 potential people right there. To send one e-mail, that's
22 going through the motions and knowing that people are not
23 going to respond to that, assuming they got it.

24 Q. Can a school require a student to participate in an
25 investigation -- or cooperate, I should say?

1 A. Well, they can require the adults, and then if you
2 are familiar with working with the children, they get there.
3 You get them there, or the young people in this case, because
4 they weren't children anymore, you get them there and you work
5 with them and you do exactly what is set out by the Title IX
6 coordinator about reassuring their safety, reassuring what's
7 going to happen to them going forward, and you set all those
8 things in place, you also frequently let, and I think Janet
9 Shealy spoke to this, if I have the name right, you let the
10 person know, "You know, if you do speak you're going to be
11 helping other people, too." And in my experience, that often
12 is the turning point, because people figure, "Oh, man, it
13 happened, I'm going to leave it in my past," but when they
14 realize it's not in the past and that the actions they take
15 could make a difference to someone else's life, they step
16 forward, they move past any reticence and they step forward.

17 What I'm familiar with is when they don't do that is
18 when they've bonded with the perpetrator and so the abuse is
19 still continuing in a way because they have a sense of loyalty
20 to the perpetrator, which is part of the abuse.

21 So again, all these facets are part of what is so
22 important work with, not only for the well-being of the
23 potential other victims but to get your best information. And
24 I would say that it's actually quite a healing experience,
25 once you have worked with someone in a way where they have

1 found that place in themselves where they realize they can
2 speak about this, they can take back their power from the
3 abuser.

4 Q. Ma'am, you also state in opinion No. 2 that "a
5 sexual predator was allowed to go undetected for an additional
6 five years beyond the additional report." What is your
7 knowledge regarding Skip ReVile's actions after 2007, do you
8 know where he worked, where he went?

9 A. There was a listing of the various organizations
10 that he went to work for. He was going to be a middle
11 schoolteacher, and I just don't remember the series of places.
12 I guess there was a sports club, I remember Velocity, and I
13 believe there was a school, and I think there was a Christian
14 organization. I just don't remember those names off the top
15 of my head, all of which --

16 Q. I'm sorry, go ahead.

17 A. All of which kept him exposed to children and in
18 proximity to children.

19 Q. Do you know if any of those organizations were
20 mandatory reporters in South Carolina?

21 A. Likely, yes. I don't know specifically, I'd have to
22 look at the organization and see what it does and what its
23 charter is and then match it up to the mandatory reporting
24 laws.

25 Q. How many more victims -- you say "numerous more

1 child victims."

2 A. Would you repeat your question, please?

3 Q. Sure. You go on to is state "causing injury to
4 numerous more child victims."

5 Do you recall how many victims?

6 A. I believe he was convicted of abusing 23, and I
7 think he said somewhere that there were many more, and for
8 some reason the number 50 is also in my mind. That's
9 numerous.

10 Q. Opinion No. 3, you state "The coverup of the 2007
11 child abuse report by Rosa was accomplished by deliberately
12 violating a number of Citadel policies and procedures and
13 mandating that crimes on campus be turned over to the police
14 and that a current internal investigation be undertaken under
15 Title IX to determine whether a hostile environment exists in
16 the educational environment."

17 A. Yes.

18 Q. Specifically, what Citadel policies are you speaking
19 of?

20 A. The policies that govern the camp that were
21 evergreen in terms of addressing any abuse that was alleged to
22 have occurred there. The sexual harassment and sexual
23 abuse regulations and the implementing memorandums -- I think
24 memorandum 15 and memorandum 51 -- the serious incident
25 policy, and all the Title IX regulations, all of that

1 specifically says criminal conduct will be reported to the
2 authorities, to the police, whether it be public safety or
3 directly to the Charleston Police Department.

4 Q. I want to show you Title IX, the statute itself, and
5 I believe we have that as an exhibit.

6 (Whereupon Defendants' Exhibit 18 was
7 marked for identification by the Court
8 Reporter.)

9 BY MR. KOVACH:

10 Q. Miss McGrath, showing you Exhibit 18, which is the
11 "Definitions" section in Title IX, and the reason I show you
12 this document, I want to ask you, regarding item 3 in your
13 opinions you talk about the failure to conduct a concurrent
14 investigation and determine whether a hostile environment
15 exists.

16 A. Yes.

17 Q. What does Title IX deal with, does it deal with
18 campers, does it deal with students?

19 A. Title IX deals with all people who are part of the
20 institution, and that would be employees and students and
21 volunteers and visitors and vendors.

22 Q. Okay. So it includes visitors as well as anybody at
23 the institution?

24 A. Yes.

25 Q. What is your understanding regarding the summer camp

1 and when it existed in relation to when the allegations of
2 sexual abuse were made?

3 A. Well, the camp existed from somewhere in 1950, I
4 think, maybe sixties, and was continuous until 2006.

5 Q. So did the camp exist at the time the allegations
6 were made?

7 A. The camp didn't exist, but there were children on
8 campus.

9 Q. And what children would have been on campus?

10 A. Well, you have the various programs where children
11 would come onto campus.

12 Also, in this instance, the cadets who were children
13 at the time of the abuse are on campus, so you've got victims
14 on campus.

15 Q. So would it be your opinion that in 2007 The Citadel
16 had a hostile environment?

17 A. Yes.

18 Q. On what basis?

19 A. Well, they haven't really taken any corrective
20 action for the hostile environment that existed that became
21 apparent in the Arpaio cases all the way from 1997 to current
22 times, and the IPAC report highlighted that.

23 Q. What did the IPAC report highlight?

24 A. That there was great danger at that point for the
25 potential abuse of children -- this is the best of my

1 recollection; again, we can read it -- and that the corrective
2 actions had not been taken, in spite of the lessons of Arpaio
3 and in spite of General Rosa's expertise in this area of
4 sexual harassment and sexual assault.

5 Q. What's your understanding regarding General Rosa's
6 expertise in this areas?

7 A. That he went into the Air Force Academy and worked
8 extensively to clean up the situation and to establish that
9 people knew how vital it was that people report these matters
10 so that the offender could be prosecuted. He also, once he
11 came to work at The Citadel, he spent a large amount of time
12 with the Title IX coordinator, who was also the sexual assault
13 coordinator, I think, Janet Shealy, and she testified in her
14 deposition about he spending a lot of time with her, and being
15 very interested in the subject and very knowledgeable.

16 Also, General Rosa had made a point of doing an
17 assessment both at the Air Force Academy, he went back and
18 assessed things for the last five years, and when he came to
19 The Citadel he spoke about also doing the same kind of
20 assessment, and one of the things he mentioned specifically
21 was the sexual harassment policy, and he said that he found
22 the policy adequate but that it wasn't being implemented.

23 He also was fully briefed by the commandant in
24 January of 2006 on the summer camp and was involved in
25 determining whether or not it would continue and was briefed

1 on the heightened risk behaviors and briefed on the civil
2 litigation that had gone on, given the things that had
3 occurred at the summer camp. All that forms a basis of his
4 expertise.

5 Q. Do you know any actions that General Rosa took while
6 he was at the Air Force Academy, are you aware of anything?

7 A. I read his speeches. That's the extent of my
8 specific knowledge.

9 Q. In item 4 of your report, opinion 4 you state that
10 "President Rosa ignored the required procedures that are
11 explicitly set forth in Citadel policy and procedure on how to
12 conduct a thorough internal investigation of sexual harassment
13 and abuse reports and the mandatory notification to either
14 public safety or the Charleston Police Department of such
15 reports of the crime of child sexual harassment and abuse on
16 campus."

17 Which procedure are you speaking of there?

18 A. Well, I have enumerated them before. They are set
19 out in the sexual harassment and abuse policies, the
20 memorandum 15, memorandum 51, serious incidents, and the camp
21 regulations are the ones I can remember right at this moment.

22 Q. You utilized memorandum 51 and memorandum 15, is
23 that correct?

24 A. Say again? Yes.

25 Q. Okay. What I would like to do is go through

1 memorandum 51, which should be in the pile of documents.

2 A. I have it in front of me, memorandum 51.

3 Q. Okay. What is your understanding regarding the
4 purpose of this document, what have you done in reviewing it
5 and to form your opinion?

6 A. I've reviewed it thoroughly and excerpted part of it
7 into my expert report.

8 Q. Okay. And I see that here. It states in your
9 expert report, on page 16 of your report, "The purpose of this
10 memorandum is to define and prevent sexual harassment, to
11 establish policies on sexual harassment, to establish
12 procedures for reporting and investigating sexual harassment
13 complaints by students, faculty or staff in a timely manner
14 and to describe sanctions."

15 Does it discuss anywhere regarding past sexual
16 abuse? What is your understanding regarding the application
17 of this memo to prior sexual abuse?

18 A. The Citadel in this instance is responsible for an
19 environment, a positive learning and working environment free
20 of any type of sexual harassment and abuse. Sexual abuse is a
21 subset of sexual harassment.

22 Given that the perpetrator had been employed and was
23 affiliated ongoingly with The Citadel, they had the potential
24 for ongoing abuse now. Also, their responsibility to the
25 victims who had been abused while the policy was in place does

1 not end given the passage of time, especially given the nature
2 of these kinds of offenses which are often buried for years
3 until the victim has the wherewithal to come forward.

4 Q. It also discusses the purpose of the memos is to
5 prevent sexual harassment. Where would The Citadel want to
6 prevent sexual harassment?

7 A. Where would they want to prevent sexual harassment?
8 Everywhere in their control.

9 Q. What does The Citadel control? Does The Citadel
10 control the entire outside world or just their institution?

11 A. Their responsibility is for the foreseeable harm
12 caused by those who are engaged in this behavior, and in the
13 educational system it's particularly important that others are
14 warned you've have got a mobile molester. That is part of the
15 responsibility under Title IX, it's part of the reason why
16 files are to be documented, so that the perpetrator pattern
17 will be detected. It could possibly happen in a subsequent
18 organization. This is why it's so important that the
19 references be honest and that the file be accurate, because
20 this sexual harassment and sexual-abuse prevention is not an
21 incident-related obligation, it is an environmental
22 obligation, and the obligation runs downstream.

23 Q. Runs downstream to whom?

24 A. To foreseeable victims.

25 Q. What is your understanding regarding Skip ReVillie's

1 employment when was he an employee at The Citadel?

2 A. He was employed at different times. I think he
3 started his employment sometime in 2001, located in the summer
4 camp, and then I can't remember exactly when he left for a
5 while and then I think he came back and then he was providing
6 services at the learning center, and then --

7 Q. Do you know when Skip ReVille left his employment at
8 the learning center?

9 A. There is conflicting statements on that, but
10 according to his own affidavit, he completed, I believe it
11 was, the end of April, may have been into May. He also
12 received payment until that time. Then he was back on campus
13 volunteering after that on an occasion or two.

14 Q. Do you know what occasions?

15 A. I think one had to do with the induction of cadets
16 into the honor committee, and there was another, and I don't
17 remember specifically at the moment. And it was his intention
18 to -- he had applied for a couple of jobs. It was his
19 intention to come back, according to his affidavit to the
20 unemployment division.

21 Q. What's your understanding, from looking at
22 memorandum 51, what would be your definition of sexual
23 harassment?

24 A. Are you asking what the definition of sexual
25 harassment is contained in memorandum 51?

1 Q. Yes, ma'am.

2 A. Okay, you've got legal definitions starting on page
3 1 of the memorandum. How would you like me to address this?
4 Would you like me to read it?

5 Q. No, just in your reading of the document, what
6 constitutes those behaviors, what did Skip ReVille do that
7 would have constituted offensive behaviors?

8 A. Well, sexual advances, requests for sexual favors
9 other verbal and physical contact of a sexual nature
10 constitutes sexual harassment under certain conditions. Those
11 conditions have to do with a person's opportunities, in this
12 case student opportunities.

13 And also, under 2, the student standing was also
14 impacted. Kids who would participate got food, privileges
15 that others did not in exchange for their participation in the
16 sexual conduct, so it was a quid pro quo situation, and it did
17 interfere with the learning and social environment of the boy.
18 So the overarching conditions were there.

19 And then the offending behavior that he engaged in
20 was showering with the boys nude, having them in his room as
21 an opportunity for the sexual predation, and wrestling in the
22 showers and then pulling out his penis and masturbating in
23 front of the boys and then encouraging them to masturbate at
24 the same time. Presumably when he pulled out his penis he was
25 exposing himself to the boys and they were exposed to him,

1 although there is not a full description of that exactly.

2 And then with Camper Doe, prohibiting him from
3 leaving the room by coercing him to stay on that one
4 particular instance. Those are some of the behaviors for
5 Camper Doe.

6 And then other of the Does, his behavior towards
7 them in terms of masturbation and forcing the children to
8 masturbate in front of him.

9 Q. In the quid pro quo harassment, what would be your
10 definition of what Skip ReVille did to create a quid pro quo?

11 A. He exchanged food and favors, using his authority as
12 a camp counsellor to allow the boys out of the room, to show
13 them pornographic material -- to allow them out of their rooms
14 to show them pornographic material, to engage in behavior to
15 titillate and arouse both himself and them, and all of this
16 was in exchange for watching pornography, being out after
17 taps, and food, and if you didn't participate in that
18 behavior, you didn't get those goodies.

19 Q. Looking at the hostile environment, sexual
20 harassment, paragraph 2, it's on page Citadel 1,596 --

21 A. Yes.

22 Q. Do you see where I'm looking?

23 A. 2A.

24 Q. Okay. At the time that the allegations were made in
25 2007, was the summer camp an ongoing camp?

1 A. No, not in 2007.

2 Q. Looking at paragraph 2, the hostile environment,
3 sexual harassment, would you agree with me that because the
4 camp no longer existed there was no longer that environment?

5 A. Not at all, I don't agree with you at all.

6 Q. Why not?

7 A. Well, you had victims who were still on The Citadel
8 campus in 2007 at the same time that Skip ReVille was on The
9 Citadel campus, and as far as anybody knew he was still
10 offending, possibly with some of those same victims. I mean
11 that risk jumps up and slaps you in the face in this case.

12 Q. Okay.

13 A. And that the fact that the young man would not come
14 see Brandenburg is more evidence there's a problem. He was
15 the eyewitness to the abuse of another and it was reported
16 that he was abused, and there was no investigation done into
17 that abuse of him and no determination of whether he was
18 currently being abused or not, and we still don't know to this
19 day because no proper investigation has been done to this day
20 of what happened to that boy and, now, young man. And given
21 the proclivity of offenders to continue to offend and the
22 bonding that can occur between the perpetrator and the victim,
23 there is a significant risk that that had occurred.

24 Q. Looking at page 1,698 --

25 A. Yes..

1 Q. -- you state "Confidentiality" -- paragraph 4. It
2 says "The confidentiality of the reporting party as well as
3 those affected by the harassment (third party) will be
4 observed to the greatest extent possible, with only those with
5 a need to know being informed, provided it does not interfere
6 with the Citadel's ability to investigate or take corrective
7 actions."

8 A. Yes.

9 Q. So what's your understanding regarding the
10 confidentiality in this case? Was confidentiality requested
11 by any party?

12 A. In the July 2007 interview, the family said "We want
13 to give you everything you need to investigate, investigate
14 all you need to. Look into this up one side and down the
15 other." What they didn't want was to be spread out all over
16 the Charleston gossip column, which could have been protected
17 because there are provisions in the policy to protect against
18 that kind of disclosure.

19 It also says The Citadel could have brought the
20 complaint under its own name. You don't even have to use the
21 name of the complainant and the name of the complainant never
22 needs to show up in the documents.

23 So the caution with not ending up in the gossip
24 columns was readily available and anticipated in the policy.
25 This is not something the policy has never thought about, but

1 it is not an all or nothing, either you spread their name to
2 every single person who will listen or you don't file a
3 report. That's not the law.

4 Q. If The Citadel had reported the information, is it
5 possible that it would have gotten out into the media?

6 A. The media is under restraint to not report the names
7 of sexual abuse victims, and the media is really rather
8 respectful of that. So is it conceivable, possible that a
9 reporter could have found out the name of the complainant?
10 Yes. Would they have published it? Not likely, since there
11 are penalties, significant penalties for the publishing of the
12 name of a sexual abuse victim.

13 Q. In your report, under that paragraph 4, your comment
14 is that "This does not say that The Citadel should not
15 investigate or remediate if someone who reports says 'I want
16 confidentiality.'"

17 A. Correct.

18 Q. You testified earlier that you believed that
19 Mr. Brandenburg's investigation was inadequate, would that be
20 fair?

21 A. I'm embarrassed to call it an investigation. He
22 should be embarrassed to call it an investigation.

23 Q. Okay. Well, would you concede that he did take some
24 steps to investigate?

25 A. He didn't take steps to investigate; he took steps

1 to obfuscate. I mean sending an e-mail saying "Contact me,
2 there may have been some trouble."

3 And then also in one of the e-mails I saw that he
4 sent to camp counselors at the time says, "We just want to
5 check into somebody who is lodging this complaint." I don't
6 know if he actually spoke with those -- that person or not,
7 but he never did any followthrough. Never. He never placed a
8 phone call, "Hey, did you get my e-mail? Is it in your junk
9 file or did you get it?" So there's nothing he did to
10 actually do an effective investigation. That's why -- I'm not
11 trying to be rude or mean, but it's just not there.

12 And to allow an eyewitness to have not been spoken
13 to, and if he needed to use the power of the police to compel
14 it, then he should have, which would have been a part of an
15 investigation. But the thing is, you've got to roll it back
16 some because they had the duty to report it at the point in
17 time that they got a report of sexual abuse, particularly
18 since they had been through the whole Arpaio thing, knowing
19 that that kind of environment was at the camp in that same
20 time frame.

21 Q. I want you to take a look for me at page 1,699,
22 paragraph 7.

23 A. Yes.

24 Q. And the scope, the scope of the policy, it states,
25 "This policy covers all persons -- including administrators,

1 faculty, staff, cadets, students of the College of Graduate
2 and professional Studies and other employees of The Citadel."

3 Does the scope encompass, in your estimation, any
4 person outside The Citadel?

5 A. Yeah, it talks about prospective and former cadets
6 and students as well as visitors to The Citadel campus are
7 also covered, so it's a very broad net.

8 Q. What about individuals who have never been to The
9 Citadel campus?

10 A. Well, students is not -- yes. Again, they are
11 downstream, foreseeable victims of not doing the job.

12 And you know, in terms of Mark Brandenburg not doing
13 an investigation, he never intended to do an investigation.
14 His intent was to stop-gap this thing so that it never became
15 a formal complaint, never had an investigation and didn't
16 result in any kind of civil liability, and he said that in his
17 own words.

18 Q. So where in the scope in paragraph 7 does it state
19 that the scope of the policies cover individuals who are not
20 visitors to the campus?

21 A. If The Citadel had done its job with the people who
22 were on campus, which is the perpetrator and his victims, then
23 that job would have prohibited people downstream from this
24 situation from being hurt. They were foreseeable victims if
25 The Citadel didn't do and Rosa did not do his job, and that's

1 what happened.

2 That is anticipated in the regulations and it's
3 anticipated in why it's so important to contact the police,
4 and it's also anticipated in the camp policy that says "We
5 will forever more keep track of this and let people know that
6 this happened."

7 And there was one other place, too. Yeah, it's just
8 anticipated there is not a short timeline on this but that the
9 obligation is to protect against sexual harassment and abuse,
10 and when you don't do that and you don't stop the offender,
11 then you know, given the recidivism rate, that they will
12 continue to offend and they will hurt others.

13 Q. On page 1,700 --

14 A. Oh, and also the policy speaks to the importance of
15 putting the report in the personnel file so that subsequent
16 reference checks will notify subsequent people that this is an
17 issue. By a failure to provide that kind of personnel file
18 warning, there's another way in which the failure to do a
19 proper investigation and the failure to create a report, the
20 failure to put that report in the personnel file so that
21 subsequent references would not be accurate is what led to the
22 harm of subsequent people. So it starts with the violations.

23 Q. Where do you see that in the policy? Do you have
24 that handy?

25 A. That they have to put it in the personnel file?

1 Yes, they do. Give me one moment. It's in my report. It's
2 paragraph 19. It talks about maintaining records. It
3 says somewhere in here, I just read it. It says that the
4 report will go into the personnel file. I'll get it.

5 MR. McLEOD: I'll look for it.

6 THE WITNESS: It's toward the end.

7 MR. McLEOD: Chris, you can continue and I'll look
8 for it and let you know when I find it.

9 MR. KOVACH: Okay.

10 Q. Miss McGrath, I want you to take a look at the
11 complaint procedures. That's on page 1,700.

12 A. Yes.

13 Q. So what is your understanding regarding these
14 complaint procedures regarding how complaints of sexual
15 harassment are supposed to be handled?

16 A. It's laid out pretty explicitly how they are
17 supposed to be handled.

18 Q. Okay. So what would constitute an informal
19 investigation?

20 A. When you have a nonserious offense that the person
21 thinks just get the person to stop and that will be
22 sufficient. You can't have, and I think it says explicitly in
23 these policies, you cannot have an "informal investigation,"
24 in quotes, of a criminal act.

25 Also --

1 Q. Go ahead.

2 A. Also, the Camper Doe said when he was interviewed by
3 Mark Brandenburg that he was reporting to him. I guess when
4 asked why he had not gone to the police, he said "I'm
5 reporting to you." So Brandenburg represented himself as the
6 person who whom a report, and a formal report, could be made,
7 and that's what the family thought it was doing.

8 Q. Did Mark Brandenburg tell Camper Doe that he was law
9 enforcement?

10 A. No.

11 Q. Well, how does he think that he's somehow the right
12 person that this should be reported to?

13 A. Well, the father had called the president of the
14 college saying, "I want you to handle this." The president
15 has Brandenburg contact the family on his behalf. How much
16 more to the top can you go in terms of the right person to
17 report to?

18 Q. And what exactly did Mark Brandenburg reply to
19 Camper Doe regarding the question of "Are you law enforcement
20 or are you not law enforcement?"

21 A. I told you he didn't represent that he was law
22 enforcement. He said he was --

23 Q. Okay.

24 A. But when asked, when he asked the young man, you
25 know, "Why didn't you go to the police?" or, "Are you going to

1 the police?" he was doing that in order to determine the
2 amount of exposure.

3 Well, what the young man said to him was, "I'm
4 telling you." So he's actually indicating in his belief and,
5 according to policies, Brandenburg was the appropriate person
6 to get the ball rolling and follow Citadel policies and
7 federal law that would have mandated, required under several
8 of those policies involving the public safety
9 department/police.

10 Q. So it would be your opinion that the report by
11 Camper Doe to Mark Brandenburg would have triggered what?

12 A. Say that again, please.

13 Q. Is it your opinion that the report of Camper Doe to
14 Mark Brandenburg triggered all reporting requirements under
15 what statutes and what --

16 A. Yeah, I'm talking about the report in April of 2007
17 would have triggered all the policies that we've laid out
18 today, and that is a serious incident, the sexual harassment
19 policies, the assault on campus and the camp policies as to
20 how the complaint should have been handled and the information
21 should have been handled.

22 Q. Under page 1,700, under "Complaint Procedures," it
23 discusses informal complaints. You see where I'm looking?

24 A. Yes, I am there.

25 Q. If you look at paragraph 7, it says, "Informal

1 procedures are voluntary on the part of the victim, with no
2 requirement that individuals use informal procedures before
3 filing a formal charge."

4 A. Correct.

5 Q. Was there anything preventing Camper Doe from filing
6 a formal charge --

7 A. He did.

8 Q. -- in this case?

9 A. He did, he did file a formal charge in this case.

10 Q. How so?

11 A. He reported to the president's office, notified them
12 of his formal complaint. Then he also spent, I don't know, an
13 hour and a half or more speaking to the appointee of President
14 Rosa, telling the details of the formal complaint after the
15 father insisted that his statement be taken. Mark Brandenburg
16 didn't even want to take that statement. Again, it was
17 contrary to his stated purposed of getting rid of this thing
18 as quickly as he could.

19 Q. So are you saying that President Rosa ordered the
20 statement be taken, is that what you just stated?

21 A. No, the father had requested that his statement be
22 taken.

23 Q. Okay.

24 A. Rosa and Brandenburg were not even doing the minimum
25 requirements of an investigation, which requires statements of

1 the victim, statements of the accused and of witnesses,
2 including eyewitnesses, definitely including eyewitnesses.

3 Q. Under the Citadel's policies, do you believe that
4 they could have taken any form of disciplinary action against
5 Skip ReVille at the time of the reports of the sexual assault?

6 A. Yes.

7 Q. And how?

8 A. Well, when he was employed there they could have
9 disciplined him for the proven behaviors, and if he at that
10 point was not employed there but he was just recently an
11 employee, they could have documented his personnel file and
12 prohibited him, at minimum, from coming on campus and notify
13 the police, who would have taken some really disciplinary
14 actions against him, as they did when they finally were
15 informed, to the tune of 50 years in prison.

16 Q. Looking at page 1,701, the formal reporting
17 complaints, "Formal Complaint Procedures," do you see where
18 I'm looking?

19 A. Is that 7?

20 Q. It should be page 1,701.

21 A. Yes, I'm on 1,701.

22 Q. Okay. Is it your opinion that a formal complaint
23 was initiated when that phone call was made?

24 A. Either at the point in time the phone call was made
25 or that the statement was taken.

1 Q. Okay.

2 A. And the source of that complaint is both the victim
3 and his family as well as The Citadel on its own basis. When
4 they took on the duty, allegedly, of investigating, they
5 started the formal complaint procedure, and this policy
6 indicates that The Citadel has standing to bring its own
7 complaint, which it did.

8 Q. Take a look at paragraph 5 for me. It states, "A
9 person who believes that he or she is a victim of sexual
10 harassment should file the complaint within 180 days of the
11 incident."

12 In your estimation, how does this provision comport
13 with the facts in this case, this provision of does it apply,
14 does it not apply?

15 A. The repressed memory laws and interpretation say
16 that the statutes don't start to run until the person realizes
17 they have been injured. The boy didn't realize he had been
18 injured until he actually spoke to his father, and then that
19 was the first point in time, when there was, like, a
20 realization that he had been injured.

21 Q. Paragraph 6 states "That the formal complaint should
22 be completed within 30 days of the date of filing and within
23 60 days from the date of filing when the individual submits an
24 appeal."

25 A. Correct.

1 Q. So it would be your testimony that the formal
2 complaint was filed the day that they called, is that your
3 testimony?

4 A. That is their intent, to initiate a formal
5 complaint, that's correct.

6 Q. So under this procedure, then, the formal complaint
7 procedure should be completed within 30 days of that date?

8 A. That's right. And Brandenburg not getting around to
9 interviewing the victim for four months is more evidence he
10 had no intention of trying to find out the real information.
11 He really wanted to treat this as a civil claim and suppress
12 it as fast as he could, and that's what his -- a paraphrase of
13 his explicit statement was, so he blew the timeline on the
14 complaint that had been filed as well.

15 Q. Why do you think it is that paragraph 5 doesn't
16 reference anything regarding child sexual abuse if we're
17 dealing with situations with repressed memory?

18 A. If you read the 1997 and 2001 guidance issued by the
19 Office of Civil Rights, which more fully explains Title IX,
20 and it was also crafted by Bernice Sandler, who is the one who
21 assisted The Citadel in crafting their policy, it speaks
22 specifically to the use of sexual harassment to apply to
23 sexual abuse, adult to student.

24 Q. So it deals with child sexual abuse?

25 A. Absolutely.

1 And by the way, the guidance that I referred to is
2 referenced on page 1,694 of this policy. The Office for Civil
3 Rights; U.S. Department of Ed; Sexual Harassment Guidance;
4 Harassment of Students by School Employees, Other Students or
5 Third Parties (Title IX of the Educational Amendment of 1972)
6 dated 13 March 1997," so it's explicitly incorporated by
7 reference.

8 Q. On page 1,704 --

9 A. I'm on that page.

10 Q. -- paragraph C you discuss "Individuals who have
11 knowledge of sexual harassment or who feel they have been
12 sexually harassed should discuss the behavior with any of the
13 people listed below." Under this policy, who are the victims
14 supposed to talk to?

15 A. All those people mentioned in this paragraph 1. It
16 says "The important point is to report the alleged harassment
17 to someone in authority." President Rosa was definitely in
18 authority.

19 Q. And in paragraph 2, it talks about the
20 responsibility of the person receiving the complaint from a
21 cadet to pass the information quickly (within 24 hours) to the
22 officer listed below who will determine if immediate action is
23 required."

24 A. Yes.

25 Q. So that policy discusses cadets.

1 A. Yes.

2 Q. Does the policy discuss prior abuse?

3 A. The policy addresses all employees and students, as
4 stated in No. 1, the purpose statement, and it applies to
5 current and former.

6 Q. So would it be your opinion that paragraph 2, the
7 responsibility of the person receiving the complaint from the
8 cadet means not just cadets but any other reporter?

9 A. It could, but that one uses the term "cadet." But
10 the policy speaks to all employees and students, current or
11 former.

12 Q. Do you believe that this policy deals with past
13 sexual abuse in general?

14 A. It can, yes. Yes. Also, somewhere in here it says
15 the person who makes the final decision is the president when
16 you're dealing with a current or former staff member.

17 I'm going to need a break within five minutes.

18 Q. Pardon?

19 A. Would this be a good time for a break?

20 MR. KOVACH: Absolutely. Whenever you'd like to
21 take a break, absolutely.

22 THE WITNESS: All right, just a short break.

23 (A short recess was taken.)

24 BY MR. KOVACH:

25 Q. Miss McGrath, looking at paragraph 4, and I'm going

1 back to your opinions now, in your report.

2 A. Yes. You had asked -- no, nevermind.

3 Q. We just discussed memo 51. Were there any other
4 policies that you're speaking of in your opinion paragraph 4?

5 A. All that I've enumerated previously -- 51, 15,
6 serious incident, the camp, and then of course there's other
7 federal policies that may apply, federal and state.

8 Q. Did you reference memorandum 4 as well? You said
9 15, the serious incident memo --

10 A. The camp policies.

11 Q. Okay.

12 A. And those are the ones I can recollect at this
13 moment.

14 Q. Okay, I'd like to introduce the 2002 handbook. I
15 think that may be one of the things that you looked at.
16 Miss McGrath, showing you what has been marked as Exhibit 18,
17 which is the "2002 Counselor Handbook," did you consider this
18 document in preparing your opinions in this report?

19 A. Yes.

20 Q. And in general, what are your opinions regarding the
21 policies concerning counselor conduct with campers? What
22 specifically did you review in this document in forming your
23 opinions?

24 A. Well, I reviewed the entire document. That was my
25 answer.

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Q. Okay.

A. I wasn't sure if you were waiting on me.

Q. All right, page Citadel 220, paragraph 9.

A. Yes. It's been highlighted and therefore it's really almost obliterated.

Q. Okay. I can read it. My copy might be a little bit better. It states that "Campers will never be allowed to sleep in a counsellor's room. If a camper is experiencing difficulty, visit the camper in the room with the roommate present, or talk to them on the gallery or in a counselor room with another counselor present. Never allow campers to sleep in the counsellor's room and never sleep in a camper's room."

A. I see that.

Q. And that's what paragraph 9 states.

A. Okay.

Q. Now, in your experience in providing training to school districts, would you believe that to be a valid rule or an acceptable rule?

A. Yes.

Q. Okay. Is there anything in addition that you would have recommended to a school district regarding the presence of counsellors in a camper's room?

A. That it be recognized as a serious infraction and that it be acted upon and be basis for termination.

Q. Would it be your testimony that all counselors who

1 are in a room alone with a camper should be terminated?

2 A. I'm not an absolutist. I don't analyze things based
3 on a zero-tolerance basis. One needs to consider the context,
4 as this paragraph does. It gives them alternatives should the
5 camper be in distress and need support.

6 Similarly, when you analyze what's occurred, for
7 example, if it's a second occurrence or if in this room the
8 counselor has his hands on a child, it immediately takes it to
9 an offence which warrants termination.

10 Q. Okay. What if the counselor doesn't have his hands
11 on the child, just in the room?

12 A. It's a serious, serious infraction. I mean it says
13 explicitly don't do that. And again, when you have people who
14 are predators, they violate policies, they violate boundaries,
15 and if they are not stopped they continue to violate at more
16 serious degrees.

17 Q. Paragraph 5 of your opinion, which is on page 3 of
18 your report, you state that "In November 2011 Rosa conspired
19 with his senior staff to continue to cover up of the sexual
20 abuse of multiple children on The Citadel campus by misleading
21 the public in a press conference and by written statement."

22 A. Correct.

23 Q. What statement are you speaking about there?

24 A. He gave a written statement to the press and a
25 verbal statement to the press where he indicated that he did

1 not know that there were multiple victims at the time, and
2 there is evidence that he did know.

3 He also, in his Margolis interview, indicated he
4 spoke to Brandenburg three, four times a day -- excuse me, a
5 week, so he was conferring on all the things that Brandenburg
6 was dealing with. He also said in the Margolis interview that
7 he knew everything that Brandenburg knew. So those are some
8 of the things that he did not convey in the written statement
9 or to the public.

10 Q. Okay. I want to show you the November --

11 A. Also, there was one other thing. He made much of
12 there being no touching, as if that was significant. It was
13 like a complete smokescreen to the serious nature of what had
14 occurred. So --

15 Q. Why don't you believe the no touching is not
16 significant?

17 A. Do you have children?

18 Q. Yes.

19 A. Do you want a camp counselor or a teacher to expose
20 his penis and masturbate in front of your children, and if
21 they did, would you consider that serious? I have think the
22 question answers itself.

23 (Audio connection dropped.)

24 (Discussion off the record.)

25 MR. KOVACH: Okay, I would like to mark Exhibit 19,

1 the November 14, 2011, press conference statement.

2 (Whereupon Defendants' Exhibit 19 was
3 marked for identification by the Court
4 Reporter.)

5 BY MR. KOVACH:

6 Q. Miss McGrath, when you've had an opportunity to look
7 at that, just let me know.

8 A. Yes, I've reviewed it.

9 Q. Okay. Is this a document that you reviewed in
10 forming your opinions in No. 5 and 6?

11 A. Yes, one of them.

12 Q. Okay. In that document, it states that "The
13 Citadel's general counsel tried to contact other individuals
14 mentioned by the former camper making the accusation in order
15 to corroborate these allegations."

16 Now, is it your contention that he didn't do this or
17 that it just wasn't an adequate investigation?

18 A. We've discussed the term "investigation."

19 Mr. Brandenburg had said explicitly that his goal was to avoid
20 this going either to the police or to a formal investigation.
21 He took minimal steps, and with no followthrough, to appear to
22 be contacting people. He did not take the five minutes it
23 would have taken to walk over and actually speak to one of the
24 key eyewitnesses to what had occurred. Also, it took him four
25 months to actually go and interview the boy, the young man, to

1 know more specifically what he was alleging, such that he
2 would have been in action sooner.

3 Q. In paragraph No. 7, you state that "In 2011 Rosa
4 furthered his conspiracy to avoid accountability for the
5 subsequent injury caused by his failure to perform his duty in
6 2007 of reporting to authorities and conducting internal
7 investigation. He stated that he acted on the basis of
8 information that he had at the time and that he would have
9 acted differently and reported if he knew then what he knows
10 now. He withheld that he was notified on or before May 16,
11 2007, that there were, A, multiple victims."

12 On what basis do you make that statement, on what
13 information?

14 A. He said, in one of the things that he said that if
15 he had -- somewhere he said he had read the deposition, or the
16 statement, and if he had known that at the time he definitely
17 would have acted differently, and particularly he mentioned
18 the fact that there were multiple victims, if he had known
19 that, he would have acted differently. He knew that as of May
20 16th, 2007, and perhaps before, but we know based on the May
21 16th letter that he knew it then.

22 Q. On what basis do you make that statement, "based on
23 the May 16, 2007 letter"?

24 A. There's written evidence that he knew at that point.
25 We also know that between April 23rd or 24th,

1 whenever the complaint came in, and that date he was having
2 conversations with Brandenburg, and Brandenburg knew from his
3 conversation with the boy that there were multiple victims.

4 Q. Would it change your opinion in any way if General
5 Rosa were not aware of multiple victims?

6 A. No.

7 Q. Why not?

8 A. Because he had a young man call and say, "I was
9 sexually abused." At that point, the duty to refer that to
10 the public safety department was clear, and to bring in his
11 Title IX officer, who is a trained investigator, to do what
12 she was supposed to do. Simple, simple steps. He didn't take
13 those simple steps.

14 Q. In paragraph 8 you state that "Rosa conspired with
15 his senior staff to mislead the public and cover up the events
16 at the physical camp, placing the reputation of the
17 institution above the safety of children in flagrant disregard
18 for institutional policies and procedures under federal Title
19 IX that mandate reporting of child sexual abuse to law
20 enforcement."

21 A. Yes.

22 Q. How did he place the reputation of the institution
23 above the safety of children, can you elaborate on that?

24 A. Rather than do what I said, two simple steps,
25 contact his Title IX officer who he had been spending -- he

1 had a lot of time with and he had hired her explicitly to look
2 into sexual assault which, of course, would include sexual
3 abuse -- contacting her, contacting public safety, and The
4 Citadel public safety department. He didn't take those steps
5 which he knew to take, and he didn't take them, so there's
6 that.

7 Plus, he was in the middle or at some point in the
8 capital campaign, raising capital for The Citadel. He had
9 been informed as early as January 2006 of how devastating the
10 Arpaio cases had been to the reputation and the fundraising
11 around The Citadel. He put, first and foremost, his mandate
12 to raise the funds, because he was talking about how seriously
13 the funds were needed, over his performing his duties. He
14 knew personally of his duties because his policies require
15 that every year he read these policies and every year he sign
16 off that he's read them. His statement that he would refer it
17 to his legal team to advise him does not hold water. He
18 cannot abdicate his responsibilities as an employee of The
19 Citadel.

20 Q. What is your understanding regarding the fundraising
21 at The Citadel, have you done any investigation in that
22 regard?

23 A. Just what I have read. I think he said he raised
24 something like \$17.5 million or something. He was very proud
25 of himself. He also referred to himself as being someone in

1 the major leagues who had come to a minor league place.

2 Q. In paragraph 9, you state that "Rosa, his surrogate
3 Mark Brandenburg and the president's executive assistant,
4 Trez, all had a high level of experience in the field of
5 sexual harassment and abuse, knew the dynamics of sexual abuse
6 predators and knew the consequences of failing to take
7 effective action to put the predator ReVille behind bars."

8 A. Yes.

9 Q. So what high level of expertise did General Rosa
10 have? I know you spoke about it a little bit earlier.

11 A. Well, he acquired a great deal of expertise at the
12 Air Force Academy. I don't know if he came to the Air Force
13 Academy with that expertise and that's what he was assigned
14 there, that I don't know. But I do know that he got steeped
15 in the whole area of sexual harassment and sexual assault and
16 abuse while he was there, and he took it on as his flagship.
17 When he came to The Citadel, one of his first acts was to
18 bring in a person to especially help head up that department
19 of oversight of sexual assault, and again Janet Shealy spoke
20 of the great amount of time he spent there in the department
21 talking to her.

22 He also spoke about how he had reviewed the policy
23 and found it adequate, but found it not to have been
24 implemented. That is some of the basis.

25 Q. What about Mark Brandenburg, what was his expertise?

1 A. Mark Brandenburg has various avenues of expertise.
2 If I understand correctly, he and Trez worked with Bernice
3 Sandler directly in the formulation of The Citadel policy on
4 sexual harassment, and Bernice Sandler is one of the founding
5 people of the Title IX legislation and was instrumental in
6 writing both the regulations and the guidance. So they were
7 working with the source, which is why their policies align so
8 closely with the sexual harassment abuse guidance that's there
9 in the CFR.

10 Also, Brandenburg had years of experience of being
11 saturated in the Arpaio cases, and you can't work those kind
12 of cases without seeing the pattern, seeing the boundary
13 violations and the predatory behavior and knowing that these
14 people don't stop.

15 He also would have been involved in the depositions
16 and the like, given -- I believe he was part of the liaison,
17 along with Trez, with the law firm that was handling cases and
18 the cases themselves, so he was steeped in all things sexual
19 abuse and knew that that environment was in place in the camp
20 at that time.

21 Q. On page 5 of your report, paragraph 2, you discuss
22 General Rosa's mind-set at the time the abuse report was
23 received.

24 A. Yes.

25 Q. So what was his mind-set? You stated that you read

1 his deposition earlier. Do you recall that you testified
2 regarding his mind-set at that time?

3 A. I'm sorry, would you ask your question again?

4 Q. Sure. You state "Understanding Rosa's mind-set at
5 the time of the child abuse report was received determined his
6 motivation for not following policy and procedure to both
7 thoroughly investigate the report and contact law enforcement
8 and track the tactics that Rosa used to keep the report from
9 seeing the light of day."

10 A. Right.

11 Q. You have now read General Rosa's deposition,
12 correct?

13 A. Yes.

14 Q. And what is your belief regarding his motivation for
15 keeping the report from seeing the light of day?

16 A. I take his motivation and his mind-set not from his
17 words but from his actions. If you look back to January of
18 2006 when he first came to The Citadel and he was thoroughly
19 briefed on Arpaio, he knew from that point forward that there
20 was a hostile environment that had yet to be corrected. I
21 mean he even said it in his own words, it's not been
22 implemented.

23 So he knew that to be the case, but those were not
24 his particular marching orders. His marching orders were to
25 raise money and put a new face on The Citadel since it had mud

1 President Rosa knew?

2 A. That's what Rosa said.

3 And then, further, having been steeped in the Arpaio
4 cases as they were as well, having just doled out \$3.8 million
5 and with cases still pending, that they -- we don't know if
6 they asked questions in closed session; there aren't any in
7 open session.

8 Q. You've had the opportunity to read the depositions
9 of the Board of Visitors members?

10 A. I don't recall.

11 Q. Allison Love, did you read her deposition?

12 A. Allison Love, I believe I did. Some of those came
13 in at the end.

14 Q. Do you recall what she stated regarding
15 Mr. Brandenburg's briefings regarding the allegations?

16 A. I believe there's some information that he presented
17 it as a civil settlement matter.

18 Q. Did they state whether President Rosa addressed it
19 at all regarding the issue?

20 A. I don't recall, but knowing how superintendents work
21 with their boards, he would have been all over that.

22 Q. How do superintendents work with their boards?

23 A. Well, I likened him -- he is functioning a
24 superintendent of a small college, and as such those
25 superintendents or college presidents know everything that

1 goes in front of their board -- everything, everything. They
2 never allow some lawyer to come in and brief their people and
3 not know exactly what's being said. It's just not how the job
4 is done.

5 Q. On page 7, you discuss the 2007 report and a new
6 round of sexual abuse at the summer camp.

7 A. Yes.

8 Q. You state that "In 2007 a number of the victims were
9 then cadets at The Citadel. The perpetrator ReVille was also
10 on campus in 2007, employed in the Writing and Learning
11 Center, just minutes away from where the young men were living
12 and going to school."

13 So what is your understanding regarding exactly when
14 Skip ReVille was on campus in April of 2007, when was he an
15 employee?

16 A. We discussed this already. So he was there in the
17 Writing Center throughout that academic year, and according to
18 his certified statement to the unemployment department, he was
19 there until at least April 30th, and the payroll shows he was
20 paid, I think, up until the middle of May.

21 He also indicates that he was a candidate for a
22 couple of other positions at that time. I know there's one
23 document that talks about his planning on not -- leaving the
24 job on March 20th, but there's nothing establishes that that
25 in fact was the case, given that the other records and his

1 sworn statement say otherwise, and the payroll says otherwise.

2 Q. On page 8, the second-to-the-last paragraph, you
3 discuss that significance that "President Rosa said that the
4 boys had not been touched."

5 A. Correct.

6 Q. And "Why 'touching' was an issue is unclear, other
7 than as a," quote, "'red herring' meant to obscure the
8 commission of a crime on campus and the failure to report."

9 A. Yes.

10 Q. In your experience, is there ever a time in which
11 sexual abuse that does not involve touching would not be
12 reported?

13 A. No.

14 Q. And is there ever a requirement under the Clery Act
15 regarding sexual abuse and touching, are there any
16 requirements under that, in your experience?

17 A. If I recall, it gives examples that say "all sexual
18 behavior," and then it goes on and gives further examples of
19 specific touching, but under the category of "all sexual
20 behavior" you've got the behaviors that would result in
21 non-touching -- that would include non-touching.

22 Q. On page 8, going into page 9, you discuss the
23 November press conference after ReVille's arrest where
24 President Rosa and Doug Snyder, who was chairman of the BOV,
25 were addressing the media.

1 A. Correct.

2 Q. And you state several points, that "They manipulated
3 the press and failed to inform the public accurately when they
4 concealed that," and then you have several points, the first
5 one being that "There was a failure to conduct a proper
6 internal investigation of the abuse that was reported . . .
7 with circumvention of well-established policies and
8 procedures."

9 A. Yes.

10 Q. So which policies and procedures are you speaking
11 about in that statement?

12 A. The ones I've enumerated already today a few
13 times -- the sexual harassment policy, the implemented
14 memorandums, the serious incident policy, and camp
15 regulations.

16 Q. Okay. Paragraph 2 you state "None of the campers
17 who were there in 2001 and 2002 were interviewed, including
18 the camper's roommate who was an eyewitness to the abuse."

19 A. Correct.

20 Q. Did Mr. Brandenburg attempt to interview them?

21 A. Mr. Brandenburg sent e-mails. And you know, in
22 addition to the fact that he just sent e-mails, most of the
23 kids had already transitioned to text messages and don't use
24 e-mail.

25 Q. Okay.

1 A. Plus, he did no verifying of whether he ended up in
2 their junk mail. There's just no effort.

3 Q. Paragraph 3 states that "No written statement was
4 taken from the accused when he met with in-house counsel the
5 day after the report was made." So would a written statement
6 have been required?

7 A. In a thorough and objective investigation, yes.

8 Q. You'd stated earlier that when he made the phone
9 call, when the father called The Citadel, that would have
10 constituted a complaint?

11 A. Yes.

12 Q. Okay.

13 A. When the magic words "Sexual abuse of my child when
14 he was 14" are uttered, you're there. And the onus is not on
15 the complainant to move it forward, it rests with The Citadel,
16 and in this case the president who got the information
17 directly through his office, to proceed accordingly, and the
18 policies say that complaints that constitute crimes must be
19 handled certain ways, and none of that was followed.

20 Q. You also state that "The officials did not report
21 that President Rosa had information that Pinewood Prep had
22 released ReVille from employment in 2002, yet his surrogate
23 did not check into that report."

24 What information did he allegedly have?

25 A. Brandenburg was told by Garrott that ReVille had

1 been released from Pinewood Prep, and according to
2 Brandenburg's notes, there's some sort of parentheses "with a
3 knowing look." So he's implying there was an implication of
4 behaviors likely comparable to what he was being accused of
5 currently.

6 Q. Is that your interpretation of what "a knowing look"
7 would be?

8 A. I can't imagine what else it might have been, No. 1,
9 and, No. 2, that you don't pick up the phone and check is
10 really bad. A phone call away, the information was a phone
11 call away.

12 Q. That paragraph states "The officials concealed that
13 the camp director had verbally admonished ReVille while he was
14 a counselor at the camp. He was disciplined for having a boy
15 alone in his room and allegedly rubbing ointment on his leg.
16 Nothing was placed in ReVille's personnel file regarding the
17 incident or of the sexual abuse allegation against him in
18 2007."

19 A. Yes.

20 Q. If ReVille was not an employee at the time, why
21 would he put information in his employment file?

22 A. Well, first of all, the camp policies say they will,
23 that it does not stop at the termination of employment, and
24 since he continued to have a special relationship with The
25 Citadel, the fact that he wasn't employed in a particular

1 time, if that were the case, is not the end of what goes into
2 the personnel file in order to safeguard against future
3 offenses and warn others that these allegations had been
4 brought. That's the purpose of the personnel file.

5 Q. You stated that Skip ReVille had a special
6 relationship with The Citadel?

7 A. Say again.

8 Q. I'm sorry?

9 COURT REPORTER: Ask your question again, Chris.

10 MR. KOVACH: Certainly.

11 Q. Can you elaborate on what you mean by that?

12 A. There's question about the precise termination date
13 of his employment. We do know he continued to be paid into
14 May, and we know that he was a candidate, according to his own
15 words, for a couple of other positions, and that he was
16 invited back to do a couple speaking engagements. At this
17 point I can't remember exactly what, it had something to do
18 with the honor committee, and there was another one.

19 Also, given that his personnel file had no reference
20 to the complaint that had been lodged and there was no report
21 of the investigation, had it been conducted, there was no way
22 in which other people who were determining whether they are
23 going to hire him or not, whether in The Citadel or not in The
24 Citadel, would have the information that they needed.

25 Q. You said that "In 2007 President Rosa took no action

1 whatsoever against ReVille and did not notify either campus
2 security or the Charleston police that there had been a report
3 of a crime committed on campus."

4 Do you place any significance in your opinions to
5 the fact that the crime was committed five years previous?

6 A. No.

7 Q. What if it was 10 years?

8 A. No. I mean we handle cases all the time 20 years
9 later where a person comes forward in their forties and says
10 "This happened to me," and you pursue it as if it were today,
11 because these people don't stop; if it was then, it's now.

12 Q. "When a written statement" -- this is page 10, I'm
13 sorry.

14 You state "When a written statement was taken from
15 the former camper and his parents in Dallas, Texas, they
16 explicitly said that the sole reason they met with President
17 Rosa's surrogate, Mark Brandenburg, was to further what Mark
18 Brandenburg said was the first step in making sure that
19 ReVille never abused another child. They wanted ReVille
20 stopped. They went to the top of the chain of the command to
21 accomplish that, they went to The Citadel president, John
22 Rosa, to stop ReVille from hurting other children. He failed
23 miserably."

24 A. Yes.

25 Q. Do you know whether the Camper Doe or his parents

1 ever followed up with The Citadel after contacting President
2 Rosa?

3 A. I think there's some notes in Brandenburg's file
4 about exchanges with the father, and there was a discussion of
5 the boy doing, I want to say, remedial classes or classes that
6 would have gotten him prepared to enter The Citadel, and there
7 was discussion of money.

8 Q. Was there ever any discussion of contacting the
9 police?

10 A. When?

11 Q. After the interview, after the July interview.

12 A. Are you asking me whether Mark Brandenburg told them
13 that under college policy that they should be contacting the
14 police or they had a right to contact the police?

15 Q. Right. Did they ever do that?

16 A. He didn't inform them of their rights under the
17 policy which, of course, is explicitly part of the Title IX
18 officer's job, to inform people of their options, and also to
19 provide them care and counseling, none of which happened.

20 Q. In your experience representing school districts in
21 sexual abuse cases, do parents typically allow an allegation
22 of sexual abuse to drop or do they follow up?

23 A. Sometimes you really have to work with the parents
24 in order for them to move forward. All their defenses are up.
25 They want to protect their child. They can hardly believe

1 that they allowed this to happen to them, so they feel guilty
2 because it happened to their child and they are somehow
3 responsible for the safety of their child all the time,
4 everywhere. So you've got a lot of dynamics going on with the
5 parent, and when the parent takes the initiative to finally do
6 something, and the boy, the young man finally spoke out and
7 yet nothing happened, it's such a fragile time, which is why
8 the Title IX office and that officer has a whole -- if you
9 read her deposition, you hear all the strategies and the steps
10 you're supposed to take to work with the complainants, because
11 they are extremely fragile, so the fact that they backed off
12 is not surprising.

13 Q. So in your estimation would a Title IX officer have
14 followed up --

15 A. Yes --

16 Q. -- in your experience?

17 A. -- absolutely, would have offered the family and the
18 child counseling, would have told the young person who to
19 expect, would have talked through the feelings that the young
20 person was likely experiencing so as to normalize their
21 experience, would have provided everything that a professional
22 with her expertise is trained to do.

23 As she discussed in her deposition, she went to a
24 lot of training to be trained to do those very things, and by
25 Rosa not making use of the protocol that was established, he

1 denied this young man and his family all those resources and
2 he denied them a thorough, objective, impartial investigation.

3 Q. On page 11 of your report, in paragraph 2 you state
4 that "Policies are not discretionary and they contain
5 mandatory duties that no one is above."

6 A. Yes.

7 Q. Is there any discretion at all in the decision of
8 whether to report sexual abuse if the person who was abused
9 does not wish it to be reported?

10 A. No.

11 Q. So it must be reported?

12 A. Yes.

13 Q. Regardless?

14 A. Regardless of what?

15 Q. Of the wishes of the victim.

16 A. Correct. And it can be reported in a way that
17 shields the name. The policies explicitly say that the name
18 doesn't have to be on the report, so there are protections
19 built in for the victim, but one of those protections is not
20 that criminal behavior goes unreported.

21 I want to say that the obligation of The Citadel and
22 General Rosa is to The Citadel; it is not to the individual
23 complainant. The individual complainant needs to be managed
24 as well, but there's an overarching duty to The Citadel and
25 its policies, its rules, its regulations and its environment.

1 And I can't stress enough that they, with one thought, knew
2 they had potential victims there right then, and these people
3 had been exposed at least for the entire academic year up to
4 April 23rd.

5 Q. So you're stating it's possible that Skip ReVille
6 could have been sexually abusing these cadets?

7 A. Absolutely, absolutely.

8 Q. Do we have any evidence of that in the records that
9 you've seen?

10 A. That he was doing that? There's no evidence in the
11 record that he was doing that. Could he have been? That is
12 the assumption. Since he perpetrated against these boys when
13 they were 14 and you don't yet know whether he's a specialized
14 perpetrator, whether he has a particular category of victim
15 that he likes, you don't know that yet. So in a lot of the
16 cases I've handled, the perpetrator forms that relationship
17 with the victim and it continues, in some instances even after
18 the person goes to jail, comes out and then they get married,
19 as you see in the Letourneau case and in others that I've
20 handled. The bond is really difficult to deal with. So the
21 high possibility that he had continued to perpetrate was
22 there, given the recidivism rate that is involved with sexual
23 predators.

24 Q. On page 11, second-to-last paragraph you state that
25 "One reason for the mandatory concurrent internal and external

1 processing is that the college has a different
2 responsibilities to its constituents than law enforcement
3 does."

4 Can you explain that sentence to me?

5 A. Yeah. The college has the responsibility to provide
6 an environment free from sexual harassment and abuse. The law
7 enforcement doesn't have that responsibility. Law enforcement
8 has the responsibility of proving crime; they don't have a
9 responsibility to an environment or to subsequent foreseeable
10 victims.

11 Q. Then you state that "The college is duty bound to
12 educate and protect, and a determination whether behavior
13 interferes with those duties is determined by a preponderance
14 of the evidence."

15 A. That's correct.

16 Q. And you may have alluded to it earlier, but do you
17 mean that the college is duty bound to educate and protect
18 everybody or everybody within its campus?

19 A. They are responsible to educate and protect anyone
20 who comes onto their campus or is involved with their
21 campus -- vendors, visitors. They had the policies address
22 not only the employees and cadets and staff but the visitors
23 and the vendors and the like.

24 Q. Do they have a duty to protect individuals who are
25 not present, who are not visitors, who are not staff, who are

1 not students, who are not faculty?

2 A. They have a duty to do their job, and when they fail
3 or intentionally do not do their job, they are responsible for
4 the harm that befalls the people who are injured as a result
5 of what they did.

6 I'm thinking of your question. If someone down the
7 street, off Citadel property, went in a drugstore and was
8 harassed by the clerk, none of that having anything to do with
9 The Citadel, The Citadel would not have a responsibility to
10 those people. This is a different situation.

11 Q. What if an employee of The Citadel commits a
12 criminal act outside of The Citadel?

13 A. That depends upon a number of circumstances.

14 Q. Okay. What if they committed criminal sexual child
15 abuse outside of The Citadel?

16 A. If The Citadel left that predator in play because it
17 did not do its job, and Rosa didn't do his job and Brandenburg
18 didn't do the job, then they are responsible for those people
19 who are subsequently injured. It is foreseeable that if they
20 don't do their job, people will be injured.

21 This is why states are saying that if you omit a
22 material fact or misstate a material fact in a letter of
23 reference that you can actually lose your administrative
24 credential, you can lose the right to be in a school because
25 they are anticipating the harm to subsequent people.

1 Q. On page 11, the last section, you say "The main
2 components that are in force in these policies, particularly
3 when something as serious as a report of sexual abuse occurs
4 are," and then you list out items that need to be considered.

5 I want to discuss some of those with you. One of
6 them, the first one is "The incident will be reported to the
7 police. This is nondiscretionary."

8 A. Yes.

9 Q. So it's your opinion that all sexual harassment must
10 be reported to the police?

11 A. I believe the lead-in though these bullets is sexual
12 abuse.

13 Q. Okay. Or sexual abuse. I'm sorry, I didn't mean to
14 misspeak.

15 A. So yes, all reports of sexual abuse need to be
16 reported to school safety and/or the police.

17 Q. And you also state that "The investigator must be
18 neutral to all parties and have no conflict of interest."

19 A. That's correct.

20 Q. Now, do you believe in this case, is it your opinion
21 that there was not a neutral investigation?

22 A. Absolutely not. There was not a neutral
23 investigation. Also, the OCR has stated that the insurance
24 investigation is not neutral and highly questions whether
25 general counsel can be an investigator, because they are not

1 neutral, they represent the party, supposedly.

2 Q. In your experience advising school districts, what
3 would you have advised The Citadel to do in the situation with
4 the investigation?

5 A. Give it to public safety and give it to the Title IX
6 coordinator, as their policies require. Again, this is not
7 rocket science, it's simple.

8 Q. You state "The investigator does not reach a
9 conclusion until the investigation is completed."

10 Do you think a conclusion was ever reached in Mark
11 Brandenburg's investigation?

12 A. He reached a conclusion before he started.

13 Q. What was that conclusion?

14 A. Well, he wrote in the letter to some of the people
15 he was trying to contact to talk to him that what he wanted to
16 do was to make sure that this never saw the light of day. I'm
17 paraphrasing, but that it would not be formally investigated
18 or it would not result in a criminal investigation or a civil
19 investigation. That's what he said his purpose and intent
20 was. So he had pre-determined the case, and even though he
21 said at the time that he believed that -- this is a little
22 later. He said at the time he believed the boy to be
23 credible, and then he argues that he wasn't, at the same time
24 knowing he is telling him virtually identical information that
25 came out in the Arpaio case and he's telling him virtually

1 identical information that was given to them by Middleton
2 during the police investigation of the Arpaio case.

3 Brandenburg is not a babe in the woods on this kind
4 of stuff; he's highly informed of what's going on in the camp
5 division of The Citadel. It is that background against which
6 he made these determinations to act in this way, even Dawes
7 Cooke says that he was influenced by the Arpaio case in how he
8 handled this matter.

9 Q. You go on to state on page 12 that "When Rosa told
10 the Board of Visitors and others in the high command that the
11 parents didn't want to file a formal complaint, he made that
12 up."

13 A. Correct.

14 Q. On what basis do you make that statement?

15 A. They didn't say that. They never said that. So at
16 this point he's read the July 2007 statement and yet he's
17 characterizing it as saying the family didn't want to file a
18 complaint. If you read it, it says they thought they had.

19 Q. So when you're speaking in this sentence, you're
20 talking about some information given to the Board of Visitors
21 when, in 2007 or 2011?

22 A. 2007. And then, of course, he repeated it again, I
23 think, in 2011, but this specific sentence when I read it
24 says -- seems to be in the frame of 2007.

25 MR. McLEOD: Chris, how much longer do you have?

1 MR. KOVACH: Oh, goodness. I'm not going to go
2 through all --

3 Off the record.

4 (Discussion off the record.)

5 BY MR. KOVACH:

6 Q. Now I'm going to direct you to page 13 of your
7 report.

8 A. Yes.

9 Q. In the third paragraph you state that "Rosa
10 essentially drove the handling of the matter down that civil
11 defense track." So is it your contention that President Rosa
12 directed Mark Brandenburg regarding the investigation?

13 A. Yes.

14 Q. And is it your belief that General Rosa, through
15 Mark Brandenburg, negotiated with the Camper Doe and his
16 parents regarding the settlement in this matter?

17 A. Would you repeat the question, please?

18 Q. Sure. Is it your belief that General Rosa
19 negotiated with Camper Doe and his parents regarding a civil
20 settlement in this matter?

21 A. I believe that's what Brandenburg was doing. It
22 wasn't what the parents necessarily thought was happening. I
23 don't think the parents would have thought "Oh, gee, I'm
24 negotiating away my civil rights," you know, "my rights in
25 this case such that I could never bring a civil suit." He had

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1 not laid that one on them yet. He was trying to -- the
2 father, being an alumni of The Citadel and having the highest
3 respect for The Citadel really would have loved his son to go
4 there, so he was seeing if that could be a piece of what would
5 happen.

6 If you had said to the father "You are entering a
7 civil settlement of your rights in all related matters," I
8 don't know. That was never made clear to him, that that
9 was -- that was clearly Brandenburg's intent, he said that in
10 writing; it was never made clear to the family that that's
11 what Brandenburg was doing. The family thought that they were
12 talking to an investigator who was sent there on behalf of
13 President Rosa, who they had the utmost confidence in.

14 Q. You also state that "He," being Rosa, "sent
15 Brandenburg to Texas to interview the family and negotiate a
16 settlement." What do you base that on?

17 A. Because Brandenburg had contacted -- is it the
18 IRF? -- the insurance group, and he was all excited that he
19 was going to get the insurance group to pay the tab and he
20 would function as a special investigator of the insurance
21 company. How much more explicitly is that not an impartial
22 Title IX internal investigation? I mean he states his
23 intention and who he is working on behalf of, and he's working
24 on behalf of the insurance company, and President Rosa knew
25 that, he was fully informed.

1 Q. You also say that --

2 A. And Rosa did not say, "Wait a minute, Brandenburg,
3 we've got a raft of policies here and I just hired Janet
4 Shealy to head this kind of thing up, let's bring her into the
5 loop." They brought in not one person who would have gone
6 "Whoa, Nellie." And we know they would have done that because
7 they said so in their depositions, if they had known.

8 Q. You also state "He completely, intentional and with
9 callous aforethought, sent ReVille off unscathed to continue
10 his abuse of children."

11 A. Yes.

12 Q. What do you characterize as "callous aforethought"?

13 A. He didn't pick up the phone, call the police and say
14 "We've got a predator here. There are accusations we've got a
15 predator. Check it out."

16 You know, everything that was apparent in the Arpaio
17 case, which was an honored person who was a part of the
18 military, well respected, all those same elements in Arpaio
19 were present again. And yet, he did not, Rosa did not go
20 "What? We've got another one." Even with his whole
21 background of experience with Arpaio and definitely
22 Brandenburg's experience with Arpaio, it is unconscionable the
23 way they took that and shoved it into a civil claim,
24 completely ignoring every single moral, ethical and legal duty
25 that they had.

1 MR. McLEOD: I'm going to roll.

2 COURT REPORTER: Do you want a copy?

3 MR. McLEOD: Yeah.

4 BY MR. KOVACH:

5 Q. I want to shift over to page 28 of your report.

6 A. Yes, I'm there.

7 Q. Okay. You say "There are four central points made
8 by Margolis in his report." He has the bullet points, and it
9 looks like there are three points but I'm not sure what the
10 fourth point is, and I want to go through these with you so
11 you can elaborate on them.

12 A. Okay.

13 Q. The first one is "This case is a confluence of
14 factors and not a coverup."

15 A. Correct, that's what Margolis said.

16 Q. Okay. And what is your belief regarding that
17 statement? Obviously, you stated earlier you believe there
18 was a coverup.

19 A. There's so much of what Margolis said that just
20 strains the credibility. He talks about Brandenburg being
21 unprepared for this kind of situation and Brandenburg and Rosa
22 being so wowed by ReVile. Well, none of that makes sense,
23 given their deep experience both with the Arpaio cases and
24 then Rosa's experience at the Air Force Academy. You know,
25 abusers don't look horrible. They are often quite handsome,

1 attractive, pretty people, so it's so tissue thin that he
2 mentions some of those things as being influential on these
3 two professionals.

4 Q. You state several places in the report regarding
5 wrestling in the shower of campers. Do you recall in where
6 you got that information?

7 A. I thought it was from the young man's statement.
8 Whether it's in Brandenburg's notes of his telephone interview
9 with the young man or mentioned in the July 2007 statement,
10 I'm more inclined to think it's in the notes of the telephone
11 conversation that Brandenburg had with the young man.

12 Q. On page 29 you discuss some of the factors Margolis
13 lists as factors that contributed to the college's failure to
14 make an external report, and the No. 1 is the "Lack of clear
15 policy or role of The Citadel Police, counseling center and
16 Title IX coordinator." So what's your understanding regarding
17 that statement of Mr. Margolis?

18 A. They actually have one of the best policies I've
19 ever seen in my entire career. It's explicit. It even calls
20 for the use of a committee when you're dealing with an
21 accusation against faculty. It almost calls for everything
22 that Frank is saying ought to be present is in those policies,
23 so to characterize them as a lack of clear policy -- I don't
24 get it. It's really quite amazing, this policy, and I know it
25 because Bernice Sandler was directly involved with Trez when

1 it was created.

2 Q. What about No. 2 states "Insufficient understanding
3 by key individuals of Clery Act, Title IX, and dynamics of
4 sexual abuse." Is there anything further you would like to
5 add regarding your statements in the report regarding
6 Mr. Margolis's statement?

7 A. No. I mean I mentioned -- and I think they're
8 mentioned here, Arpaio, his work on policies and Rosa's
9 experience at the Air Force Academy and his extensive work at
10 The Citadel, both in analyzing its own policy, conducting the
11 survey and working with Janet Shealy.

12 Q. No. 3 states the "Lack of connection to college
13 resources and community agencies responsible for child
14 protection and response to sexual and gender violence."

15 A. Yeah. I don't even quite understand how he can come
16 to a conclusion of a lack of connection. Rosa was intent on
17 having a department that would handle it. He had it, and the
18 college resource, public safety was right there. And the
19 access to community agencies, the public safety department had
20 experience with that, and so did Janet Shealy.

21 Q. No. 4 states the "Unique 'personal lens' brought by
22 each of the key people involved, including the Board of
23 Visitors."

24 A. And your question?

25 Q. What is your opinion regarding Mr. Margolis's

1 assertion regarding the personal lens of the individuals that
2 dealt with this situation -- Mark Brandenburg, General Rosa?

3 A. Again, I find it a weird distinction. It's like
4 what personal lens are we talking about when you're talking
5 about law and policy? You know, if I have a personal lens
6 about I prefer not to stop at red lights, does that make a bit
7 of difference? No.

8 Q. You state that "Their procedure would have given
9 them direction to report, investigate, make findings and
10 conclusions, remedy the hostile environment, follow up to be
11 sure it is done, prosecute and hold accountable." Where did
12 you derive that list?

13 A. That list came from Rosa himself. That list came
14 from interviews he gave on the Jim Lehrer show -- I think I
15 have the right one -- and speeches he gave at the Air Force
16 Academy about the importance of reporting and then
17 investigating and those other points. That's Rosa's protocol.

18 Q. No. 5 states that the "Suspension of belief in the
19 possibility of the offense given ReVille's accomplishments and
20 standing in The Citadel community."

21 A. Yeah, that's almost the most offensive one.

22 Q. And why do you believe that's the most offensive
23 one?

24 A. I said almost the most offensive one because they
25 had just been through Arpaio, just been through Arpaio, where

1 they realize, No. 1, these people deny this stuff. I don't
2 think I've ever had somebody say to me, "Oh, yeah, I did it."

3 And the other thing was that the -- I mean the
4 literature is replete with the fact that people don't look
5 differently and, as I said earlier in the day, the number of
6 teachers of the year who are part of the abuse, they are
7 disproportionately represented in the category of predators,
8 so it's not the thing -- you know, you know to not go there,
9 both from the personal experience of Arpaio and the fact that
10 it's in all the literature, and Janet Shealy said it
11 specifically. She knows that's part of what you know when
12 you're in this field, and I bet you over at the Air Force
13 Academy there were some handsome rapists, so it has nothing to
14 do with that aspect of a person.

15 Q. No. 6 states the "Context of the allegation, the
16 time lag between the 2001 incident and the 2007 report, the
17 camp was now closed, the age of the victim at the time of the
18 report, and the family's desire for privacy."

19 A. Okay, No. 1, we've talked about how a number of
20 those things have been misrepresented, such as the privacy
21 issue.

22 But the tag line is customary. I mean, I don't
23 know, I'd say 50 percent of cases that come forward are
24 current and 50 percent come with a time lag. And it's
25 reported all over the press when you have the whole Catholic

1 church thing. I don't know that there were any current
2 allegations; they all came from, in that case, mostly men who,
3 when they grew up and their lives were a mess, they went "Wow,
4 it really did matter that this was done to me."

5 So there is widespread publicity, both on the
6 Catholic church, and in 2007 the Associated Press did a
7 massive exposé and study in many states across the country
8 and, then it was publicized about how many molesters there are
9 in schools. So this was a big topic of conversation in the
10 educational literature and in the press, so the idea that a
11 time lag makes any difference doesn't hold water. The fact
12 that the camp was closed down, I don't know how that has
13 anything to do with anything. He was abused when he was
14 abused, so what does it matter that it is closed? What's more
15 interesting to me is that the perpetrator is still around this
16 academic year.

17 And the age of the victim at the time of the report,
18 again, it's a non-issue. Otherwise he wouldn't have picked up
19 the phone and called if he didn't want something done. Why
20 would he have picked up the phone and called?

21 Q. The family's desire of privacy?

22 A. We've discussed is that already. They wanted to not
23 be in the gossip column, but other than that they said
24 "Investigate fully, do whatever you need to do." That is the
25 explicit language. In terms of reporting, he says "I'm

1 reporting to you," thinking he was reporting to the right
2 person.

3 Q. On page 31, the final bullet point, you say the
4 "Setting aside the complainant for the moment, policy demands
5 an investigation of other victims on Citadel's own initiative,
6 particularly those still on campus exposed to ReVille,
7 regardless of the supposed wishes of Camper Doe for
8 'privacy.'" What policy are you speaking about there?

9 A. That's in their sexual harassment policy, that they
10 are responsible for an environment free from sexual harassment
11 and abuse. That environment means anybody in it, and that
12 would be the other campers who were there in 2001, 2002 and
13 2003 as well as any cadets who were having any affiliation
14 with the school when ReVille was around and they've got a
15 hostile environment. The conditions were such that people had
16 enough latitude and lack of oversight to perpetrate these
17 behaviors. In other words, people were not implementing the
18 policies, as Rosa himself said, and because of their failure
19 to implement the policies they left this hostile environment
20 unattended, and that's the basis upon which The Citadel had an
21 obligation to determine what's going on here and how many
22 other victims might we have.

23 Q. You say on page 32, paragraph 7, "The Board of
24 Visitors lacked a review procedure and relied on legal
25 counsel. Margolis's report points out that the Board of

1 Visitors didn't ask questions. Again, this strains
2 understanding given most of them had been through the Arpaio
3 litigation quite recently."

4 So what questions would the Board of Visitors have
5 asked?

6 A. "Tell us more about the details here. What is the
7 boy saying has happened?" Are there other campers involved?"

8 "My goodness, we found multiple victims when we
9 looked at Arpaio. Are their multiple victims here?"

10 Those are some of the questions.

11 Q. Anything else?

12 A. Those are some I can think of right now.

13 They are the governing body. They are responsible
14 for knowing what's going on in this institution. The college
15 president is the administrative body, they are the governing
16 body.

17 Q. Is it reasonable for the governing body of an
18 institution to rely on its legal counsel for advice?

19 A. They cannot abdicate their responsibility because
20 some lawyer says "Let's do this as a civil claim." They had
21 fresh experience about the devastation caused which is why
22 these policies and procedures and laws are in place. They
23 don't get to say, "Well, he told me to shoot him." No. In
24 fact, there is material that says that the decisionmakers,
25 whether that be Rosa or the Board itself, they need to review

1 the underlying interviews before they make a decision. They
2 cannot rely on synopsis or no information to make their
3 decisions.

4 Q. The final paragraph states "All mistakes an
5 omissions made in the handling of the ReVille investigation
6 has been laid at the feet of Mark Brandenburg. General Rosa
7 has been held harmless. Margolis says Rosa was 'no match for
8 the lies ReVille told and lived' and 'thought he was getting
9 good advice from Brandenburg' in spite of General Rosa's
10 extensive experience with Title IX compliance prior to coming
11 to Citadel."

12 What is your understanding regarding Skip ReVille's
13 actions after he left The Citadel?

14 A. He kept perpetrating.

15 Q. Was he a good manipulator?

16 A. What?

17 Q. Would you describe him as a good manipulator of
18 other people?

19 A. He's a perpetrator with all the qualities of a
20 perpetrator. He knows how to do his craft, if you will. I
21 apologize for calling it a craft, but he knows what he's doing
22 and he knows how to woo people and he knows how to woo the
23 community. It's part of what a predator does. They groom,
24 they groom and they lull, and they do that not only with the
25 individuals but they do that with the community.

1 Q. In your experience working with sexual abusers,
2 would you believe that Mr. ReVille, for lack of a better word,
3 was very good at being a predator? I don't mean to make light
4 of it, either, but --

5 A. Actually, not, because in his, I don't know,
6 sickness, for lack of a better word, he couldn't keep himself
7 from violating policy. He had those boys in the room, he was
8 plying them with stuff. If he had been a better predator he
9 would not have been violating policy, he would have figured
10 out a way not to get caught. He got caught twice before this
11 time in which he was actually reported.

12 MR. KOVACH: We can end at this point. I know we've
13 hit, probably, about that 40-minute point we talked about
14 earlier.

15 MR. McLEOD: Yeah.

16 BY MR. KOVACH:

17 Q. The only thing I'd ask, Miss McGrath, is the
18 information, the testimony you've given today within your
19 reasonable belief as a professional?

20 A. Yes, it is.

21 MR. KOVACH: Okay.

22 Mullins, at this point I don't have any other
23 questions. I would like to keep it open in case we do have a
24 change in Miss McGrath's report or if there's anything further
25 that needs to be added.

1 MR. McLEOD: Yeah, we can agree to leave it open
2 until, of course, the discovery deadline closes under the
3 federal court scheduling order, okay?

4 MR. KOVACH: Okay.

5 MR. McLEOD: So obviously, if you go back through
6 your notes and you see something you didn't ask or you want to
7 an additional hour or so, just make sure we get it done before
8 the scheduling order expires because I don't think the Judge
9 wants to see that scheduling order extended for any reason.

10 MR. KOVACH: I agree, I agree.

11 MR. McLEOD: Thank you.

12 (The deposition concluded at 2:33 p.m.)

13 --oOo--

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DEPONENT'S DECLARATION

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I, MARY JO McGRATH, hereby declare:

I have read the foregoing deposition transcript and identify it as my own and approve same.

I declare under penalty of perjury under the laws of the State of California that the foregoing testimony is true and correct.

Dated this _____ day of _____, 2014,
at _____, California.

MARY JO McGRATH

1 REPORTER'S CERTIFICATE

2
3 I, MARK McCLURE, CSR NO. 12203, a Certified
4 Shorthand Reporter for the County of Santa Barbara, State of
5 California, do hereby certify:

6 That, prior to being examined, the witness named in
7 the foregoing deposition was by me duly sworn to testify the
8 truth, the whole truth, and nothing but the truth;

9 That said deposition was taken down by me in
10 shorthand at the time and place therein named, and thereafter
11 reduced to typewriting by computer-aided transcription under
12 my direction.

13 I further certify that I am not interested in the
14 event of the action.

15 WITNESS my hand this 19th day of February,
16 2014.

17
18 Mark McClure (sr)

19 Certified Shorthand Reporter in and for the
20 County of Santa Barbara, State of California
21
22
23
24
25

1 specifically recall ever pulling out any manual or
2 code or guideline about sexual assault, sexual
3 conduct or sexual abuse?

4 A. The policies that were in force at the
5 time, as I recall, were on-line, and I may have --
6 I may have pulled them up on-line and looked
7 through them during that time.

8 Q. I understand may have. I'm asking, as
9 you sit here today, do you specifically recall
10 doing that?

11 A. No.

12 Q. And when do you believe would be the
13 first time you talked to General Rosa about these
14 allegations?

15 A. Sometime between April 23rd and, at the
16 latest, it would have been the date of that letter
17 that I sent to the Insurance Reserve Fund.

18 Q. May 16th?

19 A. May 16th. But I feel confident I talked
20 to him sometime in those two weeks, between April
21 23rd and -- graduation would have been -- I see a
22 Tuesday, May 1st, so graduation would have been --
23 Wednesday is the 3rd, Thursday is the 4th, Friday
24 is the 5th. Graduation would have been May 6th
25 that year. I'm sure I would have talked to him

1 Q. That's the allegation?

2 A. That's what Doe alleged, yes.

3 Q. And the IRF knew it May 16th?

4 A. Yes.

5 Q. And you knew it?

6 A. Yes.

7 Q. And General Rosa is cc'd on it, and he
8 should have known it? .

9 A. Yes.

10 Q. Also that -- also alleged that the
11 counselor, ReVille, watched the movies and
12 masturbated as well, right?

13 A. Well, the allegation was the counselor
14 showed them pornographic movies and convinced them
15 to masturbate. The counselor engaged in this
16 activity frequently.

17 Q. Doesn't it say that Doe alleges that the
18 counselor watched the movies and masturbated as
19 well?

20 A. I'm sorry?

21 Q. Doesn't it also say that Doe alleges
22 that the counselor, ReVille, watched the movies
23 and masturbated as well?

24 A. I don't see ReVille's name in here.

25 Q. It doesn't say. It says "counselor."

1 A. The counselor, right.

2 Q. And that is who the counselor is, right?

3 A. I didn't know.

4 Q. On May 16th of 2007?

5 A. From the very beginning, the Does told
6 me somebody by the name of Skip. And so one of
7 the reasons I took the pictures out was to see if
8 they would identify ReVille. And they did, but
9 they never told me his last name. And that was
10 one of the reasons that I had concerns about what
11 they told me.

12 Q. Did you ever tell anybody prior to July
13 1st of 2007 the name Skip ReVille?

14 A. Did I?

15 Q. Yeah.

16 A. I told the Insurance Reserve Fund, and I
17 told General Rosa and likely Colonel Trez and, of
18 course, I asked Jenni and Bill Bates about Skip
19 ReVille and I talked with Skip.

20 Q. Was there any other Citadel summer camp
21 counselor in 2001 or 2002 named Skip?

22 A. Not that I recall.

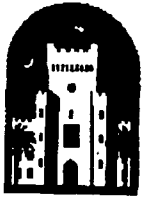
23 Q. Or nicknamed Skip?

24 A. Not that I recall.

25 Q. Then it says in the last paragraph on

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THE CITADEL

THE MILITARY COLLEGE OF SOUTH CAROLINA

Office of the General Counsel

May 16, 2007

E-mail: mark.brandenburg@citadel.edu

David Abromaitis
Claims Manager
Insurance Reserve Fund
1201 Main Street, Suite 500
Columbia, SC 29201

VIA U.S. Mail and E-mail to dabromaitis@irf.sc.gov

Re: Sexual Assault Claim

Dear David:

This letter is to provide additional information in support of our telephone conference of last week. As I said on the phone, The Citadel was recently contacted by [redacted], a graduate of the school, concerning his son, [redacted]. [redacted] was a camper at the now-defunct Citadel Summer Camp for Boys / Citadel Summer Camp. According to Camp records, [redacted] attended the camp from 1999 until 2003, and then served as a counselor-in-training / junior counselor in 2004 and 2005.

I spoke with [redacted] initially, and subsequently with [redacted]. Both allege that during one summer, [redacted] and another camper were coerced by a counselor into the counselor's room, where the counselor showed them pornographic movies and convinced them to masturbate. [redacted] alleges the counselor watched the movies and masturbated as well. Importantly, however, [redacted] specifically said that the counselor never touched him or the other camper. [redacted] does allege that the counselor engaged in this activity frequently, though, and with many other campers. [redacted] only experienced it once.

Based on the information [redacted] has provided, which includes the first name of the counselor (though not the last name) and an allegation that it was that counselor's second year working for the camp, my research indicates this activity could have occurred in 2002. [redacted] would have been fourteen (14) years old at the time. [redacted] is currently nineteen (19) years old. During our conversation, [redacted] admitted that he has never revealed these allegations to anyone. His father verified that statement. However, the father alleges that, prior to this incident, [redacted] was a happy, well-adjusted boy who earned good grades in school while presenting few, if any, disciplinary problems. After the summer of 2002, he claims [redacted] became disruptive, and that his grades plummeted. [redacted] claims they have spent "thousands of dollars" attempting to correct [redacted] behavior, with no success. [redacted] was recently denied admission to The Citadel for membership in the class of 2010.

[redacted] called the school and attempted to inform Lt Gen Rosa, President of The Citadel, of these allegations. Lt Gen Rosa's secretary took the call initially, and I responded on behalf of the president. I have spoken with [redacted] twice and [redacted] once. To my knowledge, no other representative has spoken with either of the [redacted]

CITADEL 0003080

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CONFIDENTIAL
PROTECTIVE ORDER

THE CITADEL 0000234
(FOIA 2011)

EXHIBIT
35
ALL-STATE LEGAL

David Abromaitis
May 16, 2007

Page 2 of 2

..... stated that he wanted the school to know about this incident, and to know that an apparent predator was once affiliated with the school. He suggested that the school take a statement from He also described the trouble that he and his wife have had in raising as outlined above. He did not say that he plans to file some type of claim against the school, but he did not rule out the possibility, either.

As you know, the standard statute of limitations for an injury allegedly suffered by a minor would begin to run on the day the minor turns eighteen (18) and would expire on that individual's nineteenth (19th) birthday. However, in 2001, the South Carolina General Assembly enacted S.C. Code Ann. § 15-3-555, which provides:

An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

(emphasis added). Pursuant to this statute, the limitations period would not begin to run until alized the harm which allegedly resulted from the incidents he claims occurred in 2002. If were to file a lawsuit, we could expect him to argue that he did not reach that realization until the day his father called the school.


At the time I spoke with the, they had not retained counsel. Moreover, was eager that The Citadel "hear" story." As a result, The Citadel believes that someone should meet personally with and his parents, and record a detailed statement of his allegations.

The live in Colorado Springs, Colorado, therefore there will be some expense involved in this effort. As we discussed on the phone, though, I would be happy to undertake this effort, as a special investigator for the IRF. As you know, I handled the pre-suit investigation of the Arpaio-related matters, as well as the majority of the discovery after those cases were filed. I continued to work on those cases once I assumed my role at The Citadel as general counsel. Thus, I already have experience in investigations of this type. I also have extensive knowledge of the camp from this time period, as allegations overlap the period involved in the Arpaio cases. The Citadel recognizes that the IRF's funding of this investigation would be unusual. However, the school believes it would be beneficial to both the IRF and the institution, and the most likely approach to lead to a quick and inexpensive resolution of this claim.

Please let me know if the IRF will support this approach. I will be happy to answer any questions you might have, and to provide any additional information, as you should require.

With best regards, I am,

Yours truly,


Mark C. Brandenburg
General Counsel

MCB:jhs

cc: Lt Gen John W. Rosa, USAF (Retired)

CITADEL 0003081

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THE CITADEL 0000235
(FOIA 2011)

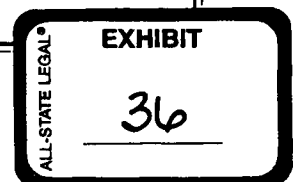
1 these things are done. So, okay, cc him and take
2 a copy down. And I remember having some sort of a
3 conversation with Jennifer about that: Is this
4 what you normally do? And I believe she said,
5 Yes. And I said, Okay.

6 Q. I want to make sure I understand. The
7 May 16, 2007, letter to the IRF in which General
8 Rosa was cc'd, it's your testimony that everything
9 that was contained in that letter, you had already
10 orally told General Rosa? He knew it all?

11 A. No. I don't know -- I can't say that he
12 knew everything in that letter. Number one, I
13 can't remember what all is in that letter as we're
14 sitting right here. But I had had discussions
15 with General Rosa before then, and my recollection
16 -- as I said, I recall thinking, he already knows
17 this. And he knew a lot of the information.

18 Q. So you -- you read the May 16th letter,
19 and you decided he ought to know all of this, but
20 if we want to cc him, that's fine?

21 A. The letter was to the Insurance Reserve
22 Fund, as I recall. And I mean, they said, let's
23 -- as I said, Jennifer put cc down at the bottom,
24 and I thought that's appropriate; he ought to get
25 it.



5/16/07. MB wrote to IRF about potential claim, but no litigation hold in place. Jennifer called Gen. Rosa, which perplexed MB, but he now appreciates it.

MB discussed w/ Philip, ^{and} on 5/18 forwarded IRF fund letter to him

Dawes & Rosa had had discussions w/ MB on [REDACTED] I. b/c Gen'l already knew [REDACTED]

ins firm Abramaitis is claims manager at IRF.

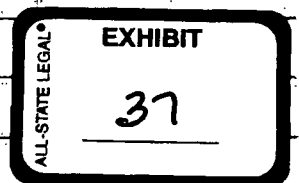
law firm Bob Williamson was Citadel RM, also policy guy, also IRF contact before MB arrived

Rosa Neither MB nor Dawes remembers discussions during this period, but Dawes presumably would be in the loop.

RM No time records, benefit of in-house.

Mark got strep throat, missed graduation.

6/14/07 [REDACTED] was 5 y.o., needed to go to camp, wouldn't MB's evaluation.



G. MARGOLIS

1
2 A. Yeah. They look like -- yes, they
3 look like they were taken by Leslie. These
4 look like something she typed.

5 Q. Is there anything that you see in
6 those notes that appears to be inaccurate for
7 any reason?

8 A. I haven't re-read these notes in
9 more than a year, so I wouldn't have a basis
10 to answer that. They are my notes. They
11 are the notes that we generated.

12 Q. Okay. Isn't it true, Mr. Margolis,
13 that during the interview of President Rosa,
14 he shared with you, and I'm going to
15 paraphrase, that Brandenburg -- that Rosa
16 knew the same thing that Brandenburg knew?
17 Isn't that true?

18 A. Where is that, and I'll answer your
19 question?

20 Q. Well, if you look at 0086. And do
21 you see down towards the last part of the
22 page in your notes, again, it states: "If
23 president stands up and fires attorney,"
24 question, "makes him a scapegoat." And then
25 in bold letters, it says: "Should I go? I



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G. MARGOLIS

1 knew what he knew."

2
3 Those notes indicate President Rosa's
4 response to your question or your firm's
5 question regarding the extent of his
6 knowledge as compared with Mr. Brandenburg;
7 isn't that correct?

8 A. I do recall him making that
9 statement. I actually remember that quite
10 clearly.

11 Q. Okay. And so with regard to the --
12 from a knowledge standpoint, isn't it true
13 that your investigation determined that Rosa
14 had the same knowledge that Brandenburg had?

15 MR. STONEY: Objection.

16 THE WITNESS: No, I wouldn't.
17 Because I remember him making this statement.
18 And I remember the vein in which he was
19 expressing it. And so, therefore, I wouldn't
20 connect it necessarily to your statement just
21 now.

22 Q. All right. Tell me why you
23 wouldn't.

24 A. Well, because I remember this
25 conversation being the president's statement



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1 Q. Okay. If you go to 612?

2 A. 612, okay.

3 Q. All right. This is an e-mail to
4 Eyewitness Doe, right?

5 A. Correct.

6 Q. That's his Citadel e-mail address?

7 A. Correct.

8 Q. Do you have any notes that state you
9 talked to Eyewitness Doe?

10 A. I do not.

11 Q. Did you ever talk to Eyewitness Doe?

12 A. I may have.

13 Q. But you didn't take notes of that?

14 A. I don't have any notes of it.

15 Q. You say you may have. So you don't
16 remember whether you talked to him or not or what
17 he said?

18 A. I have a recollection of talking with a
19 cadet in the hallway immediately outside of the
20 bathroom on the third floor of Bond Hall during
21 this time period. I don't recall who it was.

22 Q. You don't know which of the six that
23 ReVille gave you?

24 A. I do not.

25 Q. Did you send an e-mail to all six?

1 A. The folks that I sent -- that I know I
2 sent e-mails to are reflected in pages 612, 613,
3 614, 615, 616 and 617.

4 Q. Do you think those are the same six
5 names that ReVille gave you --

6 A. No.

7 Q. -- or are these six different names?

8 A. Some of them are the same, and certainly
9 John Doe -- I'm sorry -- Eyewitness Doe A is the
10 same.

11 Q. Let me ask you this --

12 A. That might be the only one.

13 Q. So why -- for instance, 613, that's the
14 kid that ReVille didn't identify, why did you send
15 this kid an e-mail?

16 A. Because what I did was I went and I got
17 the graduation books and -- so I looked up --

18 Q. From the summer camp?

19 A. The summer camp, right. And so I looked
20 up the camper's section for that particular year.
21 I looked -- or, actually, I probably looked --
22 well, I looked in his section, and then I looked
23 around the sections because they're roughly the
24 same age; you would be a group by section by --
25 you know, within three or four months, as I

Mark C. Brandenburg

From: Mark C. Brandenburg
Sent: Tuesday, May 01, 2007 10:49 AM
To: [REDACTED]
Cc: Jennifer M. Hawley Shiel
Subject: Investigation

[REDACTED]

I am the general counsel at The Citadel. In other words, I am the on-staff / in-house lawyer for the college.

I am investigating an incident that involves the school, which supposedly occurred some time ago. At the moment, my investigation leads me to believe that you may have information that will assist me.

I know that you are ending exams, and are preparing to leave for the summer. However, I would like to talk with you before you depart campus. Would you mind giving me a call at 953-5252? You can also reach me on my mobile phone at [REDACTED] If I am not available, please leave a message on when and where I can reach you. Ms. Jennifer Shiel is my assistant. She will be happy to set up a time for us to talk.

Thank you very much for your assistance, in advance. I look forward to hearing from you soon.

With best regards,

/s/ Mark

Mark C. Brandenburg

General Counsel

The Citadel

171 Moultrie Street

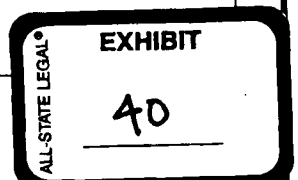
Bond Hall, Room 369

Charleston, SC 29409

mark.brandenburg@citadel.edu

(843) 953-5252

(843) 953-7592 (Fax)



THE CITADEL 0000612
(FOIA 2011)

1 for soliciting prostitution?

2 MR. KOVACH: Objection.

3 A. I do not.

4 Q. When -- I guess you were working at The
5 Citadel within the President's office in April of
6 2007; is that right?

7 A. Yes.

8 Q. And was a report of sexual abuse made to
9 the office of the President?

10 A. Yes.

11 Q. And do you have personal knowledge, from
12 the time the report was made until the time that
13 you left, regarding how the President handled that
14 report of sexual abuse and kind of what happened?

15 A. Yes.

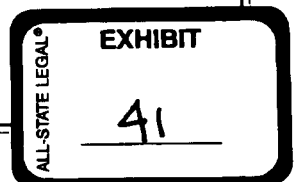
16 Q. From the get-go, was there a concerted
17 effort made to keep the report of sexual abuse
18 within the office of the President?

19 MR. KOVACH: Objection.

20 A. Yes.

21 Q. And when I say within the office of the
22 President, I mean so that no other departments at
23 The Citadel would be made aware of the report of
24 sexual abuse --

25 A. Yes.



1 Q. -- do you understand that?

2 A. Yes.

3 Q. So from the beginning, was it clear to
4 you that President Rosa did not want this report
5 of sexual abuse to be leaked or to get out of the
6 President's office?

7 MR. KOVACH: Objection.

8 A. Yes.

9 Q. And during the time period from when the
10 report was made until the time that you left The
11 Citadel, having lived through it, do you believe
12 there was a conscious effort to cover up or
13 conceal this report of sexual abuse?

14 MR. KOVACH: Objection.

15 A. Yes.

16 Q. And was President Rosa in charge
17 ultimately of making sure that this report was
18 concealed and covered up?

19 MR. KOVACH: Objection.

20 A. In my opinion, yes.

21 Q. Let me ask you this, when the report
22 came in, the school had a Title IX coordinator,
23 right?

24 A. Yes.

25 Q. The report could have gone to the Title

1 BY MR. McLEOD:

2 Q. July 1st, 2007.

3 A. July 1st, 2007. It seems to me there
4 was something else going on. He was going to take
5 a side trip. Why does college basketball come to
6 mind?

7 Q. Well, it's okay if you don't remember
8 specifically.

9 A. No, I don't remember specifically. But
10 there was supposed to be a side trip involved with
11 that. And then he got hung up down there because
12 -- he got hung up somewhere -- stuck because he
13 went with a cheap airline, and his flight ended up
14 getting delayed.

15 Q. Now, during the time period from the
16 initial report of sexual abuse until the time you
17 stopped working at The Citadel, did you form an
18 understanding about whether or not President Rosa
19 and Mr. Brandenburg wanted to protect The Citadel
20 with regard to this report of sexual abuse?

21 MR. KOVACH: Objection.

22 A. Oh, that was understood.

23 Q. And understood that The Citadel's -- was
24 it understood that The Citadel -- that The
25 Citadel's interest would always be paramount and

1 civil matter against The Citadel, did The Citadel
2 just stop doing the disciplinary investigation
3 that they'd typically do?

4 MR. KOVACH: Objection.

5 A. No.

6 Q. So based upon your personal knowledge, a
7 civil matter generally did not have any impact on
8 The Citadel instituting or following its own
9 policies and procedures?

10 A. No.

11 MR. KOVACH: Object.

12 Q. Having worked in the President's office
13 during this time period, was there ever any doubt
14 in your mind that President Rosa wanted this
15 report of sexual abuse to be kept under wraps?

16 MR. KOVACH: Objection.

17 A. No. It was very clear that -- the term
18 that was used about it was "close hold." I mean,
19 only people that needed to know about it were
20 supposed to know about it. That was it.

21 Q. Had you heard that phrase "close hold"
22 used prior to this report of sexual abuse?

23 A. In reference to other matters, yes.

24 Q. Right. And, like, what other matters do
25 you remember "close hold" being the orders from

1 shrimping and do things like that. And, you know,
2 so I know that Mark was a personal friend. But
3 furthermore, I -- you know, General Rosa was not
4 -- the way that he was running The Citadel, there
5 was no way that Mark would have done something on
6 his own without running it past the President
7 first. I mean, nobody would have, not something
8 of that magnitude.

9 Q. Was Mr. Brandenburg deferential to
10 President Rosa?

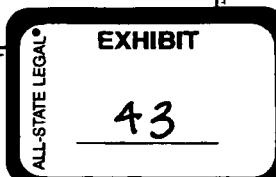
11 A. Absolutely.

12 Q. You said earlier, if President Rosa
13 said, Jump, the answer would be, How high? Did
14 Rosa and Brandenburg have that type of personal
15 interaction, to your knowledge?

16 A. Yes. Even though they were personal
17 friends, Mark was still very nervous about
18 pleasing General Rosa. I mean, he -- he was --
19 you know, he wanted -- if you were in General
20 Rosa's good graces, that was great. But it didn't
21 take hardly anything to get your head taken off.

22 Q. Right.

23 A. And Mark wanted -- I mean, Mark was
24 extremely anxious about making sure that he did
25 not fall out of those good graces.



1 how the critical matter was supposed to be
2 handled?

3 A. Yes.

4 Q. While you worked within the office of
5 the President, did you have occasion to, I guess,
6 gain personal knowledge of the interaction between
7 Mark Brandenburg and President Rosa?

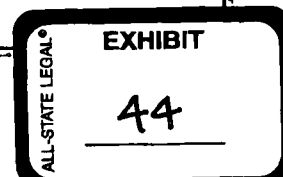
8 A. Yes.

9 Q. The Citadel has basically maintained in
10 this case that Mr. Brandenburg went off on his own
11 with regard to this ReVille matter and kind of
12 left Rosa in the dark. Let me ask you, based upon
13 what you -- your personal knowledge, do you think
14 that's possible?

15 A. No.

16 Q. Share with me the interaction that you
17 observed and you witnessed between Rosa and
18 Brandenburg.

19 A. Well, not only were they professional
20 colleagues, but they were personal friends, you
21 know. Mark and Paul Plunkett, who was employed
22 with The Citadel at one point, would oftentimes go
23 out with the President on weekends or in the
24 evenings down at the President's house down on --
25 and I can't ever remember the island, and go



2007, Joe Trez was the exec
Joe was in a new position at the time

The exec up until recently was handling all of the honor and discipline appeals and was doing staff work; the exec shouldn't be doing that; he should be running the front office, holding all the rings, maintaining the schedule, but bc of a very small staff, he needed to do the staff work

As the Krause center has evolved, they have assumed responsibility

When other college campuses added staff at a 30% rate, we were only growing at an 8% rate

For many years, our staff had not grown and matured in the way it needed

In baseball analogy, I was in the major leagues, and this was a lower division, the staff that I had, and expertise was simply not here

I know it was going to be a change, just didn't appreciate how great a change it would be

I would say that I talk to Mark 3 x a week, not a formal sit down meeting
Board chair also calls him for advice, but I don't think it is as frequent; I am informed

Any of our staff who had interface with our board should let me know

Up until April 2007, I don't believe that I ever talked to the firm, maybe one or two times, but I don't think I did

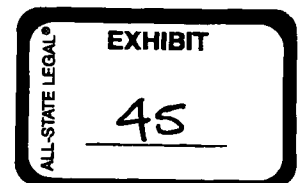
From your observations, were there trappings of that communications btwn Mark and the firm? Occasionally, he said that he spoke to Dawes, but no big cases, so no real need to

Most of Arpaio finished before I came; knew about it; knew that there was a case that the college was settling, but the board did that, not me

My feeling that mark was integral ; he told me that he did most of the interviews, and that the board, billy jenkinson, had assisted on the citadel

Wonderfully unique advantage, came in with fresh eyes
BW and Dawes Cook had been around forever; knew that, but

Now, we turn to dawes all the time; then, we never did
Confidence in Mark has been uneasy, now
Never really heard anybody talk about legal firm back then
Didn't feel any undue influence by Dawes -
He was just an extension
Instead of being downtown, he was here
I had every expectation that he was communicating with the firm



MHA Interviews 0078

File Copy

**The Commandant's
Department**



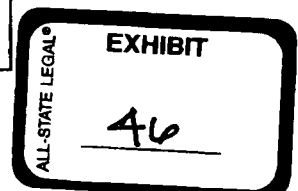
The Citadel Summer Camp

Course of Action/Decision Brief
For LTG Rosa
30 January 2006

Purpose



- The purpose of this brief is to receive Presidential guidance for the planning, preparation, and conduct the 2006 Citadel Summer Camp season.



[REDACTED]

From: John W. Rosa [rosaj2@citadel.edu]
Sent: Wednesday, July 08, 2009 6:28 PM
To: Joseph W. Trez Sr
Cc: John W. Rosa; mark.brandenburg@citadel.edu; Leo A. Mercado
Subject: Re: Citadel beatings et.al.
Attachments: Untitled attachment 235526.txt

Amen

On Jul 8, 2009, at 6:14 PM, "Joseph W. Trez Sr" <trezj@citadel.edu> wrote:

I am confident that Leo will ask his folks the right questions. At this point, no one seems to be able to substantiate any of the allegations. I think best we stay off the net except to monitor.

JT

From: Leo A. Mercado
Sent: Wednesday, July 08, 2009 5:42 PM
To: Joseph W. Trez Sr
Cc: Mark C. Brandenburg; Tom Philipkosky
Subject: RE: Citadel beatings et.al.

Joe,

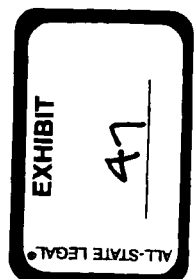
BLUF: The Commandant's Department does not have any record of the alleged incident nor could we locate any additional information that would clarify or substantiate Ms. Romick's comments.

We checked the files and a record or report of the alleged incident does not exist. We also checked barracks reports that would indicate if a fire or similar incident occurred during the timeframe mentioned – we could not locate anything to substantiate Ms. [REDACTED] comments.

I also talked with Mark. We agreed and believe it best to not contact either Mr. [REDACTED] or Ms. [REDACTED]. Mr. [REDACTED] included us as "bcc" addressees to what one can consider

CITADEL 0004745

2/7/2014



private correspondence. Sharing information regarding the two cadets would violate FERPA and not in our best interest. If Ms. [REDACTED] contacts us direct – we can address the issue in a more formal manner.

Bottom line – We'll maintain the message as a reference document but not respond formally until official contact by Ms. [REDACTED].

Your call if you want to forward this to the boss.

R/Leo

From: Joseph W. Trez Sr
Sent: Wednesday, July 08, 2009 11:41 AM
To: Leo A. Mercado
Subject: FW: Citadel beatings et.al.

This is not a test made up for you on day one. None of this sounds familiar to me. Perhaps someone over your way can provide us some insight.

Joe

From: John W. Rosa
Sent: Wednesday, July 08, 2009 10:41 AM
To: Joseph W. Trez Sr; Tom Philipkosky
Cc: Mark C. Brandenburg
Subject: Fwd: Citadel beatings et.al.

I did not read all yet. Thoughts? JR

Begin forwarded message:

2/7/2014

CITADEL 0004746

Resent-From: <rosaj2@citadel.edu>
From: [REDACTED] <[REDACTED]>
Date: July 8, 2009 9:31:57 AM EDT
To: <[REDACTED]>
Subject: RE: Citadel beatings et.al.

Ms. [REDACTED]

Good morning. I hope that you and your family are doing well. I received the email that you forwarded to me. I am not quite sure of the intent for sending me this, so I am going to assume that you discovered my name through the alumni directory of The Citadel (Class of 1989), of Camden Military Academy (Class of 1985), through my efforts on the Citadel Family Association (Mike Company and Florida Rep), or through my efforts as VP of the South Florida Citadel Club. In any event, I have digested your email with an open mind, both as a graduate and as a parent of a current cadet.

I am not aware of the circumstances related to the incidents of your son, [REDACTED], or of the child of [REDACTED]. Your email related rather disturbing events which would be causes of concern, obviously. As I am not privy to details other than what you shared, which would certainly represent only your perspective and not necessarily a more objective analysis of all "sides", I can only offer my feedback on what you have related.

Hazing is not, nor has it been, sanctioned or tolerated in the 24+ years that I have been associated as a cadet, an alumnus, or as a parent. While I cannot deny, much to my sadness and disappointment, that hazing has occurred, I can state, unequivocally that incidents that have been reported have been dealt with swiftly and severely. I have personal knowledge of several such incidents this past school year, and all that were substantiated were dealt with. The offending cadets were punished, suspended, or expelled based upon the gravity of the incident and the related circumstances.

In each case, parents were notified immediately by the administration of the incident. When an alleged assault occurred, the victim and the victim's parents were offered the opportunity to press criminal charges in accordance with SC State Statutes. Again, I know of this first-hand and not through speculation.

I am not blind to unsanctioned abuses that can happen between college students. The Citadel, while we like to hold ourselves to a higher standard, does exist in the real world where real world offenses may happen. What often sets The Citadel apart is the fact that the school, both the senior cadet leadership and the administration, has a zero tolerance policy towards these offenses. You mentioned that your son went to CMA. As I stated before, I also graduated from CMA, and I can tell you that the abuses that I saw at CMA were heads and tails worse than at The Citadel. Not that CMA is a bad place. I love it. I also feel confident that many changes and improvements have taken place there since I graduated and LTC Eric Boland is doing a great job as Headmaster. When I entered The Citadel, as a former cadet officer of CMA, I was

CITADEL 0004747

2/7/2014

teased but never singled out for harassment. Yes, the cadre made it clear that I was no longer an officer of a military school, but a knob like all of my other classmates. This was no different than the experiences of the former class presidents, football captains, and other high school standouts. We, as knobs, were all equal and would not be afforded any deference based upon any former high school statuses.

You indicate that you are a lawyer, so I will appeal to your knowledge of the criminal justice system and civil procedures. Did you or your son file criminal charges against the cadets that you mentioned, which was your right? Were you made aware of what The Citadel determined after their investigation of the alleged incidents? I can only assume that you are a strong advocate of "due process". Why did your son not report this incident to his chain-of-command, to his TAC Officer, or to a member of the school administration, as was drilled into him over and over again throughout his entire tenure at the school? As a lawyer, you should know that polling folks, other than a seated jury, is irrelevant when determining the guilt of an accused or the associated punishment. I would also dare say that the cadet that you mentioned, by name, might have a civil claim for defamation if any of the information that you are sharing with me or others is found to be wantonly malicious and/or reckless.

Again, I do not know the details or the veracity of the facts in either situation that you have relayed. I can assure you that I, as a parent, would never allow my own son, who is very precious to me, to ever be victimized by any types of abuses. I trust that my son is mature enough to understand the difference between a lawful order and an improper one. I also trusted, and continuously reaffirmed, his understanding that any type of abuse is illegal, should not be tolerated, and should be reported immediately, in accordance with the rules and regulations of The Citadel.

I am sorry that The Citadel was not for your son and that you have bitter feelings towards the school. In my 24+ years of association with The Citadel, one thing is clear. The Citadel is not for everyone. I also have become very familiar with the fact that abuses can and will happen, but those are aberrations, not sanctioned by the school or the Corps of Cadets. I continue to believe, not blindly, that The Citadel remains an institution of higher learning with excellent standards and results. Anything less is not tolerated by the cadets, the parents, the alumni, or the State of SC.

I wish you and your son well in your future endeavors. If I can be of more assistance, please feel free to contact me at your convenience. Please understand that I am simply an individual with no official role at The Citadel. Any efforts that I undertake, opinions I offer, or advice I may share are done as an independent person, which cannot, and should not, be construed as to be done with any input, insight, or authorization of The Citadel, the Citadel Family Association, or the South Florida Citadel Club. Thank you for allowing me the opportunity to respond.

Regards,



CITADEL 0004748

2/7/2014

[REDACTED]

[REDACTED]

My Web Page:

[REDACTED]

<image001.jpg>

From: [REDACTED]
Sent: Tuesday, July 07, 2009 7:03 PM
To: [REDACTED]
Subject: FYI RE: Citadel beatings et.al.

Dear Sir:

Although I do not know you, I am sending you a copy of the email that I sent to [REDACTED]

Dear [REDACTED],

I read your message and was shocked, horrified, and saddened by it. My heart goes out to you and your family, particularly your son. Rest assured, no other college permits or condones such criminal behavior. That's why we have penal codes spelling out criminal culpability.

My son left The Citadel in January before the second semester started because of an incident (a great number of incidents as it turned out) that endangered his life. My son is [REDACTED]. We live in Texas. I knew nothing about The Citadel and its penchant for hazing before we sent him there. I am an

CITADEL 0004749

2/7/2014

attorney and naively assumed that The Citadel had to follow the law on hazing just like every other university and college in the United States. Apparently, I was wrong. The incident that my son endured that put the brakes on his being a member of a run-a-muck school is as follows:

██████████, a junior and the supply sergeant for India company, and some of his friends decided to haze my son on this particular occasion when they found him alone in his room. (Obviously, they did that with forethought so that it would be my son's word against theirs.) ██████████ held a can of Axe (the body spray that boy's like) that belonged to one of my son's roommates to ██████████'s head, sprayed it, lit it on fire, and held it to my son's head. Apparently, this was great sport to them. I feel pretty confident that this was not their first time. The can could have exploded sending shrapnel anywhere. My son could have been badly burned and scarred for life. Any number of other scenarios could have played out. These young men laughed like mad at their hazing, and my son stood there at attention and took it.

Since they received no further satisfaction from my son, they lit his bed on fire, which burned through his blue comforter all the way down to his bottom sheet. I have these items in my possession, and they are burned as described. I would be happy to send you pictures of this personal property destruction. Without elaborating, other incidents occurred as well. I found out about this particular incident on December 18, 2008 long after it occurred.

We reported this incident to his TAC officer, the Battalion TAC, and the assistant to Mr. Stone, who was in charge of cadet discipline until he left office this spring. I told them that I expected the cadet, Mr. ██████████, and his friends to lie about the incident. I told them that my son could not come back to this school since they could not ensure his safety and that I would consider Mr. ██████████'s behavior to be an assault or an attempted murder since he used a dangerous instrumentality with wanton disregard to as to what the effect of his using it might entail in his hazing of my son.

Prior to his entrance into The Citadel, my son went to a military school and was an officer in charge of the armory and had the rank of captain at his school. As an officer he never treated those under him with this kind of wanton disrespect. He is an ultra responsible young man, and his only offense, as best as we can determine, was that he went out for the track team and this somehow offended Mr. ██████████ and his thug friends. Or, perhaps, it was the fact that he had gone to CMA and was an officer that irked them. Who knows?

All colleges and universities do not condone the type of behavior that led to your son's horifying experience. My daughter went to The University of

CITADEL 0004750

2/7/2014

Alabama in Tuscaloosa, Alabama, and was a member of a nationally recognized sorority. She was also on the rowing team. All the fraternities and sororities (and other groups on campus, including the rowing team) had to comply with all sorts of rules even though her sorority (both nationally and locally) has never condoned hazing of any sort. If a sorority and a fraternity have to comply with state and federal regulations, then it stands to reason other entities have to do so as well, including ROTC programs such as the ones they have at The Citadel.

I have contacted a number of friends (professors) at various universities and have asked them the same question concerning my son's incident. What would happen at their college if a student did this to another student as a part of a hazing incident? To a person, they said that the person perpetrating such an incident would be expelled. I can't imagine what they would say about your son's grave injury.

If you need me or my son to testify or give depositions or do anything for you, your family, or your son, please do not hesitate to call on me. I am [REDACTED]. My home address is [REDACTED]. My home telephone number is [REDACTED]. My cell telephone number is [REDACTED]. My son's cell telephone number is [REDACTED]. (He will answer after his exam on July 9 - Thursday).

I am sorry that I did not receive your email message sooner. I have breast cancer and almost never check this email. I'm glad I did because I want you to know that even at this late date, you have someone who cares and supports you, your son, and your family in whatever you do. My son's incidents pale in comparison to the outrageous behavior that was directed at your son. You have my heartfelt sympathy and my prayers as your family recovers from this assault.

Sincerely,

[REDACTED]

No virus found in this message.

CITADEL 0004751

2/7/2014

Checked by AVG - www.avg.com
Version: 2013.0.3426 / Virus Database: 3658/6972 - Release Date: 01/03/14
Internal Virus Database is out of date.

Untitled attachment 235526

Amen

On Jul 8, 2009, at 6:14 PM, "Joseph W. Trez Sr" <trezj@citadel.edu> wrote:

I am confident that Leo will ask his folks the right questions. At this point, no one seems to be able to substantiate any of the allegations. I think best we stay off the net except to monitor.

JT

From: Leo A. Mercado
Sent: Wednesday, July 08, 2009 5:42 PM
To: Joseph W. Trez Sr
Cc: Mark C. Brandenburg; Tom Philipkosky
Subject: RE: Citadel beatings et.al.

Joe,

BLUF: The Commandant's Department does not have any record of the alleged incident nor could we locate any additional information that would clarify or substantiate ~~MS. Romick's~~ comments.

We checked the files and a record or report of the alleged incident does not exist. We also checked barracks reports that would indicate if a fire or similar incident occurred during the timeframe mentioned ♦ we could not locate anything to substantiate MS. Romick comments.

I also talked with Mark. We agreed and believe it best to not contact either Mr. Tamburrino or ~~MS. Romick~~. ~~MS. Romick~~ included us as ♦bcc♦ addressees to what one can consider private correspondence. Sharing information regarding the two cadets would violate FERPA and not in our best interest. If ~~MS. Romick~~ contacts us direct ♦ we can address the issue in a more formal manner.

Bottom line ♦ We'll maintain the message as a reference document but not respond formally until official contact by Ms. Romick.

Your call if you want to forward this to the boss.

R/Leo

From: Joseph W. Trez Sr

Page 1

CITADEL 0004753

Untitled attachment 235526

Sent: Wednesday, July 08, 2009 11:41 AM
To: Leo A. Mercado
Subject: FW: Citadel beatings et.al.

This is not a test made up for you on day one. None of this sounds familiar to me. Perhaps someone over your way can provide us some insight.

Joe

From: John W. Rosa
Sent: Wednesday, July 08, 2009 10:41 AM
To: Joseph W. Trez Sr; Tom Philipkosky
Cc: Mark C. Brandenburg
Subject: Fwd: Citadel beatings et.al.

I did not read all yet. Thoughts? JR

Begin forwarded message:

Resent-From: <rosaj2@citadel.edu>
From: "[REDACTED]" <[REDACTED]>
Date: July 8, 2009 9:31:57 AM EDT
To: [REDACTED]
Subject: RE: Citadel beatings et.al.

Ms. Romick-

Good morning. I hope that you and your family are doing well. I received the email that you forwarded to me. I am not quite sure of the intent for sending me this, so I am going to assume that you discovered my name through the alumni directory of The Citadel (Class of 1989), of Camden Military Academy (Class of 1985), through my efforts on the Citadel Family Association (Mike Company and Florida Rep), or through my efforts as VP of the South Florida Citadel Club. In any event, I have digested your email with an open mind, both as a graduate and as a parent of a current cadet.

I am not aware of the circumstances related to the incidents of your son, [REDACTED], or of the child of [REDACTED]. Your email related rather disturbing events which would be causes of concern, obviously. As I am not privy to details other than what you shared, which would certainly represent only your perspective and not necessarily a more objective analysis of all sides, I can only offer my feedback on what you have related.

Hazing is not, nor has it been, sanctioned or tolerated in the 24+ years that I have been associated as a cadet, an alumnus, or as a parent. While I cannot deny, much to my sadness and disappointment, that hazing has occurred, I can state, unequivocally that incidents that have been reported have been dealt with swiftly and severely. I have personal knowledge of several such incidents this past school year, and all that were substantiated were dealt with. The offending cadets were punished,

Page 2

CITADEL 0004754

Untitled attachment 235526

suspended, or expelled based upon the gravity of the incident and the related circumstances.

In each case, parents were notified immediately by the administration of the incident. When an alleged assault occurred, the victim and the victim's parents were offered the opportunity to press criminal charges in accordance with SC State Statutes. Again, I know of this first-hand and not through speculation.

I am not blind to unsanctioned abuses that can happen between college students. The Citadel, while we like to hold ourselves to a higher standard, does exist in the real world where real world offenses may happen. What often sets The Citadel apart is the fact that the school, both the senior cadet leadership and the administration, has a zero tolerance policy towards these offenses. You mentioned that your son went to CMA. As I stated before, I also graduated from CMA, and I can tell you that the abuses that I saw at CMA were heads and tails worse than at The Citadel. Not that CMA is a bad place. I love it. I also feel confident that many changes and improvements have taken place there since I graduated and LTC Eric Boland is doing a great job as Headmaster. When I entered The Citadel, as a former cadet officer of CMA, I was teased but never singled out for harassment. Yes, the cadre made it clear that I was no longer an officer of a military school, but a knob like all of my other classmates. This was no different than the experiences of the former class presidents, football captains, and other high school standouts. We, as knobs, were all equal and would not be afforded any deference based upon any former high school statuses.

You indicate that you are a lawyer, so I will appeal to your knowledge of the criminal justice system and civil procedures. Did you or your son file criminal charges against the cadets that you mentioned, which was your right? Were you made aware of what The Citadel determined after their investigation of the alleged incidents? I can only assume that you are a strong advocate of **due process**. Why did your son not report this incident to his chain-of-command, to his TAC Officer, or to a member of the school administration, as was drilled into him over and over again throughout his entire tenure at the school? As a lawyer, you should know that polling folks, other than a seated jury, is irrelevant when determining the guilt of an accused or the associated punishment. I would also dare say that the cadet that you mentioned, by name, might have a civil claim for defamation if any of the information that you are sharing with me or others is found to be wantonly malicious and/or reckless.

Again, I do not know the details or the veracity of the facts in either situation that you have relayed. I can assure you that I, as a parent, would never allow my own son, who is very precious to me, to ever be victimized by any types of abuses. I trust that my son is mature enough to understand the difference between a lawful order and an improper one. I also trusted, and continuously reaffirmed, his understanding that any type of abuse is illegal, should not be tolerated, and should be reported immediately, in accordance with the rules and regulations of The Citadel.

I am sorry that The Citadel was not for your son and that you have bitter feelings towards the school. In my 24+ years of association with The Citadel, one thing is clear: The Citadel is not for everyone. I also have become very familiar with the fact that abuses can and will happen, but those are aberrations, not sanctioned by the school or the Corps of Cadets. I continue to believe, not blindly, that The

Page 3

CITADEL 0004755

Untitled attachment 235526

Citadel remains an institution of higher learning with excellent standards and results. Anything less is not tolerated by the cadets, the parents, the alumni, or the State of SC.

I wish you and your son well in your future endeavors. If I can be of more assistance, please feel free to contact me at your convenience. Please understand that I am simply an individual with no official role at The Citadel. Any efforts that I undertake, opinions I offer, or advice I may share are done as an independent person, which cannot, and should not, be construed as to be done with any input, insight, or authorization of The Citadel, the Citadel Family Association, or the South Florida Citadel Club. Thank you for allowing me the opportunity to respond.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

My Web Page:

[REDACTED]

<image001.jpg>

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, July 07, 2009 7:03 PM
To: [REDACTED]
Subject: FYI RE: Citadel beatings et.al.

Dear sir:

Although I do not know you, I am sending you a copy of the email that I sent to [REDACTED].

Dear [REDACTED],

I read your message and was shocked, horrified, and saddened by it. My heart goes out to you and your family, particularly your son. Rest assured, no other college permits or condones such criminal behavior. That's why we have penal codes spelling out criminal culpability.

Page 4

CITADEL 0004756

My son left The Citadel in January before the second semester started because of an incident (a great number of incidents as it turned out) that endangered his life. My son is [REDACTED]. We live in Texas. I knew nothing about The Citadel and its penchant for hazing before we sent him there. I am an attorney and naively assumed that The Citadel had to follow the law on hazing just like every other university and college in the United States. Apparently, I was wrong. The incident that my son endured that put the brakes on his being a member of a run-a-muck school is as follows:

[REDACTED], a junior and the supply sergeant for India company, and some of his friends decided to haze my son on this particular occasion when they found him alone in his room. (Obviously, they did that with forethought so that it would be my son's word against theirs.) Ryan held a can of Axe (the body spray that boy's like) that belonged to one of my son's roommates to [REDACTED] head, sprayed it, lit it on fire, and held it to my son's head. Apparently, this was great sport to them. I feel pretty confident that this was not their first time. The can could have exploded sending shrapnel anywhere. My son could have been badly burned and scarred for life. Any number of other scenarios could have played out. These young men laughed like mad at their hazing, and my son stood there at attention and took it.

Since they received no further satisfaction from my son, they lit his bed on fire, which burned through his blue comforter all the way down to his bottom sheet. I have these items in my possession, and they are burned as described. I would be happy to send you pictures of this personal property destruction. Without elaborating, other incidents occurred as well. I found out about this particular incident on December 18, 2008 long after it occurred.

We reported this incident to his TAC officer, the Battalion TAC, and the assistant to Mr. Stone, who was in charge of cadet discipline until he left office this spring. I told them that I expected the cadet, Mr. [REDACTED], and his friends to lie about the incident. I told them that my son could not come back to this school since they could not ensure his safety and that I would consider Mr. [REDACTED] behavior to be an assault or an attempted murder since he used a dangerous instrumentality with wanton disregard to as to what the effect of his using it might entail in his hazing of my son.

Prior to his entrance into The Citadel, my son went to a military school and was an officer in charge of the armory and had the rank of captain at his school. As an officer he never treated those under him with this kind of wanton disrespect. He is an ultra responsible young man, and his only offense, as best as we can determine, was that he went out for the track team and this somehow offended Mr. [REDACTED] and his thug friends. Or, perhaps, it was the fact that he had gone to CMA and was an officer that irked them. Who knows?

All colleges and universities do not condone the type of behavior that led to your son's horifying experience. My daughter went to The University of Alabama in Tuscaloosa, Alabama, and was a member of a nationally recognized sorority. She was also on the rowing team. All the fraternities and sororities (and other groups on campus, including the rowing team) had to comply with all sorts of rules even though her sorority (both nationally and locally) has never condoned hazing of any sort. If a sorority and a fraternity have to comply with state and federal regulations, then it stands to reason other entities have to do so as well, including ROTC programs such as the ones they have at The Citadel.

Page 5

CITADEL 0004757

Untitled attachment 235526

I have contacted a number of friends (professors) at various universities and have asked them the same question concerning my son's incident. What would happen at their college if a student did this to another student as a part of a hazing incident? To a person, they said that the person perpetrating such an incident would be expelled. I can't imagine what they would say about your son's grave injury.

If you need me or my son to testify or give depositions or do anything for you, your family, or your son, please do not hesitate to call on me. I am [REDACTED]. My home address is [REDACTED]. My home telephone number is [REDACTED]. My cell telephone number is [REDACTED]. My son's cell telephone number is [REDACTED]. (He will answer after his exam on July 9 - Thursday).

I am sorry that I did not receive your email message sooner. I have breast cancer and almost never check this email. I'm glad I did because I want you to know that even at this late date, you have someone who cares and supports you, your son, and your family in whatever you do. My son's incidents pale in comparison to the outrageous behavior that was directed at your son. You have my heartfelt sympathy and my prayers as your family recovers from this assault.

Sincerely,
[REDACTED]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

JOHN DOE 2,)	CIVIL ACTION NO.
)	2:12-CV-00794-RMG
Plaintiff,)	
)	
vs.)	
)	
PRESIDENT JOHN W. ROSA,)	
)	
Defendant.)	

* * * * *

DEPOSITION OF: COLONEL JOSEPH W. TREZ

DATE TAKEN: Wednesday, April 10, 2013

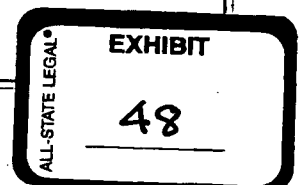
TIME: 2:00 p.m.

PLACE: McLeod Law Group, LLC
134 Meeting Street
Charleston, South Carolina

REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

* * * * *

POST OFFICE BOX 21784
CHARLESTON, SOUTH CAROLINA 29413-1784



CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com

1 A P P E A R A N C E S

2 REPRESENTING THE PLAINTIFF:

3 W. MULLINS MCLEOD, JR., ESQUIRE
4 McLeod Law Group
5 134 Meeting Street, Suite 160
6 Charleston, South Carolina 29401
7 Mullins@mcleod-lawgroup.com

8 JULIE MOORE, ESQUIRE
9 McLeod Law Group
10 134 Meeting Street, Suite 160
11 Charleston, South Carolina 29401
12 Julie@mcleod-lawgroup.com

13 REPRESENTING THE DEFENDANT:

14 M. DAWES COOKE, JR., ESQUIRE
15 Barnwell, Whaley, Patterson & Helms
16 288 Meeting Street, Suite 200
17 Charleston, South Carolina 29401
18 Dcooke@barnwell-whaley.com

19
20
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25

1 criminal law is concerned, you're charged with the
2 law that applies at the time the acts happened?

3 A. I understand that.

4 Q. And Skip ReVille was charged with lewd
5 acts on a minor; you're aware of that?

6 A. I am now aware of that.

7 Q. It doesn't really matter whether the
8 victim is now of age or not; the criminal act was
9 done to a minor?

10 MR. COOKE: Objection to the form of the
11 question.

12 Q. Would you agree with that?

13 A. What am I agreeing to?

14 Q. Let me ask you to read this. This is
15 Section 16-15-345, which is ultimately one of the
16 violations that ReVille is now in prison for. And
17 I'll just ask you to read that.

18 A. Do you need to use the exhibit?

19 Q. Just read it into the record.

20 A. "Disseminating obscene material to
21 person under age 18 prohibited; penalties. An
22 individual 18 years of age or older who knowingly
23 disseminates to a person under the age of 18 years
24 material, which he knows or reasonably should know
25 to be obscene within the meaning of Section

1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
 2 COUNTY OF CHARLESTON) CASE NO. 12-CP-10-1859
 3
 4 Mother Doe 2, on behalf of John)
 Doe 3,)
)
 5 Plaintiff,)
)
 6 vs.)
)
 7 The Citadel,)
)
 8 Defendant.)
)

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* * * * *

VIDEOTAPED
 DEPOSITION OF: GENERAL JOHN W. ROSA - VOL. I
 DATE TAKEN: Monday, July 29, 2013
 TIME: 10:00 a.m.
 PLACE: 321 East Bay Street
 Charleston, SC
 REPORTED BY: TERI L. SAMPSON, RPR,
 Notary Public and Certified
 Live Note Reporter

* * * * *

POST OFFICE BOX 21784
 CHARLESTON, SOUTH CAROLINA 29413-1784

Carolina Reporting (843) 832-0801
 www.carolina-reporting.com

1 agree with me that Mark Brandenburg knew or should have
2 known that he was dealing with a pedophile at that
3 time?

4 A I'm not sure what he knew. I can't speak for
5 Mark, but if he knew all of that information, clearly
6 it appears that he should have.

7 Q Okay. And when this -- you would agree with
8 me that when that -- when those allegations come in to
9 Mark Brandenburg and he knows all of that, isn't there
10 a current -- and -- and -- and Skip ReVille is on
11 campus, the next day when he tries to find ReVille,
12 he's on The Citadel campus, wouldn't you agree that if
13 that person who has been accused of being a pedophile
14 is on The Citadel campus, that that's a current threat
15 to not only The Citadel, but the public at large?

16 A Possibly, but I don't think that's the way
17 they looked at -- that's not the way that it was
18 interpreted. It was looked at as a five-year-old
19 incident.

20 Q Uh-huh (affirmative).

21 A Whether that's right or wrong, I believe
22 that's the way it was looked at.

23 Q And I understand you're saying that's the way
24 it's interpreted. But the -- I mean, the fact of the
25 matter is when the allegation came in, it was a current

1 Q. All right. All right. Well, if you we
2 look at Jenni Garrott --

3 A. Okay.

4 Q. -- why would you have wanted to talk to
5 her?

6 A. Because she was the -- either the
7 director or the deputy director at this time.

8 Q. And on June 20- -- I'm sorry -- on April
9 --

10 A. April.

11 Q. -- 24th of '04, she tells you and you
12 put an asterisk by, Skip was asked to leave
13 Pinewood Prep.

14 A. Right.

15 Q. And, Knowing look (inaudible) --

16 THE COURT REPORTER: I'm sorry?

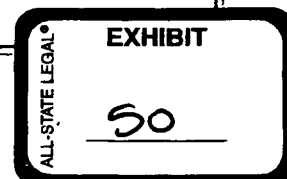
17 Q. Let me go back and ask that question.
18 You have an asterisk by the statement that, Skip
19 was asked to leave Pinewood Prep. And you have
20 "knowing look" in all caps and you've underlined
21 it, right?

22 A. Everything is in all caps.

23 Q. You've underlined "knowing look," right?

24 A. Yes.

25 Q. Did you ask her about the "knowing



1 look"?

2 A. I assume I did.

3 Q. Well, what does that mean, Skip was
4 asked to leave Pinewood Prep. Knowing look?

5 A. I think that what that -- I think that
6 what that means is she looked at me like, Oh
7 goodness, could this be another Arpaio case?
8 Which, of course, is exactly what we were worried
9 about.

10 Q. Did you call Pinewood Prep?

11 A. I may have.

12 Q. Would there be a record of that on your
13 cell phone records that you produced in Margolis?

14 A. If I used my cell phone, there might be.

15 Q. Does Margolis also have your interoffice
16 phone --

17 A. I don't know.

18 Q. -- records?

19 A. I don't know. I don't know that they
20 record everybody I called.

21 Q. Would it be a good idea to call Pinewood
22 Prep if Jenni Garrott gave you a knowing look that
23 he was asked to leave?

24 A. Yeah.

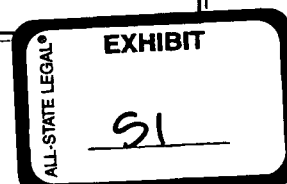
25 Q. Wouldn't you want to know why he was

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1 say didn't happen? I guess I can answer it like
2 this: Colonel Trez was down on the first floor at
3 the time. He was the Executive Assistant. He was
4 the individual that I had worked with most closely
5 throughout the time that I was at Barnwell,
6 Whaley. He and I worked together most closely on
7 the Arpaio cases, and he attended most of the
8 depositions and most of the interviews that we did
9 in the litigation of those cases. When I joined
10 the staff, there were plenty of times where he
11 would call me and say, We've got this meeting
12 about to happen. I think you ought to be involved
13 in it. Come on down. Or he would grab me out of
14 the hall, if I happened to be on the hall as he
15 was walking to it, and I did the reverse. If I
16 was walking to a meeting and thought he would be
17 beneficial to be involved, I would ask him to come
18 and be involved. And, you know, so particularly,
19 I suppose, based on that lengthy experience during
20 the Arpaio cases, where he sat with me on -- or we
21 sat together with witness interviews, and I very
22 easily could have said to him, Come with me while
23 I talk to this person.

24 Q. It wouldn't surprise you if Trez were in
25 a meeting?



Open Questions 9/8/2012 11:14 PM

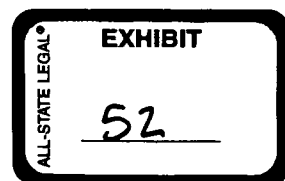
Question Text Assigned To + Answer Status Answer

complaints of this nature? * * * * *

We need to have in depth Interview(s) with Mark Brandenburg. He is probably the key player in this matter and undoubtedly the most knowledgeable. He is also likely to be the most uncooperative since he has a lot at stake. His interview will have to be very carefully prepared for and we should have all the information we can get before having a substantive discussion with him. . (Assuming that Brandenburg and possibly others will want their attorneys present during interviews what is the Special Counsel's policy? Can potential interviewees decline to be interviewed if they are current Citadel or state employees?)

Unaddressed

We will want to interview Gen. Rosa to gain an understanding of how his experiences at the Air Force Academy informed his approach to possible sexual abuse at the Citadel and how he reacted to the receipt of the 2007 allegation. To what degree was he included in any discussion of how to proceed? Was he okay with the decision to close the case without a report to civil authorities, even though Brandenburg found the complainant to be credible? Also, what if any steps did he take after coming to the Citadel to address the issue of potential sexual misconduct involving members of the general cadet corps? And was it Gen Rosa who approved the \$3.8 million settlement? Was it his decision to shut down the summer camp program? If so, why? Were there additional complaints of sexual abuse associated with the camp program of which we are not aware? This is a key interview because it is understood that Brandenburg reported directly to him. If so, he is as culpable as Brandenburg.



Unaddressed

We should probably interview officials at Pinewood Prep (Glyn Cowlshaw) and Coastal Christian. The goal here would be to determine if there was any contact between these schools and The Citadel regarding ReVile. After all, one would think that before hiring ReVile as a tutor in 2006, his references should have been checked. If they had been, The Citadel may have learned that ReVile had been fired in 2006 by Pinewood after a series of troubling situations suggesting inappropriate behavior with students. Even if The Citadel went ahead with the hire, this information would probably set all the alarms sounding when the 2007 allegation came in.

Unaddressed

We will need to interview Jennie Garrott, Bill Bates, John Lackey, and Unaddressed

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STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
)
 MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
)
 JOHN DOE CAMPER,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
)
 JOHN DOE 2,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

VOLUME II VIDEOTAPED DEPOSITION OF:
 JENNIFER CLAIRE GARROTT



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STATE OF SOUTH CAROLINA)	THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CASE NO. 2012-CP-10-1859
)	
MOTHER DOE 2, ON BEHALF)	
OF JOHN DOE 3,)	
)	
Plaintiff,)	
)	
vs.)	
)	
THE CITADEL,)	
)	
Defendant.)	

VOLUME II VIDEOTAPED
DEPOSITION OF: JENNIFER CLAIRE GARROTT
DATE TAKEN: Wednesday, August 28, 2013
TIME: 1:09 p.m.
PLACE: Pierce Hems Sloan & Wilson
321 East Bay Street
Charleston, South Carolina
REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

* * * * *

POST OFFICE BOX 21784
CHARLESTON, SOUTH CAROLINA 29413-1784

1 Q. Okay. And down at the bottom of the
2 Counselor Code of Conduct, it says, Violation of
3 these rules will subject you to termination and
4 dismissal, correct?

5 A. Correct.

6 Q. Why wasn't Skip ReVille fired for
7 violating the rules in 2003?

8 A. Well, again, I thought --

9 Q. No, no. My question was --

10 A. -- if the door was open --

11 Q. -- why wasn't --

12 MR. STONEY: Let her answer the
13 question.

14 Q. Why wasn't he fired?

15 A. Because --

16 Q. Let me ask you this first -- strike the
17 question. Shouldn't Skip ReVille have been fired
18 for breaking the rules in 2003 when you walked in
19 that room and saw Camper Doe 6 and Skip ReVille in
20 the room by themselves?

21 A. At the time I thought it was a lapse in
22 judgment, and I did not think that it was a
23 violation of that. I -- you know, in that
24 position a lot of people go to him and I -- yes,
25 sir, I was very mad.

1 Q. He claims he told you and Bill Bates in
2 2002 a lot of people go to him and give him
3 information. My question is simple, it was a
4 violation of the Code of Conduct and The Citadel
5 policy regarding the camp for him to be in that
6 room with Camper Doe 6 by himself?

7 A. Yes.

8 Q. And he should have been fired?

9 A. Yes.

10 Q. And if he had been fired, Camper Doe 6
11 would not have been molested later by Skip
12 ReVille, correct?

13 A. Yes.

14 MR. STONEY: Objection.

15 Q. Okay. This is the training for 2003,
16 Citadel Box No. 295-0059 through 00106. And this
17 was a file folder found in The Citadel camper
18 boxes. 0060 has the Pre-Camp Training Session.
19 Let's move on to 0066. It's the Administrative
20 Structure for The Citadel Summer Camp. Do you see
21 that?

22 A. Yes, sir.

23 Q. And it has directors. That would be you
24 as the director of the camp in 2003 and your
25 deputy director?

1 Q. -- or as a counselor?

2 A. Yes.

3 Q. And I believe two of his siblings also
4 attended the camp?

5 A. Correct.

6 Q. Okay. And so you knew that the purpose
7 of this meeting with Mr. Brandenburg was to
8 discuss Skip ReVille and the allegations of child
9 molestation that had been made against him?

10 A. Correct.

11 Q. And you told Mr. Brandenburg of the
12 incident in 2003 when you caught Skip ReVille in
13 the room with Camper Doe 6, rubbing the Icy Hot on
14 his leg?

15 A. Correct.

16 Q. You also told Mr. Brandenburg that Skip
17 ReVille had been let go from Pinewood Prep,
18 correct?

19 A. Apparently.

20 Q. How did you know that Skip ReVille had
21 been discharged, terminated, fired, whatever you
22 want to call it, from Pinewood Prep?

23 A. I can't remember that. I don't know if
24 it was -- and I don't know that they said he --
25 because I don't know if he was -- I didn't know

1 was going to Skip ReVille's room for any
2 inappropriate activity with Mr. ReVille?

3 A. No.

4 Q. Wasn't it a violation of camp policy not
5 to write up a serious violation that Mr. ReVille
6 performed being in the room with a minor by
7 himself?

8 A. Was it -- can you repeat that?

9 Q. Let me ask you this, Skip ReVille broke
10 the rules, correct, by having Camper Doe 6 in his
11 room by himself?

12 A. Oh, broke the rules?

13 Q. Yeah, broke the rules.

14 A. Yes.

15 Q. And the Counselor Code of Conduct says
16 that minors are not supposed to be in the room
17 with a staff member, correct?

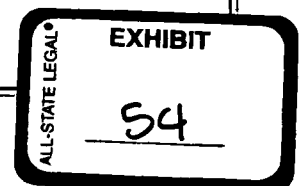
18 A. With the door closed.

19 Q. I don't think it says that. It says --

20 A. Well, I guess that's where I thought it
21 was a lapse of judgment because --

22 Q. 2003, it says that, Campers and
23 counselors are not to be in a room alone. It
24 doesn't say anything about a door, correct?

25 A. I recall -- yes.



1 Q. Okay. And down at the bottom of the
2 Counselor Code of Conduct, it says, Violation of
3 these rules will subject you to termination and
4 dismissal, correct?

5 A. Correct.

6 Q. Why wasn't Skip ReVille fired for
7 violating the rules in 2003?

8 A. Well, again, I thought --

9 Q. No, no. My question was --

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24 position a lot of people go to him and I -- yes,
25 sir, I was very mad.

1 STATE OF SOUTH CAROLINA THE COURT OF COMMON PLEAS

2 COUNTY OF CHARLESTON

3 - - - - - x

4 MOTHER DOE A, :

5 Plaintiff, :

6 vs. : CASE NO. 2011-CP-10-9200

7 THE CITADEL, :

8 Defendant. :

9 - - - - - :

10 JOHN DOE CAMPER, :

11 Plaintiff, :

12 v. : CASE NO. 2012-CP-10-1860

13 THE CITADEL, :

14 Defendant. :

15 - - - - - :

16 JOHN DOE 2, :

17 Plaintiff, :

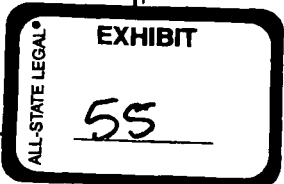
18 vs. : CASE NO. 2012-CP-10-1858

19 THE CITADEL, :

20 Defendant. :

21 - - - - - x

22 DEPOSITION OF: ANN H. FRANKE (VOLUME 1)



1 approach that.

2 I'm less --

3 Q Do you think Skip ReVille -- excuse me.

4 A I'm --

5 Q Do you think Skip ReVille continued to
6 groom his victims by means of electronic
7 communication after the summer camp was over?

8 MR. BOWERS: I object to the form.

9 THE WITNESS: That's a fact about which I
10 don't have a recollection.

11 MR. HERNS: Okay.

12 BY MR. HERNS:

13 Q Let's move -- skip the next page and go
14 to the one: "Enforce the Rules."

15 And you have down there, "Impose real
16 consequences for rule violations." What do you mean
17 by that?

18 A I mean that even small infractions need
19 to be treated seriously in effective youth-serving
20 organizations.

21 For example, if a lifeguard does babysit,
22 in violation of a YMCA rule against contact outside

1 of the program, there needs to be serious
2 consequences visited on that lifeguard even if it was
3 an innocent, nonthreatening situation, because it can
4 show a lack of reliability, a lack of rule observance
5 by that individual.

6 Often this feels to administrators like
7 harsh consequences, but my advice is that there need
8 to be serious consequences for rule violations.

9 Q If an adult senior staff of your camp
10 staff is in a room rubbing Icy Hot on a minor male,
11 in violation of camp policies and camp rules, and
12 your code of conduct indicates that you will be
13 terminated for violating the camp policies, when
14 Jenni Garrott walked in on Skip ReVille rubbing Icy
15 Hot on the leg of Camper Doe 6, Jenni Garrott should
16 have fired him and written him up and put it in his
17 employment file; is that correct?

18 MR. BOWERS: I object to the form.

19 THE WITNESS: I would say so absent
20 extenuating circumstances. That does not sound to me
21 like an emergency medical situation.

22 That type, an emergency medical

1 situation, might justify some brief departure from a
2 policy. I would not call a sore muscle, for example,
3 to be a medical emergency.

4 Q So, Skip ReVille should have been fired
5 by Jenni Garrott and a writeup in his employment file
6 that he was violating the rules should have been
7 placed in his employment file. Correct?

8 MR. BOWERS: I object to the form.

9 THE WITNESS: That would have been an
10 optimal approach, particularly, as hindsight shows
11 us.

12 BY MR. HERNS:

13 Q And pursuant to the policy of the camp,
14 the required action that should have been taken?

15 MR. BOWERS: I object to the form.

16 THE WITNESS: Enforcement of policies is
17 appropriate for institutions. In the area of child
18 protection, strict enforcement is particularly
19 important.

20 BY MR. HERNS:

21 Q Because why have a policy, if you're not
22 going to follow it and enforce it, right? I mean,

Pierce, Nicole
Possible rehire—lazy attitude toward camp, not dependable during activities but when told responds well

Plummer, Cullen
Possible rehire—lazy attitude, mind on other matters and not on camp duties but overall okay

Poston, Chris
Do not rehire—been here too damn long, but will forever remain "BIG DADDY"

Poston, Keith
Definite rehire—lazy attitude but overall good

Reid, Hunter
Definite rehire—great HSC, director of operations material

Revile, Skip
Definite rehire—senior counselor material if learns to distance himself from campers, works well with younger kids

Sarr, Olivier

Seaman, Russ
Definite rehire—immature but gets job done, learn to take things less personal

Shepard, Jason
Definite rehire—good HSC, needs to work on communication skills and tactfulness, too intense at times

Smith, Nick
Possible rehire—needs to take job more serious, possible good counselor

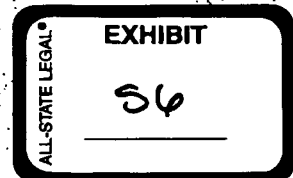
Taylor, Travis
Definite rehire—very dependable

Todd, David
Definite rehire—will be a good counselor, need to distinguish between counselor and camper

Turner, Brent
Definite rehire—senior counselor material, very conscientious

Tyson, Carl
Definite rehire—good counselor, needs to mature

Viteri, Jose



CITADEL Box 443-B - 00284
(PHSW Tagged Doc's)

(Attach Photo Here)



The Citadel Summer Camp Employment Application

Staff / Counselor / Junior Counselor /
Counselor-in-Training

(Office use only - Do not write in this space)

Name: Louis Skip Reville Age: 23 Class / Company (Cadets Only): _____

~~Home~~ Address: 400 Beaufort Street Phone #: 367-4883

Home Address: Summerville SC 29483 Phone #: (Same)

E-mail Address: Oldmanreville@aol.com

INSTRUCTIONS: Complete all parts of: (1) The Citadel Student Employment Application; (2) Application Data Record; and (3) Summer Camp Employee Application. Attach a recent photo or snapshot. Return all three forms to the Camp Office, at which time an interview will be scheduled.

Mailing Address: The Citadel Summer Camp
MSC 53 - The Citadel
Charleston, SC 29409
FAX: (843) 953-6803

SUMMER CAMP EXPERIENCE:

- Have you been a camper or worked at any summer camp? Yes No Name of Camp: Here
- Have you ever been a camper or worked at The Citadel Summer Camp? Yes No Years as camper _____
 Mark Clark Award winner? _____ Year(s)? _____ Sr. Counselor Award winner? _____ Year(s)? _____
 Years as counselor 2 Positions held CCO, Sr. Counselor
- Special qualifications to serve as counselor: 5'11", brown hair, brown eyes;
athletic; can cook, recite poetry, dance;
enjoys walks on the beach

VARSITY ATHLETIC EXPERIENCE:

High School: _____

College: _____

PRIMARY ACTIVITIES: (Sports Skills / Interests) - Counselors instruct campers in 2 or 3 of the following sports activities. Circle your skill level for each activity: C = Competitive, R = Recreational, or U = Unskilled. Rank each activity, from 1 (highest) to 12 (lowest), according to your preference:

Sport	Skill	Rank	Sport	Skill	Rank
Basketball	C R U	_____	Soccer	C R U	_____
Racquetball	C R U	_____	Swimming	C R U	_____
Softball	C R U	_____	Team Handball	C R U	_____
Flag Football	C R U	_____	Tennis	C R U	_____
Wrestling	C R U	_____	Volleyball	C R U	_____
Sailing/Canoeing	C R U	_____	Air Rifle Marksmanship	C R U	_____

ALL-STATE LEGAL
EXHIBIT
57

CITADEL 00041
(RFP #1)

1 and he was right over there at the writing lab on
2 campus, right?

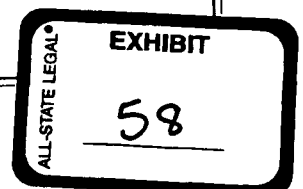
3 A. It's possible.

4 Q. And he walked on over to Bond Hall and
5 sat down with you?

6 A. He could have, yes.

7 Q. Did you ask him if he was employed at
8 The Citadel?

9 A. I don't know if I did or not. Again,
10 from my notes with Jessica Mixon, and somehow it
11 seems I knew that he was -- you know, I found out
12 that he was working at the Writing Center. And I
13 -- I have a recollection of -- I eat in the
14 canteen that's at The Citadel -- I eat lunch
15 frequently there. And ReVille looks like a fellow
16 that was a student in my dorm when I was in law
17 school. And I remember seeing this individual
18 come in periodically, and the first time he came
19 in, I thought, why is -- and this fellow's name
20 was George, I think. I looked over and I thought,
21 why is George eating in the canteen at The
22 Citadel? Because this kid was from New York or
23 some place, as I recall. And as I recall, it
24 turned out to be ReVille. And so either as a
25 result of that event or whatever else, at some



1 point, I became aware that he was working at the
2 Writing Center -- again, what I would call the
3 Writing Center.

4 Q. As far as you knew on April 24th, 2007,
5 based on where you found ReVille, you thought he
6 was working at The Citadel, right?

7 A. I think -- my understanding was he was a
8 tutor for the academic year 2006 to 2007.

9 Q. Okay. And he told you he was looking
10 for a full-time job at The Citadel with Barton and
11 Wirt?

12 A. Barton or Wirt.

13 Q. Okay. What does Barton do? Is that
14 different than the initiative you told me about?

15 A. Yes.

16 Q. What does she do?

17 A. Colonel Barton is the assistant
18 commandant for logistics. I can't remember. She
19 works in the commandant's department. I can't
20 remember what her exact -- what her exact title is
21 now or was then.

22 Q. All right. And then your next notes are
23 when?

24 A. What I have chronologically -- I'm
25 sorry. Do you want notes or just what happened

Counselor in Charge of Quarters - CQ - Skip

Shut guys -
Duck butts

Skip says he met w/ MB in person on 4/24/07
Skip graduated '02, Delta
MB told S Renville on 4/24 about [redacted] allegations

Airpao "walked on water" according to adults.
Airpao's friends said A. knew how to
"snow" people

MB had no experience in investigating
sexual assault except for discovery in Airpao
↓
w/ interviews, deposition

MB is "sure" he had conversation w/ Pres &
Joe Tray on who should conduct the
investigation. Pres would have consented.
MB felt he had full authority.

Citadel would benefit from atty-client priv.

No impulse to contact C. police b/c:

6 years later

camp no longer existed

Skip was employed by C. at
that point w/o contact w/ kids

No value in using C. police

W/ a contemporaneous complaint then,
campus public safety would have investigated

1 A. The only thing I have is what I think
2 you all have, and it's about three pages of notes
3 that have a name at the top, April 24th, and
4 telephone conference with Skip ReVille. Those are
5 -- that's all of the record that I have.

6 Q. And you've got a name (sic) for Jessica
7 Mixon, who is in the Writing Center, and then you
8 have Skip's cell phone number, right?

9 A. No. I have on -- I have -- the number
10 that I have for Jessica Mixon is a cell phone for
11 -- it looks like the Columbia area, and another
12 number which I don't know; it may be a local
13 telephone number here.

14 Q. Did Skip ReVille have a Citadel e-mail
15 address on April 23rd, 2007?

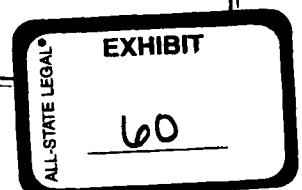
16 A. I believe he did. I -- based on
17 documents I've seen, you know, during discovery, I
18 think he did.

19 Q. Did you in any way contact him via
20 e-mail?

21 A. I don't believe I did. I don't know.
22 It does not appear I did, but maybe.

23 Q. Do you recall in 2008 Mr. ReVille
24 calling you?

25 A. No.



SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
UNEMPLOYMENT INSURANCE DIVISION
AVAILABILITY
FACT FINDING

Effective Date of Issue
05-28-07

Type of Claim	
New <input type="checkbox"/>	Add <input type="checkbox"/>
Trans <input checked="" type="checkbox"/>	Rein <input type="checkbox"/>
Cont <input type="checkbox"/>	
BYE 05-27-08	

CLAIMANT'S NAME Louis Reville SOCIAL SECURITY NUMBER [REDACTED] 0699

Occupation Tutor/ ~~Teacher~~ Customary hours from 7 00am to 3 30pm or which shift 1st

1 During week(s) 06/02/07 were you physically and mentally able to work in your customary occupation? Yes , No , NA If "No," answer questions "4" and explain in "Claimant's Statement"

2 During the week(s) ending 06/02/07 did you restrict your ability because of lack of transportation, child care, family illness, vacation, Social Security benefits, incarceration, military reserve duty, jury duty, out of the area (personal), school, union restrictions, wage demands, hour demands, etc? Yes , No , NA If "No," answer questions "4" and explain in "Claimant's Statement"

3 During week(s) ending 06/02/07 did you seek work as directed by the local office? Yes , No , NA If "No," answer questions "4" and explain in "Claimant's Statement"

4 HAVE YOU NOW RESOLVED THE CONDITIONS WHICH MADE YOU UNAVAILABLE FOR EMPLOYMENT? Yes , No , NA IF "YES," ON WHAT DATE DID YOU BECOME AVAILABLE FOR WORK? _____
EXPLAIN IN "CLAIMANT'S STATEMENT"

5 Are you qualified to perform the work which you are seeking (include license, tools, permits, etc as required for this occupation)? Yes , No , NA If "No," explain in "Claimant's Statement"

6 Have you failed to keep a scheduled appointment with the local office or have you received a notice stating that you did not report to Job Service every six weeks as directed? Yes , No , NA If "Yes," explain in "Claimant's Statement"

7 Other between acadmic terms Explain in "Claimant's Statement"

8 Claimant's Statement (Include beginning and ending dates of availability, if known, and any facts from others including a physician's statement if needed as proof that the claimant is or is not available for employment)
Claim is being filed during a school break. I am still employed by The Citadel I was employed as a part time employee. The school does want me to return after the holiday/ vacation. The school break is from 4/30/07 to 08/17/07 My last day worked for the school was 04/30/07 I do plan to return to the school unless I find a fulltime position, the school is aware that I am looking for fulltime position

9 CLAIMANT'S CERTIFICATION I certify that the information above is true I understand that the Law prescribes penalties for false statements for the purpose of obtaining benefits to which I am not entitled

10 CLAIMANT'S SIGNATURE By Phone DATE 06/07/07

INTERVIEWERS STATEMENT Spoke to Chris @ (813) 953-5305 (Dept Head) employer States claimant out on temp Assignment, JOB is not being held for him

INTERVIEWER'S SIGNATURE [Signature] DATE OF REPORT 06/07/07

If claimant wishes to come back he would have to reapply

S. C. Employment Security Council
JUN 08 2007
[REDACTED]

ALL-STATE LEGAL
EXHIBIT
61



EMPLOYMENT APPLICATION

Date:
Position Applied For:

Velocity Sports Performance is an Equal Opportunity Employer. Programs, services and employment are available to everyone. Please inform the Human Resources Department if you require reasonable accommodation to the application or interview.

Applicant Data:

How were you referred to us: PERSONAL
Full Name: Louis Neal ReVille
Address: 2011 Hwy 17N, Apt 1800D, Mount Pleasant, SC 29466
Phone: Mobile/Beeper/Other Phone: E-Mail Address: coachskyp@mc.com
Date Available to Start: immediately Social Security #: 420-29-0699 Salary Requirement:

OTHER:

If you are under 18 and we require a work permit, can you furnish one?
If no, please explain:
Have you ever worked or applied for this company?
Are you a citizen of the United States?
Type of employment desired:
Have you ever pled "guilty" to or been convicted of a crime in the last 10 years?

Answering yes to these questions does not constitute an automatic rejection to employment. Date of the offense, seriousness and nature of the violation, rehabilitation and position applied for will be considered.

Driver's license number if applicable to position: 10006441552 State: SC

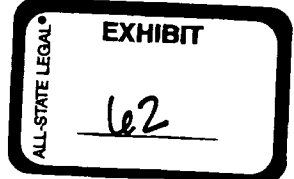
Education:

High School: Mountain Brook High Address: 3650 BETHUNE DRIVE, MTN. BROOK, AL 35223
of Years Completed: 4 Did you graduate? Degree: ADVANCED
Major: GPA: 3.0 Class Rank:
College/University: THE CITADEL Address: 171 MOUTRIE STREET, CHARLESTON, SC 29409
of Years Completed: 4 Did you graduate? Degree: B.A. ENGLISH
Major: ENGLISH GPA: 3.1 Class Rank:
Other: GONZAGA Address: online
of Years Completed: 2 Did you graduate? Degree: M.A.
Major: Organizational Leadership GPA: 3.6 Class Rank:

References:

Please furnish the names, addresses, and telephone numbers of two people whom you are not related and by whom you have not been employed:
1) Name: Jay Buddin Phone: 843 991 3125
Address: N. Chas. City: N. Chas State: SC Zip: 29420
2) Name: Tom Maynor Phone: 324 4870
Address: Mt. Pleasant City: Mt. P State: SC Zip: 29464

04/24/08



Summarize Your Special Skills or Qualifications:

Multi-sport background
 pursuing NASE + CSCS certification

Previous Employment:

Dates of employment: From 6/07 To present Position(s) held Teaching Pro
 Business: Town of Mt. Pleasant Address: 889 Whipple Road 29464
 Phone: 843 856 2162 Manager: Title: Asst. Teaching Pro
 Responsibilities/Duties: instructor, planning
 Starting Salary: \$16 per hour Ending Salary: \$21 per hour
 Reason for Leaving: — May we contact this employer for reference? yes

Dates of employment: From: To: Position(s) held:
 Business: The Citadel Address:
 Phone: 843 953 5305 Manager: Title:
 Responsibilities/Duties: presenter/facilitator
 Starting Salary: \$12 per hour Ending Salary: \$15 per hour
 Reason for Leaving: only contracted 1 year May we contact this employer for reference? yes

Dates of employment: From: 8/06 To: 5/07 Position(s) held:
 Business: V-Enterprises Address: 1731 N. Main Street Suite B, Summerville
 Phone: 843 873 5574 Manager: Title: owner
 Responsibilities/Duties: operations, owner, instructor
 Starting Salary: — Ending Salary: —
 Reason for Leaving: sold May we contact this employer for reference? yes

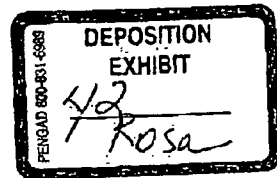
I certify that my answers are true and complete to the best of my knowledge. I authorize you to make such investigations and inquiries of my personal, employment, educational, financial, or medical history and other related matters as may be necessary for an employment decision. I hereby release employers, schools or persons from all liability in responding to inquiries in connection with my application. In the event I am employed, I understand that false or misleading information given in my application or interview(s) may result in discharge.

Signature of applicant: Loui Reville Date: 4.28.08

Nothing in this application or in any other written statements of Velocity Sports Performance's general policies and procedures shall be construed or interpreted to constitute an employment contract with any prospective employee. Velocity Sports Performance in its sole discretion reserves the unconditional right to terminate any person's employment at any time for any reason. Velocity Sports Performance also reserves the unconditional right to modify, delete, or make any exception to any of its policies and procedures with or without notice at any time and for any reason. Oral statements, representations, or promises contrary to the foregoing, including promises of employment for any specified period of time, and are not binding unless confirmed in writing by the President of Velocity Sports Performance. My signature below certifies that I have read the foregoing.

Signature of applicant: Loui Reville Date: 4.24.08

04/24/08

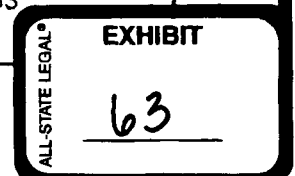


THE CITADEL SUMMER CAMP

OFFICIAL CAMP POLICIES REGARDING SEXUAL MISCONDUCT ISSUES

1. ANY SEXUAL RELATIONSHIP BETWEEN ANY CAMP EMPLOYEE AND A CAMPER IS PROHIBITED. ANY PERSON NOT ADHERING TO THIS RULE WILL BE IMMEDIATELY DISMISSED FROM HIS/HER EMPLOYMENT WITH THE CITADEL AND WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
2. ANY PHYSICAL CONTACT BETWEEN AN EMPLOYEE OF THE CITADEL AND A SUMMER CAMPER SHOULD BE CLEARLY IDENTIFIED AS HAVING AN EDUCATIONAL PURPOSE OR AS A RESULT OF ILLNESS OR INJURY.
3. CAMP EMPLOYEES WILL KEEP AN OPEN DOOR WHEN VISITING CAMPER ROOMS ALONE. WHEN A CAMPER VISITS A COUNSELOR'S ROOM ALONE, IT IS THE RESPONSIBILITY OF THAT CAMP EMPLOYEE TO ENSURE THAT THE DOOR IS FULLY OPEN AND THAT IT STAYS OPEN UNTIL ANOTHER ALERT PERSON IS PRESENT IN THE ROOM.
4. REGARDLESS OF VALIDITY OF THE VIOLATION, ANY SEXUALLY INAPPROPRIATE CONDUCT REPORTS CONCERNING ANY CAMPER OR EMPLOYEE OF THE CAMP WILL BE TURNED OVER TO THE CITADEL PUBLIC SAFETY DEPARTMENT AND A THOROUGH INVESTIGATION WILL BE CONDUCTED.
5. FAILURE TO REPORT KNOWN MISCONDUCT AND/OR QUESTIONABLE BEHAVIOR IS GROUNDS FOR TERMINATION OF EMPLOYMENT WITH THE CITADEL. IF A CRIMINAL OFFENSE HAS BEEN COMMITTED, FAILURE TO REPORT THE INCIDENT IS CONSIDERED A FELONY AND WILL BE REPORTED TO THE NECESSARY LAW ENFORCEMENT AGENCIES FOR PROSECUTION.
6. ANY EMPLOYEE OF THE CAMP WHO HAS BEEN CHARGED OR CONVICTED OF A CRIMINAL OFFENSE WHILE WORKING AT THE CAMP HAS 24 HOURS FROM THE INITIAL ALLEGATION TO DISCLOSE SUCH INFORMATION TO THE DIRECTOR OF THE CAMP. ANY HIRER OF THE CAMP IS REQUIRED TO DISCLOSE ANY PENDING INVESTIGATION CONCERNING A CRIMINAL CONDUCT ALLEGATION.
7. ALL SEXUAL MISCONDUCT ALLEGATIONS DISCLOSED AT ANY TIME CONCERNING ANY INDIVIDUAL(S), CURRENTLY OR FORMERLY,

CITADEL 0002283



ASSOCIATED WITH THE CAMP, WILL BE INVESTIGATED UPON DISCLOSURE. THERE ARE NO TIME PERIOD RESTRICTIONS REGARDING SEXUAL MISCONDUCT INVESTIGATIONS.

8. AT NO TIME IS ANY MINOR PARTICIPANT OF THE CAMP ALLOWED OFF CAMPUS WITHOUT PERMISSION FROM THE DIRECTOR. ALL OFF-CAMPUS TRIPS INVOLVING A MINOR PARTICIPANT OF THE CAMP REQUIRE NO LESS THAN 3 PERSONS. IF THE MINOR PARTICIPANT IS A FEMALE, AT LEAST ONE OTHER FEMALE MUST BE PRESENT.

9. ALL CAMP EMPLOYEES MUST ADHERE TO THE GUIDELINES AND STANDARDS OF THE CITADEL BE SUBJECT TO THE CITADEL'S STANDARD OF REVIEW.

I UNDERSTAND AND WILL ABIDE BY THESE POLICIES:

X _____

Print Name: _____ Date: _____

CITADEL 0002284



A Message from the President

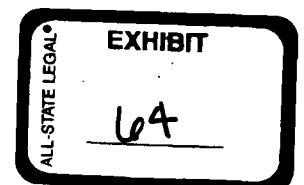
A safe and secure campus is essential to The Citadel's realizing its vision of educating principled leaders. The Citadel Public Safety Department plays an integral role in providing a safe environment in which students, faculty and staff can live and learn. The Citadel regularly evaluates the security needs of the community and continues to consider these needs on an ongoing basis. This publication is a part of that effort. It tells you who to call and what to do if you are the victim of a crime. It also outlines policies aimed at promoting a safe learning and work environment. These policies work in conjunction with federal, state, and local laws, which the Department of Public Safety enforces. Please carefully consider the recommendations in this publication and work with Citadel Public Safety to help make The Citadel a safe and secure campus. Although the college and the Department of Public Safety go to great lengths to promote a safe and secure environment, personal safety is an individual responsibility. Together we must take personal responsibility for our own safety, as well as the safety of those around us. Working together, we will continue to keep The Citadel a safe campus for all.

The Citadel Public Safety Department

The Citadel Public Safety (PSAF) has complete police authority to apprehend and arrest anyone involved in illegal acts on campus, and also in areas immediately adjacent to the campus. The department consists of a team of law enforcement officers, including a director, deputy director, operations officer, and an investigator, as well as four shift supervisors and eight state patrol officers. All PSAF law enforcement officers are state commissioned law enforcement officers operating under the authority and supervision of the State Law Enforcement Division (SLED). They have jurisdiction both on and off campus for incidents which occur on Citadel property. The Citadel encourages all members of The Citadel community to immediately report any criminal offense, suspected criminal activity, or other emergency directly to Citadel Public Safety. PSAF reports all criminal offenses to SLED. PSAF personnel investigate all allegations of criminal activity. PSAF personnel and/or representatives of city, state, or federal law enforcement authorities prosecute all criminal offenses which occur on Citadel property. PSAF personnel work closely with local, state, and federal police agencies and have direct radio communication with the City police department on the City police radio network. PSAF is also a part of the Charleston County 911 Emergency System. Local law enforcement agencies report any criminal activity engaged in by students at off-campus locations to Citadel PSAF. PSAF provides this information to the Commandant, the Dean of The Citadel Graduate College (CGC), or the Provost, as appropriate, for disciplinary action or other appropriate response.

Incident Reporting:

To report a crime, on or off campus, contact Public Safety at (843) 953-5114, or by dialing 811 from any campus phone. You may also contact the City of Charleston Police Department at (843) 577-7074, the County of Charleston Sheriff's Department at (843) 202-1700, or the Isle of Palms Police Department, for incidents at The Citadel Beach House, at (843) 886-6522. Any suspicious on-campus activity should be reported to PSAF immediately. In addition, you may report a crime on campus to the following: Director of The Citadel Staff,



1 Q. So why did that have an impact on the
2 way The Citadel responded?

3 A. You would have to ask the people that
4 that refers to. I didn't say, it happened five
5 years ago, disregard it; it's not credible.
6 That's not what we said. We said, Investigate it,
7 go to the family, work with the family. The fact
8 that it happened five years earlier was not
9 significant to me, personally.

10 Q. Because you recognize, based upon your
11 professional and personal experience, that
12 oftentimes the first report is years after the
13 original abuse occurred?

14 A. Frequently, yeah.

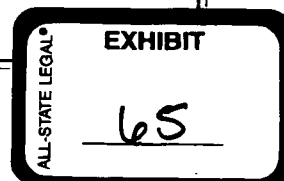
15 Q. And that's --

16 A. And it makes the cases so much tougher,
17 because it's five years or some years prior. And
18 it makes it all that tougher to move forward.

19 Q. Now, when Mr. ReVille was finally
20 reported in 2011, he, to your knowledge, was, very
21 shortly after that, behind bars?

22 A. Right.

23 Q. And after he was arrested, is it your
24 understanding that he confessed to a significant
25 number of victims?



1 town and are current. This one happening five
2 years ago, five years prior, I think that had an
3 impact. Right, wrong or indifferent, it had an
4 impact.

5 Q. Well, let me ask you this, the fact that
6 it happened five years before should not have had
7 an impact, should it?

8 MR. COOKE: Objection to the form.

9 A. I don't know that.

10 Q. Well, you've read the Freeh report,
11 haven't you?

12 A. No, I haven't read the Freeh report.

13 Q. You haven't? Well, you understand that
14 children are often reluctant to come forward and
15 say they've been sexually abused; you understand
16 that?

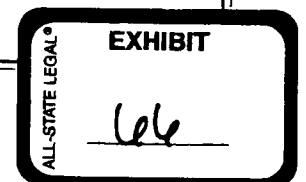
17 A. Adults as well.

18 Q. And you understand what suppressed
19 memory is?

20 A. I don't -- I think I know what that is.

21 Q. And you understand that the fact that a
22 19-year-old reports that he was abused when he was
23 14, that does not mean it has any impact on
24 whether or not it happened, correct?

25 A. You're right.



10:24:19 1

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RE: SUMMER CAMP INTERVIEW

12

JULY 1, 2007

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10:24:19 15

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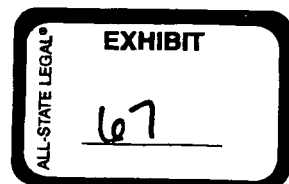
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12:22:14 1 whether I can be effective, and I -- I'm the one who
2 represents the school at that point anyway.

3 : Right.

4 : I mean, it's -- it's an
5 outside lawyer who would handle that.

6 : Yeah. See, and one of the
7 things is, , is that, you know, what happened
8 with -- with -- with -- to and the incident of
9 having as -- as -- as basically a pedophile --

10 : Right.

11 : -- is -- is -- you know,
12 it's wrong into itself.

13 : Right.

14 : It did happen. You know,

12:22:41 15 right now is an adult, but it happened when he
16 was a minor.

17 : Right.

18 : And so when it -- when it --
19 you know, as I told you, you know, I graduated from
20 that place just like you did.

21 : Right.

22 : You know, it means something
23 to me. It means something to my family. It means
24 something to , you know, and -- and -- and his
25 whole life was -- you know, in my opinion,

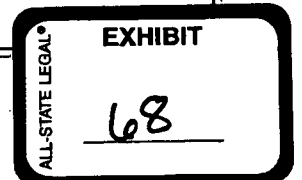
STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
)
 MOTHER DOE A,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
)
 JOHN DOE CAMPER,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
)
 JOHN DOE 2,)
)
 Plaintiff,)
)
 vs.)
)
 THE CITADEL,)
)
 Defendant.)

DEPOSITION OF: JOHN DOE CAMPER
 TAKEN: MARCH 25, 2014

CAROLINA REPORTING
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1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 2 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859
 3 MOTHER DOE 2, ON BEHALF)
 OF JOHN DOE 3,)
 4)
 Plaintiff,)
 5)
 vs.)
 6)
 THE CITADEL,)
 7)
 Defendant.)

8 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 9 COUNTY OF CHARLESTON) CASE NO. 2013-CP-10-5247
 10 CAMPER DOE 6,)
 11)
 Plaintiff,)
 12)
 vs.)
 13)
 THE CITADEL,)
 14)
 Defendant.)

15 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
)
 16 COUNTY OF CHARLESTON) CASE NO. 2013-CP-10-4770
 17)
 JOHN DOE, A MINOR, BY)
 18 HIS GUARDIAN AD LITEM,)
 JOHN ROE)
 19)
 Plaintiff,)
 20)
 vs.)
 21)
 THE CITADEL,)
 22)
 Defendant.)

23 * * * * *
 24 * * * * *
 25 * * * * *

1 after the July 2007 report of sexual abuse, did
2 you ever think you needed to do any follow-up?

3 A. No.

4 Q. And could you share with me why?

5 A. Because I was raised by a Citadel
6 graduate, and I was positive that they would do
7 the right thing.

8 Q. And were you positive that they would
9 follow their own policies and procedures that you
10 had become familiar with as a camp counselor?

11 A. Yes.

12 Q. Who had the authority in 2007 as far as
13 those policies -- those camp policies and
14 procedures were concerned, to reprimand, fire or
15 discipline Skip ReVille? Would that have been
16 President Rosa, the President of The Citadel, or
17 would that have been {John Doe Camper}, the
18 19-year-old boy who had the courage to come report
19 the abuse?

20 A. President Rosa.

21 Q. Now, do you remember -- on page 114, do
22 you remember your -- Mr. Brandenburg agreeing with
23 your father that Skip ReVille was a pedophile and
24 that what he did in and of itself was wrong?

25 A. Yes.

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We COULD receive a call sometime next summer from the [REDACTED], if [REDACTED] manages to take the required classes next spring or summer. I do not anticipate that will happen, however. The cadets now at The Citadel who attended camp with [REDACTED] several years ago are currently sophomores, and will be juniors if [REDACTED] The Citadel next fall. I doubt he will want to face them in that situation. Nonetheless, I will put this file back in the cabinet, and diary it for next spring.

Fortunately, since we now have a transcript of my interview with [REDACTED] we have an unequivocal trigger of the statute of limitations. As you know, under S.C. Code Ann. § 15-3-555, "An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later." At this point, we know that [REDACTED] has "discover(ed)... the causal relationship" between the injuries he described in the interview and the alleged abuse. Thus, at the very latest, the statute began to run on the date of the interview in June. Unfortunately, though, since the statute provides that the limitations period does not expire until three years after that discovery or six years after the person becomes twenty-one years of age, the period arguably does not expire until [REDACTED] 27th birthday. That date is February 2, 2015.

As I indicated earlier, I will be happy to send you a transcript of the interview, if you wish. In the meantime, though, I am attaching a pdf version of the receipts which I collected during my trip to Dallas. (I will be happy to send hard copies of these documents, or the originals, to you via regular mail, if you wish.) These only consist of the flights from San Diego to Dallas and from Dallas to Charleston, and the hotel room and conference room I used in Dallas. This amount totals \$1090.55. I put all of those amounts on my personal credit card, so if you could have a check issued to me, I would appreciate it. I am also attaching a copy of the bill from the court reporter, in the amount of \$770. That bill is still outstanding, so I would appreciate you issuing a check directly to that company.

Thank you again for all of your cooperation in this incident. I am sorry we were not able to close it with a release, but I feel confident that we are well armed if [REDACTED] should ever decide to pursue a case against The Citadel.

I hope you have a wonderful Thanksgiving!

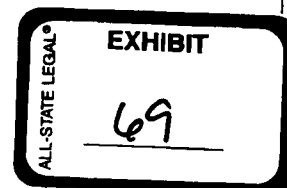
Mark

Mark C. Brandenburg
General Counsel
The Citadel
171 Moultrie Street
Bond Hall, Room 369
Charleston, SC 29409
(843) 953-5252 (office)
(843) 475-8465 (mobile)
(843) 953-7592 (fax)
mark.brandenburg@citadel.edu

From: Mark C. Brandenburg
Sent: Wednesday, August 08, 2007 10:16 AM
To: 'David Stuckey'
Cc: Dan Parris
Subject: RE: Tucker Burnum incident

David and Dan

I stopped in Dallas, Texas, after my convention trip to San Diego at the end of June. I met with [REDACTED] (the former camper / complainant) and his parents, [REDACTED]. We talked for a couple of hours, and I recently received the rough draft of the interview. I know that [REDACTED] received a copy as well, and has forwarded it on to his son. I have not received an errata sheet, however.



I will be happy to provide a more complete report later, and indeed, I will be happy to send an electronic copy of the transcript, if you wish. In short, though, I found [REDACTED] to be believable. His story remained the same as the one he related to me over the phone some time ago. He described one incident, in which his roommate, a fellow camper, convinced him to visit the room of a counselor at the summer camp. Once there, the counselor showed them pornographic pictures on his computer, and convinced the two campers to masturbate with him. [REDACTED] again specifically and emphatically denied that he was touched during the incident. Nonetheless, he says he felt "dirty" and ashamed as a result, and that his grades and general standard of life suffered tremendously afterward. He ultimately dropped out of his original high school, though he eventually finished school at an alternative high school and earned a high school degree. He is currently working at a grocery store in Colorado Springs (a store I perceive to be similar to an Earthfare or Whole Foods), though his parents are moving to Dallas. He seems happy with his life, and professes to be much more at peace with himself now that he has revealed this incident to his parents. He and his parents described series of visits with doctors, psychologists, psychiatrists, etc, which have finally subsided with the revelation.

Importantly, [REDACTED] identified the counselor without hesitation when I showed him pictures from the relevant time period. He had previously identified him only as "Skip." When I showed him pictures of the staff, though, he immediately identified Skip Reville, who was serving as the "senior counselor" during the year in question. Moreover, his identification of the barracks the camp was in that year, and indeed, the room in which Reville was living, was accurate. Skip, as I have reported before, denies all of this. However, Arpaio's initial denials were equally forceful, and unfortunately, ultimately proved totally false.

[REDACTED] his mother, was by far the most emotional of the three. She feels significant animosity toward the school. [REDACTED] the father, repeatedly said that he feels the school can be part of the solution, even as it was part of the problem. He is a Citadel graduate, however, and I suspect feeling much of the typical desire that graduates have to see their sons attend The Citadel. [REDACTED] seems interested in attending, though not as interested as his father is in seeing him attend.

Mark

Mark C. Brandenburg
General Counsel
The Citadel
171 Moultrie Street
Bond Hall, Room 369
Charleston, SC 29409
(843) 953-5252 (office)
(843) 475-8465 (mobile)
(843) 953-7592 (fax)
mark.brandenburg@citadel.edu

From: David Stuckey [mailto:dstuckey@irf.sc.gov]
Sent: Friday, June 15, 2007 3:48 PM
To: Mark C. Brandenburg
Cc: Dan Parris
Subject: Tucker Burnum incident

Mark,

This email will confirm our telephone conversation on June 14, 2007 in which we discussed the above incident. During the conversation, we agreed that it would be in our best interest for you to meet with [REDACTED] and his father in Colorado. During this conversation with the [REDACTED] family, we agreed that a court reporter should be present in order to record the conversation for any possible litigation in the future. Even though a claim has not been filed with either The Citadel or the Insurance Reserve Fund, we would ask that the [REDACTED] family convey in writing their intentions and expectations regarding the investigation of this incident.

1 charge of the summer camp; isn't that right?

2 A. Yes.

3 Q. Now, they asked you questions about the
4 interview that was dated July 1st, 2007. And he
5 asked you, does the interview accurately reflect
6 what you all talked about. And I want to ask you,
7 on the first page, Mr. Brandenburg indicates that
8 you all talked before the proceeding began; is
9 that right?

10 A. Yes.

11 Q. And you all also talked after the
12 proceeding concluded; is that right?

13 A. Yes.

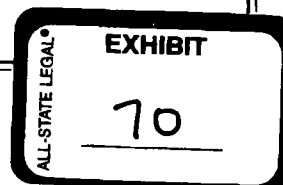
14 Q. So does the interview transcript
15 encompass everything you all talked about that
16 day, or what you all talked about while the tape
17 recorder was on?

18 A. It -- what we talked about while the
19 tape recorder was on.

20 Q. Now, did you and your father verify from
21 Mr. Brandenburg that he was there on behalf of
22 President Rosa?

23 A. Yes.

24 Q. When Mr. Brandenburg explained to you
25 that he was a lawyer for the school and he was



1 looking out for the best interest of the college,
2 did that concern you in any way?

3 A. No.

4 Q. Did you think in 2007 that looking out
5 for the best interest of the college would have
6 meant prosecuting and punishing a sexual predator?

7 A. Of course.

8 Q. So when Mr. Brandenburg told you that he
9 was a lawyer for the school looking out for the
10 school's best interest, you believed that his
11 interests were in line with yours; is that
12 correct?

13 MR. STONEY: Objection.

14 A. Yes.

15 Q. And in the interview, Mr. Brandenburg
16 acknowledges that Skip ReVille is a pedophile; do
17 you remember that?

18 A. Yes.

19 MR. STONEY: Objection.

20 Q. Did Mr. Brandenburg, President Rosa's
21 delegate, ever tell you, either during the
22 recording or before or after, that he didn't
23 believe you or that he didn't think that what you
24 said happened happened?

25 A. No.

1 Q. During the interview, did you believe
2 that President Rosa's delegate, Mark Brandenburg,
3 reassured you all that the camp had been closed?

4 A. Yes.

5 Q. And did you take that to mean that there
6 would be no further problems with the camp?

7 A. Yes.

8 Q. When he met with you -- on page 111, Mr.
9 Stoney asked you to read about compensation, but
10 if you look down further on page 109, as a
11 19-year-old boy, what did you tell President
12 Rosa's delegate that you wanted most of all?

13 A. I said, "Most of all, the thing I want
14 the most is just to make sure that Skip doesn't
15 have a chance to do this to anyone else."

16 Q. Okay. And back in 2007, were you led to
17 believe by President Rosa's delegate -- surrogate
18 that they were going to make sure that Skip
19 ReVille didn't molest any other children?

20 MR. STONEY: Objection.

21 A. Yes.

22 Q. Was that the whole reason why your
23 family spent the money to travel to Dallas to
24 provide this statement?

25 A. Yes.

11:35:34 1 A. And he at that time pulled out his penis and
2 started masturbating and asked us to join him, and I
3 got up, said I was tired, went to the bed and just
4 said I was going to fall asleep and --

5 Q. Okay.

6 A. -- just go to sleep.

7 Q. This was in his room?

8 A. That's right.

9 Q. Okay.

10 A. He -- he kind of got a little aggressive and
11 was asking me to come back to the computer and join
12 them --

13 Q. All right.

14 A. -- which I ended up doing.

11:36:14 15 Q. Was over there with him?

16 A. That's right.

17 Q. Okay. And had he joined?

18 A. That's right.

19 Q. Okay.

20 A. And I did it. Immediately after, I felt
21 completely violated.

22 Q. Okay.

23 A. I mean, it was just a horrible experience for
24 me. I didn't tell anyone until this year.

25 Q. Okay.

