

C A D W A L A D E R

**Investigation into Misconduct
by a Former Loyola School Teacher**

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CADWALADER

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I. CADWALADER'S ENGAGEMENT AND INVESTIGATIVE METHODOLOGY

Loyola School ("Loyola") retained Cadwalader, Wickersham & Taft LLP ("Cadwalader") after allegations of sexual misconduct by a former faculty member were brought to the attention of Loyola's President, Tony Oroszlany ("President Oroszlany") in the spring of 2015. The allegations arose from an April 2015 social media posting made by a Loyola student from the 1970s that stated that former Loyola teacher and Athletic Director Louis Tambini ("Tambini") "sexually assaulted" her while she was a freshman.

After learning of the social media posting, President Oroszlany made a preliminary inquiry into whether any other allegations had been made against Tambini. During President Oroszlany's inquiry, he learned about a letter written over a decade before by another Loyola alumna asserting that Tambini had sexually abused her during her freshman year in the early 1980s. In her letter, the alumna indicated that she and at least one other student had reported Tambini's abuse to Loyola's administration at the time it occurred and that the administration had taken little action in response to their report.

Upon learning of this additional allegation, Loyola decided to engage our firm in May 2015 to investigate both the allegations against Tambini and Loyola's response to them. We focused our investigation on the time period from 1973 (when Loyola became co-educational and girls started to attend the school) to 1983 (when Tambini left Loyola), and ultimately learned that Tambini sexually abused at least seven female students over that time period.

Over the course of our investigation, we took the following steps:

- We interviewed 18 individuals (some more than once), including Loyola alumni and current and former members of the Loyola faculty and administration;¹
- We reviewed any available Loyola personnel and administrative records;² and
- We reviewed Loyola's policies and procedures and consulted with experts at T&M Protection Resources, who developed Loyola's most recent conduct and sexual harassment policies and procedures.

¹ Cadwalader was unable to interview Tambini and any key member of the Loyola administration from Tambini's tenure, as they were deceased. Cadwalader attempted to contact an additional six alumni to request interviews, but these alumni either declined to participate or could not be located.

² We found that there were very few surviving relevant records. Tambini's personnel record and any administrative files that may have contained relevant information had all been discarded or lost over the course of time.

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At the outset of the investigation, we researched and analyzed applicable New York civil and criminal laws regarding sexual misconduct in the 1970s and early 1980s and determined that Tambini's actions did constitute the crime of sexual abuse, which could have been prosecuted as a criminal offense.³ We also analyzed the applicable statute of limitations and determined that the school and its former or current staff faced no prospect of civil or criminal liability for Tambini's conduct or for the school's response thereto. Despite the absence of potential liability – and therefore the absence of any financial concern – the school nonetheless made the decision to undertake an investigation out of concern for the victims and a desire to acknowledge any misconduct by one of its staff. The following contains a summary of our investigation.

II. LOUIS TAMBINI

Tambini had a legendary status at Loyola, and was generally admired by Loyola students and alumni alike. He joined the faculty in September 1952 and worked at Loyola for 31 years, leaving the school at the end of the academic year in 1983. During his tenure at Loyola, Tambini taught freshman history (world history and civilizations), served as the school's Athletic Director, and coached the boys' basketball and baseball teams and the girls' volleyball team. After departing Loyola, Tambini worked at an all-boys school in New York for approximately 15 years. Tambini died from cancer in 1999. Loyola published a tribute to him in its alumni magazine after his death.

III. KEY FINDINGS

A. Tambini's Pattern of Conduct

Loyola was an all-boys school when Tambini joined the faculty in 1952. The school admitted its first female students in the fall of 1973, and Tambini started sexually abusing some of them shortly thereafter. The first confirmed instance occurred in approximately 1975, and the last was in December 1982. According to the victims' accounts, Tambini sexually abused at least seven female Loyola students during that time.⁴

Our investigation revealed that Tambini engaged in a pattern of sexually abusive conduct that was relatively consistent over time. The girls he targeted were mainly in their freshman or sophomore years (age 14-16), and the majority were involved with athletics. He committed all of the assaults on Loyola's premises, either in his office, in the athletics facilities or in his classroom. And, he abused most victims on only one or two occasions, although two victims report more repeated abuse.

³ See N.Y. Penal Law §§ 130.55 – 130.65.

⁴ We also received information that Tambini abused four other female students, but we were unable to contact those former students and confirm the allegations.

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The actual abuse was generally similar in each instance. Every victim reported that Tambini approached her from behind and rubbed himself against her backside in a state of arousal,⁵ and that on each occasion he used some sort of ruse to get the girls to turn their backs to him.⁶

Victims One and Two reported that Tambini asked them on separate occasions to come to his office to check the size of team uniforms. When holding a uniform jersey up against their backs ostensibly to gauge the fit, he rubbed himself against their backsides.

Victims Three, Four and Five reported that Tambini asked them to read paperwork that was lying on his desk, and then rubbed up against them from behind when they leaned over.

Victim Six described how Tambini was teaching a class on architecture one day when he told the students to gather at the two classroom windows to look at architecture on the neighboring buildings. He directed the boys to one window and the girls to the other. While one of the girls was looking out the window, Tambini walked up behind her and rubbed himself against her buttocks. When she shifted positions, Tambini shifted with her and continued the rubbing.

Victim Four also reported that Tambini asked her to repeatedly perform an athletic maneuver that required her to bend over. On several occasions when she was in that position, Tambini grabbed her hips and rubbed himself against her.

Finally, Victim Seven described an occasion when Tambini asked her to help him fold towels in the athletic equipment room. While she was pulling towels from the dryer, he came up from behind, started rubbing her shoulders and then thrust himself against her until she protested that he was hurting her and he let her go.⁷

⁵ All the victims explained that they and Tambini were both fully clothed during these incidents and that Tambini never made any attempt to take off or reach beneath their clothes.

⁶ While the victims we interviewed all described Tambini's actions in a similar way, we found no indication that the victims colluded with each other in making their allegations. To the contrary, we found each victim's account to have independent credibility and several to be strongly corroborated by accounts from other witnesses.

⁷ Importantly, we found no evidence to indicate that anyone other than Tambini engaged in sexual misconduct with Loyola students. During the investigation, we asked each witness if he or she knew of any other inappropriate sexual conduct by the Loyola staff. No witness had heard of any other sexual misconduct between Loyola staff and students.

B. The Loyola Administration's Knowledge of the Sexual Abuse

Loyola administrators had learned of the allegations against Tambini by December 1982.⁸ In that month, a freshman victim separately notified two different faculty members that Tambini had sexually abused her. Both faculty members conveyed her report to administrators, who, in turn, told the faculty members that they would “handle” the situation. That same victim then had a meeting with one of the administrators, at which she personally reported the sexual abuse. At around the same time, the parent of another victim informed an administrator of his daughter's claim that Tambini had “inappropriately touched her.” Shortly thereafter, approximately 10 female students attended a meeting with a Loyola faculty member, during which some number of these students reported having been abused by Tambini.⁹

C. Loyola Administration's Response to the Reports of Sexual Abuse

Although the Loyola administration took no action to provide support to the victims who raised these allegations in the winter of 1982-1983, we found that the administration did take action against Tambini. Specifically, leadership forced Tambini to leave the school at the end of that academic year.¹⁰ Consistent with that era's societal understanding – or lack of understanding – of child sexual abuse,¹¹ however, they took no further steps to punish or hold Tambini accountable for his misconduct. Instead, they permitted Tambini to continue teaching and coaching through the end of

⁸ One victim told us that she reported Tambini's abuse to an administrator in the late 1970s, although we found no record or corroboration of that report. The other victims who attended Loyola in the 1970s stated that they did not report Tambini's abuse to anyone, including family members.

⁹ Like most schools at that time, Loyola had no protocol for reporting allegations of teacher/staff misconduct, which accounts for the various means in which the allegations against Tambini were brought to the attention of Loyola administrators.

¹⁰ We also learned that Tambini was instructed to keep his office door open at all times when students were visiting. We did not hear that the school imposed any other conditions in order to protect the students for the balance of the academic year.

¹¹ See, e.g., THE AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN HANDBOOK ON CHILD MALTREATMENT (John E.B. Meyers, ed. 3rd ed. 2011) (citing Dr. Suzanne Sgroi, who in 1975 wrote that “the problem of sexual molestation of children remains a taboo topic in many areas”); CRITICAL ISSUES IN CHILD SEXUAL ABUSE: HISTORICAL, LEGAL, AND PSYCHOLOGICAL PERSPECTIVES (Jon R. Conte Ed. 2002) (citing Nobel Prize nominee Henry Kempe's 1977 speech to the American Academy of Pediatrics in which he described child sexual abuse as a “hidden pediatric problem and a neglected area”); Lynne Henderson, *Without Narrative: Child Sexual Abuse*, 4 VA. J. SOC. POL'Y & L. 479, 486 (1996-1997) (describing child sexual abuse as “primarily a hidden crime” that was long considered to be “rare and of minor import”); Deborah A. Connolly & J. Don Read, *Remembering Historical Child Sexual Abuse*, 47 CRIM. L.Q. 438, 440 (2002-2003) (citing a 1984 report from the Canadian government which stated, “Child sexual assault is largely hidden . . . , only a few victims of sexual offenses seek assistance”).

the year, and then to quietly leave the school without any public announcement or disclosure of the reason for his departure.

A number of the victims we interviewed were very upset about the way Loyola handled the situation. They were frustrated (a) that the school apparently took no punitive action against Tambini beyond the dismissal, (b) that he continued to be publicly lauded within the Loyola School community, and (c) that the school never came to the victims' support when several were subject to critical comments from a number of students who had somehow heard that Tambini's departure was due to their abuse allegations.¹²

D. Loyola's Response to Alumna Letter about Tambini's Sexual Abuse

One victim – the young girl who was assaulted in front of the clothes dryer – was so haunted by that incident that she wrote a letter to the administration many years after graduating from the school (i.e. the letter that President Oroszlany discovered after he received the social media allegation in April 2015). In that letter, she described Tambini's sexual abuse, her report to the administration at the time and the school's inadequate and insensitive reaction thereto. In response, two administrators who had been on staff during the 1982-1983 school year sent her letters expressing their sympathy and denying having known about the abuse at the time. Another administrator forwarded the victim's letter to the local police, who informed the administrator that they would not pursue the allegations because Tambini had died.

IV. LOYOLA'S RESPONSE TO RECENT REPORTS OF TAMBINI'S MISCONDUCT

The current Loyola administration responded swiftly to the recent report of Tambini's misconduct. After learning about the social media allegation in April 2015 and conducting a preliminary inquiry, President Oroszlany engaged Cadwalader to undertake a thorough investigation into Tambini's conduct and Loyola's response in the 1970s/1980s. Loyola fully supported the investigation by identifying and providing contact information for potential witnesses, encouraging alumni and current and former faculty to cooperate with the investigation, providing relevant records and satisfying all of our information requests.

The school has also shown full support for the victims of Tambini's abuse. President Oroszlany has reached out to personally advise them of the investigation and its findings. The school has paid the travel costs for victims to meet with us, and has offered and provided funding for them to receive counseling. And, in response to the victims' frustration that the school continued to publicly hold

¹² Their frustration about the school's inaction was shared by one of the faculty members who was aware of Tambini's misconduct. That former faculty member recalled expressing that frustration to an administrator, who responded that the school needed to handle the situation "judiciously" because of Tambini's stature in the Loyola community.

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Tambini in a place of honor, Loyola has now removed his name from the Outstanding Male Athlete of the Year award.¹³

As for the current students and staff, Loyola has taken all appropriate steps to ensure their safety. Prior to these allegations coming forward, Loyola had already engaged consultants from T&M Protection Resources, a global security company that provides sexual misconduct consulting services, to review and revise Loyola's policies and procedures regarding sexual abuse, sexual assault and boundary guidelines. The consultants ensured that Loyola's policies and procedures reflect current best practices in the prevention and handling of sexual abuse, and the school subsequently announced them to all students and parents and published them in the student handbook.¹⁴

With these strong measures and its exemplary response to the recent allegations, the Loyola administration has demonstrated both a laudable commitment to transparency and honesty and a clear recognition that its first and overriding obligation is to do everything within its power to provide a safe and nurturing environment for all students.

¹³ That award became known as The Tambini Award at some point while Tambini was still at Loyola, as a recognition of his dedication to athletics and the positive influence he had on many of the boys he coached.

¹⁴ In addition, out of concern for the students at the boys school where Tambini taught after leaving Loyola, President Oroszlany recently made that school's administration aware of our findings. Fortunately – and somewhat predictably, given that the school had no female students – that school had apparently received no reports of sexual abuse or misconduct by Tambini during his 15 years on its faculty.