

MEMORANDUM

TO: Michael Hosking, Head of School
Philip Greenan, Chair, Board of Trustees

CC: David Wolowitz

FROM: Susan E. Schorr

DATE: February 27, 2018

RE: Nishimachi International School: Report on Investigation of Past Educator Misconduct

I. Introduction

In May 2017, Reporting Party 1 (“RP1”), an alumna of Nishimachi International School (the “School”), contacted Michael Hosking (“Hosking”), the current Head of School, indicating that one of her former teachers, James Hawkins (“Hawkins”), had engaged in an inappropriately close emotional relationship with her when she was in 7th and 8th grades.¹ Hawkins taught at the school from 1967-1980. Neither RP1 nor any other witness with whom I spoke, indicated that there was any sexual contact between RP1 and Hawkins, or between Hawkins and any other student at the School.

Prior to RP1’s allegations, in 2016, the School had addressed a report of educator sexual abuse by Richard Biddick (“Biddick”), who was found guilty of child maltreatment in the United Kingdom, after he left the School’s employ in the 1980s. After hearing of Biddick’s conviction, the School informed its community and requested that anyone with relevant information about Biddick from his time at the School contact the School. In response, a graduate informed the School of an incident of student-on-student misconduct in 2008, but no other instances of educator misconduct were reported to the School (involving Biddick or anyone else).

On May 2, 2017, Hosking wrote to the parent and alumni community stating that no reports of Biddick’s misconduct had surfaced, and that while a graduate had reported “an unrelated matter,” the matter did **“not involve school staff, past or present”** (the “May 2 Letter,” bold emphasis in the original). On May 11, 2017, in response to the May 2 Letter, RP1 contacted Hosking with her account (the “May 11 Email”).

The School decided to retain McLane Middleton, P. A. to conduct an external investigation of the alumna’s allegations. This Report includes findings and draws conclusions based on the investigation.

¹ The reporting party and witnesses will not be referred to by names, in order to protect their privacy.

II. Witness Interviews

I interviewed the following individuals (listed alphabetically):

Name	School Affiliation	Date	Mode
RP1	Alumna (Reporting Party1)	September 15, 2017	In Person
RP1's mother	Mother of Reporting Party	September 19, 2017	By Telephone
James Hawkins	Former Teacher (Responding Party)	September 25, 2017	By Telephone
Alumna1	Alumna and friend of RP1	September 22, 2017	Via Skype
T2	Former Teacher	September 28, 2017	In Person

Prior to the start of the investigation, it was confirmed that Tane Matsukata (“Matsukata”), the founder and former head of school, died in 1989.

III. Documents Reviewed

I was able to review handwritten materials created by both RP1 and T2, a former teacher. As part of the English language curriculum, T2's students kept journals in which they were encouraged to write about any subject matter at any length. T2 would then respond to or comment on what was written in the margins of the journal. RP1 kept this journal and reproduced relevant pages for me. RP1 also provided to me, via email, a “free-write” and a journal entry of hers (not in original form), which discuss her memories and feelings toward Hawkins. In addition, T2 kept letters she had received from RP1 and Matsukata. I read those letters while interviewing T2 in her home.

IV. Factual Findings

A. Overview

Based on the witness interviews, documents reviewed, and an admission from Hawkins, I conclude by a preponderance of the evidence² that Hawkins engaged in an inappropriately close emotional relationship with RP1 while she was a student at the School. While Hawkins, now 76 years old, was not able to corroborate many of the specifics of RP1's account, he did not dispute RP1's account; indeed, he indicated to me that there were likely other girls at the School who had “gotten the same impression that RP1 had”—in other words, with whom he had been inappropriately, emotionally close.³ Neither RP1 nor Hawkins, nor any other witness with whom I spoke, indicated that there was any sexual contact between RP1 and Hawkins, or between Hawkins and any other student at the School.

² There is no legal requirement to use a particular standard of proof in this investigation; I have therefore adopted the “preponderance of the evidence” standard for evaluating sexual assault claims asserted under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), the standard which was in effect on most college campuses in the United States and for many civil (not criminal) allegations when this investigation commenced. Given that Hawkins has essentially acknowledged his inappropriate treatment of RP1, even if the more stringent, “clear and convincing” evidentiary standard were used, the findings would remain the same.

³ Throughout this Report, quotation marks are used to reflect comments made during interviews, based on my real-time notes; interviews were not recorded.

B. Hawkins's Arrival in Japan

In the summer of 1967, Hawkins' first wife ("FW") was finishing a master's degree in education and he was finishing up courses in the army⁴. FW's half-sister worked at the School and her husband worked in the embassy in Tokyo. Hawkins and FW heard that the School was looking for a teaching couple. Hawkins was hired to teach math and science, his first classroom teaching experience. Prior to that, he was an outdoor educator. Hawkins taught at the School from 1967-1980 in grades six through nine.

Hawkins had high praise for Matsukata ("the best mentor he ever had"), and it appears that the feeling was mutual. In order to help the couple save money, Matsukata invited them to move into one of two faculty apartments in the School building. Within the following year or so, Matsukata thought they might have been missing the outdoors, so she invited them to her family property outside of Tokyo, a small piece of land with an old Japanese storehouse for harvested rice. There was no water or electricity, but within six months, Hawkins had a plan in place to start a camp, which was fully operational by the time RP1 attended the School.

C. Impressions of Hawkins

Hawkins was apparently a capable administrator and organizer, establishing a science camp off site (as mentioned above) where he ran educational field trips, was a classroom teacher, basketball coach, and vice principal.

RP1's earliest memories of Hawkins are from her 6th grade year, when she recalled that she wished that he would like her when he became one of her teachers. That desire no doubt stemmed from observations that he was "charismatic" (a word used by several witnesses) and the students all "adored him." T2 stated that Hawkins was a "larger than life," "big, towering" figure, "really magnetic," which stemmed not only from his personality, but from his physical appearance—he was tall with a dark, bushy beard, and really stood out, especially in Japan.

T2 countered that his demanding nature could be excessive at times even if it stemmed, as she believed, from a sense of right and wrong. T2 observed that Hawkins had a "dictatorial kind of attitude" and "liked the power of being in charge." She recalled that during a basketball game, he found trash on the court. At that point, he made all the students sit down, delivered a lecture about cleanliness, and demanded that the litterer confess. RP1 also recalled that during seventh grade, Hawkins called an impromptu assembly to insist that if students were having a party, all students in the grade had to be invited; students viewed this new rule as Hawkins's "all powerful" intrusion into their lives, even off campus. Nonetheless, the students, at least in the sixth and early seventh grade years, wanted to be liked by him and wanted his "admiration and compliments."

Alumna1 remembers him as "moody": on a good day, he could be "fantastic," but on a bad day he was best avoided. With respect to boundary issues, Alumna1 remarked that Hawkins was "competitive with cute boys" at the School, becoming angry with them if they talked to the cute girls. Specifically, she recalled that Hawkins asked the parents of one "cute boy" to move him to another school, as he was a "distraction," and the boy's parents did so.

⁴ Hawkins attended Wesleyan University in Connecticut for two years and then dropped out. He finished his undergraduate degree at Sophia University in Japan.

Several witnesses described RP1's seventh and eighth grade years as a turning point for how the student body viewed Hawkins. As one witness observed, perhaps as the students matured themselves, they began to be less in awe of Hawkins and started to find him more domineering, like a "dictator" against whom the students started to rebel.

D. RP1's Eighth Grade Year: The Allegations

RP1 stated that her relationship with Hawkins was "inappropriate" and that "while not overtly sexual, it was highly confusing for [her] and ultimately very painful." When we met in person, RP1 reiterated, with some more detail, the allegations that she made in the May 11 Email concerning her interactions with Hawkins. Below, RP1's recollections are provided and Hawkins's responses are indicated after each allegation.

- *Intimate, Hand-Written Letters from Hawkins*

In the fall of her eighth grade year, a student council suggestion box started being filled with negative comments about Hawkins. In addition to his other duties, he was the advisor to the student council, where the comments were read aloud during meetings. It was RP1's perception that the "intimate, hand-written letters" that Hawkins started leaving in her locker were given to her in response to the criticism that Hawkins received at student council meetings. RP1 recalls that she received about 15 such letters, which were "confessional" in tone, and covered such subjects as: the state of his marriage to FW, but that divorce was "unthinkable"; soul-searching about why students no longer seemed to like him; and flattering comments about RP1. RP1 recalled feeling that she was "definitely the special one."

T2 not only corroborated that RP1 received such letters from Hawkins, but also the context in which such letters were written to her. From the perspective of a peer teacher (though 10 years JH's junior), T2 also observed the tide of student adoration shifting away from Hawkins. As some of RP1's friends started "talking back" to Hawkins, challenging his dictatorial style, tensions in general rose within the class. T2 wondered if Hawkins was starting to feel "vulnerable" and was "looking for allies in the student body." T2 understood that it was a "big no-no" for educators to have favorites, but she thought that is what happened between Hawkins and RP1—he picked RP1 as his favorite. T2 further observed that Hawkins never consulted his fellow teachers or even Matsukata for mentoring around the unfavorable student dynamics involving him—rather, he turned to RP1 as his ally.

When I questioned Hawkins about whether he had written any letters to RP1, he did not deny doing so. Rather, he stated that he did not remember doing so, but that "it could have happened...it sounds inappropriate...and if [I] did, it was out of line."

- *Slow Dancing*

All witnesses with whom I spoke (with the exception of RP1's mother) recalled that it was common for teachers to "fast and slow dance" with students during dances at the School. Observed Alumna1, "teachers and students mixed back then" but that "would not be allowed anymore." Several witnesses mentioned other male teachers by name who slow danced with students. Alumna1 also remembered that the longer slow songs were reserved by Hawkins for RP1.

During one such slow dance, RP1 remembers that Hawkins whispered in her ear, "you dance like white chocolate." Alumna1 remembers the same line, but that it was left in a note in RP1's locker.

Hawkins confirmed that he slow danced with RP1 and “every other girl—there was nothing special about that.” When I asked Hawkins if he ever said “you dance like white chocolate” to RP1, he laughed heartily and then surmised that the line was likely from a contemporary song and that “he could not imagine coming up with that line on his own.” He stated further, “if I said that, it was out of line.”

- *Gift of Pukka Shell Necklace*

RP1 recalled that, as a Secret Santa gift, Hawkins made her a pukka shell necklace. She remembers Hawkins coming up behind her in a study hall and putting his hands around her neck, presumably in order to measure her size for the necklace. She subsequently felt embarrassed to wear it in front of her friends.

Hawkins does not recall making the necklace for RP1, but he said his doing so does not strike him as “unusual.” He provided the context that he encouraged those in the school community to make handmade gifts and that he did so on several occasions (not just for RP1): embroidering patches, making a wooden box, and baking cookies for students. He further observed, “everyone had those necklaces in those days.”

- *Encounter in School Van*

RP1 was one of the few “pretty girls” (according to Alumna1) who was asked to babysit for Hawkins’s young children (recalling that Hawkins and his young family lived on the School premises). After babysitting, RP1 recalls being driven home by Hawkins in the school van, when he parked it with the passenger side next to a cement wall, so she would have to crawl over him in order to exit the vehicle. He reclined in his seat and invited her to tell him about her problems. She recalled feeling “trapped,” but not “sheer panic,” and she did not tell her parents about this encounter at the time.

Hawkins has no memory of this incident, but stated that “it could have happened.”

- *Private Conversation During Trip to Zao*

Zao was a ski area and the site of school field trips. RP1 recalled an incident on the train during one such trip, the winter of her eighth grade year, when Hawkins was “at the height of his unpopularity.” When she was with a bunch of her friends, Hawkins asked to talk to her. RP1 recalls concocting a scheme to suggest that her friends all go to another car on the train to order food; once there, RP1 made an excuse to return to the car where Hawkins was, so she could talk to him privately. Though she does not recall the subject of the conversation, RP1 recalled that this incident was “emblematic of the double life she was leading” which made her feel that she had to be “protective” of Hawkins,” and also “alone, isolated, and unsupported.”

As this incident did not raise any boundary concerns that had not been already addressed by Hawkins during our interview, I did not question him about this particular incident.

- *Encounter Outside of Study Hall*

RP1 described a conversation with Hawkins outside a study hall classroom, during which Hawkins stated, “You’re stabbing me in the heart.” Alumna1 recalled this encounter as well, commenting that by then, Hawkins and RP1 were having an “emotional affair,” with Hawkins “emotionally dependent” on RP1, given what was perceived (by RP1, Alumna1 and others in the community at the time) as Hawkins’s marriage being in trouble. Indeed, Alumna1 recalled hearing FW “wailing and crying and crying” from

within the school building. Hawkins also acknowledged to me that his marriage to FW was deteriorating during his time at the School. By this time, RP1 was trying to separate herself from Hawkins, but was having difficulty doing so.

I did not question Hawkins about this incident specifically; however, he acknowledged that his marriage to FW had changed within the first year or so of the couple working at the School—“they were not so in love anymore.”⁵

E. Informing the School of RP1’s Allegations

1. Through RP1’s Journal Entries

During her eighth grade year, RP1 kept a journal as part of her English class. The journal entries provide a contemporary, real-time view of RP1’s feelings. From representative sampling of RP1’s journal entries, and as confirmed by T2, T2 was aware of Hawkins behaving inappropriately toward RP1.

2. T2’s Response

T2, now 67 years old, was ages 26-28 when she worked at the School. She had taught for three years in the Charlottesville area before traveling to Tokyo with her husband.⁶ T2 was thus a young teacher both in terms of age and experience, but she described “flourishing” in the entrepreneurial atmosphere of the School, where a small group of dedicated teachers were not closely supervised.

As RP1’s eighth grade year progressed, and her journal entries became more concerning, T2 recalls meeting with RP1 off campus to discuss how to confront Hawkins to try to stop his behavior toward RP1. T2 “keenly” remembers RP1’s discomfort during that conversation, when RP1 “laid it all out” wanting Hawkins to “treat her like a regular student.” T2 recalled asking RP1 if Hawkins touched her in any “private or sexual places.” In response, RP1’s “eyes got big and she responded, ‘No!’”

T2 recalled thinking that though no sexual boundaries had been crossed, Hawkins was showing favoritism toward RP1 and making her uncomfortable. Given that he “was not doing anything so horrible so that the axe needs to fall on his head,” T2 asked RP1 if RP1 could confront Hawkins herself. RP1 demurred, so T2 realized she would have to confront Hawkins herself. T2 was “intimidated” by Hawkins and said talking to him about RP1 was “one of the bravest things she did and she was scared doing it, but she needed to serve her students.”

Shortly after that conversation with RP1, T2 met with Hawkins in his apartment, with FW present. She recalls that they sat at table and T2 “laid it all out”: Hawkins was overly strict with kids, causing unrest, his favoritism was causing unrest, and she spoke specifically about RP1 and her discomfort. T2 told him that she knew he had a good heart and good moral sense but that he did not have a sense of his effect on people. In response, T2 recalls that he never denied anything and that he was “surprisingly quiet during the long conversation.” He thanked her and said he would change; with respect to RP1, he said “it will stop.” T2 recalled telling him that she “will count on that and if not, she would go to Matsukata.”

⁵ According to Hawkins, he and FW were amicably divorced upon his return to the United States in the early 1980s. Hawkins then married a woman whom he met at graduate school at Michigan State. The two have been married for 32 years. FW died from breast cancer approximately 10 years ago.

⁶ T2’s husband (to whom she is still married) had been offered a fellowship as part of a graduate program at Stanford, which is what brought the couple to Japan.

After that point, T2 described being on “high alert.” There were maybe three or four months left of the school year. RP1 had not yet decided if she was going to leave at the end of the school year. T2 “saw a real change in him, toning down.” RP1 and T2 both left the School after that year. T2 made no formal report to Matsukata about Hawkins’s conduct toward RP1.

3. *RP1’s Mother’s Meeting with the Head of School*

RP1’s mother took it upon herself to tell Matsukata about her daughter’s experience at the School, once RP1 had enrolled in a new school for the following year.

Prior to learning all the details of her daughter’s encounters with Hawkins, RP1’s mother noticed changes in her daughter’s behavior during her eighth grade year: RP1, a “happy, carefree, normal” 12-13 year old became “edgy, teary, and upset about little things.” RP1’s mother wondered if RP1’s personality change was merely a sign of adolescence. During a family ski trip during the winter of RP1’s eighth grade year (possibly in February), RP1 divulged her concerns about Hawkins to her mother, from his leaving notes in her locker and RP1 feeling flattered by his attention, to RP1 gradually becoming “frightened and upset” by Hawkins’s attitude and gestures toward her.

RP1’s mother recalls talking with T2 about her concerns in March of RP1’s eighth grade year, when T2’s only advice was that RP1 should transfer schools in order to avoid Hawkins. Nothing was said about reporting Hawkins—as RP1’s mother recalled, that would have been like “reporting the Pied Piper...he was so big in the School and so revered.” T2 offered that she was worried that no one would believe RP1 or her mother and thus it would be best for RP1 if she just, in RP1’s mother’s words, “snuck out the back door.”

Nonetheless, prior to her leaving the School at the end of the academic year, RP1 recalls (as also recounted in the May 11 Email) that she confronted Hawkins by the basketball court and told him that if he did not stop pressuring her for emotional intimacy, she would have to leave the School after the eighth grade. As Hawkins was unwilling to acknowledge RP1’s pain and suffering, RP1 “burst into tears” in front of her classmates. Hawkins has no memory of this encounter.

Against this backdrop, RP1’s mother felt compelled to inform Matsukata of Hawkins’s conduct toward her daughter. A week after the end of the school year, RP1’s mother met with Matsukata to explain to her that RP1 was moving to the high school because of Hawkins’s conduct toward her daughter. RP1’s mother remembers that Matsukata “did not make eye contact” and looked as if she were “chiseled out of stone.” According to RP1’s mother, Matsukata stated that the allegations involving Hawkins were “impossible and that it would never happen.” Further, Matsukata apparently queried, “Why would [RP1’s mother] make up a story to hurt her daughter and the School?” RP1’s mother recalled that Matsukata did not ask her any questions but just kept repeating how impossible the allegations against Hawkins were. RP1’s mother left the meeting “seething,” realizing that there was no point in pressing the issue any further.

In a letter dated September 19, 1978, Matsukata wrote to T2, describing that RP1’s mother had visited Matsukata and raised concerns about Hawkins. T2 responded to the letter, relaying her concerns about Hawkins to Matsukata. Several months later, in a letter dated July 21, 1979, Matsukata responded to say

that she did not mention the allegations to Hawkins, but that Matsukata would be keeping alert about Hawkins's conduct.⁷

Thus, I find that directly from both RP1's mother and T2 (through inference from viewing one side of her correspondence with Matsukata), Matsukata was on notice that Hawkins had behaved inappropriately with RP1, as described in the many instances noted above.

F. Hawkins and Additional Boundary Violations

By his own admission, and musing about his encounters with RP1, Hawkins stated that "there were probably other kids that might have gotten the same impression that RP1 had." In other words, Hawkins all but acknowledged that he formed inappropriately close, emotional ties with other students at the School.

This strong supposition is corroborated through correspondence RP1 and T2 exchanged after RP1 left the School and began high school. RP1 wrote letters to T2 during RP1's high school years and later, in much the same confessional/journal style that she used when a student of T2's at the School. T2 saved RP1's letters and I was able to read the originals. In a letter dated December 26, 1978, RP1 describes that a female student a year behind RP1 was approached by Hawkins; he asked the student to go for a walk, put his hand on her shoulder, and told her she was his pet. RP1 viewed this story as confirmation of her worst nightmare: that Hawkins was continuing to be emotionally inappropriate with other female students.

G. Hawkins's Career in Education After the School

While intending to stay at the School for just two years, Hawkins remained for 13, returning to the United States in 1980. He earned a master's degree in outdoor education from Michigan State, and went on to teach at independent schools in the United States: fourth grade at the Maret School in Washington, D.C. (1983-84?) and then fifth and sixth grades from 1985-2001 at the Maumee Valley Country Day School in Toledo, Ohio. While retired from active teaching 16 years ago, he was a substitute teacher and continued to score the girls and boys basketball games until 2012. Hawkins recalled that while he really enjoyed teaching at Maret, where the students were "bright," they were a little young for him. Rather, the students in grades five and six were "a better fit—just sassy and smart enough to keep him on his toes, but young enough to be little kids."

While he was perhaps not conscious of it at the time (he stated that he does not do a lot of self-reflection unless forced to do so), Hawkins was able to articulate to me that the boundaries between himself and younger students would probably be more obvious and thus working with younger students would be a safer career option for him. While he seemed aware that his conduct toward RP1 and other female students at the School was inappropriate, he gave no indication that he engaged in similar (or worse) inappropriate conduct toward students once he returned to a teaching career in the United States.

H. RP1 Today

RP1's mother describes RP1's experiences with Hawkins as "traumatic and disruptive, but could have been a lot worse." She says her daughter was "scarred" and that Hawkins was a "bleak spot on what could have been sweeter years, but she dodged a bullet for sure." She continued, "the repercussions were not huge in terms of [her daughter's] lasting success in life."

⁷ T2 has retained these original letters she received from Matsukata and showed them to me.

RP1 stated that she had “no agenda” in coming forward with her story. Or more accurately, her agenda is to ensure that her story had an important place in the School’s history and that policies and protections should be in place now to prevent similar educator misconduct. Nonetheless, RP1, RP1’s mother, and Alumna1 all have vivid and troubling memories of Hawkins’s inappropriately close emotional relationship with RP1, close to 40 years after the experience. While RP1 may appear to be—and indeed be—a person with a healthy emotional life today, her current circumstances do not detract from the lasting and profound effect Hawkins’s conduct has had on her.

I. Apology From Hawkins

Hawkins did not strike a defensive tone during our interview, and as indicated above, he did not deny any of RP1’s allegations and acknowledged the inappropriateness of his conduct toward her. He did go further in stating that “maybe I was closer to her” and “I would apologize for that.” Further, he stated that RP1 “seemed like a kid from a level-headed family” and “if she says it happened, it probably happened,” as “her memory is closer than mine.”⁸

V. Conclusions

To reiterate, based on a preponderance of the evidence standard (in other words, that it is more likely than not that an event occurred), and as described in detail in the Findings above, I conclude that in today’s parlance, Hawkins inappropriately crossed emotional boundaries with RP1, unwittingly or not, taking advantage of the inherent power imbalance between himself as a teacher (then, approximately 35 years old) and RP1 as a student, ages 12-13, during her seventh and eighth grade years at the School. Further, Hawkins’s conduct had a significant, adverse emotional impact on RP1.

* * *

Susan E. Schorr
Of Counsel
McLane Middleton, P.A.

⁸ At the outset of our interview, Hawkins disclosed that though he does not have an official diagnosis, his doctor thinks he may be in the early stages of Alzheimer’s. He described that his long term memory is “spotty but not horribly impaired.”