

**REPORT TO THE BOARD OF
TRUSTEES OF SALANTER AKIBA
RIVERDALE ACADEMY**

T&M Protection Resources, LLC

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**WARNING: THE CONTENT IS SENSITIVE, PERSONAL AND GRAPHIC.
IT IS NOT INTENDED FOR CHILDREN.
PARENTAL DISCRETION IS RECOMMENDED.**

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I. INTRODUCTION

In January 2018, T&M Protection Resources (“T&M”) was hired by the law firm of Venable LLP (“Venable”) to assist in its representation of Salanter Akiba Riverdale Academy (“SAR” or the “School”) located in the Bronx, New York. Specifically, T&M was engaged to conduct an investigation into allegations of sexual abuse¹ committed by Stanley Rosenfeld (“Rosenfeld”), a former teacher and Assistant Principal for General Studies from 1974-1977, who returned to SAR from 1986-1987.² These allegations were brought to the attention of the School by a former SAR student in a December 4, 2017 email to Rabbi Binyamin Krauss (“Rabbi Krauss”), Principal of SAR Academy. To address these allegations, SAR determined that an outside entity with an expertise in sexual misconduct should investigate. Accordingly, SAR sent out its initial email, dated January 9, 2018, to the SAR community announcing the investigation, and subsequently sent out additional communications as additional email addresses and physical addresses were obtained. The email informed its recipients of the allegations of sexual misconduct by Rosenfeld and provided email addresses and telephone numbers of Rabbi Krauss, Rabbi Tully Harcsztark (“Rabbi Harcsztark”), Principal of SAR High School, and Laura Kirschstein of T&M Protection Resources so that individuals with knowledge of any inappropriate behavior by Rosenfeld, or any other adult at SAR, could report such information on a confidential basis.³ Moreover, upon learning of these allegations, SAR promptly reported them to local law enforcement.

T&M’s investigation took place over a period of approximately eight months, from January 2018 until September 2018. In total, T&M interviewed 39 witnesses, including some on more than one occasion, either in

¹ Throughout this Report, the terms sexual misconduct, sexual abuse, and sexual assault are used interchangeably. Each of these terms is meant to convey the sexual touching of intimate or private parts of the body, and as a result of the students’ ages when the touching occurred, without their consent.

² Dates of employment are based upon T&M’s review of SAR Academy Yearbooks and SAR Academy Journals provided by the School.

³ T&M was informed by SAR that they made efforts to ensure that all members of its community received a copy of its January 9, 2018 communication. T&M was also informed that such efforts were, in some instances, inhibited due to the passage of time, a lack of full and complete student records and current student contact information. In addition, SAR initially sent the School’s communication by email to all email addresses that were in the school’s active lists for email communications. In addition, the communication was sent by mail to the most recent physical address in the school’s database to graduates from the classes of 1974 to 1980. After the investigation uncovered information regarding Rosenfeld’s employment in 1986-1987, additional emails were sent to graduates of the classes of 1980 through 1990 as well as letters by mail to the most recent physical address in the school’s database. Subsequently, additional email addresses and physical addresses were provided to the School by individuals who had connections with graduates from the classes of 1974-1980. In addition, efforts were made to locate students who attended the School between 1974 and 1980 for whom SAR did not have any contact information. In some instances, addresses that were listed for the graduating classes in the SAR Academy Yearbooks and approximate age of the former student at the time they attended SAR were used to aid in locating former students. However, without any additional identifying information such as dates of birth, especially where the names were common or only Hebrew names were available, some individuals could not be located. Moreover, it later became clear that original physical addresses to which some letters were mailed may have been the original address contained in the School database from when the individual was a student, as opposed to the current mailing address.

person, remotely via video-conferencing (Skype) or by telephone. The witnesses interviewed included current and former SAR faculty, staff, and administrators, SAR alumni, a non-SAR student, and current and former members of the SAR Board of Trustees. T&M also reviewed SAR Academy School yearbooks and SAR Academy Journals, as well as internet sources, including social media, blogs, and articles for any relevant postings or other information pertinent to the investigation. The information in this Report was gathered with the utmost regard for the privacy and confidentiality of the witnesses who were interviewed. The Report sets forth a summary of the findings of T&M's investigation.

T&M received firsthand reports from twelve former SAR students, eleven boys and one girl, as well as one non-SAR student that support a finding that between 1974 and 1987, Rosenfeld engaged in acts of sexual abuse or other sexually inappropriate behavior. This finding is based upon the interviews of individuals who reported being the targets of Rosenfeld's sexual advances and sexually assaultive behavior, the interviews of witnesses who provided corroborating information that an individual had been inappropriately touched and, in very limited circumstances where the victim did not participate in this investigation, the interviews of individuals to whom those victims spoke at the time the acts occurred or thereafter. This finding is also based on Rosenfeld's admissions to T&M and investigators for the Ramaz School ("Ramaz") that he inappropriately touched boys.

The evidence also demonstrates that Rosenfeld's sexual misconduct became known to Rabbi Sheldon Schwartz ("Rabbi Schwartz"), then an SAR faculty member, when two former students separately disclosed to him that Rosenfeld had inappropriately touched them. The evidence further demonstrates that Rosenfeld's sexual misconduct also became known to former SAR Principal Rabbi Sheldon Chwat ("Rabbi Chwat") when a former faculty member reported to him that she observed Rosenfeld touch a boy's groin area in an office within the School. T&M was unable to determine whether the incident reported by the former faculty member led to Rosenfeld's departure from the School in 1977 since the exact timing of her report to Rabbi Chwat is unclear. Although no parents of students reported directly to T&M that they engaged in conversation with specific SAR administrators about Rosenfeld's sexual misconduct, there is evidence to suggest that parents of two former students may have told SAR administrators about Rosenfeld's abuse of their sons. In addition, although T&M determined that Rosenfeld was rehired as a teacher in 1986, the circumstances under which this occurred and the time period for this subsequent employment are also unclear.

In addition to learning that Rabbi Schwartz was present at Rosenfeld's home when the sexual abuse of students occurred, T&M received four reports that Rabbi Schwartz engaged in inappropriate behavior with students at SAR in the 1970s.

II. BACKGROUND

A. Stanley Rosenfeld

In 1974, Rosenfeld left Ramaz and joined the faculty of SAR. He worked at SAR for three years before his departure at the end of the 1976-1977 academic year. During his tenure at the School, Rosenfeld served as Assistant Principal for General Studies and, according to a review of the SAR Academy Yearbooks, SAR Academy Journals and witness interviews, returned to SAR as a teacher during the 1986-1987 academic year. While employed by SAR, Rosenfeld frequently invited SAR students to his apartment for Shabbat, which generally required that students spend one or two nights at his home. At the time, Rosenfeld resided alone in an apartment located in the Bronx.⁴ T&M was unable to confirm Rosenfeld's employment between the date of his departure from SAR in 1977 and the 1986-1987 academic year when he returned to SAR as a teacher. However, many witnesses reported that Rosenfeld worked in the New York public school system for a number of years. According to public records and documents, Rosenfeld moved to Rhode Island in 1992 where he was subsequently employed by Temple Am David, located in Warwick, as a bar mitzvah tutor and cantor. According to court documents, on August 8, 2000, Rosenfeld was arrested and charged with four counts of Second-Degree Child Molestation stemming from incidents that began in 1999 when he served as a cantor at Temple Am David. Court documents indicate that Rosenfeld molested a 12-year-old boy over the course of six months during tutoring sessions by touching the boy's genitals. On May 21, 2001, in Rhode Island Superior Court, Rosenfeld pled no contest to Second Degree Child Molestation, received a 10-year suspended sentence and was placed on probation, the terms of which included no contact with children. On September 13, 2002, after violating his probation, Rosenfeld was resentenced to 18 months of incarceration. Upon his release from prison, Rosenfeld was required to register as a Level III Sex Offender in Rhode Island and placed on probation supervision until May 20, 2011.⁵ Rosenfeld currently resides in a nursing home in Providence, Rhode Island and is listed on the Rhode Island Sex Offender registry as a Level III Sex Offender.

⁴ According to Rabbi Schwartz and a review of public records, Rosenfeld resided at 6629 Broadway while employed by SAR.

⁵ According to T&M's review of the Rhode Island Assessment of Sex Offender Risk Form, a tool utilized in the Intensive Supervision Sex Offender Unit to determine level of risk, Rosenfeld scored in the high re-offense risk category. Moreover, T&M reviewed the probation department's notes from interviews with Rosenfeld from July 2001 through November 2001. The notes indicate that when asked if he had molested both male and female children, he stated that his "preferred prey" is adolescent boys, that he constantly "fights his desire for boys" and that he had "plenty of opportunities to molest children when employed as a teacher." The notes further indicate that in response to a direct question about whether he had molested children while teaching in New York, Rosenfeld stated, "there have been other incidents, but I was never charged." In addition, he stated, "If I wanted a child 'badly enough' [I] would 'make the opportunity' by inviting that child to a soccer game, movie, etc."

B. Investigative Objectives and Scope

T&M received cooperation from SAR during the course of this investigation. Although T&M's primary focus was to investigate the allegations of abuse committed by Rosenfeld during the period of time that he worked at SAR, T&M's mandate was broader and included examining any other allegations of sexual misconduct with students committed by other SAR faculty or staff members that were brought to T&M's attention. In addition, the scope of T&M's investigation included determining if anyone within the SAR community had any knowledge of such misconduct, and if any reports or complaints of abuse had been made to anyone in a position of authority at SAR or to other appropriate authorities. Moreover, in those instances where such reports or complaints came to the attention of someone in a position of authority at the School, T&M sought to learn what response, if any, there was to that information. To achieve the investigative objectives, the School sent by email or regular mail a letter announcing T&M's investigation to the SAR community, which included individuals drawn from the School's database of former students that attended SAR between 1974 and the present. Efforts to reach former students who attended SAR during that time period were hampered by a lack of student files, records, or current information in the School's database that could assist in locating them.⁶ The letter invited individuals with any knowledge of any inappropriate behavior by Rosenfeld, or any other adult at SAR, to report such information on a confidential basis. Anyone who contacted T&M and was willing to participate in the investigation was interviewed by T&M. In addition to speaking to former students, T&M identified and attempted to reach individuals associated with the School who may have knowledge of Rosenfeld's sexual abuse of students, or the circumstances under which Rosenfeld left SAR in 1977 and returned in 1986, and interviewed those who were willing to participate in this investigation.

C. Methodology

Interviews Conducted

T&M interviewed 39 witnesses, including some on more than one occasion, either in person, remotely via video-conferencing (Skype) or by telephone. The witnesses interviewed included current and former SAR faculty, staff, administrators, SAR alumni, a non-SAR student and current and former members of the SAR Board of Trustees.

With a singular exception, at the direction of Venable and the School, T&M did not initiate contact with any former SAR students or their families who were identified by other witnesses as alleged victims, out of respect for their privacy. Thus, firsthand reports are limited to those made by victims who chose to contact T&M. We are, however, mindful that other alumni with relevant information, including those who were victims of Rosenfeld's conduct, may not have contacted T&M for a variety of reasons, including the desire not to relive

⁶ This information is more fully discussed in Footnote 3 of this Report.

the past,⁷ fear of public disclosure and a lack of awareness of this investigation. While we have made our best efforts to gather and report the credible information received, we believe that this Report likely underreports the incidence of sexual abuse by Rosenfeld with SAR students during the period of time he was employed by the School. In addition, T&M also attempted to reach individuals associated with SAR during Rosenfeld's tenure who may have knowledge of Rosenfeld's behavior, or reports or complaints of abuse to the School. However, some individuals failed to respond to messages, phone calls, emails or registered letters from T&M and in some instances, T&M was unable to locate them. T&M also requested an interview with Rosenfeld and Rabbi Schwartz, and both of these individuals were interviewed.

Materials Reviewed

To assist the investigative process, SAR provided T&M with relevant SAR Academy Yearbooks and SAR Academy Journals. T&M was unable to review Rosenfeld's personnel file, any relevant student files or any other documentation, including minutes of the Board of Trustees, because T&M was informed by SAR that they could not locate any of this material due to the passage of time. As a result, T&M was unable to review any references that may have been provided by Ramaz on Rosenfeld's behalf or any references that may have been provided for Rosenfeld upon his departure from SAR.

D. Credibility

In order to make the factual findings detailed in this Report, T&M reviewed the information provided by witnesses and evaluated the credibility of their accounts. Specifically, T&M considered the consistency or inconsistency of their various accounts of events given over time, the witnesses' demeanors during their interviews, the witnesses' conceivable motives to lie, whether other corroborative or contradictory evidence existed, as well as whether the witnesses' versions of events comport with common sense. After applying these tests of credibility to all witness accounts, T&M found the witnesses who came forward and were interviewed to be generally credible. However, T&M only found some portions of Rosenfeld's and Rabbi Schwartz's recitation of events to be credible.

T&M found the witnesses interviewed to be largely cooperative, forthright and careful in their recitations of what transpired. None of the witnesses appeared to T&M to be exaggerating or embellishing and all seemed genuinely concerned about being as precise as possible when answering questions regarding events that occurred decades earlier. Indeed, many witnesses were quick to state that they were unable to recall specific details due to the passage of time. Other witnesses recalled with a great deal of detail the events in question. When possible, witnesses' recollections were tested against what they told others with whom they had spoken

⁷ Two victims who contacted T&M requested information about the process and shared the fact that they were victimized by Rosenfeld but did not want to be interviewed.

in the past. Importantly, there is nothing about the way they related their accounts that suggested they were not worthy of belief nor could T&M discern any ostensible reason for witnesses interviewed to be untruthful. Moreover, none of the witnesses who reported misconduct expressed any bias against the School or the individual about whom they were reporting. Significantly, the consistent, repetitive and similarly detailed nature of what witnesses described about Rosenfeld's interactions with them provided corroboration for the inappropriate behaviors and suggests, on its own, that the witnesses' accounts are credible. Even when there was a paucity of corroborative evidence for a particular account, the conduct in which Rosenfeld engaged was generally consistent with the conduct in which he engaged with others. Accordingly, in those instances, T&M also found that it is more likely than not that Rosenfeld engaged in that conduct with a particular individual.

E. Confidentiality of Witnesses

Anyone who contacted T&M by email or by telephone was told that their identity would be kept confidential unless disclosure was required by law or ordered by a judge. This extended to individuals who self-identified as victims of sexual misconduct, those individuals who witnesses identified as possible victims but with whom T&M did not have occasion to speak, and those witnesses who reported incidents that involved others.

This Report was drafted with a keen awareness of the concern for protecting the identities of those who participated in the investigation, as well as protecting the identities of those individuals who did not. As a result, T&M is not naming witnesses interviewed or those who were identified as victims and did not participate in this investigation. Moreover, to further protect the privacy of the former students, T&M has not identified the specific year or years during which the reported abuse took place and used instead the victims' grade in school at the time of the abuse. In addition, given the size of the SAR community at that time, T&M further anonymized witness accounts to ensure that the identities of witnesses interviewed, as well as those who chose not to be interviewed, would not be compromised. In recounting the incidents, all personal details have been removed as well as, in some instances, the supporting evidence and other additional details when it was determined that inclusion of that information may unintentionally reveal the identities of those witnesses who participated in this investigation as well as those who did not. However, T&M has identified former SAR employees when their level of responsibility, receipt of information or actions warranted it.

F. Identification Criteria

In evaluating whether to identify by name individuals who engaged in sexual misconduct, or inappropriate behavior, T&M considered, among other variables, whether there were multiple credible accounts, the severity and nature of the behavior, as well as the risk of unintentional disclosure of witness identities. T&M's paramount concern was to ensure and maintain the confidentiality of witnesses.

III. SUMMARY OF FINDINGS

Stanley Rosenfeld

1. Rosenfeld engaged in sexual misconduct or other inappropriate behavior with at least twelve former SAR students and one non-SAR student.

T&M received firsthand reports from twelve former SAR students, eleven boys and one girl, as well as one non-SAR student, that support a finding that between 1974 and 1987, Rosenfeld engaged in acts of sexual abuse or other sexually inappropriate behavior. This finding is based upon the interviews of individuals who reported being the targets of Rosenfeld's sexual advances and sexually assaultive behavior, the interviews of witnesses who provided corroborating information that an individual had been inappropriately touched and, in very limited circumstances where the victim did not participate in this investigation, the interviews of individuals to whom those victims spoke at the time the acts occurred or sometime thereafter. This finding is also based on Rosenfeld's admissions to T&M and investigators for Ramaz that he inappropriately touched boys.

The evidence supports the conclusion that Rosenfeld engaged in a markedly similar pattern of behavior that was consistent over time. Although T&M received one account from a former female student, Rosenfeld primarily targeted male middle school students and the majority of the instances of sexual misconduct that were reported to T&M occurred on weekends when Rosenfeld invited boys to his home for Shabbat. Significantly, Rosenfeld used his position as the Assistant Principal, and someone who hosted students at his home for Shabbat, to gain access to students and engage in acts of sexual abuse while boys were entrusted to his care.

In some instances, witnesses told T&M that the inappropriate touching and sexual contact would persist until the boy made it clear he was aware of Rosenfeld's behavior and tried to push Rosenfeld away. Others said Rosenfeld's actions made them uncomfortable, but that they did not know how to react and endured the abuse until it stopped or otherwise did not know how to process Rosenfeld's actions. Some of these former students described acts of sexual abuse that they found very upsetting and caused them to suffer emotionally.

Rosenfeld's conduct fell on a spectrum of behavior ranging from overt sexual assault to inappropriate contact with students. Some former students described being invited to Rosenfeld's home for Shabbat and having their genitals fondled either over or under their clothing as the former students slept in one of two twin beds in Rosenfeld's bedroom or in Rosenfeld's guest room. Some former students also described waking up during the night to find Rosenfeld leaning over them and attempting to touch their penises. One former student explained that during the night, he awoke to Rosenfeld's hands on the former student's penis inside the former student's pajama bottoms, that Rosenfeld quickly removed them and then justified his presence in the twin-bedded room where the boys were sleeping by saying that he heard the former student make a noise and wanted to check on him. In addition, several former students reported sleeping at Rosenfeld's apartment and feeling as

if Rosenfeld drugged them. One former student reported how he and another student went to bed in the same room while Rosenfeld slept in another bedroom and that he woke up in the middle of the night feeling “groggy.” The former student also said that he awoke and saw Rosenfeld standing at the foot of the former student’s bed with Rosenfeld’s hands on the former student’s penis, fondling him and that after making eye contact with Rosenfeld, he grinned at the former student before the former student passed out again. Another former student reported that when he stayed at Rosenfeld’s home for Shabbat with one other former student, he woke up during the night and saw Rosenfeld, who was naked, kneeling at the side of the former student’s bed with one hand squeezing the former student’s genitals and fingers on Rosenfeld’s other hand inserted into the former student’s anus. Similarly, this former student also recalled feeling “very dizzy,” and also believed he was drugged. Another former student recalled that when he slept at Rosenfeld’s apartment, Rosenfeld entered the room where the former student was sleeping wearing only his underwear and while standing next to the former student’s bed with an apparent erection, Rosenfeld pressed his body and face against the former student, touched him under the covers and kissed him on the lips.

Some former students described sexual contact that occurred when wrestling with Rosenfeld in their underwear during these Shabbat weekends at Rosenfeld’s apartment. One former student reported that Rabbi Schwartz, who was then his teacher, invited him and another SAR student for Shabbat at Rosenfeld’s house, where Rosenfeld suggested that they wrestle in their underwear because it was “getting hot.” The former student described wrestling with Rosenfeld, who was also in his underwear and had taken off his shirt, and said that while they wrestled, Rosenfeld touched the former student’s genitals. Another former student recalled being invited to Rosenfeld’s house for Shabbat, along with other students and Rabbi Schwartz. He described engaging in a pillow fight, wrestling with Rosenfeld and being grabbed by his “inner thigh close to the top” which he noted as an “unusual place” to grab. Others did not recall any sexual contact but described wrestling with Rosenfeld and other boys while they were all in their underwear, and in one instance his invitation that one of them sleep in his bed because the couch was too crowded.

Other former students who did not recall any physical contact with Rosenfeld when they stayed at his home for Shabbat described how Rosenfeld changed in front of them, was observed by the students sitting naked on his bed, and in one instance may have touched his own “private parts” in front of a former student.

Although there is no documentation to support the conclusion that SAR condoned Rosenfeld’s invitations, many former students interviewed said that Rosenfeld’s Shabbat weekend invitations were common knowledge amongst SAR students at the time and that Rabbi Schwartz was a frequent presence at them. One former student recalled his parent getting letters from the School about upcoming Shabbatonim with locations of where the students could stay and said that his mother signed something allowing him to spend the night at Rosenfeld’s, while others reported that Rosenfeld selected two students from each class to stay at his home for each Shabbat during the course of the academic year. Many former students also recalled that Rabbi Schwartz was present when they stayed there on weekends.

Rosenfeld's sexually assaultive behavior also occurred over the summer when he took several boys on a weekend trip after their 8th grade graduation. During this trip, they stayed in a hotel and slept in two double beds. One of the former students reported that he woke up in the middle of the night to Rosenfeld fondling the former student's penis inside his pajama bottoms and that Rosenfeld continued to fondle him until the student turned over onto his stomach to prevent it from continuing. Another former student on this trip reported that since he had been previously fondled by Rosenfeld, he wore his bathing suit in the shower because he did not want Rosenfeld to touch him.

In addition, Rosenfeld touched former male students in the classroom, office and hallways at SAR and sexually assaulted a former female student at the School as well. One former student reported being invited by Rosenfeld into his office where Rosenfeld made the former student sit on his lap and touched him "inappropriately." Another former student said that when Rosenfeld was his teacher, Rosenfeld called him up to the desk where he was seated and asked the former student questions while Rosenfeld rubbed his hand against the former student's penis over clothing until he walked away. Others reported having their genitals fondled over their clothing in public areas within the School, such as the learning area and outside the teacher's room, as well as being cornered elsewhere within the building after which Rosenfeld pressed his erect penis against them. A female student reported that Rosenfeld leaned over her while correcting her handwriting and then rubbed and pushed his penis against her body. She reported other occasions on which Rosenfeld called her into his office where he rubbed up against her with his erect penis, blocked her from leaving the office, and then rubbed her breasts over her clothes. Some of these students also reported that they heard their classmates talk about Rosenfeld and comment that they had also been touched or fondled by him and heard others more generally joke with one another about Rosenfeld's fondling of boys.

Another former student reported that Rosenfeld molested him at Camp Massad where he repeatedly entered the former student's cabin at night, kissed him and rubbed his own clothed body against the former student as Rosenfeld lay beside him. Other witnesses reported that Rosenfeld engaged in inappropriate and sexual conduct with them at their homes. One student recalled an interaction in his home when Rosenfeld came into his room, closed the door, and made sexual advances. He described how Rosenfeld pressed his body against him and felt Rosenfeld's mustache pressed against his mouth.

One student who did not attend SAR recalled that when Rosenfeld visited him at his home and others were around, Rosenfeld gave him hugs, held him close and groped his groin area over his clothes. He further reported an incident when Rosenfeld and a male friend of his sibling spent the night at the former student's home. He said that Rosenfeld entered the room where he, his sibling and his sibling's friend slept, knelt down next to his sibling's friend and began "petting" the friend all over his body, over the blanket that covered him, while at the same time, Rosenfeld touched his own penis over his pajamas. In addition to these behaviors, on at least one occasion, Rosenfeld cautioned a former student to keep his abuse of the student a secret between them by telling him, "It would be best if we keep what happened between us."

Rosenfeld's behavior was also described by some witnesses as physically abusive. One former student described an occasion at SAR when Rosenfeld grabbed him, threw him against the wall, shook him and yelled at him. This student noted that on another occasion, he observed Rosenfeld screaming at a younger student after which Rosenfeld repeatedly threw that student against the wall. Another student recalled an incident during which he observed Rosenfeld grab a student's face, put it in the snow and drag him into the School. Rosenfeld himself admitted to investigators sometimes using his hands to "give a kid a shake."

2. Rosenfeld's 2018 Statement

During the investigation, T&M and Debevoise & Plimpton, investigators for Ramaz, spoke with Rosenfeld, who is 84 years old. Although Rosenfeld did not acknowledge the full extent of his inappropriate conduct with former students, he said that he touched students inappropriately "wherever [he] worked with them." When asked if anyone at SAR knew he was touching children inappropriately, he stated, "I don't know if they knew or not. Sometimes it was very possible to see me do that because I wasn't hiding that." He further stated that he did not recall any reports to the School that he behaved inappropriately with male students or that Rabbi Chwat ever spoke to him about complaints by students of inappropriate touching. However, Rosenfeld also ultimately told investigators that Rabbi Chwat spoke to him about "doing something wrong" that he characterized as "always faulty touching." He further stated how he sometimes used his hands to "give a kid a shake, I'm talking about picking kids up doing some sort of physical touching, shaking them to set a kid straight for misbehaving."

3. Reports or Complaints of Abuse Made to SAR and Institutional Response

The evidence gathered during the investigation supports a conclusion that Rabbi Schwartz was made aware of the sexually abusive and inappropriate behaviors in which Rosenfeld engaged on two distinct occasions and failed to disclose this information to SAR administrators. Specifically, two former students reported that they informed Rabbi Schwartz, who was then employed by SAR as a Judaic studies teacher, about what Rosenfeld had done to them. One former student said that while Rabbi Schwartz was not present at Rosenfeld's apartment, he told Rabbi Schwartz after an overnight Shabbat that he woke up during the night to find that Rosenfeld was "touching him." That student also said that he told Rabbi Schwartz about a call his parent had received from another former student's parent about Rosenfeld's inappropriate touching of their son. He reported that Rabbi Schwartz told him that the touching "was a dream" and the information from the other student's family was untrue, since Rosenfeld would never engage in that kind of behavior, and further admonished him not to talk about Rosenfeld in that way because he was a "good man."⁸ Another student

⁸Rabbi Schwartz was interviewed by T&M on January 29, 2018 in the presence of his attorney. At that time, T&M was not aware of the information provided by this former student. Through Rabbi Schwartz's counsel, Venable offered him an opportunity to participate in a second interview with T&M. Although Rabbi Schwartz's counsel indicated to Venable his

reported that Rabbi Schwartz was present on the night Rosenfeld sexually abused him and that he told Rabbi Schwartz what Rosenfeld had done immediately after it happened. He recalled that Rabbi Schwartz told the former student that he must have “been dreaming” and that he was “okay” before distracting him by playing a board game. Notably, although Rabbi Schwartz said he did not recall that the student reported any sexual abuse by Rosenfeld, Rabbi Schwartz acknowledged in his interview with T&M that he was present at Rosenfeld’s home when this student reported to him that Rosenfeld made him uncomfortable. Rabbi Schwartz said that he told the student that Rosenfeld was a “warm and loving person” who is also “lonely” and was in the student’s room “standing over” him or “staring” at him to make sure he was “okay.” He did not recall telling the former student that he had dreamt the interaction and said he never spoke to Rosenfeld about the interaction because “there was nothing to discuss.”

In addition to the former students who said they told Rabbi Schwartz directly about Rosenfeld’s sexual misconduct, other former students voiced their belief that Rabbi Schwartz enabled Rosenfeld’s sexual abuse of boys by inviting them to Rosenfeld’s home and noted Rabbi Schwartz’s regular presence at Rosenfeld’s apartment on the evenings when they were sexually abused. One former student said he attended a wrestling match with Rabbi Schwartz and Rosenfeld while others recalled watching wrestling on television with both of them at Rosenfeld’s home.

The evidence further suggests that Rosenfeld’s sexual misconduct became known to Rabbi Chwat when a former faculty member reported to him that she observed Rosenfeld touching a boy in the “groin area” in an office at the School. She said that she believed Rosenfeld was fired and told never to work with children again but did not recall how she became aware of the information because Rabbi Chwat did not tell her directly. This faculty member was unable to recall precisely when she made the observations of Rosenfeld and whether the firing occurred immediately after she disclosed this information to Rabbi Chwat. However, she said she was aware that Rosenfeld later returned to SAR and believed that he did so in a limited capacity for a short period of time.

Moreover, although no former parents reported directly to T&M that they engaged in conversation with specific SAR administrators about Rosenfeld’s sexual misconduct, there is evidence to suggest that parents of two former students may have told SAR administrators about Rosenfeld’s abuse of their sons. One student reported that information his father learned from the parent of another former student about Rosenfeld’s molestation of their son prompted his father to retrieve him from Rosenfeld’s home after an overnight Shabbat and that when he did so, the former student disclosed to his father that he had wrestled with Rosenfeld in his underwear, but the former student did not disclose that Rosenfeld touched him in the middle of the night. He

belief that Rabbi Schwartz was unwilling to do so, he said he would convey the offer to Rabbi Schwartz. Rabbi Schwartz’s counsel never responded to Venable regarding the offer to participate in a second interview with T&M. As a result, Rabbi Schwartz was neither confronted with the disclosure provided by this particular former student, nor any other additional information gathered during the investigation since his interview.

said that his father learned from the other parent that the information had been conveyed to SAR administrators. He also said that his father spoke to either Rabbi Chwat or Rabbi Yonah Fuld (“Rabbi Fuld”), then Associate Principal of Religious Studies, and believes that as a result, “Rosenfeld was warned or told not to invite anyone anymore.” Another former student reported that she was present when the former student’s father received the call from the other parent about Rosenfeld’s behavior and that parent’s report to the School as well as when the former student told his father about the wrestling in underwear. She also said that the father went to the School the next day and “screamed” at Rabbi Chwat or Rabbi Fuld. She further reported that she told another former faculty member⁹ about the wrestling that occurred at Rosenfeld’s apartment as well as what had been told to the parents of the former student. The student’s father said he received a telephone call from a parent to warn him that his son was not “safe” around Rosenfeld. While he retrieved his son from Rosenfeld’s apartment as a result of the call and learned about the wrestling in underwear from his son, the student’s father did not have a recollection of reporting this information to the School or knowing that anyone else had done so.

Importantly, a former senior member of SAR reported to T&M that around the time Rosenfeld left SAR in 1977, Rabbi Chwat told him Rosenfeld was “being let go or leaving,” that he was “the kind of person that has a proclivity or interest in students” and “not the person who should be with kids full time.” He said that he did not receive any indication of specific behavior that Rosenfeld was “being sent away for” or that he had acted on these “proclivities.” While he said that he knew Rosenfeld was leaving and that Rabbi Chwat believed he shouldn’t stay, he did not know if Rosenfeld was asked to leave or left of his own accord.

In his interview, Rabbi Fuld also reported having no awareness of any wrongdoing that resulted in Rosenfeld’s departure from SAR and more specifically denied ever receiving complaints about Rosenfeld’s behavior during his employment. Rabbi Schwartz told T&M that Rosenfeld never discussed with him the reasons for his departure from the School and that it never came up in conversation. He further stated, “He left. People leave jobs. I didn’t think anything of it.” Other individuals associated with the School who were interviewed by T&M said they were unaware of the behaviors in which Rosenfeld engaged, any reports or complaints of such behavior, or the circumstances under which Rosenfeld left and returned to SAR.

Absent additional evidence, T&M is not able to discern the precise circumstances of Rosenfeld’s initial departure from SAR or his return years later. There was no evidence or documentation¹⁰ gathered during the investigation to support a conclusion that Rosenfeld left SAR as a direct result of the former faculty member’s report to Rabbi Chwat or the information that parents may have conveyed to SAR administrators. T&M was also unable to determine the specific circumstances under which Rosenfeld was rehired as an employee in 1986, and for what period of time he was employed. However, T&M determined that Rosenfeld was employed by

⁹ The former faculty member did not respond to T&M’s request for an interview.

¹⁰ As previously noted, T&M did not review Rosenfeld’s personnel file and was informed that the file cannot be located due to the passage of time.

SAR during the 1986-1987 academic year since his name is listed under the “Our Teachers” section of the SAR Academy Journal, and his photograph appears in the faculty section of the 1987 SAR Academy Yearbook. Rabbi Schwartz told T&M that Rosenfeld had no role at SAR between the time he left in 1977 and when he returned in 1986 to teach Language Arts on a part-time basis for at least one year. Rabbi Joel Cohn (“Rabbi Cohn”), who was the Assistant Principal of SAR during the 1986 academic year, stated that when the School needed a sixth-grade substitute teacher, Rosenfeld taught for one or two periods per day for part of the year. He said he had no knowledge of the circumstances of Rosenfeld’s earlier departure from the School and asked Rabbi Fuld, who was then the Principal of SAR, if he had any concerns about Rosenfeld. He recalled being told by Rabbi Fuld that he “had to think about it or check into it,” but that Rabbi Fuld eventually told Rabbi Cohn, “for a short amount of time, I think it’s ok.” He said that he did not have any memory of Rabbi Fuld expressing reservations about hiring Rosenfeld or then informing him of the circumstances surrounding Rosenfeld’s departure from the School.

Rabbi Fuld told T&M that he did not recall that Rosenfeld returned to SAR in 1986 or that he spoke to Rabbi Cohn about hiring Rosenfeld as a part-time teacher. He further stated he would never have hired someone he knew might hurt children.

IV. REPORTS OF INAPPROPRIATE BEHAVIOR BY RABBI SHELDON SCHWARTZ

In addition to T&M’s finding that Rabbi Schwartz had knowledge of the abuse perpetrated by Rosenfeld, T&M received reports from four former students from the 1970s that Rabbi Schwartz, who was an SAR Judaic Studies teacher from 1974 to 2018, engaged in inappropriate conduct with them when they were students. Two former male students described how Rabbi Schwartz set up wrestling matches at the School, sometimes during recess, between the older and younger students as well as wrestling matches between himself and the students. These former students described behavior that included pinning and holding one another on the floor, as well as using a “scissor” or “headlock” to end the match. One of the former students recalled numerous occasions on which Rabbi Schwartz’s “winning move” was grabbing students’ genitals over their clothing to end the match.

As previously noted, Rabbi Schwartz was interviewed at the outset of the investigation and was not confronted with these reports of his wrestling with students that were subsequently brought to T&M’s attention. However, Rabbi Schwartz told T&M that wrestling between a student and a teacher was acceptable behavior and said he thought of it as “horseplay” whether in school or outside of the classroom. He defined this activity as including “adults on top of students” and “rolling around probably.” He told T&M that he did not recall ever witnessing this behavior at SAR.

Two former students also reported that as 11-year-old boys, Rabbi Schwartz had them sit on his lap during the school day and while positioned there, placed his face very close to their faces and then complimented them and used terms of endearment to refer to one of them. One student recalled that on

numerous occasions when Rabbi Schwartz invited him to sit on his lap, Rabbi Schwartz put his arms around the student's body and hugged him repeatedly for too long. The former student also detailed how Rabbi Schwartz massaged and stroked his back and legs over his clothing, touched his hair, face and neck with his hands, and kissed him on the head, all of which he characterized as inappropriate.

V. CONCLUSION

Based on interviews conducted and Rosenfeld's admission that he touched students "wherever [he] worked with them," T&M has determined that there is sufficient credible evidence to support a finding that Stanley Rosenfeld engaged in sexual assault as well as inappropriate physical and sexual contact with twelve SAR students and one non-SAR student. In addition, the evidence supports the conclusion that Rosenfeld's misconduct became known to Rabbi Schwartz when two students informed him that Rosenfeld had inappropriately touched them and that Rabbi Schwartz failed to report this to the SAR administration. T&M finds that the School was also made aware of Rosenfeld's sexual misconduct when Rabbi Chwat was informed by a teacher that she had observed Rosenfeld touching a boy in an office at the School, and that notwithstanding this disclosure, Rosenfeld returned to teach at SAR in 1986. During the course of this investigation, T&M also learned that Rabbi Schwartz was present at Rosenfeld's home when the sexual abuse of students occurred, and that Rabbi Schwartz engaged in inappropriate behavior with students at SAR.