

**INVESTIGATIVE REPORT: SEXUAL
HARASSMENT AND WORKPLACE MISCONDUCT**

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I. INTRODUCTION

On April 5, 2018, The Inquirer published a story in which nine women, including former cadets and employees, accused Youth Education in the Arts (“YEA!”) Chief Executive Officer (“CEO”) George Hopkins of sexual misconduct.¹ Additional articles followed.

Following the reports against Hopkins, the members of the YEA! Board of Directors (“Board”) resigned. The replacement Board then terminated Hopkins. YEA! hired Franczek Radelet to conduct an investigation into complaints of sexual harassment and workplace misconduct and YEA!’s policies and practices associated with the same.²

II. INVESTIGATIVE APPROACH

Franczek Radelet’s investigation was led by Partner Jennifer Smith with the support of Associates Leah Farmer and Mary Deweese.

Prior to the retention of Franczek Radelet, YEA! retained Gross McGinley to investigate anonymous complaints of sexual misconduct by Hopkins. Franczek Radelet requested and received all materials from Gross McGinley’s investigation, including interview summaries and notes.

Jennifer Smith and Mary Deweese went to Allentown, PA to interview YEA! employees and review records on May 16 and 17, 2018. Fifteen current YEA! employees were interviewed in-person or by telephone, and an additional four current Cadets staff members were interviewed by telephone during summer 2018. Seven former YEA! Board members were also interviewed by telephone. A hotline was established, which was managed by Leah Farmer. Eight calls were received to the hotline. Franczek Radelet also received anonymous emails and conducted one anonymous telephone interview.³

III. OVERVIEW OF ALLEGATIONS

In an investigative article published in The Inquirer, nine woman accused then-CEO of YEA!, George Hopkins, of sexual harassment, misconduct, and assault spanning several decades. The named women are one woman who alleges Hopkins sexually assaulted her nearly forty years ago when she was a 17-year-old member of the Cadets and he was assistant director; her sister, another colorguard member of the Cadets who alleged Hopkins sexually assaulted her two years later; a colorguard member who alleged Hopkins groped her in 1980 when she was 16; a former Cadet who alleged Hopkins forcibly kissed her in 2007; a former Cadets member and former

¹ *Breaking a Long Silence*, Tricia Nadolny, The Inquirer, available at <http://www.philly.com/philly/news/cadets-drum-bugle-corps-george-hopkins-sexual-abuse-harrassment-allentown-pennsylvania.html>.

² Franczek Radelet was also hired to conduct an investigation into allegations against the interim CEO, Sean King. Franczek Radelet delivered an investigative report specific to King in June 2018, and recommended he be reinstated.

³ Sean King and Jessica Beyer, one of the former employees who had accused Hopkins of sexual misconduct, were also interviewed for the King investigation. Beyer only agreed to be interviewed in that limited scope and was not interviewed about Hopkins.

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employee alleged Hopkins required her to share a hotel room in 2006 and sexually assaulted her; and a former employee who alleged Hopkins harassed and sexually assaulted her after she ended a relationship with him in 2005 and 2006. The unnamed women include a former employee alleging Hopkins sexually assaulted her in the early 1980s at work; a former Cadet alleging that Hopkins sexually harassed her; and a former employee who alleged Hopkins sexually assaulted her in 1999. These women had all been, at some point, employees of YEA! or members of the Cadets.

YEA! sought to investigate the allegations while Hopkins was employed as CEO. Former counsel for YEA!, the law firm Gross McGinley, requested an interview with Hopkins regarding the allegations, but he refused to comment or participate in Gross McGinley's investigation.

An additional woman, a former colorguard participant in a different drum and bugle corps, contacted Franczek Radelet via the hotline to report sexual misconduct by Hopkins. The woman provided her name and contact information when making the report and participated in both an intake interview and follow-up interview. She reported that in the winter of 1995-1996, when she was in her 20s, Hopkins offered to drive her back to her hotel after a colorguard event. She alleged that he forcibly kissed her, without her consent. She did not report this to YEA! prior to fall 2018.

Franzcek Radelet contacted Hopkins via his legal counsel to offer an opportunity for him to respond to the additional allegation of misconduct, which was not made to YEA! at the time of the Gross McGinley report. Franczek Radelet confirmed to Hopkins' legal counsel that the allegation was not anonymous, and the name of the complainant would be provided to Hopkins along with the relevant details to provide him with a full opportunity to respond if he agreed to be interviewed. On October 26, 2018, Hopkins' counsel responded that on the advice of counsel, Mr. Hopkins declined the interview invitation. The letter states: "[t]o be clear, however, Mr. Hopkins vehemently denies any and all allegations of wrongdoing—whether it relates to the false allegations of sexual misconduct or other alleged workplace misconduct."

IV. INVESTIGATIVE SUMMARY

The investigation did not reach conclusions on the veracity of the accusations made against Hopkins in *The Inquirer*, and no employee or board member reported having any personal knowledge of the allegations in *The Inquirer*. The investigation sought to determine whether there were additional claims of sexual harassment or misconduct; whether YEA! historically had adequate policies and procedures in place to address and prevent sexual harassment and misconduct; determine the knowledge and response by the former YEA! Board of the allegations made against Hopkins; and identify any other areas of concerning workplace or safety policies and practices.

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A. Hopkins

The investigation identified one additional allegation of sexual misconduct, which is described above. The investigation also found that Hopkins treated employees in an inappropriate manner, including on the basis of sex.

No current employee interviewed reported that they felt that they had been subject to sexual harassment from Hopkins. Further, no current employee interviewed reported any incidents of unwanted sexual contact or sexual assault, or knowledge of any such incidents. To note, nearly every interviewee reported that Hopkins was a difficult manager, and the majority gave examples of Hopkins being aggressive, combative, and unreasonable. Many employees reported incidents of Hopkins being verbally abusive, throwing things, and/or yelling. There was no indication that this behavior was directed at certain individuals on the basis of sex or any other characteristic.

Some employees reported that they had heard Hopkins make off-color comments or “jokes” about women, although others reported never hearing any such comments. The women interviewed, while not specifically stating that they were subject to sexually inappropriate conduct by Hopkins or any other employee, did point out specific examples of comments that were inappropriate. Two female employees reported that Hopkins had made disparaging comments about women, such as “women can’t drive trucks.” One of these women said that Hopkins had sent her an email stating that he appreciated “how she looks” and that she was “making an effort to look better.” It was also reported that Hopkins would refer to women as “girls” and “little girls.”

There were various reports of Hopkins having romantic and sexual relationships with (now former) employees that were perceived to be consensual. One employee reported that it was widely known that Hopkins had dated various employees, and that he had written extensively about his breakups with at least two former employees on a now-deleted blog. Some former Board members reported knowing about Hopkins’ romantic relationships with coworkers; others said that they were not aware of any romantic relationship.

A review of YEA! records uncovered some historical concerns relating to inappropriate conduct of a sexual nature by Hopkins. There were statements in personnel files alluding to the existence of a sexual relationship between an employee and Hopkins. There were multiple instances of sexually inappropriate emails being sent through the YEA! email server, including from Hopkins.

Franczek Radelet offered to interview Hopkins regarding allegations that he engaged in workplace misconduct. As described above, he declined to be interviewed and globally denied misconduct through his legal counsel’s statement.

B. YEA! Policies and Procedures

The investigation found that YEA!’s policies and procedures were inadequate to prevent and respond to sexual harassment and sexual misconduct. YEA! staff were generally not aware of how and to whom reports of sexual harassment or misconduct should be made. It was reported that a committee was assembled to develop a written sexual harassment policy in 2015. The committee prepared a draft policy, but it is unclear whether it was approved and implemented by supervisory staff or the YEA! Board. Cadets staff report that there has never been a written policy on sexual harassment, at least not until Hopkins requested one be developed for YEA! in early 2018. In contrast, some of the former YEA! Board members interviewed reported that there was a sexual harassment policy in place. It was clear that there was no consistent awareness of a sexual harassment policy or of complaint reporting procedures.

C. YEA! Board’s Awareness of Sexual Harassment and Sexual Assault

This investigation did not find that the former YEA! Board was aware, prior to 2018, of specific allegations of sexual harassment, misconduct, or assault by Hopkins. However, the YEA! Board’s oversight of Hopkins was lacking, and YEA! failed to have adequate policies and procedures in place to address and prevent any harassment or misconduct.

There was very little oversight of Hopkins by the former YEA! Board. Of the former Board members who agreed to be interviewed, contradictory reports were made. As such, it is apparent that there was no clear and consistent practice of managing Hopkins and overseeing YEA!

The Board held quarterly in-person meetings, and additional meetings by telephone. Hopkins attended these meetings. Some YEA! staff members attended these meetings to present to the Board, but there was otherwise little to no interaction between the Board and YEA! staff. Some former Board members reported that there was opportunity for staff to make complaints about Hopkins to Board members on an individual basis, but all reported that there was no policy governing how complaints against Hopkins could be made to the Board.

Some former Board members interviewed reported never receiving any complaints about Hopkins; others reported receiving “petty” complaints, not of a sexual nature. To be clear, the membership of the Board changed over the decades Hopkins was employed by YEA!, and as such, it is possible that complaints were made to Board members who were not interviewed for the purpose of this report. However, all the interviewed individuals reported that they did not receive reports, anonymous or otherwise, of sexual harassment by Hopkins until 2018. They reported acting on the advice of their counsel from Gross McKinley following receipt of those complaints.

D. Other Concerns

The investigation also uncovered concerns relating to supervision of Cadets and C2 members; non-discrimination practices; background check clearances; document management

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practices; employee evaluation practices; and compliance with hours-of-service regulations. Recommendations to address these concerns have been made in an attorney-client privileged report to the current YEA! Board.

V. INVESTIGATIVE FINDINGS

There is, as detailed above, creditable information confirmed by this investigation that Hopkins engaged in at least one incident of sexual misconduct, made inappropriate comments and jokes about women in the office, and engaged in verbally abusive conduct toward employees. Hopkins directed employees to engage in practices contrary to safe and legally compliant operation. Hopkins declined to be interviewed for this investigation, but generally declines allegations of misconduct. In light of the highly consistent and numerous reports of the conduct described in this report, we do not find Hopkins' general denial creditable.

YEA! should ensure that all staff and participants of its activities receive notice of its policy prohibiting sexual harassment and mechanism for reporting a complaint. In addition, YEA! should ensure that staff are fully advised on the applicable legal requirements for managing their job responsibilities contrary to any prior directives given by Hopkins. This includes employees overseeing supervision of Cadets and C2 members; background check clearances, document management, employee supervision, non-discrimination practices, and transportation.