

Snell & Wilmer

— L.L.P. —

REPORT OF INVESTIGATION

TO: Jody Burnett, Chair of Board of Trustees
Utah State University

FROM: Alan Sullivan
Alexandra Sandvik

DATE: March 27, 2018

RE: Report of independent investigation concerning gender discrimination, sexual harassment, and sexual assault in the Piano Program of the Music Department, Utah State University

SUMMARY

On February 15, 2018, Utah State University retained Snell & Wilmer to conduct an independent investigation of the facts behind a series of social media posts appearing a few days earlier. In these posts, several former students of the University's Piano Program wrote that current and former faculty members engaged in sexual harassment and gender discrimination over a lengthy period beginning in the late 1990s. The posts also claimed or suggested that current and former faculty members had sexually assaulted students. On behalf of the University, President Noelle E. Cockett and General Counsel Mica McKinney asked Snell & Wilmer investigators to gather and evaluate the facts behind these allegations and to evaluate the University's responses where the allegations had been reported to University officials. They also asked the investigators to make recommendations for change in the event serious misconduct occurred.

Snell & Wilmer conducted a month-long investigation, and the results are presented in this report. In summary we conclude:

Gender discrimination – More than a dozen current and former students complained of a pervasive culture of gender discrimination in the Piano Program. The events that prompted these complaints started in the late 1990s and continued until 2017. Some of the students' complaints of discrimination were corroborated by information from other current and former students, from faculty members, from administrators with personal knowledge, and from the University's records. The complaints stemmed, in significant part, from the attitudes and behavior of Professor Gary Amano, who was until 2017 the coordinator of the Piano Program. Since Professor Amano began his sabbatical in August 2017, the Program has made progress in correcting the problem of gender discrimination. Unfortunately, until mid-2017, the University's Music Department and Title IX office did little to address the problem despite repeated opportunities to confront Professor Amano and respond to complaints. Former students told us

that in many instances they chose not to report what they believed to be discrimination because they thought it would not have done any good, they were intimidated, and they feared retaliation.

Sexual harassment and sexual assaults – Between 1994 and 2012, students or parents complained to responsible University officials of a series of incidents involving sexual harassment by four members of the Music Department faculty. The complainants were both males and females. Some of the incidents reportedly involved unwelcome sexual advances and sexual relations between faculty members and the students they taught; some complaints involved alleged sexual assault. One of the accused – a former faculty member of the Piano Program – has admitted to having repeated sexual relations with at least three female students in the Piano Program during the late 2000s, but he claims that all of them were consensual. Whether consensual or not, however, a disturbing pattern emerges from all of these incidents: some of them appear to have been common knowledge at the time, but none of them appears to have been taken seriously by the leadership of the Piano Program or the University. In several instances, the only party to be criticized was the victim. Two of the faculty members accused of harassment no longer teach at the University; the other two are still on the faculty. To these investigators, the incidents demonstrate, at the very least, a persistent bias against women and a serious lack of faculty supervision and discipline. They also demonstrate that Piano Program faculty and Music Department leadership were for years unwilling to confront sexual harassment offenders concerning their misconduct.

Humiliation, intimidation, and vindictiveness – Although not squarely within the scope of our investigation, we feel we must report that for decades the Piano Program tolerated psychologically abusive faculty behavior – behavior that drove some students to leave the program without degrees, giving up the piano altogether, and other students to contend with abuse until they graduated. It is true that many students with whom we spoke had no complaints about the Piano Program and denied having any knowledge of any faculty misconduct. It is also true that many of his current and former students revere Professor Amano. But a significant number of current and former students complained to us about having been humiliated – or watching others being humiliated and belittled – in classes taught by him and other faculty. They complained about faculty vindictiveness. They also complained that faculty members, and particularly Professor Amano, became impatient and caustic with students for having failed to grasp concepts or comply with expectations – concepts and expectations the faculty never clearly explained in the first place. For these students, the Piano Program was, as several said, “toxic.” The training of elite piano performers undoubtedly must be rigorous and highly disciplined. But we do not believe there is any excuse for the humiliating treatment that some students experienced. Since August 2017, the Piano Program has made significant strides in addressing this problem.

Recommendations – The investigators’ recommendations appear at the end of this report, at page 17.

BACKGROUND

For many years, the University has been proud of the Music Department's Piano Program, widely recognized as one of the best in the nation. From the 1980s to August 2017, Professor Gary Amano led the Piano Program. He is a Julliard-trained pianist and teacher, and many of his former students have gone on to distinguished performing and academic careers. He is recognized by knowledgeable people as a superb teacher of gifted students. Other current members of the Piano Program faculty are Professors Dennis Hirst, Kevin Olson, and Emily Ezola. During Professor Amano's current sabbatical, Jason Hardink has filled in for him in teaching Program students. Mr. Hardink is Principal Symphony Keyboard of the Utah Symphony and Artistic Director of the NOVA Chamber Music Series.

The Piano Program offers majors in Piano Performance and Piano Pedagogy, and since 2008 it has offered a Masters of Music degree. Undergraduates are admitted to the Program based on an audition, and those admitted are placed into the "studio" of one of the Program's faculty members for individual and small-group lessons. Historically, the most promising students were placed in Professor Amano's studio, and the rest were placed in another faculty member's studio. Students in Professor Amano's studio who did not meet his rigorous standards were moved into another studio. At present there are fourteen undergraduates in the Program; eleven of them are women. There are two graduate students in the Program, both of whom are men.

The Piano Program offers two programs for younger students of the piano that have been relevant to our investigation. Program faculty and undergraduates operate the Youth Conservatory for about 300 younger students aged 5 through 18 throughout the academic year. During the summer, they operate the Piano Clinic providing private lessons for young people.

The Piano Program is part of the Music Department, whose Head is Professor Cindy Dewey. The Music Department is part of the Caine College of the Arts, which is led by Dean Craig Jessop. In August 2017, Dean Jessop and Professor Dewey asked Professor Amano to take a sabbatical for a year, and they removed him as coordinator of the Piano Program. Professor Hirst was installed as interim coordinator of the Program.

In February 2018, in a series of social media posts, some former students of the Piano Program complained of gender discrimination, sexual harassment, and sexual assault. The complaints, which related to conduct going back more than a decade, generated social media comment from many current and former students and others, as well as several press reports. Because of the troubling nature of these social media posts, the University's President and Board of Trustees immediately retained outside counsel to conduct this investigation.

One other fact must be mentioned by way of background. At present, the relationship between Professor Amano and the rest of the faculty is extremely contentious. On the one hand, Professors Hirst, Olson, and Ezola believe that Professor Amano is responsible for most of the

complaints about the Piano Program. On the other hand, Professor Amano believes that Professor Hirst has orchestrated a conspiracy against him and that this explains, at least in part, the unfavorable social media posts about the Program. On the one hand, Professor Amano believes Professor Hirst is dishonest and is trying to take his job. On the other, it is doubtful that the other professors will remain in the Program if Professor Amano is allowed to return to it. Even more unfortunately, these disagreements have led some students and former students to pick sides and become partisans in the battle. All of this will make it very difficult to solve the problems we address in this report.

NATURE OF THE INVESTIGATION

We requested and obtained records from the University's Office of General Counsel, Office of the President, the Human Resources Office, and the Caine College of the Arts. Since some of the complaints were reported to the University's Affirmative Action and Equal Opportunity Office (commonly called the "Title IX Office"), we obtained relevant documents from that office as well. We collected hundreds of pages of documents consisting of social media posts, Title IX complaints and investigative reports, departmental emails and other inter-University correspondence, faculty personnel files, scholarship files, grade transcripts, and University policies. The investigators also received correspondence directly from former students and from faculty members.

We interviewed about 60 witnesses with relevant information, including most of the current students in the Piano Program, former students, current and former faculty members, University administrators, University employees and former employees who work or worked in the Title IX Office, and the Human Resources Office. All of these interviews were voluntary. Each was conducted in person if possible and if not by phone. All interviews were held on an individual basis except for two individuals who requested a family member be present. The interviews lasted between approximately 25 minutes and 90 minutes, and some led to multiple follow-up phone calls with the witnesses. Some people with relevant information refused to be interviewed and instead asked to respond to written questions. Others did not respond to our requests or told us that they declined to participate in the investigation.

Federal law prohibits the University from publicly disclosing the names and other identifying facts "directly related" to a present or former student. 20 U.S.C. § 1232g(b)(i); 34 C.F.R. § 93. For this reason, this report identifies students and former students by randomly selected numbers, for example, as "Current Student No. 1" or "Former Student No. 4." This report omits other information that could be used to identify current or former students.

Our investigation was conducted on an independent basis. Although the University helped us in gathering documents and, in some cases, contacting witnesses, no one from the University played any role in our analysis of the documents, in the interviews, in our formulation of conclusions, or in the writing of this report.

REPORT OF INVESTIGATION

1. Gender Discrimination

University Policy 403.3.3 forbids University faculty members from “discriminat[ing] against anyone on the basis of . . . sex.” Policy 403.3.1 obligates faculty members to evaluate student performance “without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course in the course documentation and related to the legitimate pedagogical goals of the course.” Violations of Policy’s 403’s standards of conduct may be the basis for sanctions, including the dismissal of a faculty member, under Policy 407.2. The University President may initiate a proceeding for sanctions pursuant to Policy 407.4.1.

University Policy 305.1 also provides that University employees and students may not discriminate against other employees or students on the basis of a series of protected categories, including gender. Under Policy 305.4.1, a student may report gender discrimination in academic-related practices and decisions to the Title IX Office within 180 days of the last occurrence. Such complaints are to be investigated by the Title IX Office, and the investigation is to be completed, if possible, within 60 days from the complaint. At the conclusion of the investigation, the Title IX Office is to prepare an investigation report that summarizes the Title IX Office’s factual findings and conclusions, indicating whether, by a preponderance of the evidence, a violation of the discrimination policy has occurred.

Professor Amano’s attitudes and behavior

Many of the Piano Program’s present and former students told us that recent claims of gender discrimination in social media posts stem from Professor Amano’s attitudes and behavior. According to these students, it has not been unusual for him to tell both male and female students that men are in general better piano players than women and that, therefore, performance opportunities should be given to males. Students told us that Professor Amano tells his classes that men should get more opportunities because they are likely to become “breadwinners,” whereas female students are likely to become nothing more than housewives and neighborhood piano teachers. He seems consistently to have told his students that males are more likely to become great performers because they have greater upper body strength and larger hands.

In our discussions with him, Professor Amano told us that he has never disparaged women students, nor has he ever discriminated against them. He points to all of the female students to whom he has devoted special attention over the years. He told us, however, that “it is a fact of life” that most of the world’s elite piano performers are men. As proof, he said that of the fifteen gold medalists in the Van Cliburn International Competition since 1962, only two have been women. To Professor Amano’s credit, several of current and former female students told us that they do not believe that he has ever discriminated against them or other women; they believe their training from him has been extraordinary, and they are grateful to him. Some of these students say that they are appalled by the criticism of him in the recent social media posts.

But many of those with whom we spoke believe that the recent criticism of Professor Amano in social media posts is justified. Based on interviews with more than 40 current and former students of both genders, with other Program faculty, and with administrators, we conclude that the Piano Program has for decades discriminated against women and favored men. We conclude further that the main cause of discrimination has been Professor Amano himself. We also conclude that until 2017 the University failed to address the problem of discrimination despite having had the opportunity to do so on repeated occasions.

Our investigation has shown that gender discrimination has been common knowledge in the Piano Program for more than a decade. As one Piano Program faculty member told us, “It could not be more obvious” that Professor Amano has favored men over women. Another current Piano Program faculty member told us that he has observed “a consistent pattern of discrimination against women.” According to some former students, everyone knew that male students got larger scholarships with fewer requirements than female students. (We evaluate this claim beginning at page 9.) A Music Department administrator who has worked with Professor Amano for years expressed regret for having failed to deal with the problem earlier; she said that Professor Amano probably cannot perceive his own biases and does not understand how those biases translate into his treatment of students. This administrator has concluded that Professor Amano created and perpetuated a hostile academic environment not only for students but for other faculty members as well.

To provide context for these conclusions, we describe below the experiences of some of the students we interviewed. We must emphasize that the students whose experiences and views are described below are by no means the only students who complained to us on these subjects.

Former Student 11

Former Student 11’s Facebook post was one of the posts that led to this investigation. She and Former Student 1, a male, left the Piano Program in early 2008 without graduating. These two people ultimately married each other, and one of them went on to obtain a master’s degree and a doctoral degree and is now a piano faculty member in a respected university program in the eastern United States. Former Student 11 left Utah State University because, according to her: (1) she experienced gender discrimination throughout her years at Utah State University, having allegedly been treated less favorably than male students whose academic and piano performance was inferior to hers; (2) she was sexually harassed by two faculty members; and (3) Former Student 1 (now her husband) was advised in the spring of 2006 by Piano Program faculty to terminate his relationship with her, or else she would be “blackballed” by the Piano Program faculty. Former Student 11 reported that after being advised in 2006 that she would suffer the consequences of continuing her relationship with Former Student 1, she was ignored by Professor Amano and other faculty members, and she found it difficult to find anyone in the Program who would provide her with private lessons. At the time of her departure in 2008, she was a single credit short of the credits needed to graduate.

In June 2015, more than seven years later, Former Student 11 wrote a detailed letter to Craig Jessop, then the Chair of the University's Music Department, complaining of the manner in which she had been treated by the University. In the letter, she asked if it would be possible for the University to waive the remaining credit she needed and award her a degree. She also asked if steps could be taken to assure that current and future students would not have to experience the discrimination that she claimed to have experienced.

In response to this letter, Professor Jessop and others in the Music Department conducted an investigation of Former Student 11's graduation options. They ultimately arranged for her to graduate with a bachelor's degree without having to return to the University. Concerning Former Student 11's claims of gender discrimination and sexual harassment, Professor Jessop met with Stacy Surgeon of the Title IX Office. A June 29, 2015 note from the Title IX Office describes their discussion. They appear to have concluded that because Former Student 11's allegations of sexual harassment involved two faculty members who had long since left the University, an investigation on that issue would not be worthwhile. As for Former Student 11's concerns of gender discrimination, Ms. Sturgeon said that this student's claims did not appear to be gender-related, and so she suggested that they seek the help of the University's Human Resources Office. The Human Resources Office, however, appears to have done nothing, either because the matter was never referred to it, or because it did not believe it had jurisdiction over claims of misconduct by faculty members. There is, at any rate, no Human Resources record of any referral or action, and the person who was the Human Resources Director at the time, BrandE Faupell, remembers none. According to Doug Bullock, the current Director of Human Resources, his office does not investigate complaints against faculty, leaving that task to the Office of the Provost. The Office of the Provost has no record of investigating the gender discrimination claims of Former Student 11.

In short, after Former Student 11 complained of gender discrimination and sexual harassment in June 2015, no one appears to have even discussed the matter with Professor Amano or other persons who were members of the Piano Program faculty as of the time she was a student. In an interview with one of Snell & Wilmer's investigators, Professor Amano denied having treated Former Student 11 in a discriminatory fashion and denied having taken the position in the spring of 2006 that she would be blackballed for continuing her relationship with Former Student 1. But people who were Piano Program students during the period 2006 to 2008 (including one male) corroborated Former Student 11's account of discrimination and the other events of which she complained.

We have described Former Student 11's experience in detail because it is consistent with other factual allegations we heard from other former students, and it reflects a pattern of reluctance on behalf of the Music Department and the Title IX Office to confront the Piano Program with problems.

Former Students 2, 6, and 21

Former Student 2, a female, graduated from the Piano Program in 2008 and then started in the graduate program. She left midway through her graduate training because she “hated the system” and was “emotionally shot.” For the entirety of her undergraduate experience, she was a member of Professor Amano’s studio. Although she considered herself to have been part of his “inner circle” of elite students, she said it became clear to her that the men in the studio received preferential treatment. She said that Professor Amano expressed his desire to invest in males “since they’re the only ones who’ll have real careers.” According to Former Student 2, his attitude towards her was, “If I give you this privilege or opportunity, it’ll just take it away from a male.” She believes she had to work much harder than the males in Professor Amano’s studio just to maintain her place in the studio.

Former Student 6, who graduated from the University four years later, was not in the Piano Program, but was studying another instrument at the University. She collaborated with Piano Program students frequently and observed that “female students received little attention, with a few exceptions.” She said that the “working assumption” of the Piano Program was that “women wouldn’t amount to much” and that Professor Amano would not take most women very seriously.

Former Student 20, a male, left the Piano Program in 2004. He observed an “alarming” degree of “sexism” by the Program’s faculty. Professor Amano told students that men were better pianists than women and that women were only going to get married and have kids. He said that students did not feel they could complain to other faculty members or the Music Department because they were all afraid of crossing him.

Former Student 5

This student, a female, left the Piano Program without a degree near the end of spring semester 2004, when she should have graduated. For four years, she was a member of Professor Amano’s studio. During the course of what was supposed to be her last semester, she became concerned, among other things, about the conduct of Professor Amano in regularly telling female students that they were not as good as male students. She reported her concerns to the Chair of the Music Department and the office she thought was supposed to deal with gender bias. She obtained no response from either of them, but she believes that Professor Amano found out about her complaints and took steps to retaliate.

Former Student 5 said that following her complaints to the department and the gender bias office, she attempted to ask Professor Amano to schedule the “preview” of her end-of-semester recital, which was required of all Program majors. Professor Amano, however, refused to answer or return her phone calls, and when she tried to speak with him in his office, he refused to talk with her. She prevailed on a male friend to ask Professor Amano to schedule her preview, which he ultimately did in a written notice posted on a bulletin board.

According to Former Student 5, when she appeared to perform her preview before three faculty members, Professor Amano abruptly terminated her performance after ten minutes and told her to leave. She waited in the hall outside the performance room for some feedback. After some time, one of the faculty members came out of the performance room and told her that she “wasn’t USU quality” and that she would have to wait until the end of the next semester to schedule another recital. According to the student, no other reason was given for this decision. Former Student 5 is certain that this humiliating experience was intended as retaliation for having complained to University officials. She said that prior to the attempted preview she had won many competitions and had been awarded the prize for the Program’s most outstanding student when [REDACTED]. At any rate, she withdrew from the Piano Program on the day of the attempted preview, just a few credits short of graduation. She did not return to the University.

Scholarships

Former student 12, a female who graduated from the Piano Program in 2012, was the recipient of yearly scholarships from the Piano Program. She told us that during her years at the University she and other students frequently discussed the amounts and terms of their scholarships, and from these discussions she reached two conclusions. First, she believes that scholarship amounts awarded to males were generally higher than females. Second, she believes that scholarships to females typically required the students to provide unpaid clerical work for the Youth Conservatory program, whereas scholarships to males did not. She said that, instead, males were hired as paid “office coordinators” for the Youth Conservatory program. We heard similar complaints from other students.

Until August 2017, Professor Amano was the sole arbiter of student scholarships. He reportedly decided which students would get scholarships, how much they would get, and whether the scholarship should be reduced during the year on the basis of poor academic performance or for some other reason. Several former students told us that they went through the Piano Program under the constant threat that their scholarships would be reduced if Professor Amano became displeased with them.

Following Professor Amano’s departure from campus in August 2017, Professor Hirst and the other faculty members changed the manner in which scholarships were awarded. Rather than leaving the decision to a single faculty member, they decided to award scholarships based on (1) the average of scores submitted by all three of the current faculty for each student and (2) the average dollar amount proposed by each faculty member for each student. The proposed scholarships derived in this manner are then adjusted based on discussions with the Head of the Music Department and taking into account the total amount of scholarship money available for the Piano Program.

We attempted to check the accuracy of the contention that scholarships were historically awarded in a way that unfairly favored men. Unfortunately, the scholarship records made available to us may be incomplete. Further, mere numbers do not disclose the reasons why particular students received particular amounts. So we are unable to say definitively whether women were treated unfairly. The following data points, however, may be relevant.

Professor Hirst told us Professor Amano based the amount of scholarships on the piano performance skills of students, and he typically favored men in this regard. Following Professor Amano's departure for his sabbatical last year, the three remaining faculty members decided they would "restore" scholarship reductions made by Professor Amano in the period before his departure. Professor Hirst told us that all such reductions had been made in scholarships held by women. He also told us that as of the fall of 2017, there were only three students whose scholarships carried no work requirements, and all of them were males. According to Professor Hirst, of the five scholarships awarded females, four carried work requirements.

The Piano Program's scholarship records for years since 2009, although incomplete and somewhat ambiguous, suggest that men in the Program received far more than women. In most of those years, men received more than twice as much as women on a per capita basis. As a per capita average from 2009 to 2017, female students received 41 cents for each scholarship dollar paid to males.

The situation since August 2017

Since August 2017, the administration and faculty of the Piano Program have taken positive steps to address gender discrimination, and the many of the students have reacted favorably. Professors Hirst, Olson and Ezola modified the manner in which student performances are scored and scholarships are awarded. By many accounts, the faculty has been more open to input from students. In February of this year, seven of the Program's juniors and seniors issued a "to whom it may concern" letter in which they recognized a positive change in the operation of the Program. The students wrote that they had "witnessed and experienced the toxic culture that others have alluded to." They wrote, "It is unfortunate that many of these issues were not addressed earlier." But, they wrote, because of their own "discussions with the administration, changes involving the music faculty occurred in the fall of 2017 that, we feel, have eliminated the hostile environment." Crediting the "transparent way the faculty and administration [have] dealt with these issues," the students wrote that they are "proud to be piano majors at Utah State"

2. Sexual Harassment and Assault

University Policy 305 declares that the University "is committed to providing an environment free from harassment and other forms of discrimination based on . . . sex." Policy 339.4 provides: "No member of the Utah State University community shall engage in sexual harassment." Policy 407.8.2 provides that "[n]o faculty member shall engage in sexual

harassment,” and that sexual harassment “will not be tolerated by the faculty or administration.” Policy 407.8.1 defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature” when certain conditions are present, including when submission to such conduct is a condition to a student’s academic success, or interferes with a student’s academic success, or creates an intimidating, hostile, or offensive learning environment. Policy 407.8.4 provides that “in some instances,” for sexual harassment to be committed, “a pattern of prohibit[ed] conduct is required.” Policy 339.4.5 prohibits retaliation for complaints of sexual harassment.

Policy 407.9.2 prohibits consensual sexual relationships in the instructional context: “No faculty member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member, whose work (including work as a teaching assistant) is being supervised by the faculty member, or whose present or future academic or professional success is controlled or influenced the faculty member.”

Below we have summarized and evaluated allegations of sexual harassment and sexual assault against current and former faculty members. We have paid particular attention to the impact of sexual harassment on each student’s academic experience.

[REDACTED] and Former Students 12, 8, 19 and 31

[REDACTED] obtained a bachelor’s degree from the Piano Program and then went on to obtain a master’s degree in the same program. Beginning [REDACTED], he assisted the full-time faculty as a teaching assistant for undergraduates, and within a year he was teaching Piano Program undergraduate classes [REDACTED]. He gave private piano lessons to Program students, and he was involved in [REDACTED]. He continued in these capacities [REDACTED].

According to many reports, [REDACTED] was, from the beginning of his career at the University, part of Professor Amano’s “inner circle” of favored students, [REDACTED].

Former Student 12 started as a freshman in the Piano Program [REDACTED], and she graduated [REDACTED]. She told us that during her undergraduate experience, “everyone knew” that [REDACTED] was “sleeping with various female students.” She believes that Professor Amano “had to know” of [REDACTED] behavior because [REDACTED]. She told us that although [REDACTED] was her instructor he frequently asked her to his apartment and was always flirting with her. She told us that he frequently touched her body and tried to meet with her alone. She said that she was afraid to practice in the Piano Program space at night because [REDACTED] might be present. Asked why she did not complain, she said that a complaint

would have done no good and might have had adverse consequences. She believed that Professor Amano or some other faculty member would have retaliated because [REDACTED] was the faculty favorite.

Former Student 8, a female, also entered the Piano Program as a freshman [REDACTED], and [REDACTED] was one of her instructors. She told us that during the course of her freshman year, [REDACTED] frequently invited her and other students to his apartment where, according to her, they were given alcohol and marijuana. She said that in the [REDACTED], when Former Student 8 was still a [REDACTED] freshman, [REDACTED] invited her to his apartment alone, and they had sex. According to Former Student 8, this began a sexual relationship that lasted for more than a year. At the time, [REDACTED]

[REDACTED] The student told us that in the [REDACTED] assisted other faculty members in supervising a group of Piano Program students, including Former Student 8, [REDACTED] according to Former Student 8, [REDACTED] insisted on having sexual intercourse during the day, sometimes in public places. She said she became increasingly frightened of the aggressive nature of his sexual advances. She remembers that [REDACTED] told Former Student 8 that he was simultaneously having sexual relations with two other undergraduates.

In the [REDACTED] – about eight years later – Former Student 8 lodged a complaint against [REDACTED] with the Title IX Office, claiming that some of his sexual advances were nonconsensual. The Title IX Office conducted an investigation, during which (according to the Title IX Office’s file), [REDACTED] admitted to having had sexual relations with Former Student 8, but he denied that he was her teacher during the times when they were having sex, and he denied that the sex was nonconsensual. [REDACTED], the Title IX Office concluded that, at the very least, the two engaged in consensual sexual relations while [REDACTED] was her teacher in violation of Policy 407.9.2. But the Title IX Office held that there was insufficient evidence to support a claim of nonconsensual sexual relations.

During the investigation of Former Student 8’s complaint, Professor Amano sent an email, [REDACTED], to the Title IX Office in defense of [REDACTED]. Professor Amano wrote, “I knew about this whole affair 8 years ago” The email stated that Professor Amano also knew about the other undergraduates with whom [REDACTED] was having sexual relations. His solution in [REDACTED], which he believed [REDACTED] to have been sufficient, was to transfer [REDACTED] sexual partners to other classes so they would not continue to be taught by [REDACTED]. Professor Amano’s email criticized Former Student 8 for raising the issue in her [REDACTED] Title IX Complaint, and he questioned her motive in doing so. Because of concerns that Professor Amano would retaliate against Former Student 8, the Title IX Office directed him to have no contact with her during the investigation.

During our discussions with him, Professor Amano confirmed that he knew about [REDACTED] sexual relations with undergraduate students [REDACTED], but he did not think any harm was done because by the time he found out about them, the affairs were over (according to [REDACTED])

[REDACTED] accounts), and they were in any event consensual (also according to [REDACTED] account). Professor Amano told us that he dealt with these students by transferring the students to other classes and by telling [REDACTED] not to have sex with undergraduates any more.

One of the other undergraduates with whom [REDACTED] was having sex [REDACTED] was Former Student 19. In the spring of that year, this student was taking [REDACTED] from [REDACTED] through the University, and they began a sexual relationship that, according to this student, lasted for a few months. Former Student 19 said that in the fall of that year, she told [REDACTED] that the relationship was over. [REDACTED]

[REDACTED] Former Student 19 visited the Title IX Office for guidance. Title IX Office records indicate that after two meetings with the staff, Former Student 19 [REDACTED] [REDACTED] The Title IX staff met with Professor Jessop, who at the time was the Head of the Music Department, to explain the situation. Professor Jessop and the Title IX staff then met with [REDACTED] who admitted to having had sex with Former Student 19. Title IX staff warned [REDACTED] that sexual relations with students – whether consensual or not – violated University policy. It is not clear from Title IX records whether either the staff or Professor Jessop confronted [REDACTED] with Former Student 19's contention [REDACTED] [REDACTED] The records show that [REDACTED] promised to refrain from sexual relations with students in the future, and that concluded the investigation. It does not appear that any further action was taken.

Former Student 19 was unwilling to be interviewed for the present investigation, but she was willing to answer written questions we submitted to her, in detail. In her account of meetings with the Title IX Office [REDACTED], the staff told her that her relationship with [REDACTED]

[REDACTED]

We were unable to locate Former Student 31, a third student with whom [REDACTED] reportedly had sex during this period.

We communicated with [REDACTED] and he initially agreed to be interviewed. As the scheduled day of the interview approached, however, he notified us that [REDACTED] had decided not to participate in the investigation.

[REDACTED] and Former Student 10

Former Student 10 entered the Piano Program [REDACTED]
She became friends with [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

According to Former Student 10, her mother wrote to Professor Amano [REDACTED] to complain about [REDACTED] behavior. Professor Amano wrote back, advising the mother that the relationship between the student and [REDACTED] was consensual and that some of the fault lay with the student and her parents because she had been given too much freedom. We asked to see this letter. Former Student 10 declined to provide us with a copy, but she read passages over the phone. In the letter, Professor Amano criticized Former Student 10 because [REDACTED]

Professor Amano confirmed to us that he learned about the incident from [REDACTED]. According to Professor Amano, [REDACTED]. Professor Amano also confirmed that he wrote a letter to Former Student 10's mother to warn her of the situation. Asked why he did not fire [REDACTED] immediately for having sexual relations with a [REDACTED] he said that since "rape was not mentioned" to him, he did not believe that the incident required further action on his part.

██████████ and Former Student 15

In ██████████, Former Student 15, a male, complained of sexual harrassment by ██████████. The student was an undergraduate ██████████. He was studying another instrument, and ██████████ was one of his teachers. The complaint asserted that during the previous month, the two of them ██████████. According to the complaint, ██████████ entered the student's bedroom in the middle of the night and touched his body in an inappropriate way. The student was "scared and furious," according to his account, and he called a friend who drove to the guest house to take him home. Former Student 15 also reported that ██████████ had previously visited his apartment in Logan in an effort to establish a personal relationship, which the student had rejected. Shortly after the complaint was filed, ██████████ issued a statement in which he denied all of Former Student 15's allegations of misconduct, ██████████

3. Humiliation, Intimidation and Vindictiveness

We heard from many of our interviewees that good piano programs, like the University's program, are inevitably difficult and stressful. Studying the piano at this level requires discipline and extremely hard work. We also heard that the best programs and the best teachers are the most demanding. It is no wonder that almost all of the current and former students with whom we spoke experienced stress and anxiety during their training at the University.

We cannot ignore, however, the stories of many current and former students who claim that they were frequently humiliated and psychologically abused by the Piano Program faculty. Although we are certainly not experts in the field, we are unable to see how such treatment of students could advance any legitimate pedagogical objectives. Many of the students to whom we spoke believe they were abused because their professors were arrogant and callous. Although Professor Amano was one of the faculty members accused of such behavior, he was not the only one. Professor Hirst and a former professor who is now teaching elsewhere were also frequently mentioned in these complaints. Professor Olson said that when he joined the Piano Program faculty in 2010, he became concerned at the way in which Professor Amano treated his students. According to Professor Olson, Professor Amano humiliated students without telling them how they could improve. Professor Olson said he became a de facto "therapist" for such students.

Students complained to us of having been belittled in the classroom, or watching other students being humiliated in the classroom. Current Student 5 complained that in spring semester 2017 Professor Amano berated her in front of other students, angrily saying to her, "How could you possibly think that?" According to this student, when she asked for an explanation as to what she was doing wrong, he became even angrier, accusing her of

insubordination. Although Professor Amano told our interviewer that he did not become angry, other students whom we interviewed corroborated Current Student 5's version of the event. In May 2017, Current Student 5 and other students lodged complaints in the Title IX Office based on this and similar events. As of the time we interviewed these students in February and March, however, none of them had received a response from the Title IX Office.

Another current student, Current Student 3, said that in a class held in 2016, Professor Amano openly belittled a female faculty member who was temporarily filling in for Professor Hirst. In the same class he criticized Current Student 3's performance by saying, "Your brain isn't capable of processing anything." Similarly, Current Student 6 told interviewers that Professor Amano told students in one class that they knew nothing and did not deserve to be in the Program.

Former Student 2, [REDACTED], said that Professor Amano wrote letters to students "slamming other students," sometime in very personal terms. She told us that the Program's "psychological abuse was imbedded." Former Student 19, a female, left the Program in [REDACTED]

Another former student, Former Student 4, said that [REDACTED], [REDACTED] Professor Amano asked her to accompany some other musicians and gave her a very difficult piece to use for that purpose. When she told him that she did not think she could learn it quickly enough for the performance, he canceled her scholarship on the spot. Likewise, Former Student 21, a male, said that Professor Amano regularly threatened to withdraw his scholarship for the student's failures to meet his standards. As a result, he now tells his own students to steer clear of Utah State University.

RECOMMENDATIONS

Professor Amano – We conclude that for more than a decade Professor Amano created a hostile academic environment for women and discriminated against female students on the basis of gender. We conclude that he tolerated sexual harassment of students by faculty members whom he was supposed to be supervising, without holding those faculty members accountable. We recommend that, pursuant to Policy 407.4.1, the University President initiate a proceeding for the dismissal of Professor Amano. If he is not dismissed, we recommend that he be reassigned to duties in the Music Department that will minimize his contact with the Piano Program's students and faculty.

[REDACTED] – For reasons that should be apparent in this report, the University should not allow [REDACTED] to rejoin the faculty or participate in any way in the Youth Conservatory or the Piano Clinic.

Professor Hirst – [REDACTED]

[REDACTED] But we conclude that for years Professor Hirst

enabled Professor Amano's discriminatory acts, or else ignored them, without taking meaningful steps to hold him accountable or correct the problems to which they led. Although we do not recommend a specific sanction for Professor Hirst, we believe he should be removed as interim coordinator of the Piano Program. The University should appoint a new coordinator to lead the Program. The University should choose a coordinator who is committed to providing opportunities for all of the Program's students. He or she should be capable of restoring peace and confidence among colleagues in the Piano Program and resolving the deep conflicts that now undermine the Program's mission.

Standards for faculty behavior toward students – We do not believe that the policies of the University clearly prohibit psychologically abusive behavior by the faculty. Because faculty relationships with students in the arts are in many ways different from other disciplines, we recommend that the Caine College of the Arts take the lead in developing its own standards for faculty behavior. The objectives would be: (a) to ensure that students are appropriately challenged and held to rigorous academic, artistic, and performance standards, but without humiliation or ridicule from faculty; and (b) to establish a clear procedure for the evaluation of student complaints of serious mistreatment and for counseling of faculty who violate the standards of behavior.

Plan to eliminate gender discrimination – The Caine College of the Arts should work with the Piano Program faculty, the Office of General Counsel, and the Title IX Office to formulate a plan to eliminate gender discrimination in the Piano Program. They should review the student admissions process, the grading process, the process for scoring student performances, the process for awarding scholarships, and the hiring process for faculty to advance gender balance. The plan should build on steps already taken by the Piano Program since August 2017 to increase transparency and fairness in judging student performances and in awarding departmental scholarships.

Title IX Office – The Office of General Counsel should work with the Title IX Office and the Provost to develop standards for more stringent review of student claims of gender discrimination and sexual harassment by faculty. The standards should provide for more aggressive investigation and prosecution of faculty accused of misconduct, regardless of the tenured or non-tenured status of the faculty respondent. The standards should encourage the Title IX staff to evaluate the general climate of a University unit in relation to discrimination. The Office of General Counsel should direct the training of Title IX staff on the most sensitive issues that frequently arise in sexual harassment investigations, including the complainant's consent or lack of consent. Where serious student complaints fall outside the scope of the Title IX Office's charter, the Title IX staff should have the authority and responsibility to follow up on referrals to appropriate University officials to make sure that complaints are resolved.