

**Report to the Special Committee of the Board of
Trustees of The Cleveland Orchestra**

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I. Scope of Investigation

The following report outlines the scope and findings of the independent investigation into The Cleveland Orchestra (the “Orchestra”) conducted by Debevoise & Plimpton LLP (“Debevoise”). The investigation was prompted by a July 2018 report in the *Washington Post* of sexual misconduct allegations against concertmaster William Preucil. Following the report, current management and Board leadership immediately suspended Preucil, and the Board of the Orchestra formed a Special Committee, which retained Debevoise to conduct an independent investigation into allegations of sexual misconduct committed by Preucil during his tenure at the Orchestra (1995-the present), and any other matters raised in the course of Debevoise’s work.

At the outset of the investigation, management at the Orchestra sent a notice to all current Orchestra members, staff, and trustees urging anyone with information about allegations of sexual misconduct committed by Preucil, or information about any other allegations of sexual misconduct involving members of the Orchestra, to contact Debevoise. On September 7, 2018, the Orchestra sent a similar notice to all alumni of The Cleveland Orchestra Youth Orchestra (“COYO”).

During the investigation, Debevoise received information that Massimo La Rosa, principal trombonist with the Orchestra, also engaged in sexual misconduct. La Rosa was placed on suspension, and on September 15, 2018, Orchestra management sent a notice to all current Orchestra members, staff, and trustees, and all COYO alumni encouraging anyone with information about allegations of misconduct committed by La Rosa, Preucil, or any other member of the Orchestra to contact the investigators. As with the investigation into Preucil’s conduct, Debevoise examined information concerning allegations of sexual misconduct by La Rosa during his time as a member of the Orchestra (2007-present) and any other related matters.

Debevoise also sought to determine whether members of the Orchestra’s management or trustees learned of instances of sexual misconduct and what actions, if any, the management or the Board took in response to that information.

Debevoise conducted more than 70 interviews of individuals including victims of misconduct, current and former Orchestra members, leadership, and staff, musicians outside of the Orchestra, and others with relevant information. Debevoise also interviewed both Preucil and La Rosa. The investigators spoke to some witnesses on more than one occasion. In some instances, individuals contacted by the investigators did not respond or declined to speak with Debevoise, which is a choice that the investigators respect. The investigators also obtained documentary evidence, reviewed records of prior Orchestra inquiries related to matters within the scope of the investigation, assessed publicly-available information relevant to the investigation, and reviewed administrative

records, including Board minutes and personnel files. The investigators received complete and timely cooperation from current members of Orchestra management.

The findings in this report are limited to information that the investigators could obtain through voluntary interviews and documentary evidence. The investigators carefully analyzed all information in order to make their determinations about the credibility of what they learned. To assess credibility, the investigators considered, among other things, whether the information was provided by someone with direct knowledge, whether there were multiple sources for the information, and whether contemporaneous documentation or reports corroborated the information.

Based on the information gathered throughout its investigation, Debevoise finds that Preucil engaged in multiple acts of sexual misconduct and sexually harassing behavior with female colleagues, students, former students, and others during his tenure at the Orchestra. Debevoise also finds that La Rosa engaged in multiple acts of sexual misconduct and sexually harassing behavior during his tenure with the Orchestra with students at multiple institutions and one Orchestra colleague. The evidence shows that both men used their positions of prominence in the Orchestra to entice women into situations in which Preucil and La Rosa engaged in sexual misconduct, and then Preucil and La Rosa relied on that imbalance of power to ensure that those women remained silent.

II. Naming Conventions and Confidentiality

In deciding whether to name in this report individuals accused of sexual misconduct, Debevoise took into consideration the fact that both of the individuals named in this report had been publicly accused of sexual misconduct in the press prior to the commencement of the investigation.

Many of the witnesses who agreed to be interviewed requested anonymity and we have honored that request in conducting the investigation and in preparing this report. In reporting our findings, Debevoise has also been sensitive to the fact that a number of the witnesses with whom we spoke remain members of the Orchestra or the classical music community. We have not reported on certain facts if they were not necessary to our findings and their disclosure might unnecessarily damage reputations, damage current and future personal or working relationships, or make the identity of the reporter apparent. In certain circumstances, to safeguard witnesses' identities, we have referred to institutions with which they are or were affiliated by number and not by name (*e.g.*, University 1).

III. Key Findings

A. William Preucil

1. Background

William Preucil joined the Orchestra as concertmaster in April 1995. Before joining the Orchestra, Preucil played as first violinist in the Cleveland Quartet for seven seasons. Preucil previously served as the concertmaster of the Atlanta Symphony Orchestra, the Utah Symphony, and the Nashville Symphony. For many years, he has also served as concertmaster and violin soloist with the Mainly Mozart summer festival in San Diego.

Preucil was a Distinguished Professor of Violin at the Cleveland Institute of Music (“CIM”) from 1995-2018. He also taught at Furman University, Eastman School of Music, and the University of Georgia. Additionally, Preucil has regularly engaged in teaching activities at various music schools and institutions, including New World Symphony in Miami and Indiana University.

2. Findings of Sexual Misconduct Committed by Preucil

The investigators spoke directly with 11 women who described experiencing sexual misconduct or sexually harassing behavior committed by Preucil. All of these events occurred during Preucil’s tenure with the Orchestra. Debevoise credits these reports, many of which were corroborated to the investigators by witnesses with whom the women discussed the incidents contemporaneously. Debevoise also obtained documentary evidence supporting a twelfth direct report. Additionally, the investigators received evidence from persons who were not direct victims that Preucil engaged in misconduct with at least eight additional women. The earliest instance of misconduct directly reported to the investigators took place in 1996, and the latest reported incident took place in 2007. The youngest victim was 17.

Debevoise learned that Preucil engaged in a pattern of behavior in which he subjected women to sexual stories and remarks or lured them into one-on-one situations by promising private instruction or help preparing for an audition. Multiple women reported to investigators that Preucil told them a sexually explicit story in order to gauge their receptiveness to sexual conversations. He also often offered women massages, which he would use as an opening to make an overt sexual advance. In some circumstances, female musicians accepted his invitations for lessons despite having experienced or heard about his inappropriate behavior because of his prominence and power in the musical community.

Preucil used one-on-one opportunities with female musicians to engage in actions ranging from serious sexual misconduct to sexually harassing behavior, including engaging in sexual activity with a junior female colleague who was too afraid to stop the encounter due to Preucil’s forcible conduct and position of authority, requesting payment for lessons in the form of sexual favors, exposing himself, and making aggressive, unsolicited, and unwanted sexual advances. Preucil attempted to contact several women

after engaging in misconduct during a lesson to instruct them to keep quiet about his behavior, and explicitly threatened one woman with consequences if she told anyone about their encounter. While this report does not describe each instance of reported misconduct, the women with whom the investigators spoke provided detailed, credible, and consistent accounts.

Many of the women with whom Debevoise spoke – both students and colleagues of Preucil’s – expressed to the investigators that they worried rejecting Preucil’s advances would or did impact their career prospects. Two women reported that they believed that Preucil used his influence as concertmaster to negatively affect their standing or employment opportunities at the Orchestra. Multiple women reported that they auditioned unsuccessfully at other orchestras after rejecting Preucil’s sexual advances, and they wondered if Preucil had used his influence to promote another candidate. Debevoise has not identified evidence to either corroborate or disprove those concerns, but the investigators believe that those fears were reasonable in light of Preucil’s position and authority in the classical music community. Several women also reported that they chose not to audition for or accept positions with the Orchestra as a result of Preucil’s presence there.

3. Awareness of Preucil’s Misconduct by Orchestra Management and Members of the Board

The *Cleveland Scene* published an article in February 2007 detailing allegations by a former student at CIM that Preucil “overtly hit on the young woman” during a private rehearsal, “rubbing himself against her and making a lewd advance.”¹ The article stated that the woman reported the incident to the administration at CIM. During the course of our investigation, former members of Orchestra management acknowledged that they were aware of the allegation of sexual misconduct in the article but did not believe at the time that it warranted further investigation by the Orchestra or that the Orchestra could or should take any disciplinary action against Preucil.

Debevoise received multiple reports that two then-members of the executive committee of the Board were separately approached by members of the Orchestra who were concerned about the allegations in the *Cleveland Scene* article. During at least one of those discussions, a musician raised concerns about the allegations that Preucil engaged in sexual misconduct at CIM, and reported that Preucil had made unwanted verbal sexual advances to a female player in the Orchestra.

More generally, most of the individuals with whom Debevoise spoke reported that Preucil had a reputation throughout his career, both within the Orchestra and in the

¹ Rebecca Meiser, *Sour Notes*, The Cleveland Scene (Feb. 14, 2017), <https://www.clevescene.com/cleveland/sour-notes/Content?oid=1497679>.

musical community at large, for romantically pursuing students and colleagues and making crude sexual comments in the classroom and the workplace. Debevoise heard from multiple sources that female students were aware of Preucil's reputation and warned each other to avoid being alone with him, if possible. Several individuals – including one former member of Orchestra management – acknowledged that Preucil was also known for making unwanted sexual advances.

4. Statements by Preucil

During an interview with Debevoise on October 18, 2018, Preucil admitted to engaging in sexual contact with three female students during or after lessons, and said that his behavior on all three occasions was wrong. He admitted to telling a sexually explicit story to one female violinist. He denied engaging in any other acts of misconduct. Preucil refused to answer a number of questions, which largely focused on sexual activity with women who had not already been identified in the press.

Based on the number of detailed and consistent reports that Debevoise received from female musicians that Preucil engaged in sexual misconduct and sexually harassing behavior, many of which were corroborated by witnesses to whom the victims disclosed the events at the time, and some of which have now been corroborated by Preucil himself, Preucil's denial that he engaged in additional misconduct is not credible.

5. Conclusions

Based on interviews with students, musicians, and faculty, others with relevant information, and Preucil himself, as well as a review of available documentary evidence, the investigators conclude that Preucil engaged in sexual misconduct or sexually harassing behavior with at least 12 female musicians while he was employed by the Orchestra. Debevoise also received indirect reports that Preucil engaged in misconduct with eight additional women.

Debevoise found no evidence that anyone in Orchestra management knew about specific instances of Preucil's sexual misconduct other than the allegation that was publicized in 2007 by the *Cleveland Scene*. However, neither former Orchestra management nor former Board leadership took steps to investigate or otherwise act upon the sexual misconduct allegations in the *Cleveland Scene* article or the additional allegation of sexual misconduct that was reportedly relayed to a Board member in 2007. Former Orchestra leadership should have done more to investigate the reports about Preucil's behavior following the *Cleveland Scene* article.

B. Massimo La Rosa

1. Background

Massimo La Rosa joined the Orchestra as principal trombonist in September 2007. He has also been a faculty member at CIM for that same period, though he is currently on suspension. Prior to joining the Orchestra, he served as principal trombonist at La Fenice Opera House from 1996-2007. La Rosa is originally from Palermo, Italy.

La Rosa has worked as an instructor at multiple universities and other educational institutions both through the Orchestra and in his personal capacity, including the University of Iowa, the Juilliard School, the Manhattan School of Music, Youngstown State University, the University of Colorado at Boulder, New World Symphony, Indiana University, the University of Miami, Roosevelt University, Western Michigan University, the San Francisco Conservatory, and the Eastern Trombone Workshop.

2. Findings of Sexual Misconduct Committed by La Rosa

The investigators spoke directly with seven women who described experiencing sexual misconduct or sexually harassing behavior committed by La Rosa. Debevoise also received evidence from persons who were not direct victims that La Rosa engaged in misconduct with at least one additional woman. The investigators credit these reports, many of which reflect a clear pattern of behavior and were corroborated by individuals to whom the women disclosed these incidents contemporaneously. The earliest instance of misconduct directly reported to investigators took place in 2010, and the latest took place in or around 2012. The youngest victim was 17.

Debevoise learned that La Rosa regularly exploited his position and authority as an instructor and senior member of the Orchestra to touch female musicians without their permission in a manner that the women described as sexualized and uncomfortable. These incidents often occurred in a student's first or second lesson with La Rosa. Despite the fact that La Rosa characterized his conduct as a pedagogical technique, multiple sources told Debevoise that La Rosa did not engage in the same behaviors with male students.

During one-on-one lessons, La Rosa often told female students that they were "tense," instructed them to lie on the floor, and then touched them inappropriately both over and under their clothes under the guise of instructing them in breathing exercises. He also partially removed students' clothing or his own clothing during lessons. Debevoise received one report that La Rosa inappropriately kissed a student during a lesson, and one report that he engaged in aggressive, unwanted sexual contact with a female colleague.

While we are not listing here every aspect of these allegations, these women gave detailed and consistent accounts; in addition, the similarities in their reports reflect a pattern of behavior by La Rosa and lend credibility to their allegations.

3. Board and Management Awareness of La Rosa's Conduct

Concerns about La Rosa's conduct were raised with members of Orchestra management on several occasions. In 2013, one instance of misconduct committed by La Rosa in 2011 was reported in detail in an article in *Inside Higher Ed*.² The article cited a complaint by a student at the University of Iowa that La Rosa asked her to lie on the floor, touched her inappropriately, and kissed her against her will.

A representative of another university ("University 1") contacted prior Orchestra management and expressed concern about the Iowa allegations, requesting that La Rosa not be permitted one-on-one contact with students on its campus. The Orchestra agreed to those terms moving forward. The Orchestra's management at the time discussed the Iowa allegations with La Rosa, who characterized the incident as a "misunderstanding." There was no contemporaneous documentation of either the article or the request from University 1 in La Rosa's personnel file. Former management was also contacted by a representative from a second university ("University 2") in or around late 2014 or early 2015. University 2 expressed concerns about the Iowa complaint and requested that La Rosa no longer instruct students at their institution one-on-one. The Orchestra agreed to impose limitations on La Rosa's interactions with students at University 2. The request from University 2 and the Orchestra's response were also not documented in La Rosa's file.

In late 2016, the current Orchestra administration was contacted by a representative of University 2, who stated that the university had received a complaint from a former student about inappropriate conduct by La Rosa. The representative from University 2 also raised concerns about the 2011 Iowa allegations. University 2 requested that La Rosa not engage in one-on-one teaching activities on its campus during an upcoming Orchestra visit during which the Orchestra was slated to offer lessons. Current management met with La Rosa, who admitted that he attempted to kiss a student during a 2011 lesson at the University of Iowa and that his behavior was inappropriate. La Rosa denied that he had engaged in any inappropriate conduct at University 2, or on any other occasion.

Debevoise did not uncover any evidence that current management was aware of the earlier requests from Universities 1 and 2 that the Orchestra limit La Rosa's interactions with students, which were not documented by prior management. Current management documented the meeting with La Rosa about University 2's concerns in 2016, and also attempted to investigate the incident at University 2. However, University 2 informed the Orchestra that the former student who reported the incident wished to remain anonymous and preferred not to make a formal complaint. The Orchestra consulted counsel on the issue, and concluded that since the Orchestra was unable to investigate the allegations, the Orchestra would instead reach an agreement with

² Colleen Flaherty, *Vulnerable Students*, *Inside Higher Ed* (July 30, 2013), <https://www.insidehighered.com/news/2013/07/30/could-music-students-be-more-risk-sexual-misconduct-professors>.

University 2 that La Rosa could participate in teaching activities but could not conduct private lessons. Orchestra management also issued a warning to La Rosa that inappropriate behavior with students would not be tolerated, and informed him that if any additional information surfaced to contradict his denial that he engaged misconduct at University 2, or his characterization of the Iowa incident, La Rosa would be afforded zero tolerance.

In early 2017, members of current management were contacted by a representative of the administration at the University of Iowa and informed that La Rosa was not allowed on the Iowa campus as a result of the 2011 incident. Debevoise did not uncover any evidence that current management was previously aware of that fact.

Additionally, the investigators spoke with a member of the Board of Trustees, who disclosed that an Orchestra member casually mentioned that La Rosa had a reputation for inappropriate behavior with women, but did not provide any details. The trustee discounted the comment at the time due to its vagueness and because of a perceived lack of objectivity on the part of the source, and therefore did not report the comment to Board leadership or Orchestra management.

4. Statements by La Rosa³

La Rosa admitted to members of current and former Orchestra management that he attempted to kiss a student during a lesson at the University of Iowa and that his behavior was inappropriate. Debevoise understands that in discussions about the incident, La Rosa admitted that he made a misjudgment during that lesson and said that he thought the student was attracted to him. La Rosa also apologized to the student in question after the fact and admitted that he lost control and went too far.

La Rosa admitted to current Orchestra management that he sometimes touched students during breathing exercises, although he claimed he did so only for non-sexual, pedagogical reasons.

Debevoise interviewed La Rosa on September 26, 2018. While the investigators understand that La Rosa admitted to engaging in inappropriate behavior with a student at Iowa to current Orchestra management but characterized the incident as an error in judgment, he admitted during the interview that his behavior during that lesson was wrong. He admitted that he attempted to kiss the student while she was lying on the floor

³ La Rosa's legal counsel also provided Debevoise with 19 letters of support written by La Rosa's students and colleagues, which the investigators reviewed and took into consideration in arriving at our findings. None of the letters directly addressed the allegations of misconduct, and Debevoise noted that only two of the letters were from female students.

during a breathing exercise. He claimed that when she asked him to stop, he did so immediately. He acknowledged that he later apologized to the student.

La Rosa acknowledged that engaging in the other behaviors described by witnesses would be wrong, and denied doing so. He stated that his practice was to never touch a student, male or female, without first asking permission.

La Rosa declined to answer a number of questions, including whether he ever had an intimate or sexual relationship with another permanent Orchestra member or substitute player. He also stated that he could not remember the last names of most of his female students. These responses, and other answers, negatively affected his credibility in the eyes of the investigators.

Based on the number of detailed and credible reports that Debevoise received that directly contradict a number of La Rosa's statements in the interview, Debevoise does not credit his characterization of his interactions with students or his denials regarding additional acts of misconduct.⁴

5. Conclusions

La Rosa admitted, both to current and former Orchestra management and to the investigators, to engaging in inappropriate behavior with a student during a lesson at the University of Iowa. In light of the multiple consistent reports described above, as well as documentary evidence and contemporaneous reports relayed to investigators corroborating many of those accounts, Debevoise concludes that La Rosa also engaged in at least six additional instances of sexual misconduct while employed with the Orchestra, bringing the total to seven confirmed instances of misconduct.

Debevoise has not identified evidence that members of current or former Orchestra management were aware of any other specific acts of sexual misconduct committed by La Rosa. Members of former Orchestra management agreed to place limits on La Rosa's interactions with students at University 1 and University 2 based on the allegations that had been made against him at Iowa. Former Orchestra management met with La Rosa about the requests but did not undertake any further investigation of the Iowa allegations. Former Orchestra management also did not memorialize its discussions with La Rosa or the limitations placed on his interactions with students at Universities 1 and 2.

⁴ Given contemporaneous information confirming the students' accounts and the consistency of their stories, which contradict La Rosa's persistent denials of any additional inappropriate behavior, La Rosa's version of events is not credible to the investigators.

Current Orchestra management took a number of steps to investigate the 2016 complaint raised by University 2, and reasonably concluded, based on the advice of counsel and the information that was available to them at the time, that they could not take action beyond curtailing La Rosa's teaching privileges at University 2 and issuing him a warning. Current management's ability to assess the situation was hampered by La Rosa's lack of candor about his interactions with female students, as well as the lack of a clear institutional record about how the Iowa allegations and the concerns raised by Universities 1 and 2 had been addressed by prior management.

IV. Conclusion

Based on interviews with musicians, Orchestra management, and others with relevant information, as well as documentary evidence collected in the course of the investigation, Debevoise finds that both Preucil and La Rosa engaged in numerous instances of sexual misconduct and sexually harassing behavior while employed by the Orchestra. The evidence shows that both Preucil and La Rosa abused their positions as leaders and educators to entice female musicians into one-on-one situations in which they engaged in sexual misconduct. Both men also relied on their positions of prominence in the small classical music community to ensure that those women remained silent.

Debevoise heard from multiple witnesses that they felt the Orchestra had not appropriately addressed some of these allegations, including past media reports that Preucil and La Rosa engaged in inappropriate sexual conduct with students and expressions of concern from members of the Orchestra. Based on information we obtained during this investigation, we have determined that there were several instances in which former Orchestra management and former Board leadership should have done more to investigate reports of sexual misconduct by both Preucil and La Rosa.

The Orchestra has cooperated throughout this process. The Orchestra has also revised its Anti-Harassment Policy to make clear that all forms and gradations of sexual misconduct and sexually harassing behavior are prohibited, and adopted Ethical Principles that delineate standards of personal and professional integrity to which all persons associated with the Orchestra must adhere. Additionally, the Orchestra has instituted a confidential hotline operated by an independent party to enable individuals to anonymously report acts of misconduct or violations of policy. The Board has adopted a policy, going forward, that all reports of misconduct received by trustees must be referred to Board leadership for investigation.

Debevoise has endeavored to present the information obtained during the investigation in as forthright a manner as possible, based on the information that the investigators were able to garner, while respecting the privacy and protecting the identities of the victims and others with whom the investigators spoke.

This report concludes Debevoise's investigation, but the investigators remain available should anyone wish to come forward with additional information.