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6

Marie Doyle  
May 3, 2016

Page 1

1                   COMMONWEALTH OF MASSACHUSETTS  
2                   Department of the Trial Court  
3   Hampshire, ss.                                   Superior Court

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5   CONNOR SILVERNAIL, fka                   \*

6   CONNOR SYMINGTON, and                   \*

7   CHERYL SILVERNAIL,                   \*           Civil Action No.

8                                   Plaintiffs                   \*           HSCV2014-00239A

9   vs.                                   \*

10   TIMOTHY D. SYMINGTON,                   \*

11                                   Defendant                   \*

12   \*\*\*\*\*

13                   DEPOSITION OF MARIE H. DOYLE

14

15                   Taken at the Offices of

16                                   KOTFILA & JORDAN

17                   One Monarch Place, Suite 1340

18                   Springfield, Massachusetts

19

20                   Tuesday, May 3, 2016

21                                   12:35 - 2:16 p.m.

22

23                   Deborah Leonard Lovejoy

24                   Registered Professional Reporter



**Marie Doyle**  
**May 3, 2016**

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<p>1 APPEARANCES:</p> <p>2 Representing the Plaintiffs:</p> <p>3 KOTFILA &amp; JORDAN</p> <p>4 One Monarch Place, Suite 1340</p> <p>5 Springfield, Massachusetts 01144</p> <p>6 BY: RICHARD T. JORDAN, ESQ.</p> <p>7 (413) 781-5399 FAX (413) 736-3300</p> <p>8 Representing the Defendant:</p> <p>9 THOMAS A. KENEFICK, III, PC</p> <p>10 73 Chestnut Street</p> <p>11 Springfield, Massachusetts 01103</p> <p>12 BY: THOMAS A. KENEFICK, III, ESQ.</p> <p>13 ELAINE M. O'DONNELL, ESQ.</p> <p>14 (413) 734-7000 FAX (413) 731-1302</p> <p>15 EMAIL takenefick@takenefick.com</p> <p>16 Representing the Deponent:</p> <p>17 DEUTSCH WILLIAMS BROOKS DERENSIS &amp; HOLLAND PC</p> <p>18 One Design Center Place, Suite 600</p> <p>19 Boston, Massachusetts 02110</p> <p>20 BY: NICHOLAS J. DOMINELLO, ESQ.</p> <p>21 (617) 951-2300 FAX (617) 951-2323</p> <p>22 E-MAIL ndominello@dwbboston.com</p> <p>23 In attendance:</p> <p>24 Cheryl Silvermail</p>	<p>1 INDEX</p> <p>2</p> <p>3 DEPONENT: MARIE H. DOYLE</p> <p>4</p> <table border="0"> <tr> <td>5 EXAMINATION BY</td> <td>PAGE</td> </tr> <tr> <td>6 Mr. Jordan</td> <td>4</td> </tr> <tr> <td>7 Mr. Kenefick</td> <td>67</td> </tr> </table> <p>8</p> <table border="0"> <tr> <td>9 EXHIBIT</td> <td>PAGE</td> </tr> <tr> <td>10 (No exhibits were offered.)</td> <td></td> </tr> </table> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	5 EXAMINATION BY	PAGE	6 Mr. Jordan	4	7 Mr. Kenefick	67	9 EXHIBIT	PAGE	10 (No exhibits were offered.)	
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10 (No exhibits were offered.)											
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<p>1 MR. JORDAN: Good afternoon,</p> <p>2 Ms. Doyle.</p> <p>3 MS. DOYLE: Good afternoon.</p> <p>4 MR. JORDAN: I'm Richard Jordan. I</p> <p>5 represent the plaintiff in this case.</p> <p>6</p> <p>7 MARIE H. DOYLE, Deponent, having first been</p> <p>8 duly sworn, deposes and states as follows:</p> <p>9</p> <p>10 EXAMINATION BY MR. JORDAN:</p> <p>11</p> <p>12 Q. So, again, just with regard to the</p> <p>13 procedure here, if I ask you a question, I'd just</p> <p>14 ask that you make a verbal response and try not</p> <p>15 to, like, shake your head; just say "yes" or "no"</p> <p>16 and answer the question.</p> <p>17 The other thing, obviously, is if you</p> <p>18 have any -- at any time you don't understand a</p> <p>19 question, certainly state so. If you need time to</p> <p>20 speak to your attorney or you have a question, you</p> <p>21 can say so, and we'll stop and you'll have a</p> <p>22 chance to speak to your attorney.</p> <p>23 MR. JORDAN: And usual stipulations?</p> <p>24 MR. KENEFICK: That's fine.</p>	<p>1 MR. JORDAN: You're fine with that?</p> <p>2 MR. DOMINELLO: (Inaudible)</p> <p>3 Q. (By Mr. Jordan) Could you state your</p> <p>4 name, please?</p> <p>5 A. Marie Doyle.</p> <p>6 Q. And what is your position, Ms. Doyle,</p> <p>7 with the Longmeadow school system?</p> <p>8 A. I'm the superintendent of schools.</p> <p>9 Q. And do you remember attending a</p> <p>10 deposition here on January 14th of this year?</p> <p>11 A. I do.</p> <p>12 Q. And after that deposition did you</p> <p>13 have any conversations with anyone about the</p> <p>14 content of the deposition?</p> <p>15 A. No.</p> <p>16 Q. Were you approached by anyone, other</p> <p>17 than your attorney, to discuss the details of your</p> <p>18 deposition?</p> <p>19 A. No.</p> <p>20 Q. Now, you're here as a result of a</p> <p>21 subpoena I issued?</p> <p>22 A. Yes.</p> <p>23 Q. And you also produced some documents</p> <p>24 which I also subpoenaed?</p>										

2 (Pages 2 to 5)

**CATUOGNO COURT REPORTING & STENTEL TRANSCRIPTIONS**  
**Springfield, MA Worcester, MA Boston, MA Providence, RI**



<p style="text-align: right;">Page 6</p> <p>1 A. Yes.</p> <p>2 Q. Now, Mr. Symington no longer works</p> <p>3 for the school system; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And it looks like, from a review of</p> <p>6 some of these documents, that around January 25th</p> <p>7 you gave Mr. Symington notice of an investigation?</p> <p>8 A. Correct. I'm not sure of the date,</p> <p>9 but, yes, I did give him notice of the -- We gave</p> <p>10 notice of an investigation.</p> <p>11 Q. All right. And that was in a letter</p> <p>12 form; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Was it hand-delivered to him, or --</p> <p>15 A. Yes, it was hand-delivered to him.</p> <p>16 Q. Was it on the same day that the</p> <p>17 notice was written?</p> <p>18 A. Yes.</p> <p>19 Q. So that would have been January 25th</p> <p>20 of 2016, correct?</p> <p>21 A. The date's on the letter. So, if you</p> <p>22 have it, that's correct.</p> <p>23 Q. Oh, all right. Now, why did the</p> <p>24 Longmeadow school system start an investigative</p>	<p style="text-align: right;">Page 7</p> <p>1 procedure with Mr. Symington?</p> <p>2 A. Some females came forward, stating</p> <p>3 that they were uncomfortable with Mr. Symington's</p> <p>4 behavior as well as comments he had made in class.</p> <p>5 Q. Okay. Who did they come forward to?</p> <p>6 A. They first came forward to the</p> <p>7 guidance counselor.</p> <p>8 Q. And could you tell me when that</p> <p>9 occurred?</p> <p>10 A. I can't give you the exact dates. It</p> <p>11 was within days of him getting a letter, because</p> <p>12 we responded quickly.</p> <p>13 Q. Okay. I did receive a letter, or a</p> <p>14 statement, from a Bridget -- is it Dullea?</p> <p>15 A. Dullea.</p> <p>16 Q. -- Dullea, who -- it says "guidance</p> <p>17 counselor," but it's undated.</p> <p>18 A. If you look at the principal's</p> <p>19 investigation --</p> <p>20 Q. Wait, wait one second. Wait for a</p> <p>21 question. (Reviewing document) You know, so I</p> <p>22 don't slow things down, I'll find it in a little</p> <p>23 bit.</p> <p>24 But, in that, the guidance counselor</p>
<p style="text-align: right;">Page 8</p> <p>1 mentions that there would be concern -- there were</p> <p>2 concerns by students when Mr. Symington came back.</p> <p>3 So when he was put on paid administrative leave</p> <p>4 the last time -- And that would have been in</p> <p>5 2015. Was there any other time he was on</p> <p>6 administrative leave, other than that?</p> <p>7 A. No.</p> <p>8 Q. Okay. And I'm reading from -- this</p> <p>9 is Bates number 3 of the statement from the</p> <p>10 guidance counselor. And it states, "A number of</p> <p>11 them mentioned that they are fearful if he were to</p> <p>12 return because they feared he'd maybe verbally</p> <p>13 attack them or even physically harm them."</p> <p>14 So, would you agree, that couldn't</p> <p>15 have been right after -- just before he received</p> <p>16 the letter?</p> <p>17 A. I'm not clear on the question.</p> <p>18 Q. Okay. I asked when the statement was</p> <p>19 made by the guidance counselor. And I believe you</p> <p>20 stated shortly after --</p> <p>21 MR. JORDAN: Could you read back the</p> <p>22 question?</p> <p>23 MR. DOMINELLO: Objection. I think</p> <p>24 you're mischaracterizing her testimony.</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. JORDAN: Okay.</p> <p>2 A. I said that they reported to the</p> <p>3 guidance counselor. She typed those notes at some</p> <p>4 point during the investigation.</p> <p>5 Q. (By Mr. Jordan) Okay, so you're just</p> <p>6 talking about the typing of the notes.</p> <p>7 A. Right.</p> <p>8 Q. Do you know when the statements were</p> <p>9 made by the students to the guidance counselor?</p> <p>10 A. The statements were made over a</p> <p>11 several-day period of time.</p> <p>12 Q. When?</p> <p>13 A. Before -- before he was put on</p> <p>14 administrative leave.</p> <p>15 Q. So this was last year.</p> <p>16 A. No, this was within days of his</p> <p>17 suspension this year.</p> <p>18 Q. Okay. So this was when he was</p> <p>19 suspended, and he was suspended on the 25th?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And after his suspension</p> <p>22 you're saying that the students went and reported</p> <p>23 this to the guidance counselor?</p> <p>24 A. Yes. Conversations were ongoing</p>



1 during the time he was suspended, and those notes  
2 must be compiling everything that was said to her  
3 prior to the suspension and during the suspension.  
4 Q. Okay, then what was the reason for  
5 the suspension on the 25th?  
6 A. Because he had made students feel  
7 uncomfortable.  
8 Q. And how did you find that information  
9 out?  
10 A. From the guidance counselor. The  
11 principal asked her, at some point, to write down  
12 her recollections of what had transpired. I'm not  
13 sure of when that happened, but it was during the  
14 investigation. She did not submit those notes  
15 prior to the suspension.  
16 Q. Okay. So, based on -- Strike that.  
17 Did you ask her to write this  
18 statement for you?  
19 A. The principal did.  
20 Q. Now, after he was suspended on the  
21 25th, what did you, as the superintendent, do?  
22 A. I was in daily communication with the  
23 principal, hearing what the students said, reading  
24 the reports that came in, reviewing all the

1 to students that had made allegations against him.  
2 A. Correct.  
3 Q. Okay. And he did not show?  
4 A. Correct.  
5 Q. And so the students testified, or  
6 gave -- gave statements?  
7 A. They did.  
8 Q. Okay. As a result of those  
9 statements that were made, was any further  
10 investigation done?  
11 A. Other students were interviewed, to  
12 corroborate what had been said by the students.  
13 Q. And who did that investigation?  
14 A. The principal.  
15 Q. Now, once that was done, once the  
16 statements had been corroborated, what was the  
17 next step by the Longmeadow school system?  
18 A. We were waiting for the investigatory  
19 meeting with Mr. Symington. And at that point he  
20 chose to resign.  
21 Q. Okay, and I'd like to go a little  
22 into that. Did he contact you? Or did he contact  
23 the principal? How did you know that he chose to  
24 resign?

1 documents.  
2 Q. Okay.  
3 A. Spoke with our attorneys.  
4 Q. Is this the first time that you were  
5 aware that students had made allegations against  
6 the behavior of Mr. Symington?  
7 A. Yes.  
8 Q. To your knowledge, when did these  
9 students start making these statements about their  
10 interactions with Mr. Symington?  
11 A. Within a few days of his suspension.  
12 Q. Before his suspension?  
13 A. Right.  
14 Q. Now, as a result of his suspension,  
15 was an investigation ever done by the Longmeadow  
16 school system?  
17 A. An investigation was started.  
18 Mr. Symington did not come to his hearing, but we  
19 did investigate and met with several students.  
20 The principal and the guidance counselor met with  
21 the students, and the assistant principal was  
22 involved as well.  
23 Q. Right. So you had set up a date to  
24 have a hearing and to speak with Mr. Symington and

1 A. I knew that through the principal, as  
2 well as our legal.  
3 Q. Okay. And what's your understanding  
4 of how that transpired? What did he do?  
5 A. He offered resignation.  
6 Q. Okay. Initially, to who?  
7 A. I believe the principal.  
8 Q. Okay. And I noticed there was a  
9 letter of resignation in one of these documents  
10 here. It's dated February 11th, 2016: "I hereby  
11 submit my voluntary, irrevocable resignation from  
12 employment with the Longmeadow Public Schools,  
13 effective March 10th, 2016."  
14 Now, between the time that he said he  
15 was going to resign and you getting that letter of  
16 resignation, were there negotiations going on  
17 between Mr. Symington and the school system?  
18 A. The lawyers were working out an  
19 agreement.  
20 Q. Okay. And when you say "the  
21 lawyers," the lawyers for Mr. Symington?  
22 A. I believe so. I wasn't part of those  
23 conversations. I know our legal represented us.  
24 Q. Okay. Once you found out that he was



1 going to resign, what did you do next?  
2 A. Spoke to our legal counsel.  
3 Q. Okay. And nothing else, at that  
4 point?  
5 A. No. We --  
6 Q. You left it in the hands of your --  
7 A. In legal.  
8 Q. -- your -- Okay.  
9 A. Kept conversations going with legal,  
10 communicated with the principal.  
11 Q. All right. So at this time you don't  
12 know what transpired between, I guess,  
13 Mr. Symington and the Longmeadow school system  
14 with regard to the negotiation. Would that be a  
15 fair statement?  
16 A. The lawyer filled me in on what was  
17 going on, on a regular basis.  
18 Q. Okay. Other than your lawyer, did  
19 you receive any other information from people  
20 concerning the negotiations?  
21 A. No.  
22 Q. Now, as part of the agreement, it was  
23 agreed that the school district will suspend the  
24 investigation into his alleged misconduct. Were

1 you in agreement with that?  
2 A. Yes.  
3 Q. And why were you in agreement with  
4 that?  
5 A. We had done pretty much what we had  
6 to do at that time; we had completed our end. The  
7 only thing we were missing was the interview with  
8 Mr. Symington.  
9 Q. Okay. Other than the statements  
10 that -- Did you have discussions with the parents  
11 of the children that had complained about his  
12 behavior, concerning what Longmeadow was going to  
13 do and enter into the settlement agreement?  
14 A. The principal had discussions with a  
15 few parents. We never discuss legal settlements  
16 or what we're doing. We say that "We're  
17 conducting an investigation, and all necessary  
18 steps will be taken." Those are the words that we  
19 use.  
20 Q. Okay. And I saw an email. Was that  
21 an email that went out to parents, that you were  
22 going to have a substitute teacher for the rest of  
23 the year?  
24 A. Correct.

1 Q. Okay. Did you send out any other  
2 letters to the actual parents or students that had  
3 complained?  
4 A. I believe we informed the parents  
5 that Mr. Symington had resigned. We'd have done  
6 that in writing.  
7 Q. But you didn't do it.  
8 A. I don't remember if I did it or the  
9 principal did it. We discussed it, and I read the  
10 letter. I think she put it out.  
11 Q. Okay, but you didn't have any phone  
12 conversations or any direct contact with the  
13 parents.  
14 A. No, I did not.  
15 Q. Do you know why it was agreed that  
16 the notice of the investigatory meeting was  
17 removed from Mr. Symington's personnel record?  
18 A. That was between legal. I agreed to  
19 it. It was part of the deal.  
20 Q. And what's your understanding of what  
21 benefit that would be to Mr. Symington, to have  
22 that removed from his personnel record?  
23 A. I imagine if he was looking for a job  
24 and I'm retiring and there's a future

1 superintendent, that it wouldn't be in the file.  
2 Q. So he could go to another school and  
3 get a job, and there wouldn't be anything in the  
4 file to show that there had been an issue with him  
5 in a previous school?  
6 A. People know. That information still  
7 would have been there. And we filed with DESE, as  
8 well. Plus we filed with Child Services.  
9 Q. You said the information still would  
10 be there. Are you saying it would still be in his  
11 employment file?  
12 A. Not in his employment file.  
13 Q. Then how would another school find  
14 out?  
15 A. I have my own notes. I --  
16 Q. Just wait one second.  
17 How would another school system know  
18 that there may be an issue with the teacher if  
19 it's not in his -- if it's not in his file?  
20 A. They call references. They never see  
21 the file.  
22 Q. Okay. So if they were to call  
23 references, then it's your testimony that someone  
24 from the school department would contact them and



1 fill them in on the issues that had happened in  
2 Longmeadow?

3 MR. DOMINELLO: Objection,  
4 speculative.

5 Q. (By Mr. Jordan) You can answer. You  
6 don't know?

7 MR. DOMINELLO: You can answer. He's  
8 asking about something in the future. You  
9 can answer if you know.

10 A. When somebody is terminated or  
11 resigns, the standard practice in education is to  
12 only give the dates of employment. And that is a  
13 red flag to any of us in education that if you're  
14 only getting dates of employment that something  
15 happened.

16 There are times in legal agreements  
17 we agree to not to talk about the specifics of a  
18 case, but it really depends on the administrators,  
19 how well you know them, how much you trust  
20 repeating, and what the agreement has been.

21 Q. (By Mr. Jordan) Well, tell me this:  
22 If someone were check on a prior teacher that had  
23 taught at your school, in Longmeadow, who would  
24 they contact? Would it be you? Would it be the

1 principal?

2 A. It's usually the principal or the  
3 superintendent. But often it's the principal of  
4 the building. For a teacher.

5 Q. So when you say that, for liability  
6 purposes, you only give out dates of employment.

7 A. Mm-hmm. Correct.

8 Q. At any point after this investigatory  
9 procedure started, did Mr. Symington ever tell you  
10 or Ms. Allen that he was resigning to save putting  
11 the children through the process again?

12 A. I never spoke with Mr. Symington.  
13 Ms. Allen never reported he said that to me.  
14 Which she would have.

15 Q. With regard to his receiving, I  
16 guess, salary for a month or so, from this, who  
17 would be able to authorize that? Is that  
18 something you would do? Or is that --

19 A. I authorized it.

20 Q. Okay. And I believe, again, it was  
21 up to -- Was it up to March 10th, I think was the  
22 date? Why was that date chosen?

23 A. He needed health insurance in time to  
24 get on COBRA.

1 We also weigh in what the legal fees  
2 would be to pursue not agreeing to carry the  
3 salary out for a short period of time. It was  
4 cheaper to do March 10th, allow him to have  
5 insurance and pay, than it would have been to  
6 pursue it legally.

7 Q. Had Mr. Symington showed up at the  
8 investigatory hearing and you had taken his  
9 statement, taken the children's statement, and  
10 gotten your corroboration, would there have been  
11 any further steps that would have been done?

12 A. I don't know that without hearing --

13 Q. Other than making the decision?

14 A. -- without hearing his part of the  
15 story. So.

16 Q. But, from a procedural standpoint  
17 after that hearing, then, and the corroboration,  
18 it's your understanding that would be sufficient  
19 to make a decision about it?

20 A. Yes.

21 Q. Now, this, again, resulted in the  
22 filing -- I assume it was Ms. Allen that filed  
23 the 51(a) with the Department of Children and  
24 Families?

1 A. Correct.

2 Q. And this time, it was supported?

3 A. Yes.

4 Q. Did you have any direct contact with  
5 the DCF?

6 A. No. I spoke with Nicole, who spoke  
7 with DCF.

8 Q. Do you know who she spoke with?

9 A. I don't.

10 Q. Do you know if she spoke to more than  
11 one person from DCF?

12 A. I don't know.

13 Q. Now, since the leaving, Mr. Symington  
14 leaving, have any further students showed up to  
15 report behavior by him?

16 A. No. Not to my knowledge.

17 Q. Now, the last time when you  
18 testified, you said that when you found out about  
19 the allegation from Mr. Symington that you ended  
20 up checking his computer and his iPad.

21 A. Correct.

22 Q. Did you do that this time?

23 A. No.

24 Q. How did you check his computer and



1 iPad last time?  
2 A. My technology director has access to  
3 all of our computers and iPads. He can get into  
4 everything.  
5 Q. Does he have special software to look  
6 for images that may not be apparent to someone  
7 that just turns on the computer and goes to files;  
8 do you know?  
9 A. I don't know.  
10 Q. And the same thing was done with his  
11 iPad?  
12 A. Yes.  
13 Q. Okay. But you didn't do it this  
14 time.  
15 A. No.  
16 Q. Why not?  
17 A. We had reports from students. We had  
18 actual witnesses. And we had already searched his  
19 computer for any inappropriate things before, so.  
20 Q. But that was about a year ago.  
21 A. We had no reports that he had  
22 communicated with students via email or texts, or  
23 anything like that, so we had no reason to look at  
24 his technology.

1 Holyoke.  
2 Q. Is that part of his file now?  
3 A. Yes, it is.  
4 Q. The last time you were here, you had  
5 produced, with respect to a subpoena duces tecum,  
6 a letter dated March 16th, 2015. And I believe  
7 this was marked in your last deposition.  
8 MR. KENEFICK: May I see?  
9 MR. JORDAN: Yep. You got it last  
10 time.  
11 MR. KENEFICK: But I don't know what  
12 you're referring to.  
13 MR. JORDAN: Right. (Handing)  
14 MR. DOMINELLO: (Reviewing document)  
15 Q. (By Mr. Jordan) So you recognize  
16 that?  
17 A. I do.  
18 MR. JORDAN: Okay, this is the one.  
19 Q. (By Mr. Jordan) Now, I want to show  
20 you a document that was produced, again, I  
21 believe, by the Longmeadow public school  
22 department, to an action that's happening in the  
23 probate court. If you could look at that.  
24 MR. JORDAN: Do you want to see it

1 Q. And the computer and the iPad, is  
2 that school property?  
3 A. Yes, it is.  
4 Q. Okay. So it's still there?  
5 A. Yes, it is.  
6 Q. And you had stated, also, last time  
7 you had checked his references at the Holyoke  
8 public school system --  
9 A. Yes, I had.  
10 Q. -- where he previously worked? Did  
11 they give you his dates of employment?  
12 A. Yes, they did.  
13 Q. Okay. Did they give any other  
14 information?  
15 A. They looked through his file, and  
16 there was nothing in there. He had left  
17 voluntarily to come to Longmeadow, and there was  
18 no history of any wrongdoing in Holyoke.  
19 Q. Okay. But if they were to look at  
20 his file from Longmeadow, they would find nothing  
21 in there, either, would they?  
22 A. Correct. But reference checks had  
23 been done when he was hired, and they were in his  
24 file, and he had positive recommendations from

1 first?  
2 MR. KENEFICK: (Reviewing document)  
3 Q. (By Mr. Jordan) Here.  
4 A. (Reviewing documents)  
5 Q. And, also, the cc there.  
6 A. Yeah, my assistant is the one who  
7 pulled these up. All I can say is that maybe she  
8 had a draft on her computer and sent the wrong  
9 one. But she's the one that produced the  
10 documents.  
11 Q. Well, wait for a question then.  
12 So, at this point, what I've showed  
13 you was a March 17th, 2015 letter to Glenbrook  
14 parents of eighth graders and March 16th, 2015, to  
15 Glenbrook parents of eighth graders. Do you know  
16 which one was sent out?  
17 A. I don't, but I could check and let  
18 you know. Because we have School Messenger, and  
19 that's how it goes out.  
20 Q. And is that your signature on the  
21 bottom? Or is that your assistant?  
22 A. Nope. Those my signatures.  
23 Q. Okay. And would it be your practice  
24 to just sign documents in front of you? Or do you



1 read them before you sign them?  
2 A. I read them, but what might have  
3 happened is that --  
4 Q. That's my only question.  
5 And, again, I'd like to point your  
6 attention to the March 17th, 2015 document. On  
7 that one, it adds cc to Kathleen Russotto and  
8 file.  
9 A. (Reviewing document) Right.  
10 Q. Yes. And Ms. Russotto was who?  
11 A. She's the union president.  
12 Q. Okay. Did you or Ms. Allen ever tell  
13 Mr. Symington, or anyone, that you thought it was  
14 a smear campaign against him back in 2015 when  
15 those documents were given to the school by  
16 parents?  
17 A. Could you repeat the question?  
18 Q. Did you or Ms. Allen ever make the  
19 statement to Mr. Symington that you thought it was  
20 a smear campaign against him and that -- in  
21 reference to the letters and the documents that  
22 were received by parents back in, I think, March  
23 of 2015?  
24 A. I can only speak for myself. And,

1 no, I did not make that statement.  
2 Q. Now, it was represented at one point  
3 that Mr. Symington resigned so maybe some of the  
4 children in the school would not have to be  
5 interviewed as part of a big investigation. Is  
6 that your understanding of why he resigned?  
7 A. No. We had conducted the  
8 investigation. We had met with the students that  
9 we needed to meet with.  
10 Q. Now, as a result of receiving these  
11 new allegations, was there any attempt to  
12 reinvestigate the investigation that was done last  
13 year?  
14 A. No. We had done a thorough  
15 investigation, and nothing came up during that  
16 time.  
17 Q. And we already talked about your  
18 thorough investigation, so. And in your letter to  
19 parents at that time you said that you had done a  
20 thorough investigation, you were confident that  
21 Mr. Symington was a good teacher, etc. You  
22 remember that?  
23 A. I did.  
24 Q. Has your opinion changed with respect

1 to that?  
2 A. Yes, it has.  
3 Q. And that is as a result of these new  
4 allegations?  
5 A. Correct.  
6 Q. Do you know of -- It doesn't sound  
7 like you had much interaction at all with  
8 Mr. Symington for this most recent incident. Did  
9 you ever have any face-to-face meeting with him at  
10 all?  
11 A. I did. He came to see me at some  
12 point, I think after the letter went out to the  
13 parents saying that he had been cleared the first  
14 time, to apologize. He apologized for the  
15 disruption and said thank you.  
16 Q. Okay. Did he -- At that time did he  
17 state that this was a result of allegations or a  
18 campaign by Ms. Silvernail and her husband?  
19 A. He believed that to be the case.  
20 Q. That's what he told you, anyway.  
21 A. Yes.  
22 Q. Now, given these most recent  
23 allegations, is it your assessment that he  
24 believed that when he made that statement to you?

1 MR. KENEFICK: Objection.  
2 Q. (By Mr. Jordan) You understand the  
3 question?  
4 A. Not really.  
5 Q. Okay. You stated that he believed  
6 that it was some kind of campaign against him by  
7 Ms. Silvernail and her husband. Having made that  
8 statement, you said that was his belief. My  
9 question to you is, given the most recent  
10 allegations, do you believe that that was a -- his  
11 true belief?  
12 MR. KENEFICK: Objection.  
13 THE WITNESS: When there's an  
14 objection, do I answer?  
15 MR. DOMINELLO: No, you can answer if  
16 you understand.  
17 A. I think he believed it when he said  
18 it.  
19 Q. (By Mr. Jordan) Okay. And you  
20 believed him?  
21 A. I didn't weigh in on it, either way.  
22 Q. Okay.  
23 A. This is a private matter. My job was  
24 to investigate, to make sure our students were



1 safe.  
2 MR. JORDAN: If we could just go off  
3 the record for a second.  
4  
5 (Pause in proceedings)  
6  
7 Q. (By Mr. Jordan) All right,  
8 Ms. Doyle, you said you wanted to clarify  
9 something. Is that as a result of an answer you  
10 gave --  
11 A. Yes.  
12 Q. -- to one of the questions?  
13 A. Yes.  
14 Q. And what is that?  
15 A. The meeting that I said Tim did not  
16 show up to had been postponed. Legal had agreed  
17 upon that. So that it wasn't that he just didn't  
18 show up; it was a postponed meeting that had been  
19 agreed upon.  
20 Q. And once it was postponed, was he  
21 given the next date?  
22 A. I don't know. There was an agreement  
23 made to an extension. I do know that.  
24 Q. Okay. And was that, again, between

1 the attorneys?  
2 A. Yes.  
3 Q. So the meeting was postponed as a  
4 result of negotiations between the attorneys, is  
5 your understanding.  
6 A. I just know that the attorneys agreed  
7 to postpone it.  
8 Q. Okay. And when you say -- when you  
9 said "postponed," does that mean that the  
10 statements by the students were done at a  
11 subsequent meeting date?  
12 A. The interviews with the students had  
13 already been done.  
14 Q. All right. Just to clarify, there  
15 was one -- a date set for an investigative  
16 hearing, where Mr. Symington was to appear, as  
17 well as the students.  
18 A. No. The way we do an investigation  
19 is we interview the students, separately, and then  
20 there's a meeting where the teacher comes in and  
21 he's questioned by the principal.  
22 Q. All right.  
23 A. The students would not have been  
24 present.

1 Q. All right. So the statements were  
2 already -- had already been made a part of that  
3 hearing. It's some kind of administrative  
4 hearing? Or is this an informal hearing that  
5 you're doing; do you know?  
6 A. It would be considered a formal  
7 hearing. It's an investigation. And the  
8 questions would be based upon what the students  
9 had reported to us.  
10 Q. All right, who sits to take the  
11 statements, or the evidence, in this hearing?  
12 A. The principal and assistant  
13 principal.  
14 Q. Okay. And after the meeting was  
15 postponed, the parties reached a settlement, so  
16 there was no further meetings?  
17 A. Correct.  
18 Q. Okay. So no further ones were  
19 scheduled after that.  
20 A. To the best of my knowledge.  
21 I'm not sure of that. There may have  
22 been one scheduled. I'm not sure.  
23 Q. All right.  
24 A. I wasn't party to those discussions.

1 Q. This is in reference to the earlier  
2 response to my document requests of the school  
3 system. At Bates 47 I believe is the --  
4 MR. DOMINELLO: Just so the record's  
5 clear, is this the previous deposition  
6 you're talking about?  
7 MR. JORDAN: Previous deposition.  
8 And do you have yours, Tom?  
9 (Indicating)  
10 MR. KENEFICK: (Reviewing document)  
11 Q. (By Mr. Jordan) Now, is this yours?  
12 Or is that --  
13 A. (Reviewing document)  
14 Q. Is that a document you created?  
15 A. Yes, that's my document.  
16 Q. Okay. Now, it states -- talks about  
17 your next steps. "Tim to send out his own email."  
18 Did he ever send the email out?  
19 A. Yes, he did.  
20 Q. And I could be wrong, but I don't  
21 believe I saw an email in here from him. Do you  
22 know where that email would be?  
23 A. We probably didn't file one.  
24 Q. Okay. When it said he sent it out,



1 who did he send it out to?  
2 A. The parents.  
3 Q. Would a copy of that be in his  
4 employment file?  
5 A. It will probably be in our School  
6 Messenger. So let me make note. I think we can  
7 get that.  
8 Q. It also stated, "Administrators in  
9 classrooms to hear Tim share overview and answer  
10 questions." Who are these administrators?  
11 A. It would have been Nicole Allen or  
12 Beth Nelson, the assistant principal.  
13 Q. Do you know if that was done?  
14 A. Absolutely done.  
15 Q. Okay. And when you say "share  
16 overview and answer questions," that was student  
17 questions?  
18 A. Yes.  
19 Q. And when you say "overview," overview  
20 of what?  
21 A. That he had been out. He's coming  
22 back. That he wanted to get into a normal  
23 routine. What was going to happen with their  
24 coursework. What work needed to be made up.

1 Q. So, your understanding, it didn't go  
2 into anything about why he had been out.  
3 A. He was instructed not to go into any  
4 reason why he was out.  
5 Q. And then it says, "Tim to meet with  
6 principals at 8 a.m. and they will be in classes  
7 to support him and answer questions." When you  
8 say "principals" --  
9 A. I meant Beth Nelson, the assistant  
10 principal, and Nicole Allen, the principal.  
11 Q. Okay. And for what reason would they  
12 need to support him and answer questions?  
13 A. It was to make sure that he stuck to  
14 talking about curriculum, not to talk about the  
15 packets and what had happened, and just to make  
16 sure that it went well, in case students asked  
17 questions that we did not want him to engage in.  
18 Q. Okay. So was the concern he may  
19 start to answer those questions? Or you were  
20 concerned about --  
21 A. We had instructed him not to discuss  
22 the packets or why he was out. And if students  
23 brought it up, so we wanted to make sure that  
24 administrators were there to make sure that it was

1 adhered to.  
2 Q. All right, I'm going to now refer to  
3 the documents you produced for today's deposition.  
4 At Bates 18. And -- Oh, you're reviewing it,  
5 okay. Could you identify what that is, ma'am?  
6 A. Yes. It's a letter from the DESE,  
7 stating that they are going to investigate the  
8 case of Tim Symington.  
9 Q. All right. And how did they come to  
10 find out that there may be an issue with  
11 Mr. Symington?  
12 A. I sent them a letter.  
13 Q. And is that letter included in this?  
14 A. It is.  
15 Q. Yes, it is. Now, did you ever --  
16 It's signed by a Quinton Dale, chief of  
17 investigations for the Mass. Department of  
18 Elementary and Secondary Education. Did you ever  
19 speak with Mr. Dale?  
20 A. No, I haven't. But we sent all the  
21 information in as requested.  
22 Q. Do you know if there is an ongoing  
23 investigation going on with respect to  
24 Mr. Symington?

1 A. Yes, there is.  
2 Q. Will you be notified of the results  
3 of that investigation?  
4 A. Yes, I will be.  
5 Q. And is that for the purpose to see if  
6 he can maintain his educator license?  
7 A. Yes, it is.  
8 Q. Now, ma'am, this is -- this is Bates  
9 11 through 14, which appear to be notes of some  
10 kind. Are those your notes?  
11 A. Yes, these are all my notes.  
12 Q. And you took those notes from what  
13 source?  
14 A. I took them from the written summary  
15 of student comments. Page 11 is the written  
16 document sent to me by Nicole, and I summarized  
17 them so that I knew it. And then page 13 are  
18 questions that I wanted her to ask during the  
19 interview of Mr. Symington. And then page 14,  
20 those are notes that came from a phone call from  
21 Nicole Allen.  
22 Q. So, to clarify, so 11 is a summary of  
23 all the information you gleaned from different  
24 sources?



1 A. Yes.  
2 Q. 11 and 12?  
3 A. Yes.  
4 Q. Now, in one statement it says  
5 "Powerball how many kids I have."  
6 A. Mm-hmm.  
7 Q. What does that mean? What was your  
8 understanding?  
9 A. One student reported that he said if  
10 won the Powerball, he wanted to find out how many  
11 students -- how many kids he had.  
12 Q. Was that from -- was that to a  
13 classroom?  
14 A. Yes, it was.  
15 Q. One of the allegations was that he  
16 pushes the shoulders down of a female student to  
17 sit her -- to seat her, I think it says. Did more  
18 than one student make that allegation, that he did  
19 that to them?  
20 A. One student made the allegation, but  
21 there were witnesses that said it was true.  
22 Q. Another -- and, again, these are --  
23 sounds like summaries. It said "hugged" blank "in  
24 hallway." What's your understanding about that

1 particular note you made?  
2 A. The student was walking down the  
3 hall, and Mr. Symington went over and hugged her.  
4 And we have witnesses that say that's true.  
5 Q. So it's your understanding he was  
6 just walking down the hall and just randomly went  
7 over and hugged a student in the hallway.  
8 A. Right.  
9 Q. And it was a female student?  
10 A. Yes, it was.  
11 Q. Again -- and redacted. It just says  
12 "targets" redacted. What does that note mean?  
13 A. It means that there was one student  
14 he focused in on in particular, that he seemed to  
15 hug or make comments or draw stick figures on the  
16 board about.  
17 Q. And was that a male or female  
18 student?  
19 A. Female.  
20 Q. It also talks about "uncomfortable  
21 about what happened last year" and it says  
22 "jokes." I believe it says "jokes" on there.  
23 A. - Yes. Whereabouts are you?  
24 Q. The first -- Well, it would be the

1 first -- top part of the page there. And then it  
2 said -- two redactions, and then at the bottom of  
3 that.  
4 A. Yeah, I see that. I think that was  
5 just a comment the student made, didn't go into  
6 specifics. But he makes comments that the  
7 students find very -- that made students very  
8 uncomfortable.  
9 Q. So the jokes made them uncomfortable?  
10 A. The jokes. Threatening to hit them  
11 with a golf club or a baseball bat or joking about  
12 women's rights, in particular, seemed to be a  
13 common theme.  
14 Q. Is it your understanding that when he  
15 said he was going to hit them with something that  
16 he was saying it as a joke?  
17 A. I don't know. I take it seriously  
18 when a teacher says that.  
19 Q. On another statement, "arm around"  
20 again redacted "in hallway."  
21 And, to make it easier, I'll just go  
22 down through these.  
23 A. Okay. I see it.  
24 Q. What's your understanding of what

1 that note means?  
2 A. He approached the student, put his  
3 arms around the student, and she was very  
4 uncomfortable when he did it.  
5 Q. And, again, was there interaction  
6 between them going on? Or he just came up to her?  
7 A. He just came up to her.  
8 Q. Another one is "push" again redacted  
9 "in front of aliens at end of world." What was  
10 that?  
11 A. That was a male student. He joked in  
12 front of the class that at the end of the world he  
13 would push the student in front so that he'd be  
14 killed prior to other people.  
15 Q. And were you able to glean, from  
16 your, I guess, investigation of this, when these  
17 incidents happened?  
18 A. They happened over several months.  
19 These are eighth graders, so almost everything had  
20 happened within -- since the start of school.  
21 Q. So September 2015 till whenever  
22 these --  
23 A. Correct.  
24 Q. -- till February 3rd -- It says



1 February 3, 2016. Were these notes  
2 contemporaneously done with this? Or was this  
3 done after you had spoken and gotten this  
4 information?  
5 A. This was done after the  
6 investigations, and they were sent over to me.  
7 And he would have been out on leave. So it would  
8 have been prior to him going out on leave.  
9 Q. "Killing jokes, almost always to"  
10 blank "and sometimes" blank. What is that?  
11 A. When he would talk about -- He put a  
12 stick figure on the board, and he would put a red  
13 mark of blood at the head, and he would write  
14 above it "kill" a certain student or such-and-such  
15 student "is dead." One of the female students.  
16 Q. And, with regard to that, do you have  
17 any idea when he did this?  
18 A. I don't know. Just during that  
19 period of time.  
20 Q. You state, "Mr. Noonan may have more  
21 info." What does that statement you made mean?  
22 A. Somebody reported that students had  
23 spoken to Mr. Noonan. So the principal did speak  
24 to Mr. Noonan, to see what kids had said about

1 Mr. Symington.  
2 Q. And did you speak to Mr. Noonan?  
3 A. I did not.  
4 Q. Did the principal speak to  
5 Mr. Noonan?  
6 A. Yes, she did.  
7 Q. And what's your understanding of what  
8 Mr. Noonan said?  
9 A. That he does use stick figures. That  
10 he had called students stupid. He confirmed what  
11 the students said.  
12 Q. Okay. Is that the only allegations  
13 that Mr. Noonan said he was told, that he uses  
14 stick figures and writes a name on the board and  
15 "is stupid" underneath? Is that it?  
16 A. Yeah, I'd have to look at Nicole's  
17 notes to see what she wrote. That's to the best  
18 of my recollection.  
19 Q. Okay. Then there's a -- you have a  
20 statement, "women's rights"?  
21 A. Because he comments on women's  
22 rights. That there's never been a woman  
23 president. Women shouldn't have the right to  
24 vote. Women shouldn't have a right to abortion.

1 And when the students told him they were  
2 uncomfortable with that, he repeated it anyway.  
3 Q. And what subject does he teach?  
4 A. Social studies.  
5 Q. I believe it says "touchy with  
6 girls." Is that what that says?  
7 A. Yes.  
8 Q. And after that?  
9 A. He reads their T-shirts and it makes  
10 them uncomfortable.  
11 Q. Reads their T-shirts. Okay. And  
12 reads T-shirts of the girls?  
13 A. Yes.  
14 Q. But those are separate instances.  
15 Not the touching with the girls and the reading of  
16 the T-shirts.  
17 A. No, they just -- they happened at  
18 separate times.  
19 Q. Where was it reported he touched  
20 them?  
21 A. Their hand. Their arm. Pushing them  
22 down in the chair. And then the hugging.  
23 Q. And with the touching of the hand and  
24 the touching of the arm, did that make the girls

1 uncomfortable?  
2 A. Yes, it did.  
3 Q. And was that due to the length of  
4 time that he maintained the contact?  
5 A. Yes, it was.  
6 Q. Did they tell you how long he  
7 maintained that contact?  
8 A. Several seconds. Enough to make them  
9 feel uncomfortable. They mentioned, in  
10 particular, that he didn't let go.  
11 Q. It says "Advisory, ask another  
12 student why so-and-so is not there."  
13 A. Yeah, something had happened and a  
14 student was moved. And, normally, a teacher would  
15 not respond to that. And Tim did and made them  
16 feel very uncomfortable. Because it had been an  
17 altercation between the two of -- two of the  
18 girls. And so Tim referred to the girl, the other  
19 girl that had been involved in the altercation.  
20 Q. And when you say "referred to them,"  
21 referred to them how?  
22 A. He must have -- he must have named  
23 them.  
24 Q. The next statement you say is -- or



1 note you say is, "Tim the" blank "killer when  
2 students logged in." Is that -- is that all one  
3 concept, I guess?  
4 A. Yeah. I put the italics around it,  
5 so it had to be something that he wrote. I assume  
6 that's a student's name that was redacted.  
7 Q. And then so "when the students logged  
8 in," we're talking about on their computer?  
9 A. Yes. It showed up on their  
10 computers.  
11 Q. And it would say "Tim the" name  
12 "killer."  
13 A. Right.  
14 Q. Was that a male or female?  
15 A. Female.  
16 Q. The next one says "wrote on board"  
17 blank "the girl with no friends." What does that  
18 refer to?  
19 A. One day he wrote on the board one of  
20 the girls had no friends. It's exactly the way  
21 it's written.  
22 Q. Was that one time? Or did he do that  
23 more than once, if you know?  
24 A. The girls gave these as examples of

1 "wrist, held it firmly."  
2 A. Right.  
3 Q. What's your understanding of what  
4 transpired when that happened?  
5 A. One of the -- There were two  
6 incidences. One of them, a student asked for  
7 help. And he went over and he took another girl's  
8 arm and held that and looked at her paper. And it  
9 had made them both uncomfortable because the girl  
10 whose hand he held was not the one who had asked  
11 the question. And another time he took someone's  
12 arm and made them uncomfortable.  
13 Q. And was that a female student?  
14 A. Yes.  
15 Q. "Golf club. If you're not quiet, hit  
16 you, hurt you." What does that mean?  
17 A. "If you're not quiet, I'm going to  
18 hit you or hurt you with the golf club." He  
19 threatened them he had the golf club in the  
20 classroom.  
21 Q. So he would threaten the whole class?  
22 A. Or individual students.  
23 Q. And, again, with respect to these, do  
24 you know the frequency, or when these events

1 what he did. So I think there were other  
2 incidences of it, but these are the examples they  
3 gave us.  
4 Q. Now, again, it says "hugged" blank  
5 "in hallway." Is that a different girl?  
6 A. It's the same girl. Some of these  
7 are redundant because I was reading each student's  
8 interview --  
9 Q. I see.  
10 A. -- and some of them reiterated the  
11 same story.  
12 Q. "Tim takes students' possessions and  
13 hides them." What is your understanding of that?  
14 A. He'll take their pencil. He'll take  
15 their pen. He take things that belong to them and  
16 hides them.  
17 Q. And then what?  
18 A. I don't know. That's just how they  
19 reported it.  
20 Q. Well, did you -- Do you know if they  
21 asked for their items back?  
22 A. I don't. I would surmise when a  
23 teacher takes something, they don't ask.  
24 Q. It says "put hand around" blank

1 occurred?  
2 A. I don't.  
3 Q. Do you know if anyone asked?  
4 A. I know it happened several times that  
5 he made comments about the golf club and the  
6 baseball bat.  
7 Q. "Hands on" blank's "shoulders." What  
8 does that refer to?  
9 A. He puts his hands on a female's  
10 shoulders, made her uncomfortable.  
11 Q. Was she made uncomfortable because of  
12 the length of time he kept his hands on her  
13 shoulder?  
14 A. Uncomfortable being touched. In this  
15 case she didn't mention length of time but just  
16 uncomfortable being touched.  
17 Q. "Pretended to kick student crawling  
18 on floor." What does that refer to?  
19 A. There was a student on the floor, and  
20 he pretended to kick him.  
21 Q. Was there any other detail to that  
22 incident, other than that?  
23 A. No.  
24 Q. "Has no limits."



1 A. The students report that he does not  
2 seem to have limits of what he'll say. Like  
3 threatening with the golf club or baseball bat are  
4 examples that they gave. That he'll get mad at  
5 them and give a quiz because he's mad at them.  
6 That he seems to -- What they said is that he  
7 seems to say and do things other teachers don't  
8 do.  
9 Q. "Looked down" blank's "shirt."  
10 A. Two students reported that they  
11 believed he was looking down a female's shirt, the  
12 same one that he targeted.  
13 Q. And did they -- Other than their  
14 belief, did they give any more definition to their  
15 observations of that?  
16 A. No. That was it.  
17 Q. They just said, "We believe they were  
18 looking down so-and-so's shirt"?  
19 A. Yeah. One said he was walking by and  
20 she saw him look that way. And then the student  
21 who it happened to believed he looked down the  
22 shirt.  
23 Q. Was there any description of him  
24 hovering over a female student?

1 A. No. Walking by.  
2 Q. Blank "hugged twice"?  
3 A. That's the same student we talked  
4 about that he had hugged in the hallway and in the  
5 classroom when she went to get a pencil.  
6 Q. "Put hand over student's to help her  
7 write on board." What does that note mean?  
8 A. He put his hand over the student's  
9 hand. She was writing on the board, and  
10 apparently she was writing small. So he went up  
11 to her and said, "You need to make the letters  
12 larger," and he put his hand over hers and was  
13 writing with her, guiding her hand. And she was  
14 very uncomfortable with that.  
15 Q. And did she state why she was  
16 uncomfortable with it?  
17 A. She didn't like to be touched.  
18 Q. And all these children are eighth  
19 grade students?  
20 A. Yes.  
21 Q. "Anger can be over the top." What  
22 does that note mean?  
23 A. They feel he responds in a more angry  
24 fashion than other teachers. He gets upset about

1 things, and that scared them.  
2 Q. Did they give examples?  
3 A. They weren't sure, when he would say  
4 he had a golf club and would hit someone with it,  
5 whether he really meant it or not. Some students  
6 will tell you they thought he was joking, and  
7 others will tell you they weren't sure if he was  
8 serious or not.  
9 Q. Did the students say that this was a  
10 fairly common occurrence that he would make  
11 threats such as that?  
12 A. It happened more than once. It  
13 happened -- they said it happened repeatedly.  
14 Q. Repeatedly?  
15 A. Mm-hmm.  
16 Q. "Calls" blank "good girl, bad girl  
17 and grabbed her arms."  
18 A. Mm-hmm. The same student he  
19 targeted, he would call "good girl" or "bad girl."  
20 Q. And when you say "targeted," what do  
21 you mean by "targeted"?  
22 A. He seemed to call on her a lot, draw  
23 stick figures of her, hug her, take her arm. That  
24 he seemed to single her out.

1 Q. Was there anything about her physical  
2 attributes which would cause him to do that?  
3 A. I don't know.  
4 Q. Is there anything about her demeanor  
5 that would cause him to do that, if you know?  
6 A. The principal reports she's a nice  
7 girl. She's a very pretty girl. But nothing that  
8 would warrant being targeted.  
9 Q. If you know, is she a shy girl? Or  
10 is she an outgoing girl?  
11 A. I don't know.  
12 Q. It says "afraid of him." Is that a  
13 reference to the good girl/bad girl?  
14 A. The student repeated -- She  
15 responded that she is afraid of him.  
16 Q. "Put jacket on student. Held hands  
17 for uncomfortable time."  
18 A. One of the students said it was cold  
19 in the room, a female. So he went and got his  
20 jacket, and he put his jacket over her shoulders  
21 and then kept his hand on her shoulders for what  
22 the student described as an uncomfortable amount  
23 of time.  
24 Q. "Leaned into body space of a student



<p style="text-align: right;">Page 54</p> <p>1 at a locker." What does that note mean?</p> <p>2 A. Female student was missing homework,</p> <p>3 and she felt that he invaded her body space. He</p> <p>4 was too close when he was asking about homework</p> <p>5 and missing assignments.</p> <p>6 Q. Did she say how close he was?</p> <p>7 A. Just within her body space.</p> <p>8 Q. Do you know, when he leaned in, did</p> <p>9 he touch her?</p> <p>10 A. She did not report touching.</p> <p>11 Q. "Made fun of student with injured</p> <p>12 hand."</p> <p>13 A. Yeah, I don't know the details.</p> <p>14 Q. "My wife should thank me every day."</p> <p>15 What is that note referring to?</p> <p>16 A. I guess he had said, on a couple of</p> <p>17 occasions, his wife should thank him because he</p> <p>18 married her and how lucky she was to have him.</p> <p>19 And he often -- I guess a couple times he referred</p> <p>20 to that, too, in terms of women's rights. And it</p> <p>21 made the kids uncomfortable.</p> <p>22 Q. "Afraid Tim will get physical if he</p> <p>23 comes back." What is that referring to?</p> <p>24 A. A student reported that she was</p>	<p style="text-align: right;">Page 55</p> <p>1 afraid that he would get physical if he came back.</p> <p>2 Q. And this was after the January 25th,</p> <p>3 2016 administrative leave, whatever you want to</p> <p>4 call it. Right?</p> <p>5 A. Yes.</p> <p>6 Q. "You're a sassy girl."</p> <p>7 A. That's a comment made to one of the</p> <p>8 students.</p> <p>9 Q. So is that your only understanding?</p> <p>10 He just made that to one student?</p> <p>11 A. Mm-hmm. These are examples of what</p> <p>12 made the kids feel uncomfortable.</p> <p>13 Q. "Angry, face gets red, yells at</p> <p>14 kids."</p> <p>15 A. Same student reported that he gets</p> <p>16 angry; his face turns red; he yells at them.</p> <p>17 Q. Was that corroborated by other</p> <p>18 students?</p> <p>19 A. Other students reported that he does</p> <p>20 get mad.</p> <p>21 Q. Did they say in what circumstances he</p> <p>22 gets mad?</p> <p>23 A. No.</p> <p>24 Q. "Fake" --</p>
<p style="text-align: right;">Page 56</p> <p>1 A. Well, they did say if they're not</p> <p>2 listening or their work's not done. They did say</p> <p>3 that.</p> <p>4 Q. "Fake swords."</p> <p>5 A. Apparently, he has fake swords in the</p> <p>6 classroom.</p> <p>7 Q. So he actually has swords in the</p> <p>8 classroom.</p> <p>9 A. He said they're behind his desk.</p> <p>10 Q. All right. And so what did you mean</p> <p>11 by that note?</p> <p>12 A. I just put it down there so I'd</p> <p>13 remember.</p> <p>14 Q. All right. Did someone mention that</p> <p>15 he had fake swords in the classroom?</p> <p>16 A. One of the students mentioned he had</p> <p>17 fake swords in the classroom.</p> <p>18 Q. Did the student mention that they</p> <p>19 were afraid because he had fake swords in the</p> <p>20 classroom?</p> <p>21 A. No, I think he used to do the same</p> <p>22 thing as with the baseball bat and golf clubs,</p> <p>23 threaten them with the fake swords.</p> <p>24 Q. Well, when you say "fake," they're</p>	<p style="text-align: right;">Page 57</p> <p>1 actually -- they're swords; they're just not</p> <p>2 sharp, right?</p> <p>3 A. I don't know.</p> <p>4 Q. They're like ceremonial --</p> <p>5 A. I don't know if they're plastic,</p> <p>6 paper. I don't know.</p> <p>7 Q. Well, are -- okay. Are teachers in</p> <p>8 your school allowed to bring swords into school?</p> <p>9 A. No, but teachers have props that they</p> <p>10 use for plays or -- In social studies, in</p> <p>11 particular, you'll often have props that are in</p> <p>12 the room.</p> <p>13 Q. Well, did they say how long those</p> <p>14 swords had been hanging out in front of his</p> <p>15 classroom?</p> <p>16 A. No.</p> <p>17 Q. Did anyone investigate the swords, at</p> <p>18 all, look at them, inspect them?</p> <p>19 A. I don't know. He was on leave at</p> <p>20 this time. And when he did not return, I think</p> <p>21 that it got dropped because the golf club, the</p> <p>22 baseball bat, and the swords would have been</p> <p>23 taken.</p> <p>24 Q. So when he left on administrative</p>



1 suspension, did he take the swords and his golf  
2 clubs and his bat?  
3 A. I don't think so, because he was  
4 escorted out by the principal, and he took his bag  
5 and his -- his personal belongings.  
6 Q. So, if you know, it's not -- You  
7 don't know if anyone ever went in there and  
8 inspected any of the bats, the golf clubs, or --  
9 A. I don't know.  
10 Q. Did any teacher go in and just  
11 corroborate, by visually seeing that those were  
12 indeed in the classroom?  
13 A. I don't know.  
14 Q. "Website" -- Next is "website" blank  
15 "is a loser and has no friends." What does that  
16 mean?  
17 A. Apparently, a comment was made on the  
18 website that so-and-so is a loser and has no  
19 friends.  
20 Q. Okay, what website?  
21 A. That Tim posted that. Tim's website.  
22 Q. Okay, when you say it's his website,  
23 like what, his Facebook page or --  
24 A. No. Teachers have a website where

1 they post homework and information for parents and  
2 students.  
3 Q. Okay. And when you go on it, he had  
4 made a statement on there that so-and-so was a  
5 loser and has no friends?  
6 A. That's what the student claimed.  
7 Q. Okay. You said you have a tech at  
8 your school. Did anyone check to see if that,  
9 indeed, had been done?  
10 A. It had been taken down --  
11 Q. I asked --  
12 A. -- is what the student said.  
13 Q. Right.  
14 A. They told us that the student  
15 reported that he took it down the same day.  
16 Q. Okay. But you understand that just  
17 because it's taken down that the information is  
18 probably still on the computer?  
19 A. Mm-hmm.  
20 Q. Has anyone -- Has your tech  
21 specialist done anything to look into that?  
22 A. No. He resigned.  
23 Q. Not the tech specialist. You're  
24 talking about Mr. Symington.

1 A. Correct, correct.  
2 Q. Okay. And who is this tech  
3 specialist? What's his name?  
4 A. Nicholas George.  
5 Q. "Women's rights. Had jokes that were  
6 offensive." What does that note mean?  
7 A. The same ones I mentioned before  
8 about abortion rights, no woman's been president,  
9 women shouldn't be entitled to rights.  
10 Q. Okay. But, again, you said "jokes."  
11 A. The students called them jokes.  
12 Q. So all the students said he was  
13 joking when he said that?  
14 A. The students reported them as jokes  
15 that they didn't find funny. Those words, "bad  
16 jokes are offensive," are the students' languages  
17 -- students' language.  
18 Q. In the Longmeadow school system do  
19 you have policies with regard to making statements  
20 like that, about --  
21 A. We expect professional --  
22 Q. Joking about women and men and  
23 gender?  
24 A. We expect professional behavior, and

1 that's in our policy.  
2 Q. All right. But what about with  
3 regard to making offensive statements about people  
4 because of gender, sex orientation? Are there --  
5 A. Oh, yes, we have that.  
6 Q. -- any policies?  
7 A. Yes. We don't say "joking." We say  
8 would not be discriminated against.  
9 Q. The fact that the students said  
10 "jokes," as an educator you still -- and as a  
11 superintendent you still have serious concerns  
12 about the appropriateness of this behavior, I  
13 would assume.  
14 A. Of course. I don't find it funny at  
15 all.  
16 Q. "Bad mood. Extra work. Never knew  
17 mood." What does that note mean?  
18 A. One of the students reported that he  
19 would be in a bad mood; he'd give them extra work.  
20 And another student reported they'd be fooling  
21 around and wouldn't have their work, so he'd get  
22 in a bad mood and he'd give extra work, and they  
23 never knew what his mood was going to be.  
24 Q. "Looking down" blank's "shirt." Is




<p style="text-align: right;">Page 62</p> <p>1 that what you had earlier testified?  2 A. Yes.  3 Q. The same girl?  4 A. Yes. This is another student  5 reporting it.  6 Q. So another student, in addition to  7 the other student that had reported it.  8 A. Yes.  9 Q. "If you don't stop talking, I'm going  10 to hit you." What does that note mean?  11 A. That's exactly what the student  12 reported Mr. Symington said to them.  13 Q. "Other times says 'I'll hurt you.'"  14 A. Mm-hmm. Yes.  15 Q. So other times he would say to the  16 student or the class? Do you know?  17 A. Both.  18 Q. So he'd say "I'll hurt you"?  19 A. Yes.  20 Q. And he would use a threat as a  21 baseball ball bat or a golf club?  22 A. Yes.  23 Q. "Slams hands on student's desk to  24 scare" - I can't make out that.</p>	<p style="text-align: right;">Page 63</p> <p>1 A. "Scare class."  2 Q. "Class." Oh, yeah. Could you  3 elucidate a little about that? What does that  4 mean?  5 A. He'd be standing there, and students  6 would be working, or something would be going on,  7 and he'd slam his hands down to get their  8 attention.  9 Q. Did -- it says -- And this is Bates  10 13. "Marie's notes. Questions for Nicole for  11 Symington's interview." Are these something you  12 wrote out?  13 A. Yes.  14 Q. Were these questions ever asked of  15 him?  16 A. We never got to interview him.  17 Q. Did some of the students report that  18 they were being hugged from behind by  19 Mr. Symington?  20 A. That one student. I believe she was  21 hugged from behind in the hallway.  22 Q. What's your understanding of when he  23 put his hands on the student and pushed her down  24 into a chair? What's your understanding of that?</p>
<p style="text-align: right;">Page 64</p> <p>1 Did the student explain why it was done? Or --  2 A. No, but --  3 Q. -- was it a random act by --  4 A. Sometimes teachers guide students  5 into a chair because they're trying to get them  6 settled, or whatever else. But it's, again, the  7 student's comfort level with being touched. But  8 it would not be uncommon for a teacher to guide a  9 student to their chair.  10 Q. Did you ask the other students if  11 that student was being guided into her chair?  12 A. No. I took it as unwanted touching  13 and that she was uncomfortable with what was done.  14 Q. And on 14, it says, again redacted,  15 "confirms." Is that a teacher or a student that  16 confirmed it? It's at almost the bottom of the  17 page, the second --  18 A. Another student had confirmed what  19 had been said.  20 Q. And when you say -- It says  21 "targets" redacted.  22 A. That he targets a specific student.  23 Q. Then on the last redaction on the  24 side, it said -- it's redacted and it says "asked</p>	<p style="text-align: right;">Page 65</p> <p>1 Nicole to get a witness." Is that the  2 principal --  3 A. Yes.  4 Q. -- that you're talking about?  5 A. Yes.  6 Q. And the redaction, I would take,  7 would be a student asked the principal to get a  8 witness?  9 A. No. I asked the principal to verify  10 that this was true, by finding witnesses. And she  11 did that. So she called back to say.  12 Q. Oh, I see. Okay, so --  13 A. I wanted to make sure that we had  14 someone that backed up these allegations.  15 Q. All right, so the redaction goes to  16 the second sentence there.  17 A. Yes.  18 Q. The second part.  19 A. The redaction goes to a student that  20 verified it.  21 Q. It says "student verified" -- all  22 right.  23 Then the last thing is, "Is there a"  24 paraprofessional, or "para in the room?" And</p>



1 that's a paraprofessional?  
2 A. Correct. I wanted to ask that  
3 question. And the answer was no.  
4 Q. But you know the answer is no.  
5 A. Correct.  
6 Q. When are paraprofessionals assigned  
7 to a classroom?  
8 A. They're with special needs students.  
9 And sometimes if there are three or four special  
10 needs students in a room, there will be one para  
11 assigned to the class rather than student. But  
12 most frequently, they travel with the student.  
13 Q. And again, just for identification,  
14 if you take Bates 20 through 27, if you could just  
15 identify what are those pages?  
16 A. Those are Nicole Allen's notes.  
17 Q. And you used these notes to help to  
18 make your summary?  
19 A. Yes. Yes.  
20 MR. JORDAN: Okay, just one second.  
21 (Attorney Jordan conferring with his  
22 client.)  
23 Q. (By Mr. Jordan) Now, yeah, earlier,  
24 you had talked about sometimes a teacher guides

1 students into their seat. Is there any policy  
2 about that in the school system?  
3 A. I don't know.  
4 MR. JORDAN: I have no further  
5 questions.  
6 MR. KENEFICK: I just have a couple.  
7 I don't want to drag this ordeal out.  
8  
9 EXAMINATION BY MR. KENEFICK:  
10  
11 Q. You know the folks that -- to whom  
12 those packets were sent, the names of the  
13 families?  
14 A. We had a list, correct.  
15 Q. Any of those families -- Are any of  
16 those parents the parents of the, you know,  
17 students that brought complaints against  
18 Mr. Symington that was pursuant to your  
19 investigation?  
20 A. I don't know.  
21 Q. You never checked that out or  
22 followed up on it?  
23 A. No, I didn't.  
24 MR. KENEFICK: Nothing further.

1 MR. JORDAN: I guess we're set.  
2 (Deposition concluded at 2:16 p.m.)  
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1 I, DEBORAH LEONARD LOVEJOY, RPR, do hereby  
2 certify that MARIE H. DOYLE came before me on the  
3 3rd day of May, 2016, at Springfield,  
4 Massachusetts and, having presented satisfactory  
5 evidence of identity, was by me duly sworn to  
6 testify to the truth and nothing but the truth as  
7 to her knowledge touching and concerning the  
8 matters in controversy in this cause; that she was  
9 thereupon examined upon her oath and said  
10 examination was reduced to writing by me, and that  
11 the statement is a true record of the testimony  
12 given by the witness, to the best of my knowledge  
13 and ability.  
14 I further certify that I am not a relative  
15 or employee of counsel/attorney for any of the  
16 parties, nor a relative or employee of such  
17 parties, nor am I financially interested in the  
18 outcome of the action.  
19 WITNESS MY HAND this 8th day of May, 2016.  
20  
21 *Deborah Leonard Lovejoy, RPR*  
22   
23 Deborah Leonard Lovejoy, RPR, Notary Public  
24 My Commission expires May 7, 2021



**Marie Doyle**  
**May 3, 2016**

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1 Today's date: May 8, 2016  
2 To: Nicholas J. Dominello, Esq.  
3 Copied to: Richard T. Jordan, Esq.  
4 From: Deborah Leonard Lovejoy, RPR  
5 Deposition of: Marie H. Doyle  
6 Taken: May 3, 2016  
7 Action: Connor Silvernail, fka Connor  
8 Symington, and Cheryl Silvernail  
9 vs. Timothy D. Symington

11 Enclosed is a transcript of the deposition  
12 of Ms. Doyle. Pursuant to Rules of Civil  
13 Procedure, Ms. Doyle has thirty days from receipt  
14 of the transcript to read and sign.  
15 Please have Ms. Doyle sign the enclosed  
16 signature page. If there are any errors, please  
17 have her mark the page, line, and error on the  
18 enclosed correction sheet. This addendum should  
19 be forwarded to all interested parties.  
20 Thank you for your cooperation in this  
21 matter.

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1 CORRECTION SHEET  
2 DEPONENT: Marie H. Doyle  
3 CASE: Connor Silvernail, fka Connor  
4 Symington, and Cheryl Silvernail  
5 vs. Timothy D. Symington  
6 DATE TAKEN: May 3, 2016  
7 \*\*\*\*\*  
8 PAGE /LINE/ CHANGE OR CORRECTION AND REASON  
9 \*\*\*\*\*  
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1 COMMONWEALTH OF MASSACHUSETTS  
2 Department of the Trial Court  
3 Hampshire, ss. Superior Court  
4 \*\*\*\*\*  
5 CONNOR SILVERNAIL, fka \*  
6 CONNOR SYMINGTON, and \*  
7 CHERYL SILVERNAIL, \* Civil Action No.  
8 Plaintiffs \* HSCV2014-00239A  
9 vs. \*  
10 TIMOTHY D. SYMINGTON, \*  
11 Defendant \*  
12 \*\*\*\*\*  
13 I, MARIE H. DOYLE, do hereby certify, under  
14 the pains and penalties of perjury, that the  
15 foregoing testimony, taken on May 3, 2016, is true  
16 and accurate, as transcribed or with the changes  
17 noted on the attached corrections sheet, to the  
18 best of my knowledge and belief.  
19 WITNESS MY HAND, this day of  
20 2016.  
21  
22 \_\_\_\_\_  
23 MARIE H. DOYLE  
24 DRL

19 (Pages 70 to 72)