

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT
80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

May 22, 2008

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: R. Christopher Asch
SCI Case #2008-0626

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that 55-year-old R. Christopher Asch, a teacher assigned to Stuyvesant High School in Manhattan, touched male students in an inappropriate manner.¹

This investigation began in February 2008, when [REDACTED] contacted the office of the Special Commissioner of Investigation ("SCI") and lodged a complaint against Asch. [REDACTED] reported that four male students ("Student A," "Student B," "Student C," and "Student D") had submitted a document in which they described being subjected to touching by Asch over a multi-year period.

[REDACTED] informed SCI investigators that Student A handed [REDACTED] a typed document which included statements made by Student A, Student B, Student C, and Student D. Student A advised [REDACTED] that they were making allegations of inappropriate touching committed by Asch. [REDACTED] said that [REDACTED] did not read the document, but brought it to the attention of [REDACTED]. [REDACTED] added that [REDACTED] Asch who was assigned to the library.

SCI investigators met with [REDACTED] year-old Student A who asserted that, on numerous occasions since September 2004, Asch had rubbed his back and massaged his shoulders. Student A said that the touching occurred while Asch was working in the library. Student

¹ Effective February 12, 2008, Asch was reassigned to the ISC at 4111 Broadway in Manhattan.

² [REDACTED] gave the document to [REDACTED] who contacted SCI.

A added that, around Christmas time in 2007, when Asch came over to him in the library, Student A yelled out: "Don't touch me." Student A knew that Asch heard him because the librarian stopped and smiled. Asch then reached out and squeezed Student A's belly. According to Student A, at that point, he confronted Asch and told him: "You need to stop touching people." Asch replied: "Touch them how?" and Student A said: "I think you know." Student A reported that Asch's only response was another smile.

Student A continued that he observed Asch approach Student B from behind and run his fingers through Student B's hair, making Student B feel very uncomfortable. Student A reported that, on "the day of the election in 2008," referring to the Super Tuesday primary in February, he observed Asch grab Student D's leg, lift it up, and run his hands up and down Student D's leg.³

Student A explained that he sent an e-mail message to Student B, Student C, and Student D in which he suggested reporting Asch, and they agreed to come forward against Asch. Student A added that the three boys responded with their statements and that he cut and pasted the information into one document which he gave to [REDACTED]. Student A informed investigators that, although the touching had taken place for the past four years, the incident which occurred on "election night" caused the students to come forward.

SCI investigators met with [REDACTED] year-old Student B, [REDACTED] and learned that, between 2004 and 2006, as Student B sat in the library with Student A, Student C, and Student D, Asch would approach and massage their backs and shoulders.⁴ Student B added that Asch would run his fingers down the small of their backs as he whispered in their ears to be quiet while in the library. According to Student B, on numerous occasions, Asch stroked and rubbed various parts of his upper body. Student B described one time, during 2006, his last year in the school, when he was sitting in the library with Student A and Asch came up from behind and began running his hand through Student B's hair. Student B told the librarian that he was making him feel uncomfortable, but Asch just smirked and kept running his hand through Student B's hair.

Student C, [REDACTED] years-old, told SCI investigators that, on numerous occasions since October 2006, as he was doing work in the library, Asch touched him inappropriately.⁵ Student C explained that, when he was studying in the library, Asch would come up from behind him, massage his shoulders, run his fingers down the small of Student C's back, and tell the boy to be quiet while in the library. Student C added that, sometime in October or November 2007, he was present in the library when Asch used a rolled up

³ Super Tuesday occurred on February 5, 2008.

⁴ Student B has turned [REDACTED]

⁵ Student C has turned [REDACTED]

paper and slapped another male student ("Student E") on the rear end. According to Student C, Asch's action left Student E very embarrassed.

In an interview with SCI investigators, Student D explained that, since 10th Grade, Asch had been making him feel uncomfortable by massaging his back. Student D added that he was sitting in the library with Student A and Student F discussing politics the day before Super Tuesday 2008, when Asch came by, massaged his shoulders, and told him to be quiet. According to Student D, Asch then grabbed and lifted his right leg and massaged the lower part of his leg while saying: "Insert foot in open mouth." Student D said that initially he did not report Asch's course of conduct because he did not want to get him in trouble, but when the librarian touched Student D's leg, it put the boy "over the top."

The mother of [redacted] year-Student E informed the assigned SCI investigator that she would not allow her son to be interviewed for this investigation.

SCI investigators spoke with [redacted] year-old Student F who said that, on "election day" in February 2008, he was sitting in the library with Student A and Student D when Asch came up to Student D and lifted up Student D's leg, making Student D feel very uncomfortable. Student F added that, for the past two years, Asch had approached him as he was seated in the library, massaged Student F's shoulders, and whispered in his ear to be quiet.

Through his attorney, R. Christopher Asch declined the opportunity to be interviewed by SCI investigators.

In March 2008, SCI referred the findings of an investigation which substantiated that Asch had taken seven students on an unauthorized trip to Boston to compete in a Quiz Bowl at Harvard University. Stuyvesant officials did not sanction the trip and the parents of one of the students had specifically advised Asch that their son did not have permission to go on the trip.

It is the recommendation of this office that R. Christopher Asch's employment be terminated, that he be made ineligible for work with the Department of Education, and that this matter be considered should he apply for any position in a New York City public school in the future.

We are referring our findings to New York County District Attorney Robert M. Morgenthau for whatever action he deems appropriate.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have

Hon. J. I. Klein

-4-


May 22, 2008

any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding R. Christopher Asch. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:lm

c: Michael Best, Esq.
Theresa Europe, Esq.