

YESHIVA UNIVERSITY HIGH SCHOOLS

Anti-Harassment Policy

Yeshiva University High Schools believes that Torah is at the very center of our existence and represents the lens through which we look at all of life. As such, it guides our response to each and every opportunity and challenge. We therefore define our lives by our complete dedication to the values and ideals of Torah. We learn that Middot Tovot, moral integrity, the pursuit of Chessed, and concern for and service to others must necessarily accompany learning in order for the learning to have deep and lasting meaning. Genuine concern for the welfare of others, observance of mitzvot, love of the Jewish people, and pride in our Jewish heritage and values should characterize the intellectual goals and the daily behavior of everyone in our High School community.

It is with these values and ideals in mind that Yeshiva University High Schools, together with Yeshiva University (hereinafter collectively with its affiliated and related entities, "YU"), has implemented the Yeshiva University High Schools Anti-Harassment Policy, to foster these values and ideals in an environment of mutual respect and dignity that does not tolerate harassment of any kind. Prevention of harassment is the responsibility of the entire Yeshiva University High Schools community. Harassment interferes with learning and creates an intimidating and offensive environment. Everyone at Yeshiva University High Schools can help ensure that our schools are free from harassment.

The Yeshiva University High Schools Anti-Harassment Policy governs all interactions with Yeshiva University High Schools students and as such, supplements the YU Anti-Harassment Policy as applicable. Whenever a High School student is involved in an allegation of harassment, whether as the victim or the perpetrator, this Policy will apply. This Policy shall supersede any and all previously-issued High Schools policies, procedures and guidelines regarding harassment; provided that the YUHS Sexual Harassment Policy for Employees shall continue to apply in the context of sexual harassment in the workplace involving employees, and the Mandatory Reporting Policy shall continue to apply in the context of suspected child abuse.

GENERAL PROHIBITION OF HARASSMENT

Yeshiva University High Schools, which consists of The Marsha Stern Talmudical Academy-Yeshiva University High School for Boys and Samuel H. Wang Yeshiva University High School for Girls (hereinafter collectively "YUHS"), prohibits any and all forms of harassment, which includes behaviors commonly recognized as bullying, hazing, sexual harassment, and sexual abuse/assault

(defined below). Prohibited harassment at YUHS includes acts of discrimination based upon actual or perceived religion, race, color, national origin, gender, physical or mental abilities/disabilities, physical traits, academic achievement, grade level, socio-economic status, neighborhood/area of residence, sexual orientation, personal characteristics or beliefs, or any other basis protected by federal, state, or local law. Harassment can take place in person or in writing, and can be physical, verbal, demonstrative, or electronic. Regardless of its form, YUHS prohibits it.

TO WHOM THE YUHS ANTI-HARASSMENT POLICY APPLIES

This Policy applies to all YUHS students and their parents/guardians, and all YUHS employees (faculty, administration, athletic personnel, and other staff, whether full-time or part-time), YUHS volunteers and interns, and employees of contracted service providers working at or for YUHS. In addition, it applies to all other YU employees, students, volunteers, and interns and contracted service providers working at or for YU (hereinafter collectively, “adults at YU”), with regard to their interactions with YUHS students.

WHERE THE YUHS ANTI-HARASSMENT POLICY APPLIES

This Policy applies to the physical school itself; to all school-sponsored or otherwise affiliated activities and events, whether in school or out of school, including, but not limited to, special events, field trips, overnight trips, service-related trips, sleepovers, and sporting events and practices; to all forms of transportation used by YUHS employees and students to come and go to school and school-sponsored/affiliated activities; and to all forms/use of technology.

Furthermore, because YUHS community members are expected to act appropriately and honor the *Tzelem Elokim* in everyone and because students' and employees' behavior, whether inside or outside of school, reflects on YUHS and can have a significant impact on life at school, there are times when it is appropriate and important for YUHS to respond to incidents that occur outside of school and beyond school hours. Therefore, YUHS reserves the right to discipline those in the community who engage in harassment of other YUHS community members at any location and at any time if such harassment causes a substantial disruption to the YUHS community.

No matter where one is located, whether inside or outside of school or in cyberspace, any use of technology (whether personally or school-owned) must comply with this Policy, and any other

applicable YUHS policies, procedures and guidelines (including those set forth in the student and faculty handbooks), as well as all relevant YU policies.

HAZING

Definition

DEFINITIONS AND EXAMPLES

Any activity expected of someone joining a group (e.g., athletic team, co-curricular activity, student publication), grade, or the school itself or expected of someone to maintain any status in a group, grade, or the school that: (1) humiliates, (2) degrades, or (3) risks emotional and/or physical harm or embarrassment to the individual or the YUHS community, *regardless* of the person's willingness to participate and *regardless* of its intended result or effect.

BULLYING

Definition

YUHS administration does not consider hazing activity to be harmless pranks or comical antics aimed at developing bonds of brotherhood or sisterhood among young men or women. Such behavior will not be tolerated. Any form of physical, verbal, demonstrative, or electronic harassment that one should reasonably expect would demean, threaten, or physically or emotionally hurt its victims or others at YUHS.

Examples (include, but are not limited to):

harassment. It can be one-on-one or group-based. Both adults and children can be bullied or be bullied. Requiring someone to:

- drink alcohol or use drugs
- consume any vile or hazardous substance, or allow such a substance to be smeared on the body

Examples (include, but are not limited to):

- endure any physical striking, beating, burning, branding, or to engage in self-mutilation or pushing, elbowing, poking, tripping, sitting on, kicking, or hitting
- requiring one to commit such acts upon another
- threatening another with physical harm
- endure acts of sexual abuse/assault
- taunting others because of their physical traits including, but not limited to, age, voice, height, weight, athletic skill, or any other personal characteristic
- be subjected to abusive and demeaning speech
- participate in acts of personal servitude
- demeaning others intellectual ability, academic performance, or grade level
- proceed through any type of gauntlet
- taunting others about their social skills, e.g., making jokes at the expense of someone socially awkward
- restrict personal hygiene
- taunting others either verbally or using gestures about their actual or perceived sexual orientation
- engage in indecent exposure
- participate in any illegal activity
- taunting others about their actual or perceived race, color, or national origin
- participate in physically dangerous activities such as exposing oneself to extreme weather conditions without appropriate protective clothing
- using derogatory terms to refer to someone's race or ethnic background
- excluding someone from a group or activity purposely to hurt them, e.g., refusing to let someone sit at a particular lunch table
- submit to being tied up, abducted, or blindfolded
- engage in any degrading or humiliating act, or any activity that violates any aspect of YUHS codes of conduct
- damaging, hiding, taking of property
- calling someone offensive or demeaning names
- making jokes involving offensive stereotypes
- posting on Facebook, or any other on-line social networking site, mean, offensive, demeaning, embarrassing, or threatening comments or images
- texting, whether individually or as a group, mean, offensive, demeaning, embarrassing, or threatening comments or images
- creating fake web pages or fake profiles or assuming another's identity in any social media context to create content likely to cause embarrassment or concern
- spreading mean and hurtful rumors verbally or on-line
- creating offensive graffiti

SEXUAL HARASSMENT

Definition

Any *unwelcome* or *unwanted* sexual advances, requests for sexual favors, or other verbal, physical, demonstrative, or electronic conduct or communication of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or
2. Submission or rejection of such conduct is used as the basis for an employment, academic, or other school-related activity decision affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or participation in a school program or extra-curricular activity; or
4. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working, learning, studying, or school environment.

Any type of sexual advance, request for sexual favors, or other verbal, physical, demonstrative, or electronic conduct or communication of a sexual nature made by any YUHS employee, volunteer, intern, employee of a contracted service provider working at or for YUHS, or other adult at YU towards a YUHS student, whether welcomed by that student or not, is sexual harassment and a violation of this Policy.

Sexual harassment may occur in a single incident or be a series of incidents. It can occur between two adults, an adult and a student, two students, a group and an individual, or people of the same or different gender.

Examples (including, but not limited to):

- intentional touching of a sexual or other private area of a person's body, e.g., grabbing, patting, poking, or slapping the breasts, buttocks, or groin area
- supposed inadvertent contact with the sexual or private parts of the body, e.g., brushing up against someone's leg with one's groin area and acting as if it was unintentional
- sexually-oriented verbal kidding, teasing, or joking made to or in front of someone who finds it offensive

- making suggestive comments about physical characteristics or appearances
- making offensive gender-based remarks, e.g., saying that a male is too feminine and that a female is too masculine
- commenting or asking questions about someone's sexual experience or abilities
- spreading rumors of a sexual nature
- leering
- making sexual gestures simulating sex acts or sexual contact
- exposing another person to the display of sexually suggestive objects, pictures, cartoons, or posters, e.g., showing another person pornography
- sending suggestive or obscene letters or other writings, emails, notes, or invitations
- subjecting a person to unwelcome sexual flirtations, advances, or propositions
- requests to engage in sexual behavior
- demands for sexual activity or other less overt coercive efforts to obtain sexual favors
- sexual favoritism in the making of any decision (Sexual favoritism occurs when any individual in a position of power, e.g., a supervisor, teacher, club president, or activity head, makes a decision based upon an individual's receptiveness to sexual advances.)
- photographing, videotaping, or making any other visual or auditory recording of sexual activity or the sexual or intimate parts of a person's body without their knowledge and consent, and, in addition, if the person being photographed or recorded is a student, doing so *even with their consent*, as such images may constitute illegal child pornography
- sending via electronic means images of sexual activity or sexual or intimate parts of the body, i.e., "sexting"
- displaying to another any photograph, videotape, or other visual or auditory recording of sexual activity or the sexual or intimate parts of a person's body without that person's explicit consent

SEXUAL ABUSE/ASSAULT

Definition

Physical contact with a sexual or intimate part of the body *without consent* engaged in for the purpose of sexual gratification or to degrade or abuse. It includes various forms of sexual intercourse as well as lesser forms of sexual touching.

- Sexual or intimate body parts include, but are not limited to: Breasts, buttocks, genitals, the groin area, and upper thighs.
- Lack of Consent: Occurs when one is physically forced or verbally intimidated into doing something sexual or submitting to a sexual act, or when one has explicitly indicated a lack of consent, or when the circumstances make it obvious that consent has not been given.

- Circumstances that make it obvious that consent has not been given include, but are not limited to: (1) being too intoxicated to say “no” or resist, (2) being asleep and therefore unable to consent, or (3) situations in which someone is deemed to be physically or mentally incapable of giving valid consent whether due to the use of intoxicants or any other reason.
- Children under 17 years of age cannot legally consent under New York State Law to having sex or sexual contact with an adult. **Any sexual contact between a student under 17 and an adult is a crime and if it involves such behavior between a YUHS student and a YUHS employee, volunteer, intern, employee of a contracted service provider, or other adult at YU, it will be reported to the police.**
- In addition, any sexual or romantic conduct between a **YUHS employee, volunteer, intern, employee of a contracted service provider, or other adult at YU,** and a present YUHS student **of any age,** even if 17 years of age or older, and even if consented to or welcomed by the student, is strictly prohibited by this Policy and will result in dismissal of the adult involved. As such, this Policy prohibits “sexting” between, and the showing of pornography to, any YUHS student by a **YUHS employee, volunteer, intern, employee of a contracted service provider, or other adult at YU.** Such activity will result in the dismissal of the adult involved.

Examples (include, but are not limited to):

- touching, grabbing, pinching, rubbing, or fondling another person’s buttocks, breasts, or genital area, whether over or under clothing, without consent as defined herein and engaged in for the purpose of sexual gratification or to degrade or abuse
- rubbing one’s genital area up against another person, whether over or under clothing, without consent as defined herein and engaged in for the purpose of sexual gratification or to degrade or abuse
- touching another person with one’s genitals without consent as defined herein and engaged in for the purpose of sexual gratification or to degrade or abuse
- engaging in sexual behavior with someone too intoxicated to give informed consent
- physically or verbally intimidating someone to engage in a sex act or sexual contact, whether done so expressly or implicitly

RESPONSE TO VIOLATIONS OF THE YUHS ANTI-HARASSMENT POLICY

Desired Immediate Response

This section details the immediate response YUHS encourages when an incident of harassment occurs. The section below, “Reporting Protocol,” details how and when such an incident should be reported after the incident has occurred. **In all instances, if you believe a crime has been committed we encourage you to immediately report such crime to the police.**

Victims: YUHS strongly encourages anyone who feels that he or she is a victim of harassment (whether a YUHS student, employee, volunteer, or intern, or an employee of a contracted service provider working at or for YUHS) to tell the harasser to cease his or her offensive behavior and thereby make it clear to the harasser that his or her behavior is offensive and unwelcome. Confronting a harasser in this manner has been shown to be an effective way to end such harassment. However, YUHS understands that not all victims of harassment will feel comfortable confronting their harasser in this manner and, therefore, wishes to be perfectly clear that there is no requirement that a victim do so in order for YUHS to address a reported violation. Reported violations of this Policy will be handled by the school in the same manner, regardless of whether the person victimized confronted his or her harasser directly.

Witnesses: Prevention of harassment is the responsibility of the entire YUHS and YU community. YUHS and YU expect their students, employees, volunteers, interns and employees of a contracted service provider to demonstrate a sense of responsibility and respect for all members of the YUHS community. Therefore, upon witnessing harassment, *students* are **encouraged** to intervene and tell the harasser to stop his or her offensive behavior. All *YUHS and YU employees, volunteers, interns and employees of a contracted service provider* are **required** by this Policy to so intervene. It is important to note that failure of any such adult to intervene on behalf of a victim upon observing the harassment often emboldens the harasser to increase his or her harassing conduct, while making the victim of harassment feel more powerless. For this reason, all *YUHS and YU employees, volunteers, interns and employees of a contracted service provider* are **required** to intervene and tell the harasser to stop his or her offensive behavior upon witnessing an act of harassment.

REPORTING PROTOCOL

YUHS believes any violation of this Policy is a serious matter requiring immediate attention and a thorough investigation as it is a threat to the safety and well-being of a member of our YUHS community, as well as being antagonistic to our core values. All members of the YUHS and YU community - students, employees, volunteers, interns and employees of contracted service providers - should report incidents of harassment in violation of this Policy to school authorities, regardless of who the harasser may be, so action can be taken. *Students* are **strongly encouraged** to report such violations. *YUHS and YU employees, volunteers, interns and employees of contracted service providers* are **required** to do so.

Students, Parents/Guardians, & Other Concerned Non-YU Employees Reporting Protocol

Students, parents/guardians, and any other concerned non-YUHS or non-YU employees, volunteers, interns or employees of contracted service providers aware of a violation or suspected violation of this Policy should tell **any** member of the YUHS faculty or staff with whom they are comfortable speaking about the violation. YUHS encourages reporting incidents of harassment as soon as possible; however, there is no time limit on when such a report may be made. The faculty or staff member who is informed about an alleged violation is obligated to report the suspected violation to the appropriate YUHS administrator, as designated in this Policy (see below), for investigation.

YUHS and YU Employee, Volunteer, Intern and Employee of Contracted Service Providers Reporting Protocol

Promptly upon learning of a possible violation of this Policy (whether as a victim, witness, or recipient of such information from someone else), YUHS and YU employees, volunteers, interns and employees of a contracted service provider **must** report the possible violation to **one** of the following people at YUHS: 1) Their supervisor, 2) A Guidance Counselor, 3) Dean of Students, 4) Assistant Principal, 5) Principal for General Studies, or 6) Head of School/Principal. If anyone other than the Head of School/Principal is notified, that person must promptly inform the Head of School/Principal of the report. Once the Head of School/Principal is notified of such a report, he or she must notify the YU Liaison to the High School **and** the Office of the General Counsel at YU. If the report involves the Head of School/Principal, the Head of School/Principal should not be notified, but rather the report should be made directly to the YU Liaison to the High School **and** the Office of the General Counsel at YU and the latter will apprise the President of YU of such

report. For all other reports of violations of this Policy, the Office of the General Counsel at YU will use its discretion to decide when the President of YU should be apprised of the report.

If for any reason, a YUHS or YU employee, volunteer, intern or employee of a contracted service provider is uncomfortable reporting the violation to one of the above-denominated individuals, he or she may instead report directly to the YU Liaison to the High School **and** the Office of the General Counsel at YU.

When a Report Must be Made by YUHS and YU Employees, Volunteers, Interns & Employees of Contracted Service Providers

All YUHS and YU employees, volunteers, interns and employees of contracted service providers who have reason to believe that a violation of this Policy has or may have occurred are under an obligation to **promptly** report this information or suspicion to one of the above-denominated individuals. A “reason to believe” may be predicated upon being told directly *or indirectly* that a violation has occurred, overhearing talk that a violation has occurred, or observing behavior which gives rise to a suspicion that a violation has occurred. The obligation to report is **mandatory** regardless of whether the alleged violation involves (as the victim or the offender) another YUHS or YU employee, volunteer, intern, or employee of a contracted service provider, or a student. When in doubt of whether you have sufficient reason to believe a violation has or may have occurred, always err on the side of caution by reporting what you know or suspect.

Special Reporting Requirements for Reports of Sexual Abuse/Assault

In cases of sexual abuse/assault, due to the heightened seriousness of such allegations, reports **must** be made by YUHS and YU employees, volunteers, interns and employees of contracted service providers **immediately** upon coming into the possession of the information that such an act has or may have occurred and such reports should be made **directly** to one of the following: 1) Head of School/Principal, 2) YU Liaison to the High School, or 3) Office of the General Counsel at YU. If the Head of School/Principal is the person notified of such a report, he or she must **immediately** notify **both** the YU Liaison to the High School **and** the Office of the General Counsel at YU. If the Head of School/Principal is the subject of the report, the matter should be brought directly to the attention of the YU Liaison for the High School **and** the Office of the General Counsel at YU.

The Office of the General Counsel at YU will apprise the President of YU of all reports of sexual abuse/assault that emanate from YUHS.

Protection of Reporter's Identity

The reporter's identity and the information he or she reports will only be shared with those necessary to appropriately address the situation. Retaliation of any kind against a person or persons who have made such a report will not be tolerated and will subject anyone who engages in it to disciplinary action which may include expulsion (if a student) or termination (if a YUHS or YU employee, volunteer, intern or an employee of a contracted service provider). (See "Retaliation Prohibited" below.)

Additional Outside the High School Reporting Alternatives

Any YUHS student or parent/guardian or any other concerned non-YUHS or non-YU employee, volunteer, intern or employee of contracted service providers who is not comfortable reporting a violation of this Policy directly to someone within YUHS or YU may contact either of the following to make such a report:

- YU's confidential Compliance Hotline at 866-447-5052 or via the web at <https://www.integrity-helpline.com/yu.jsp>
- Laura Kirschstein of T&M Protection Resources at 212-916-8852 or via email at LKirschstein@tmprotection.com

Anonymous Reporting

In addition, should any YUHS student or parent/guardian or any other concerned non-YUHS or non-YU employee, volunteer, intern or employee of contracted service providers wish to report a violation of this Policy anonymously, in addition to contacting the Compliance Hotline or T&M Protection Resources at the phone number or email address listed above, he or she may contact the YU Liaison to the High School (highschoolliasion@yu.edu) or the Office of the General Counsel at YU (gc@yu.edu).

Regardless of how a violation is reported, it will be addressed and investigated to the extent possible given the limitations inherent in investigating anonymous reports. Such an anonymous reporter may

decide to reveal his or her identity at any later time which will greatly increase YUHS' ability to deal effectively with the reported violation.

Support Resources

YUHS has experienced and caring social workers and counseling staff who are always available to the YUHS community to help deal with issues related to harassment or abuse. YUHS also has the extensive resources of YU and its administration, faculty, and staff. This is NOT a reporting alternative, but rather a resource for those who need support prior to having the strength to report. YUHS urges those who are in need of such support to utilize these resources. Harassment in any of its forms can have a profound impact on one's emotional well-being, and many victims of such behavior find it extremely helpful to discuss these issues with an experienced professional. In addition to support, these professionals can provide information about additional resources, such as medical and private therapy options.

STUDENT AMNESTY PROVISION

YUHS has a very strict policy about the use of alcohol, drugs and other illegal substances by its students and may require random drug testing. YUHS will not tolerate alcohol or drug/illegal substance use among its students, and it is absolutely forbidden at any time, on any part of the YUHS or YU campus, and at any school-related function, including the bus ride to and from school. Under normal circumstances, if a student possesses or uses alcohol or drugs/illegal substances, his or her parents/guardians are notified and the student may be expelled. However, because the health and safety of YUHS students is the school's paramount concern, to minimize any hesitation a student may have to report a violation of this Policy, while not overlooking a violation of its alcohol and drug policy, the school will place great weight on the positive impact of reporting an incident in deciding if any action is appropriate for the reporter's breach of the alcohol and drug policy.

RETALIATION PROHIBITED

Retaliation against anyone who in good faith reports a violation or suspected violation of this Policy, or who participates in the investigation of a complaint, is strictly prohibited. Any person who engages in such retaliation will be subject to disciplinary action including expulsion (if a student) or termination (if a YUHS or YU employee, volunteer, intern or an employee of a contracted service provider). Prohibited "retaliation" includes, but is not limited to: threats, intimidation, harassment,

any other adverse action threatened (expressly or impliedly) or taken against anyone who reports a violation or suspected violation of this Policy or who participates in an investigation of a complaint. Anyone who either observes or becomes aware of such retaliatory behavior is strongly encouraged to report it to school authorities – and all YUHS and YU employees, volunteers, interns and employees of contracted service providers are **required** to do so.

KNOWING FALSE REPORTS PROHIBITED

YUHS and YU consider any allegation of harassment to be a serious matter. Therefore, if it is determined at the conclusion of an investigation that a reported violation was made in *bad faith* or that false information was *knowingly* provided regarding the complaint, YUHS and/or YU will take disciplinary action against such individual including expulsion (if a student), or termination (if a YUHS or YU employee, volunteer, intern or an employee of a contracted service provider).

INVESTIGATION OF REPORTED INCIDENTS

After a report is made, the YU Liaison to the High School and the Office of the General Counsel at YU, in consultation with the Head of School/Principal, will direct that an investigation be conducted by appropriate individuals who will be selected based upon the nature of the report and the individuals involved. This investigation may be conducted by YUHS or YU personnel, or by an outside investigator, depending on the facts and circumstances of the report. Each of YUHS and YU recognizes that reporting a violation of this Policy will often involve discussing matters of a sensitive nature. Therefore, YUHS, YU and any outside investigator that may be retained will bear this in mind and use the utmost discretion when conducting the investigation in order to minimize the chances that information about the matter will become known by unnecessary individuals.

As part of any investigation conducted pursuant to this Policy, the reporter, the alleged victim (should that be someone other than the reporter), and the alleged offender will be interviewed separately about the reported facts. They will be advised of the prohibition against retaliation for making such a report and/or cooperating with an investigation. Furthermore, others who may have relevant knowledge may also be questioned, and they too will be reminded of YUHS' anti-retaliation policy and the need for discretion. Given the fact that these investigations help to preserve the safety of our community, YUHS and YU expect all members of the community to cooperate in an investigation if requested to do so. All YUHS and YU employees, volunteers, interns and employees

of contracted service providers are under a **duty** to cooperate. YUHS and YU will try to be as discrete as possible during the investigation and *confidentiality will be maintained to the extent possible* given the facts and circumstances of the complaint and the need to do a fair and thorough investigation.

Nothing in this Policy is intended to limit the options of any person who believes that he or she has been subject to unlawful harassment or discrimination. Such a person may at any time, in addition to participating in this Policy's procedures, pursue his or her rights with an outside agency, governmental entity, or legal counsel.

At the conclusion of the investigation, and after the decision regarding what, if any, disciplinary or remedial action is to be taken has been made, the alleged victim and alleged offender will be informed about the disposition of the matter. If either party is dissatisfied with the outcome, remedy may be sought by contacting the Head of School/Principal, the YU Liaison to the High School, or the Office of the General Counsel at YU.

Communication of any information regarding the matter to other members of the YUHS or YU community, whether that be faculty, staff, the student body, or parents/guardians, will be decided on a case-by-case basis with all due consideration being given to issues of privacy, confidentiality, and the emotional and physical well-being of all those involved.

Disciplinary decisions will be based on the facts and circumstances of each case and will take into account the offender's prior conduct and the wishes of the victim, although the latter will not be controlling as YUHS and YU must act in the interest of protecting the entire YUHS community as well as the victim. In addition to being disciplined for engaging in an act of prohibited harassment or retaliation, YUHS and YU employees may also be disciplined for not following all aspects of this Policy, including but not limited to, the reporting protocols. Possible disciplinary outcomes include, but are not limited to: a verbal warning, parental notification, loss of privileges, counseling, sensitivity training, probation, suspension, expulsion, dismissal, termination of employment, and/or notification to local or state authorities.

In addition to disciplinary action with regard to the accused, YUHS and YU will consider what, if any, remedial actions should be taken with regard to the school as a whole to prevent similar offenses from occurring in the future.

YUHS and YU will keep records of all such investigations and such records will include, but not be limited to, information about the allegation as gathered from the reporter, the alleged victim, the person accused, and others interviewed. In addition, the decision reached regarding appropriate disciplinary action and any other relevant follow-up action engaged in by the school will be documented. These records will be maintained in accordance with YU's Document Retention Policy. Documentation of harassment investigations is necessary to provide an accurate record regarding the reported violation and how it was handled, so that one that does not have to rely on the recollections of people whose memories may become inaccurate over the passage of time.

~~SUSPECTED CHILD ABUSE OR MALTREATMENT BY A PARENT OR LEGAL GUARDIAN~~

~~Mandated Reporting-~~

~~Under Section 413 of the New York State Social Services Law, certain designated people employed by YUHS are "Mandated Reporters." All Mandated Reporters have an affirmative duty to report to New York State when they have "reasonable cause to suspect" that a child has been abused or maltreated by a parent or legal guardian (or someone else legally responsible for the child's care) and such information has come to the school official's attention in the course of his or her official or professional capacity.~~

~~The following highlights certain key points of the law, please refer to the law for further details.~~

~~Reporting Requirements-~~

~~Who Must Report?~~

~~New York State designates certain professionals as Mandated Reporters who are required to report allegations of child abuse. All school officials are considered Mandated Reporters, including, but not limited to, administrators, faculty, guidance counselors, health care professionals, coaches, and any school personnel required to hold a teacher or administrative license or certificate.~~

~~This reporting requirement is the **personal** duty of the Mandated Reporter and is not satisfied by telling a supervisor (or anyone else) at the school. Consulting with a supervisor at the school before making such a call, however, is allowable, and indeed advisable, but the consent or approval of such~~

supervisor is ~~never~~ a requirement for making a call to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR).

Faculty and staff are ~~reminded that YUHS administrators are always available to discuss such situations, offer advice and support, and be present should a call need to be made.~~

When Must You Report?

~~Mandated Reporters are required to report suspected child abuse or maltreatment when they are presented with a “reasonable cause to suspect” that a child has been abused or maltreated by a parent or legal guardian (or someone else legally responsible for their care) and such information has come to their attention when the Mandated Reporter is acting in his or her official or professional capacity. (“Other person legally responsible” refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child).~~

~~This reporting duty applies to knowledge obtained during the course of any out-of-school, school-related activity, as well as when on school premises, and indeed to any knowledge of abuse or maltreatment of a child “coming before them in their official or professional capacity” at any time or place. Thus, even if an employee learns of reportable abuse or maltreatment while on a school retreat or a school trip, a report must be made to the SCR.~~

What is a “Reasonable Cause to Suspect”?

~~Reasonable cause to suspect child abuse or maltreatment means that, based on the reporter’s rational observations, professional training and experience, he or she has a suspicion that the parent, legal guardian or other person legally responsible for a child’s care is responsible for harming that child or placing that child in imminent danger of harm. The suspicion can be as simple as distrusting an explanation for an injury.~~

What Must Be Reported?

- ~~Abuse: Abuse encompasses the most serious injuries and/or risk of serious injuries to children by their caregivers. An abused child is one whose parent, legal guardian or other person legally responsible for his or her care inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the~~

~~child. Abuse also includes situations where a parent, legal guardian or other person legally responsible knowingly allows someone else to inflict such harm on a child.~~

- ~~Maltreatment: Maltreatment means that a child's physical, mental or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent, legal guardian or other person legally responsible to exercise a minimum degree of care by:-~~
 - ~~failing to provide sufficient food, clothing, shelter, education; or~~
 - ~~failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care); or~~
 - ~~inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger.-~~

~~Poverty or other financial inability to provide the above is not maltreatment.~~

~~How Is A Report Made?~~

~~As soon as a Mandated Reporter suspects abuse or maltreatment, he or she must report their concerns by telephone to the SCR. The SCR is open 24 hours a day, seven days a week, to receive calls. The telephone number to report abuse or maltreatment by a Mandated Reporter is (800) 635-1522.-~~

~~If someone believes that a child is in immediate danger, they should immediately dial 911 or the local police department.-~~

~~The reporter should notify the Head of School/Principal immediately after a report is made. The Head of School/Principal should subsequently notify the Guidance Counselor to ensure comprehensive support of the child, as well as the YU Liaison to the High School and the Office of the General Counsel at YU.-~~

~~What Happens When Someone Calls the Hotline?~~

~~There may be times when a reporter has very little information on which to base his or her suspicion of abuse or maltreatment, but this should not prevent them from calling the SCR. A trained specialist at the SCR will help to determine if the information being provided can be registered as a report.-~~

- ~~The Mandated Reporter making the call must ask the SCR specialist for the “Call ID” assigned to this particular report. This Call ID must be given to the Head of School/Principal. The Mandated Reporter should also retain a copy of this number for his or her records, as it serves as proof that they have discharged their legal responsibility as a mandated reporter.~~
- ~~If the SCR staff does not register the child abuse or maltreatment report, the reason for their decision should be clearly explained to the Mandated Reporter.~~

~~The Mandated Reporter may also request to speak to a supervisor, who can help make determinations in difficult or unusual cases.~~

~~Should You Contact the Child’s Parents?~~

~~Faculty and staff may not notify the parents, legal guardians (or other persons legally responsible for the child) either before or after the call to the SCR without first notifying and obtaining consent of the Head of School/Principal who will consult with the Guidance Counselor as well as the YU Liaison to the High School and the Office of the General Counsel at YU. In many cases, alerting the parent or other person may hinder the local Child Protective Services (CPS) investigation and adversely affect its ability to assess the safety of the child.~~

~~What Happens After You Call the Hotline?~~

- ~~Immediately inform the Head of School/Principal (if they have not been previously notified).~~
- ~~Within 48 hours the Mandated Reporter must prepare a written report using form LDSS-2221A. A copy of this form and the local mailing address can be obtained by contacting the local department of social services, or by visiting the New York State Office of Children and Family Services (OCFS) website at ocfs.ny.gov.~~
- ~~The Head of School/Principal and Guidance Counselor will offer support, as needed, for the documentation of this written report. This report must include the name, title and contact information for every staff person who is believed to have direct knowledge of the allegations, or any other information leading to the suspicion of abuse, maltreatment or~~

~~neglect. A copy of this report should be provided to the Head of School/Principal and Guidance Counselor.~~

~~As appropriate, the Head of School/Principal will coordinate with the YU Liaison to the High School and the Office of the General Counsel at YU.~~

~~Confidentiality and Protections~~

- ~~• Confidentiality: The law provides confidentiality for Mandated Reporters and all sources of child abuse and maltreatment reports. OCFS and local CPS are not permitted to release to the subject of the report any data that would identify the source of a report unless the source has given written permission for them to do so. Information regarding the source of the report may be shared with court officials, police, and district attorneys, but only in certain circumstances.~~
- ~~• Immunity from Liability: If a Mandated Reporter makes a report with earnest concern for the welfare of a child, he or she is immune from any criminal or civil liability that might result. This is referred to as making a report in “good faith.”~~
- ~~• Protection from Retaliatory Personnel Action: The law specifies that no medical or other public or private institution, school, facility or agency shall take any retaliatory personnel action against an employee who made a report to the SCR.~~

~~Penalties For Failure To Report~~

- ~~• Anyone who is mandated to report suspected child abuse or maltreatment and fails to do so could be charged with a Class A misdemeanor and subject to criminal penalties. Further, Mandated Reporters can be sued in a civil court for monetary damages for any harm caused by the Mandated Reporter’s failure to make a report to the SCR.~~

~~Should You Report Additional Allegations After the Initial Report?~~

~~If, after a report has been made to the SCR in reference to a specific student, any further allegations or other information leading a Mandated Reporter to suspect further or continued abuse, maltreatment or neglect of this same student must again be immediately be reported to the SCR, following the same guidelines as the initial report.~~

~~MANDATORY REPORTING OF SUSPECTED CHILD ABUSE IN AN EDUCATIONAL SETTING BY A SCHOOL EMPLOYEE OR VOLUNTEER~~

~~Mandatory Reporting to State or Local Law Enforcement~~

~~New York Education Law Article 23-B requires certain school employees, as well as bus drivers, who receive an allegation of abuse of a student in an educational setting by an employee or volunteer of a school to report the abuse.~~

~~The following highlights certain key points of the law, please refer to the law for further details.~~

~~Reporting Requirements~~

~~Who Must Report?~~

~~Those required to report allegations of child abuse in an educational setting are a school's teachers, nurses, guidance counselors, psychologists, social workers, administrators (including principals/heads of school), board members, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech pathologists, teacher aides, resource officers, and other personnel that are required to hold a teaching or administrative license or certificate. Employees of companies contracting with a school (including bus drivers) are also required to report allegations of child abuse.~~

~~What Must Be Reported?~~

~~Required reporters who receive oral or written allegations of child abuse by a school employee or volunteer in an educational setting must make a report. Note that the school where the alleged abuser works or volunteers is not important. All that is needed to trigger the reporting requirement is that an employee or volunteer of *any* school is alleged to have abused a student in an educational setting.~~

~~“Child Abuse” includes acts that create a substantial risk of physical injury to a student; acts that inflict physical injury to a student; acts that qualify as child sexual abuse prohibited by the New York Penal Laws (including sexual touching, sexual assault and sexual intercourse with a student under the age of 17); and sending or showing, or attempting to send or show, a student “indecent~~

materials” as defined by the New York Penal Law (including materials that depict human genitals and sexual conduct).

~~“Educational Setting” includes school grounds, school buses or other vehicles that transport students to or from school, all extracurricular activity sites, all co-curricular sites (including field trip sites), as well as any other location where a school employee or volunteer has direct contact with a student. Note that this definition includes any other location where direct contact is made between an employee or volunteer and a student. Therefore, any location where a school employee or volunteer is alleged to have abused a student will qualify as an educational setting.~~

~~“Employee” means any person who receives compensation from a school, or any person who has duties that involve direct student contact and either (a) receives compensation from any contractor that transports a school’s students (e.g., bus drivers) or (b) is employed by a contractor and placed within the school as part of a public assistance employment program. “Volunteer” is any person (other than an employee) who has direct contact with students and provides services to a school, or provides services to any contractor that transports a school’s students.~~

How Is a Report Made?

~~After receiving an allegation of child abuse by an employee or volunteer in an educational setting, required reporters (except school bus drivers) must:~~

- ~~• Promptly complete a written report in a form provided by the New York State Commissioner of Education (Commissioner). (See the Child Abuse in an Educational Setting report form attached.) This report must include the full name of the allegedly abused child, the name of the child’s parent, the identity of the person making the allegation and their relationship to the alleged victim, the name of the alleged abuser, and a list of the specific allegations of abuse; and~~
- ~~• Personally deliver a copy of the written report to the **school administrator** (principal or the equivalent, e.g., head of school, director, etc.) of the school where the child abuse occurred. If the alleged abuser is the school administrator, then the report of abuse must be delivered to another school administrator designated by the school (which would be the Office of the General Counsel at YU in the case of YUHS).~~

~~School bus drivers, and other employees of a person or entity which contracts with a school to provide transportation, who receive an oral or written allegation that a child has been subjected to child abuse by an employee or volunteer in an educational setting shall promptly report (or cause a report to be made) to his or her supervisor employed by such school or contracting person or entity. The supervisor must then promptly complete the written report referred to above, with the details specified above. The supervisor must personally deliver the report to the school district superintendent or school administrator (as applicable) of the school where the child abuse occurred.~~

~~If the alleged abuser is an employee or volunteer of a school other than the school where the child abuse occurs, the written report of the allegations also must be promptly forwarded to the school district superintendent or school administrator (as applicable) at the alleged abuser's school.~~

~~What Must the School Administrator/Superintendent Do When They Receive a Report?~~

~~After the school administrator/superintendent receives the written report of child abuse and there is reasonable suspicion to believe that an act of child abuse has occurred, the school administrator/superintendent must do the following:~~

- ~~1. **If the victim child has made the allegation:** (a) promptly notify the parent of the victim of the abuse allegation and provide the parent with a written statement prepared pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures; (b) if applicable, promptly provide a copy of the report to the superintendent; and (c) promptly forward such report to appropriate law enforcement authorities.~~
- ~~2. **If a parent of a victim child has made the allegation:** (a) promptly provide the parent with a written statement prepared pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures; (b) if applicable, promptly provide a copy of the report to the superintendent; and (c) promptly forward such report to appropriate law enforcement authorities.~~
- ~~3. **If someone other than the victim child or the parent has made the allegation:** (a) promptly notify the parent of the victim of the abuse allegation and provide the parent with a written statement prepared pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures; (b) ascertain from the person making such report the source and basis for such allegation; (c) if applicable, promptly provide a copy of~~

~~the report to the superintendent; and (d) promptly forward such report to appropriate law enforcement authorities.~~

~~When the school administrator/superintendent forwards a report of child abuse to the law enforcement authorities, he or she must also refer the report to the commissioner where the alleged abuser holds a certification or license issued by the department.~~

~~What Happens After Law Enforcement Notification?~~

~~Where a criminal investigation of an allegation of child abuse by an employee or volunteer is undertaken in response to a report forwarded by a school administrator/superintendent to law enforcement authorities, and where law enforcement authorities have provided such report to the district attorney, it shall be the responsibility of the district attorney to notify the school administrator/superintendent of the school where the acts of child abuse allegedly occurred and of the school where the child is attending (if different) of an indictment or the filing of an accusatory instrument against the employee or volunteer. The district attorney shall also notify the school administrator/superintendent of the disposition of the criminal case or the suspension or termination of the criminal investigation of such employee or volunteer.~~

~~Unreported Resignation/Suspension Against Public Policy~~

~~The law prohibits a school administrator/superintendent from agreeing to withhold from law enforcement authorities or the superintendent or the Commissioner (as applicable) an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by the law, in return for the employee/volunteer's resignation or voluntary suspension from his or her position.~~

~~Immunity and Penalties~~

~~Any required reporter, who reasonably and in good faith makes a report of child abuse in accordance with the law, will have immunity from any civil liability which might otherwise result because of his or her actions, such as immunity from a defamation lawsuit.~~

~~Willful failure of (i) an employee to prepare and submit a written report of an allegation of child abuse as required by the law or (ii) a school administrator/superintendent to submit a written report of child abuse to an appropriate law enforcement authority as required by the law is a Class A misdemeanor. In addition, any failure to submit a written report of child abuse to an appropriate~~

~~law enforcement authority as required by the law may be punishable by a civil penalty not to exceed \$5,000.~~

~~Reports and written materials, including photographs, should be kept confidential. Willful disclosure of such records to unauthorized persons is a Class A misdemeanor.~~

~~A violation of the unreported resignation/suspension prohibition is a Class E felony and may be punishable by a civil penalty not to exceed \$20,000.~~

REMINDER: REQUIRED REPORTING TO YUHS and/or YU ADMINISTRATION

In addition to the requirements of New York State law (~~See Summary of NYS Mandatory Reporting of Child Abuse as set out above~~), pursuant to this Policy all YUHS employees, volunteers, and employees of contracted service providers, (as well as other adults at YU) have a duty to immediately report their suspicions of child abuse or maltreatment committed by **anyone** - not just a parent, guardian, other person legally responsible for the child's care, school employee or volunteer - to one of the appropriate YUHS or YU administrators set forth in the Reporting Protocol section of this Policy. This internal report must be made regardless of whether a call has already been made to the SCR, to the New York State Commissioner of Education, or to law enforcement.

REPORTING TO STATE OR LOCAL LAW ENFORCEMENT

Even if there is no legal duty to do so, if the Office of the General Counsel at YU has *reasonable cause to suspect* an adult at YU has committed a physical or sexual assault (as defined by the New York State Penal Law) against a YUHS student, the Office of the General Counsel at YU will report this information to State or Local law enforcement authorities.

(Updated ~~February 2020~~ March 2021)

CHILD ABUSE IN AN EDUCATIONAL SETTING - CONFIDENTIAL REPORT OF ALLEGATION

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ <div style="display: flex; justify-content: space-around; margin-top: 10px;"> Last First MI </div> Address _____ _____ School _____ Grade _____ Sex (M, F, Unknown) _____ Age or Birthday (Mo/Day/Yr) _____	Name _____ Address (if different) _____ _____
SOURCE OF ALLEGATION (Check as Appropriate)	
Child Parent Other - Name _____ Relationship to Child (if any) _____	

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)
Name _____ School District/Charter School _____ School Building _____ School Position _____

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

REPORTER INFORMATION

Name _____ School District /Charter School _____

School Address _____ School Telephone _____

Relationship to Child (if any) _____

Teacher School Guidance Counselor School Nurse School Psychologist

Administrator School Board Member School Social Worker

School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator ____/____/____/ Signature _____

FOR ADMINISTRATOR USE ONLY

**FOR SUPERINTENDENT/CHARTER SCHOOL CHIEF
ADMINISTRATOR OF SCHOOL USE ONLY**

Reasonable Suspicion _____Yes _____No

Reasonable Suspicion _____Yes _____No

Date Submitted to Superintendent /Charter School Chief
Administrator ____/____/____

Date Submitted to Law Enforcement ____/____/____

Name/Signature _____

Name/Signature _____

Date Submitted to Law Enforcement ____/____/____

Date Submitted to Commissioner ____/____/____

Name/Signature _____

Name/Signature _____