

## 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, and the pursuit of Chessed, 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 (hereinafter, "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.*

*This Policy governs all interactions with Yeshiva University High Schools students and as such, supplements the Yeshiva University Harassment Policy. Whenever a High School student is involved in an allegation of harassment, whether as the victim or the perpetrator, the Yeshiva University High Schools Anti-Harassment Policy will apply. The High Schools Anti-Harassment Policy shall supersede any and all previously-issued High Schools policies, procedures and guidelines regarding harassment.*

### GENERAL PROHIBITION OF HARASSMENT

Yeshiva University High School for Boys and Yeshiva University High School for Girls (hereinafter collectively "YUHS") prohibit 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, their parents/guardians, all YUHS employees (faculty, administration, athletic personnel, and other staff, whether full-time or part-time), YUHS volunteers, and employees of contracted service providers working at or for YUHS. In addition, it applies to all other YU-affiliated schools employees (hereinafter, “YU employees”), YU students, YU school volunteers, 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 and affiliated activities and events, whether in school or out of school, including, but not limited to, special events, field trips, overnight trips, sleepovers, sporting events and practices; to all forms of transportation used by YUHS personnel and students to come and go to school and school-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 cyber-space, any use of technology whether personally or school-owned must comply with this Policy, and any other policies set forth in the YUHS Student and Faculty Handbooks, as well as all relevant YU policies.

## DEFINITIONS AND EXAMPLES

### BULLYING

#### *Definition*

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. It can be of a sexual nature or otherwise. It can take place in person, over the phone, in cyberspace, or through an on-line communication, or any other means that communicates such harassment. It can be one-on-one or group-based. Both adults and children can be bullied or be the bully.

#### *Examples (include, but are not limited to):*

- pushing, elbowing, poking, tripping, sitting on, kicking, or hitting
- threatening another with physical harm
- taunting others because of their physical traits including, but not limited to, age, voice, height, weight, athletic skill, or any other personal characteristic
- demeaning others intellectual ability, academic performance, or grade level
- taunting others about their social skills, e.g., making jokes at the expense of someone socially awkward
- taunting others either verbally or using gestures about their actual or perceived sexual orientation
- taunting others about their actual or perceived race, color, or national origin
- 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
- 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

## HAZING

### *Definition*

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.

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.

### *Examples (include, but are not limited to):*

#### 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
- endure any physical striking, beating, burning, branding, or to engage in self-mutilation or requiring one to commit such acts upon another
- endure acts of sexual abuse/assault
- be subjected to abusive and demeaning speech
- participate in acts of personal servitude
- proceed through any type of gauntlet
- suffer sleep deprivation
- restrict personal hygiene
- engage in indecent exposure
- participate in any illegal activity
- participate in physically dangerous activities such as exposing oneself to extreme weather conditions without appropriate protective clothing
- 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

## 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, employee of a contracted service provider, 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, 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, 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, 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, YUHS employee, volunteer, or employee of a contracted service provider at 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, and volunteers 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 and volunteers* 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 and volunteers* 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, 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, 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-YU employees 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, 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 and volunteers **must** report the possible violation to **one** of the following people: 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 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. In 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 or volunteer 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, & Employees of Contracted Service Providers**

All YUHS and YU employees, volunteers, 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 the indicated persons set forth above in this Policy. 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 another YUHS or YU employee, volunteer, an employee of a contracted service provider, or a student, as the victim or the offender. 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, 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 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 or termination. (See “Retaliation Prohibited” below.)

### **Additional Outside the High School Reporting Alternatives**

Any YUHS student or parent/guardian who is not comfortable reporting a violation of this Policy directly to someone within the High Schools 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](mailto:LKirschstein@tmprotection.com)

### **Anonymous Reporting**

Finally, should any YUHS student or parent/guardian wish to report a violation of this Policy anonymously, he or she may do so by contacting the YU Liaison to the High School (at [highschooliaison@yu.edu](mailto:highschooliaison@yu.edu)), the Office of the General Counsel at YU ([gc@yu.edu](mailto:gc@yu.edu)), or Laura Kirschstein at T&M Protection Resources at the phone number or email address listed above. 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’s ability to deal effectively with the reported violation.

### **Help Hotline**

In addition to the reporting alternatives listed above, YU has a Counseling Center at three locations in Manhattan staffed by experienced professionals in the counseling field for anyone in the YUHS community to call or email to discuss an issue related to harassment or abuse. This is NOT a reporting alternative, but rather a resource for those who need support prior to having the strength to report. YU’s Counseling Center can be accessed by calling either 646-592-4200 or 646-592-4210, or by emailing [counseling@yu.edu](mailto:counseling@yu.edu). YUHS urges those who are in need of such support to utilize this resource. 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.

### **Additional Support Options**

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. YUHS also has the extensive resources of YU and its administration, faculty, and staff.

### **AMNESTY PROVISION**

YUHS has a very strict policy about the use of alcohol and other drugs and illegal substances by its students and may require random drug testing. YUHS will not tolerate alcohol and drug use among its students, and it is absolutely forbidden at any time, on any part of the 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 drugs, alcohol or other 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 drug and alcohol 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 drug and alcohol 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, 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. All YUHS and YU employees, volunteers, 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.

## 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, 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, 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, one that does not have to rely on the recollections of people whose memories may become inaccurate over the passage of time.

### **MANDATORY REPORTING TO THE STATE HOTLINE**

Under Section 413 of the New York State Social Services Law, all school officials, including, but not limited to, administrators, faculty, guidance counselors, and health care professionals employed by YUHS and YU are “*mandated reporters*” and have an affirmative duty to report 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 their care and such information has come to the school official’s attention in the course of his or her official or professional capacity.

“*Mandated reporters,*” as defined above, must call the New York State Central Registry (“SCR”) at 1-800-635-1522 upon having such “*reasonable cause.*” This is the **personal** duty of the person who has such reasonable cause and is not satisfied by telling a supervisor 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 SCR.

This reporting duty applies to knowledge obtained during the course of any out-of-school 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 a YUHS or YU employee learns of reportable abuse or maltreatment while on a retreat or a trip, or anywhere else outside of the school, a report must be made to the SCR.

YUHS and YU employees are reminded that the YUHS and YU administrations are always available to discuss such situations, offer advice and support, and be present should a call to the SCR need to be made. In addition, YUHS’ Guidance Departments, social workers, and counselors are available to assist as well, as are those at YU. Oral reports to the SCR Hotline must be followed up within 48 hours with a written report using form LDS-2221-A which can be obtained from the New York State Office of Children’s Services (OCFS) website at [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us).

**Penalties for failure to report:** Failure to report a suspected case of child abuse or maltreatment perpetrated upon a child by a parent, legal guardian, or someone else legally responsible for the child’s care, as defined in the New York State Family Court Act above, is a class A misdemeanor punishable

by up to a year in jail and/or a fine of \$1000. In addition, it is a violation of YUHS policy and is therefore an offense for which an employee may be terminated.

**Immunity from liability for Mandated Reporters:** Under New York State Social Services Law, any school employee who in good faith makes a report to the State hotline has immunity from liability, civil or criminal, which might otherwise result by reason of such action.

### **REMINDER: REQUIRED REPORTING TO YUHS and/or YU ADMINISTRATION**

In addition to the requirements of New York State law, 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, or other person legally responsible for the child's care, 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 State Hotline listed above.

### **REPORTING TO STATE OR LOCAL LAW ENFORCEMENT**

While recognizing that it is under no legal duty to do so, if the Office of the General Counsel at YU has *reasonable cause to suspect*<sup>1</sup> that a YUHS or YU employee, volunteer, employee of a contracted service provider, or any other 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 will report this information to State or Local law enforcement authorities.

(Updated January 2017)

---

<sup>1</sup> This is the same standard used in New York State's mandatory reporting of child abuse statute which presently only requires reporting of abuse committed upon a child by a parent, guardian, or other person legally responsible for the child's care, not school employees unrelated to the student.