

**REPORT OF SULLIVAN & CROMWELL LLP
REGARDING ALLEGATIONS OF ABUSE AT YESHIVA UNIVERSITY
AND ITS AFFILIATED SCHOOLS¹**

Background

On December 13, 2012, *The Jewish Daily Forward* (“*The Forward*”) published an article by Paul Berger entitled “Student Claims of Abuse Not Reported by Yeshiva U.” The article was the result of an investigation by Mr. Berger “into allegations that two staff members at Yeshiva University High School for Boys’ Manhattan campus sexually abused students during the late 1970s and early ’80s.” The two YUHSB staff members who were the subject of these allegations were Rabbi George Finkelstein, who worked in various administrative capacities at YUHSB from 1963 to 1995—including as principal from 1991 to 1995—and Rabbi Macy Gordon, who, among other affiliations, worked as a Talmud instructor at YUHSB from 1956 to 1983.

Following the publication of the article, the Board of Trustees of Yeshiva University and the Board of Directors of YUHSB engaged Sullivan & Cromwell LLP (“S&C”) to conduct an independent investigation (the “Investigation”). The Investigation was led by Karen Patton Seymour, who is Co-Managing Partner of S&C’s Litigation Group and who, both as a partner at S&C and as the former chief of the Criminal Division for the U.S. Attorney’s Office for the Southern District of New York, has extensive experience conducting investigations.

¹ As used in this report (the “Report”), “University” refers, as appropriate, to any or all of Yeshiva University, Yeshiva University High School for Boys (“YUHSB”), the Samuel H. Wang Yeshiva University High School for Girls (the “Girls High School” and, together with YUHSB, the “High Schools”) and Yeshiva University’s other affiliated schools.

While the primary focus of S&C's Investigation was the allegations of sexual abuse at YUHSB, S&C's mandate was broad and was not limited to the allegations described in *The Forward* article. S&C was directed to:

- (1) perform a full and complete independent investigation into these reports and any other reports of sexual or physical abuse of University students by University faculty or employees, and the University's response to any such reports; and
- (2) review current policies and procedures, and make recommendations as to how those policies may be improved to prevent and respond to reports of abuse in the future.

To assist with this Investigation, S&C engaged nationally-recognized sex abuse expert, Lisa M. Friel, and her firm, T&M Protection Resources ("T&M"), to provide specialized knowledge and expertise with regard to abuse allegations. T&M conducted an independent review of the University's current policies and procedures and, where appropriate, T&M has made, and will continue to make, recommendations with respect to the implementation of new policies and procedures to ensure that the High Schools and the rest of the University maintain the safest possible environment for students. S&C and T&M comprised the Investigative Team.

In addition, the Board of Trustees established a Special Committee to interface with S&C over the course of the Investigation. S&C provided periodic reports to the Special Committee regarding the progress of the Investigation.

The Special Committee has requested that S&C make this Report available to the public simultaneously with its delivery to the Special Committee and the Board of Trustees. In preparing this Report, the Investigative Team sought the *halachic* advice of Rabbi Gedalia Dov Schwartz, the *Av Beit Din* of the Beit Din of America and of the Chicago Rabbinical Council Beit Din. Rabbi Schwartz reviewed a substantially complete draft of this Report as well as the attached policy recommendations.

Overview of Yeshiva University

Yeshiva University is a private university located in New York City that is affiliated with the Modern Orthodox branch of Judaism. Yeshiva University has its roots as a religious seminary. In 1896, Rabbi Isaac Elchanan Theological Seminary (“RIETS”) was established as the first yeshiva for advanced Talmudic study in America and, in 1928, Yeshiva College was founded.²

Today, the University has over 6,400 undergraduate and graduate students at four different campuses in New York City. The University has three undergraduate schools—Yeshiva College, Stern College for Women and Sy Syms School of Business. The University’s graduate and affiliate schools include Albert Einstein College of Medicine, Benjamin N. Cardozo School of Law, Wurzweiler School of Social Work, Ferkauf Graduate School of Psychology, Azrieli Graduate School of Jewish Education and Administration, Bernard Revel Graduate School of Jewish Studies and RIETS.³

The University also has affiliated Boys and Girls high schools. YUHSB is located on the University’s Wilf Campus in Washington Heights and currently has an enrollment of approximately 300 students.⁴ YUHSB maintains a dormitory facility for its high school students, which is also located on the University’s Wilf Campus.

² YESHIVA COLLEGE: MISSION AND HISTORY, <http://www.yu.edu/yeshiva-college/mission-history/> (last visited Aug. 26, 2013).

³ YESHIVA UNIVERSITY: ACADEMICS & RESEARCH, <http://www.yu.edu/academics/> (last visited Aug. 26, 2013).

⁴ THE MARSHA STERN TALMUDICAL ACADEMY, YESHIVA UNIVERSITY HIGH SCHOOL FOR BOYS: THE COMMUNITY, <http://www.yuhsb.org/about-yuhsb/the-community/> (last visited Aug. 26, 2013).

The Girls High School (originally known as “Central”), was founded in 1948.⁵ In 1988, the Girls High School relocated from Manhattan to Queens, where it is now located. Currently, the Girls High School has an enrollment of approximately 250 students.

Scope and Methodology of the Independent Investigation

The Investigative Team received full cooperation from the University administration during the course of the Investigation and operated with complete independence. The Investigative Team was given unrestricted authority to pursue any and all leads that could potentially shed light on any matters related to the Investigation. The Investigative Team was authorized to interview all present and former University faculty, staff, students, employees, lawyers, and other individuals who might have information relevant to the Investigation. In addition, the Investigative Team was given unfettered access to all University documents, correspondence and other records, including raw electronic data, that could be relevant to the Investigation.

The Investigative Team gathered information during the course of its investigation under the applicable attorney-client privilege and/or attorney work product doctrine.

S&C and T&M together devoted over 6,300 hours to the Investigation. In addition, the Investigative Team retained DOAR Litigation Consulting to restore and process electronic data.

⁵ SAMUEL H. WANG YESHIVA UNIVERSITY HIGH SCHOOL FOR GIRLS: OUR MISSION, <http://www.yuhsg.org/about.cfm> (last visited Aug. 26, 2013).

A. Interviews Conducted

In total, the Investigative Team interviewed over 145 individuals (some on more than one occasion) either in person, by telephone or via Skype, many of whom requested that their personal information be kept confidential due to the very personal and sensitive nature of the subject matter. The Investigative Team identified potential witnesses from a variety of sources, including social media, documents obtained by the Investigative Team and leads from other interviews. The Investigative Team attempted to reach every individual who was identified publicly or privately as a victim of sexual or physical abuse at the University, or who was otherwise identified as an individual who may have knowledge of such abuse (or reports thereof to the University).⁶ The Investigative Team requested an interview with every former University employee who was identified as a perpetrator of sexual or physical abuse at the University, many of whom agreed to be interviewed. The Investigative Team also interviewed dozens of current faculty and administrators at the University, including the High Schools, in connection with its review of the University's current policies and procedures.

At the outset of the Investigation, the Investigative Team set up an email address and phone number that individuals with knowledge of abuse at the University could use to directly contact the Investigative Team on a confidential basis. That email address and phone number were publicly issued by the University on December 24, 2012.⁷ In addition, in January 2013, Ms. Friel posted her direct contact information on the websites of *The Forward* and *The*

⁶ The Investigative Team is appreciative of the many individuals who provided information to us, and we are particularly grateful to those victims who trusted us and came forward to discuss these difficult matters. We acknowledge the emotional difficulty of discussing these matters with us and the courage that it took for them to relive these events.

⁷ See STATEMENTS FROM YESHIVA UNIVERSITY, <http://blogs.yu.edu/news/2013/01/16/statement-from-yu/> (last visited Aug. 26, 2013).

Jewish Week, given their coverage regarding abuse at YUHSB.⁸ The Investigative Team requested an interview with every individual who contacted the Investigative Team through the above-referenced email and/or phone number who reported that he or she had any direct or indirect knowledge of any abuse at the University.⁹

In addition, the Investigative Team inquired of the current Yeshiva University Board of Trustees, the Board of RIETS, and the Board for the High Schools, as to whether anyone had information relevant to the Investigation. A similar inquiry was made to the current faculty and staff at YUHSB.

Over 70 individuals either declined to be interviewed or simply did not respond to multiple messages, phone calls, emails or registered letters from the Investigative Team. Despite the requests of the Investigative Team, the attorneys for the plaintiffs in the proceeding filed against Yeshiva University and YUHSB, among others, in the United States District Court, Southern District of New York, on July 8, 2013 and currently seeking up to \$680 million in damages (the “Pending Litigation”), did not make their clients available for interview by the

⁸ Lisa_Friel, Comment to Paul Berger, *Student Claims of Abuse Not Reported by Yeshiva U.*, THE FORWARD, Dec. 13, 2012 (comment dated: week of Jan. 14, 2013), <http://forward.com/articles/167588/student-claims-of-abuse-not-reported-by-yeshiva-u/?p=8#IDComment545752701> (last visited Aug. 26, 2013); Lisa M. Friel, Comment to JTA and Staff, *YU President Calls Abuse Allegations “Reprehensible”*, THE JEWISH WEEK, Dec. 14, 2012 (comment dated: Jan. 16, 2013, 2:49 PM), <http://www.thejewishweek.com/news/breaking-news/yu-president-calls-abuse-allegations-reprehensible> (last visited Aug. 26, 2013).

⁹ On January 8, 2013, the Investigative Team also requested that *The Forward* include the Investigative Team’s contact information in its upcoming article regarding the abuse at the University. The Investigative Team also requested that *The Forward* and *The Jewish Week* provide its contact information to each of the individuals who reported to it that he or she was a victim of abuse at the University, and that we would assure the victims’ anonymity.

Investigative Team.¹⁰ In addition, a few individuals declined to be interviewed, citing their age and mental health, and a number of individuals who were believed to have relevant information to the Investigation are now deceased.

B. Material Reviewed

As part of its review, the Investigative Team collected and reviewed tens of thousands of pages of hard copy documents, including, but not limited to, documents from the University's archives, newspaper articles, security files, personnel and payroll files, legal files, yearbooks, board meeting minutes, applicable University policies and procedures, as well as documents given to the Investigative Team by interviewees and documents identified by on-line sources in the course of our Investigation.

In addition, the Investigative Team collected a large volume of raw electronic data. DOAR Litigation Consulting assisted the Investigative Team by using forensic methods and tools to acquire and preserve certain electronic data. In total, the Investigative Team gathered approximately 96,000 electronic documents and over 2.6 million individual email communications (with about 287,000 email attachments). Of the 2.6 million emails that were analyzed as part of the Investigation, approximately 1.4 million were restored from the University's backup tapes by an outside vendor. In total, attorneys on the Investigative Team reviewed over 70,000 individual emails that hit on a broadly-defined set of targeted search terms. The University did not have an institutional email system before 1996, and the vast majority of the emails collected by the Investigative Team are dated 2003 or thereafter.

¹⁰ On July 11, 2013, another attorney publicly stated that he would file an action on behalf of six additional plaintiffs to the extent he was unable to reach a settlement with the University in the near term. (Paul Berger, *Yeshiva Rocked as 6 More People Accuse School of Sex Abuse Cover-Up*, THE FORWARD, July 11, 2013.) That counsel similarly did not make his clients available for interview by the Investigative Team.

The Investigative Team also conducted a review of on-line social media on at least a weekly basis throughout the course of the Investigation to identify any relevant postings, or other information pertinent to the Investigation. The Investigative Team identified and reviewed books, blogs, articles, and comments to blogs and articles, as a result of this on-line research.

Findings

While it was the intention of the Board of Trustees to have made public a report which would have set forth the specific details of the extensive interviews conducted and documents reviewed by the Investigative Team, as a result of the Pending Litigation, the Investigative Team has been directed by the Special Committee to describe its findings with respect to sexual and physical abuse in summary fashion.

The Investigative Team has concluded that multiple incidents of varying types of sexual and physical abuse took place at YUHSB during the relevant time period. This conduct was carried out by a number of individuals in positions of authority at the High Schools at various times throughout the period covered by the Investigation, including, in certain instances, after members of the administration had been made aware of such conduct. In addition, the Investigative Team found that, during the relevant time period, sexual and physical abuse took place at other schools comprising the University as well.

As part of the Investigation, the Investigative Team reviewed each individual report of sexual and physical abuse, and the response of the University to any such report. The Investigative Team found that, up until 2001, there were multiple instances in which the University either failed to appropriately act to protect the safety of its students or did not respond to the allegations at all. Based on what the Investigative Team learned from its interviews with

victims, this lack of an appropriate response by the University caused victims to believe that their complaints fell on deaf ears or were simply not believed by the University's administration.

The University's response to allegations of physical and sexual abuse that occurred at the University since 2001, however, significantly improved. Indeed, with respect to all such allegations, the Investigative Team found that the University acted decisively to address the allegations and to ensure the safety of the University's students.

T&M Policy Review and Recommendations

As described above, T&M conducted a thorough and comprehensive audit and assessment of the existing policies, procedures, education, and training currently in place at the High Schools with respect to the prevention of various forms of harassment, including bullying, hazing, sexual harassment and sexual abuse/assault, and the handling of allegations related to these behaviors. T&M also developed anti-harassment policies and procedures that are tailored to the circumstances and needs of the High Schools and made additional recommendations to ensure that the foregoing conform to "best practices."

Specifically, T&M assessed and made recommendations in the following areas:

- The policies in place that *prohibit* sexual abuse, sexual harassment, bullying, and hazing.
- The policies and procedures in place for *reporting* an allegation of sexual abuse, sexual harassment, bullying, and hazing, including an evaluation of the internal and external channels available for reporting an incident.
- The policies and procedures in place for *responding to* an allegation of sexual abuse, sexual harassment, bullying, and hazing, with particular attention to whether they provide for a response that is sufficiently prompt, thorough, and robust and is handled by people with requisite expertise and sensitivity.
- The High Schools' *internal and external reporting obligations*, their handling of investigations related to harassment incidents, and follow-up procedures for internal investigations.

- The policies and procedures in place *at the YUHSB dormitory* to ensure the safety of the students who reside there.
- The policies and procedures in place regarding *the use of technology* as a means of education and communication (email, text messaging, social networking, etc.) between and among students of the High Schools and between the High School students and the High School faculty, coaches, and other staff, both full-time and part-time (hereinafter “YUHS employees”).
- *Current boundaries* between students of the High Schools and YUHS employees, as well as between students of the High Schools and any of the University’s affiliated schools’ employees, including faculty, coaches, and other staff, full- and part-time (collectively, “YU employees”).
- *Current screening procedures* for YUHS employees, both new hires and present employees, and recommendations of other categories of people who should be screened to best ensure student safety.
- *Training of YUHS employees* relating to harassment, including specifically their training regarding relevant High School and University policies.
- *Education of High School students* relating to harassment, including specifically their education regarding relevant High School and University policies.

In order to make its recommendations, T&M:

- Interviewed over two dozen former YUHSB students and reviewed statements made by many others in media accounts.
- Interviewed over three dozen current faculty and staff members at the High Schools, male and female, young and old, religious studies and general studies faculty members, including Heads of School/Principals, Assistant Principals, the YUHSB Dean of Students, Guidance Department staff (both counseling and college), and various members of the Athletic Department Coaching Staff, as well as other staff members.
- Interviewed supervisory staff of the YUHSB dormitory, both past and present.
- Interviewed past High School administrators, faculty and staff.
- Interviewed past and present University employees, including administrators, faculty, athletic, security, legal, human resources, and compliance personnel.

- Reviewed the Yeshiva University Harassment Policy and Complaint Procedures for Students and the Yeshiva University Harassment Policy and Complaint Procedures for Faculty & Staff and assessed the effectiveness of the present policies in (i) clearly communicating what is prohibited conduct, (ii) setting out clear and appropriate initial and follow-up internal reporting lines at the High Schools and University, and (iii) specifying subsequent required reporting internally at the High Schools and University and externally to outside entities. Overall, these policies were assessed to see whether they were sufficient to meet the needs of the High Schools at the present time.
- Reviewed copies of relevant educational and training materials currently in use.
- Reviewed materials from previously-held workshops and trainings provided by the High Schools and the University.
- Performed a review of existing handbooks, draft documents, and other guidelines regarding appropriate behavior, including the Yeshiva University High School For Boys Faculty Handbook, the Yeshiva University High School Dormitory Handbook, the Yeshiva University High School For Boys Student Handbook, the Yeshiva University High School For Girls Faculty Handbook, the Yeshiva University High School For Girls Student Handbook, the Staff Policy on Protecting Athletes for both Schools, the Student Policy on Protecting Athletes for both Schools, the Draft Yeshiva University High School General Guidelines for Use of Social Media Faculty Policy, and the Draft Yeshiva University High School General Guidelines for Use of Social Media Student Policy.
- Analyzed all of the information gathered from the above-detailed sources to gain perspective and insight into the various areas T&M was tasked to evaluate.

The interviews of past and present High School and University employees and students—interviews that covered a 50-year period and which included many former students at YUHSB—proved invaluable to T&M’s work and have guided and shaped its recommendations and policies.

Based upon an evaluation of all the information collected, T&M:

- Determined that the University is committed to creating an environment at its High Schools and other affiliated schools in which sexual misconduct and other types of harassment are not tolerated, and if they occur, will be

dealt with in an appropriately sensitive, effective and professional manner. To that end, the University has over time, and especially in the last decade, instituted many policies, procedures, and practices that address these issues. T&M's recommendations are made to augment those policies, procedures, and practices in order to further enhance the University's ability to sensitively, effectively, and professionally address harassment in all its various forms on its high school campuses.

- Identified areas in which the High Schools' present policies could be augmented to further enhance how the University addresses issues related to bullying, hazing, sexual harassment, and sexual abuse/assault.
- Revised the current University Harassment Policy, tailoring it to better address the needs of a high school, and renamed the augmented policy the "YUHS Anti-Harassment Policy."
- Assessed current training of High School employees related to harassment, including, but not limited to, training on relevant subject matter, knowledge of present policies and reporting protocols, and made recommendations for enhanced training in these areas.
- Assessed current education of students of the High Schools related to harassment issues, including, but not limited to, training on relevant subject matter, knowledge of present policies and reporting protocols, and made recommendations for enhanced education in these areas.
- Drafted recommendations for implementing the YUHS Anti-Harassment Policy, including recommendations for employee training and student education.
- Assessed current boundaries between students of the High Schools and YUHS employees, and YU employees, to identify vulnerabilities, and drafted suggested guidelines for maintaining appropriate boundaries.
- Drafted suggested changes to the current High School Athletic Policies.
- Drafted recommendations for implementing the revised High School Athletic Policies.
- Began assessing the electronic and social media interaction between YUHS employees and YUHS students and drafting suggested changes to the draft YUHS Social Media Policies. This work is ongoing and it is anticipated it will conclude in the Fall of 2013.
- Assessed existing screening procedures for new hires at the High Schools, identified potential vulnerabilities in such procedures, and made

recommendations for enhancing the screening of YUHS employees, and identified additional categories of people who should be screened.

- Reviewed the vetting process for new hires at the High Schools and drafted recommendations regarding same.
- Made additional recommendations regarding other issues that were identified during the evaluation process.

A. T&M Draft YUHS Anti-Harassment Policy

The University has long had a harassment policy applicable to all its affiliated schools, including the High Schools. This policy, entitled “Harassment Policy & Complaint Procedures,” was most recently revised in 2012 and this revised version became effective in November of that year. T&M reviewed this policy, found it to be clear, comprehensive, and in compliance with all legal requirements, and adapted it to better suit a high school campus. In so doing, T&M endeavored to cover all forms of harassment that are found at a secondary school. Thus, in addition to sexual abuse and sexual harassment, the harassment policy T&M drafted for the High Schools covers bullying and hazing as well. It clearly defines all four types of harassment and lists common examples of such prohibited behavior. It clearly delineates who is covered by this augmented “anti-harassment” policy, where it reaches, and what people should do when confronted by harassment.

The YUHS Anti-Harassment Policy also sets out reporting alternatives, both inside and outside the high schools, to ensure that anyone who wants to report a violation of the YUHS Anti-Harassment Policy has a person he or she is comfortable with to report to. Students, their parents/guardians, and any other person not employed by the High Schools or the University are advised they may report a violation to anyone at the High School with whom they are comfortable or they may report to the YU Liaison to the High Schools, the Office of the General Counsel, the YU Compliance Hotline, or a source totally outside the University, T&M

Protection Resources. YUHS and YU employees and volunteers, upon learning of a possible violation of the Policy, whether as a victim or witness, or who learns of a possible violation from someone else, **must** promptly report the possible violation to **one** of the following people: 1) their supervisor; 2) a Guidance Counselor; 3) the Dean of Students; 4) the Assistant Principal; 5) the Principal for General Studies; or 6) the 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 Schools **and** the Office of the General Counsel at the University.

If the report of a suspected violation of the Policy involves the Head of School/Principal, the Policy states that the Head of School/Principal should not be notified, but rather the report should be made to the YU Liaison to the High Schools **and** the Office of the General Counsel at the University and the latter will apprise the President of the University of such report. For reports of all other violations of the YUHS Anti-Harassment Policy, the Office of the General Counsel will use its discretion to decide when the President of the University 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-designated individuals, the Policy states that he or she may instead report directly to the YU Liaison to the High Schools and the Office of the General Counsel at the University.

The YUHS Anti-Harassment Policy details how an investigation is to proceed, who will designate the person to conduct the investigation, how it will be documented, how the documentation will be retained, and all the possible penalties that face someone found to have violated the Policy. In addition, it sets out New York State's Mandatory Reporting Law's

obligation to report specified abuse to the State Hotline when there is *reasonable cause to suspect* such abuse has occurred. New York State law only requires that abuse and neglect perpetrated by a parent, guardian, or other person legally responsible for the child be reported to the State Hotline. It does not require that abuse perpetrated by a school employee upon a student be reported to the State Hotline or law enforcement. However, despite having no legal obligation to do so, the University has by its new YUHS Anti-Harassment Policy obligated itself to report to law enforcement any suspected physical or sexual assault, as defined by the New York State Penal Law, of a High School student perpetrated by a YUHS or YU employee, volunteer, employee of a contracted service provider, or any other adult at the University when the Office of the General Counsel at the University has *reasonable cause to suspect* that such an assault has occurred.

T&M believes that the High Schools' newly adopted YUHS Anti-Harassment Policy is the "gold standard" for handling harassment on a high school campus and is designed to support the University's efforts to make the High Schools the safest, most hospitable learning and working environments they can possibly be. The YUHS Anti-Harassment Policy, in its entirety, can be found in **Appendix A**.

B. YUHS Guidelines for Maintaining Appropriate Boundaries Between YUHS Students and YUHS Employees, Volunteers, and Employees of Contracted Service Providers ("Boundary Guidelines")

T&M also recommended augmented Boundary Guidelines that are a combination of guidelines that were already in force at the High Schools and others that T&M felt were appropriate to put into place. They cover such areas as meeting alone with students, appropriate physical contact, appropriate topics of conversation, tutoring, riding in cars, going to students' homes and having students in their homes, appropriate attire to wear in front of students, and

other situations that could entail a crossing of appropriate student-adult boundary lines. In addition, the Boundary Guidelines require any YUHS employee who becomes aware that a boundary line has been crossed to bring that information to the attention of the Head of School who is then responsible for addressing it with the employee who was thought to have crossed the boundary line. If the Head of School is the person suspected of crossing a boundary line, then such report must be made to the YU Liaison to the High Schools and the Office of the General Counsel at the University. Oftentimes, boundaries are crossed inadvertently and require nothing more than a reminder to the offender to maintain such a boundary in the future. Other times, the crossing of a boundary is indicative of a more serious problem and may indicate an inappropriate relationship. Thus, the newly adopted Boundary Guidelines mandate that YUHS employees follow up on all potential boundary crossings between YUHS employees and YUHS students that come to their attention. The Boundary Guidelines, in their entirety, can be found in **Appendix B.**

C. Revised Athletic Policies

The University's Office of the General Counsel developed athletic policies for the High Schools. These policies are entitled, "Staff Policy on Protecting Athletes" and "Student Policy on Protecting Athletes." These policies were implemented over the last year and currently are accessible on both High Schools' websites. The only difference between the two policies implemented at each High School is the reference to the name of the school at the top of each document and the use of either male or female pronouns throughout. T&M found these athletic policies to be thorough, clear, and to appropriately address the myriad of issues facing an all-boys high school and an all-girls high school's athletic programs in today's world. T&M recommended certain changes to further strengthen these policies. Most significantly, these

policies were edited to reflect the reporting lines and protocols set forth in the new YUHS Anti-Harassment Policy. In addition, T&M combined the separate Yeshiva University High School for Girls and YUHSB policies into one “YUHS Staff Policy on Protecting Athletes” and one “YUHS Student Policy on Protecting Athletes.” These policies can be found, in their entirety, in **Appendix C.**

D. Recommendations Regarding Implementation of the YUHS Anti-Harassment Policy, Boundary Guidelines And Revised Athletic Policies

1. Training

T&M made recommendations regarding groups of people who should receive training on the YUHS Anti-Harassment Policy, Boundary Guidelines, revised Athletic Policies and related subject matter. These groups of people included: 1) all current YUHS employees, administrators, faculty, coaches, and other staff, whether full-time or part-time; 2) all new hires; 3) University employees who have contact with High School students; 4) University students, at the college and graduate school level, who have contact with High School students; 5) all YUHSB dormitory personnel; 6) volunteers at the High Schools; 7) employees of outside companies that contract with the High Schools to provide services for High School students; 8) High School students; and 9) High School parents/guardians. In addition to specifying the groups of people who should receive such training, T&M made recommendations regarding the method of delivery, the timing, and the record-keeping that should be utilized by the University to assure that all necessary people receive the requisite training.

2. Coordination with Other Written High School Policies, Handbooks, and Manuals

T&M made recommendations regarding the consistency and coordination of all written High School policies that cover the conduct of students and employees with the YUHS

Anti-Harassment Policy and further recommended its incorporation, and that of the Boundary Guidelines and revised Athletic Policies, into High School handbooks, manuals, and written materials related to school trips, athletic events, service activities, and any other activities associated with the High School, as appropriate.

3. Creating and Assessing Awareness of the New and Revised Policies and Guidelines

T&M made recommendations as to ways that the High Schools could *create* awareness of its Anti-Harassment Policy, Boundary Guidelines, and revised Athletic Policies among the various members of the High Schools' community, in addition to direct training. Such suggestions included the use of acknowledgement pages, added language to contracts, and signage in the schools. T&M also made a series of recommendations of ways that the High Schools could *assess* the awareness of its students, their parents/guardians, all YUHS employees, volunteers, and all employees of contracted service providers of the new and revised High School policies and guidelines.

4. Documentation, Record-Keeping, and other Matters Relating to the Investigation of Reported Violations and Necessary Follow-Up

T&M made a series of recommendations regarding ways that records of reported violations and their investigations should be made and maintained. In addition, T&M recommended appropriate follow-up after an investigation has concluded to ensure that no new instances of harassment or retaliation have occurred.

E. Recommendations Regarding Hiring Practices

1. Background Checking and Fingerprinting

The University has an extensive and professional Human Resources (hereinafter, "HR") Department as well as many procedures in place to ensure that inappropriate people are not hired to work with its students. These procedures are applicable to all of the University's

affiliated schools, including the High Schools. Presently, all High School faculty and staff, present and new hires, are required to be background checked through the University's HR Department prior to the beginning of the school year. Reference checks are conducted by the High School Heads of School/Principals. In addition to background checking, the HR "on-boarding" process for the High Schools includes required training on sexual harassment, other necessary training, and all traditional HR functions, such as the collecting of required forms such as I-9s and payroll forms. In addition, as part of the "applicant tracing system," all applicants' resumes, CVs, references, and any other documents submitted as part of the application process will be scanned and maintained electronically in the HR system for accountability purposes.

The background checks done at the High Schools in past years did not involve fingerprint checks, but rather checks based on the name and other pedigree information provided by the applicant. Although New York State Law does not require it for those hired at private schools, and less than 20 private schools in New York do so, T&M recommended that the University "opt-in" to the State's voluntary fingerprinting program for new hires and the University has decided to do so.

The fingerprinting procedure provided by New York State is only available for "new hires." T&M recommended that the University look into ways that it might be able to classify its present High School employees as "new hires" and if unable to do so, T&M recommended that the University consider having the background checks it has recently done for all present employees updated in the future on a periodic ongoing basis.

2. Reporting Pending Criminal Charges

Similar to the requirement in the Staff Policy on Protecting Athletes that all athletic staff report certain arrests to the Head of School/Principal, **all** YUHS employees should

be required to do so as well. Thus, they should promptly report if they are charged with a physical or sexual assault, as defined by the New York State Penal Law, or any crime involving a child by any local, state, federal, or foreign entity to the Head of School/Principal, who will consult with the YUHS Liaison and the Office of the General Counsel for the University as to what appropriate action should be taken. This would serve to provide another measure of protection for the High School students as it would allow the University to evaluate such an arrest and determine if, due to its nature, the employee should be removed from contact with students.

3. Hiring Practices

T&M made a number of other recommendations with regard to the hiring practices for employment applicants to further strengthen those that the University already has in place. These additional recommendations involved interviewing, reference checking, and oversight of the process. In addition, T&M recommended that the University consider doing more extensive background checks on “key hires” at the High Schools. Such checks could include address, credit, motor vehicle, media, and civil litigation history checks, as well as employment and education verification.

F. Recommendations Regarding the YUHSB Dormitory

YUHSB’s dormitory is fairly unusual to the extent it is a high school dormitory located on a college campus. YUHSB has put into place many measures in recent years to enhance the security of its dormitory students and T&M recommended additional measures the University could take to further enhance the safety and welfare of its YUHSB dormitory residents. These recommendations involved staffing, background screening and training of

dormitory staff, regulation of access to the high school floor of the dormitory, and the contents of the Dormitory Handbook.

G. Conclusion

The policy recommendations made by T&M, and summarized above, only address concerns at the High Schools. These recommendations were not intended to be an all-inclusive definitive document, but rather an assessment of the High Schools' present policies and procedures, education and training with regard to issues of harassment. Based on that assessment and T&M's experience in the field, T&M made the recommendations summarized above to assist the University in its commitment to make the High Schools the safest and most hospitable learning environments. T&M is continuing to review the policies in place at the rest of the University. Any additional policy recommendations will be recommended to the Board of Trustees upon completion.



PRIVILEGED & CONFIDENTIAL

APPENDIX A: YUHS ANTI-HARASSMENT POLICY

YESHIVA UNIVERSITY HIGH SCHOOL

Anti-Harassment Policy

Yeshiva University High School 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 has implemented the Yeshiva University High School 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 School community. Harassment interferes with learning and creates an intimidating and offensive environment. Everyone at Yeshiva University High School can help ensure that our school is free from harassment.

This Policy governs all interactions with Yeshiva University High School 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 School Anti-Harassment Policy will apply. The High School Anti-Harassment Policy shall supersede any and all previously-issued High School 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 Yeshiva University 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

The YUHS Anti-Harassment 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 Yeshiva University (hereinafter, “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 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.

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 Anti-Harassment 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 the 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, 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 the YUHS Anti-Harassment

Policy, the Office of the General Counsel 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 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 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 student or parent/guardian who is not comfortable reporting a violation of the YUHS Anti-Harassment Policy directly to someone within the High School or University 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>
- Lisa Friel of T&M Protection Resources at 212-417-9160 or via email at lfriel@tmprotection.com

Anonymous Reporting

Finally, should any YUHS student or their parent/guardian wish to report a violation of the YUHS Anti-Harassment Policy anonymously, he or she may do so by contacting the YU Liaison to the High School (at highschooliaison@yu.edu), the Office of the General Counsel at YU (gc@yu.edu), or Lisa Friel 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 646-685-0112 or 646-592-4210, or by emailing 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. In addition, through collaboration with the Azrieli School of Education, YUHSB has access to psychology graduate student interns who are directly supervised by licensed school psychologists on the faculty of YU and by the guidance counselors at YUHSB. If requested by a student or his or her parent/guardian, YUHSB can refer a student to one of these interns as another means of outside support.

AMNESTY PROVISION

YUHS has a very strict policy about the use of alcohol and other drugs by its students and may require random drug testing. YUHS will not tolerate drug use among its students. 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 or alcohol, 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 the High School Anti-Harassment 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 this policy.

RETALIATION PROHIBITED

Retaliation against anyone who in good faith reports a violation or suspected violation of this Anti-Harassment 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 Anti-Harassment 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 University personnel, or by an outside investigator, depending on the facts and circumstances of the report. YU recognizes that reporting a violation of the YUHS Anti-Harassment Policy will often involve discussing matters of a sensitive nature. Therefore, YU and any outside investigator it retains 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's 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 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 the YUHS Anti-Harassment Policy 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 School 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 out side 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's Guidance Departments, social workers, and counselors are available to assist as well, as are those at the University. 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.

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 the YUHS Anti-Harassment 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 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*¹ that a YUHS or YU employee, volunteer, employee of a contracted

¹ 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.

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.



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APPENDIX B: YUHS BOUNDARY GUIDELINES

GUIDELINES FOR MAINTAINING APPROPRIATE BOUNDARIES BETWEEN YUHS STUDENTS AND YUHS EMPLOYEES, VOLUNTEERS & EMPLOYEES OF CONTRACTED SERVICE PROVIDERS

In addition to the prohibited behavior described in the YUHS Anti-Harassment Policy, YUHS employees, volunteers, and employees of contracted service providers:

- Should not engage in any type of behavior that might have the appearance of impropriety if observed by others.
- Should avoid being alone with a student. Employees of contracted service providers and volunteers who work at the high schools should not be alone with a high school student in a non-public space or inside a room with a closed door. Coaches and other athletic staff should likewise not be alone with a student, especially when engaging in otherwise permitted physical contact such as when teaching a skill. It is expected that YUHS teachers will meet with their students for educational purposes outside of classroom time and that some of those meetings will involve one-on-one meetings. Any such private meeting with a student should, whenever possible, occur with the door open. If the circumstances require the door to be closed because additional privacy is needed, the meeting should be in a room with a window in the door which should remain uncovered and the door to the room should remain unlocked.
- Should not discipline students in any physical manner.
- Should not lavish inappropriate attention on a particular student, including giving inappropriate gifts.
- Should not converse with students about their sexual lives except for an educational, health, or safety-related purpose, nor should they reveal details of their own sexual lives or romantic relationships to students.
- Should not reveal other inappropriate details about their personal lives to students.
- Should not inappropriately “hang out” with students outside of school or spend an inordinate amount of time “hanging out” with students even inside the school. Adults at

YUHS should always remember they are not the students “friends” and should therefore not be engaging in peer-like behavior with the students.

- Should not provide alcohol or drugs to a student, nor permit one to drink or use drugs in their presence, except when part of religious observance, or where medications have been prescribed.
- Should not have extended affectionate physical contact with a student. Any such contact should be limited to a supportive, congratulatory, or quick hug, arm squeeze, or pat on the back. Patting of the buttocks with a hand even in an athletic context is prohibited. Note: If a student engages in repeated and/or prolonged physical contact with a YUHS employee, volunteer, or an employee of a contracted service provider, the adult in question should clearly and firmly discourage such behavior, and if the student persists, the adult should involve a supervisor to assist him or her in handling the situation.
- Should not engage in physical horseplay, roughhousing, or other inappropriate games with a student.
- Should not direct a student to keep a secret from, or not share information with, his/her parents or other YUHS employees.
- Should not tutor a student in his or her home without the student’s parent or guardian present. In addition, YUHS employees should not tutor students in the employees’ homes unless another adult is present and the student’s parent/guardian has given permission.
- Should not allow students to ride in the employees’ personal cars without written (email will suffice) permission from a parent/guardian. In addition, YUHS employees, volunteers, and employees of contracted service providers should not ride in students’ cars. If a situation arises that requires deviation from this rule, the adult involved should get permission from his or her supervisor to so deviate.

- Should not be present at a student's home when a parent/guardian is not present, whether for a social gathering or otherwise. In addition, YUHS employees should not invite students to their homes for Shabbat, other holidays, or any other occasion without approval from the Head of School/Principal and YUHS should require written (email can suffice) parental consent if a student is going to go to a YUHS employee's home. Finally, a YUHS employee should never have only one student alone at his or her home, nor should they have students to their home at all unless there is another adult present.
- During overnight trips and sleepovers, should not be alone with a student in his/her room, should sleep in a separate room, should not invite a student to sleep in their room, and should not be inside a student's room when the student is changing or sleeping.
- Students may be awakened by loudly knocking on their doors or calling out to them but should not be awakened by making physical contact with them. This rule should also be applicable to awakening students at the YUHSB dorm.
- Should not appear unclothed or in their underwear in front of a student. Thus, on overnight trips and sleepovers, High School employees and volunteers should not walk around outside of their sleeping quarters unclothed or in their underwear. In addition, in athletic facilities, efforts should be made by employees to be as discrete as possible when showering and changing in locker rooms when students are present and at no time should an employee or volunteer shower in the same shower stall with a student.

Information that a boundary may have been crossed that comes to the attention of YUHS employees must be followed up upon whether that information comes to their attention as a result of a direct complaint made to them or is obtained in some other manner. Oftentimes, boundaries are crossed inadvertently and require nothing more than a reminder to the offender to maintain such a boundary in the future. Other times the crossing of a boundary is indicative of a more serious problem and indeed may indicate an inappropriate relationship. Thus, there is a need for YUHS employees to always follow-up upon hearing of the possible crossing of a boundary between a YUHS employee and a YUHS student. The employee should bring this information to the attention of the Head of School/Principal who will then be responsible for addressing it with the employee who was thought to have crossed the boundary. If the Head of School/Principal is the person

suspected of having crossed the boundary, then the report should be made to the YU Liaison to the High Schools and the Office of the General Counsel at YU.

These boundary guidelines are not applicable if the YUHS employee, volunteer, or employee of a contracted service provider is the parent, guardian, or sibling of the student in question.

Finally, it should be acknowledged that there may be exceptional circumstances in which it would not be inappropriate to cross one of the boundary lines set out above. For example, such a situation can be imagined arising in a rebbe-student relationship or a guidance counselor-student relationship. A student might be particularly troubled about something and ask to speak to his rebbe or his guidance counselor outside the school at some private location. Should any YUHS employee, rabbi, guidance counselor, or otherwise, ever feel that a situation has arisen that calls for or justifies deviation from the boundaries set out above, he or she must bring the situation to the attention of the Head of School/Principal and obtain permission from him or her before deviating from the boundary guidelines set out above. If the Head of School/Principal grants such permission, he or she must send an email to the YU Liaison to the High Schools and the Office of the General Counsel at YU detailing the facts and circumstances that led him or her to grant permission for the deviation.



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APPENDIX C: YUHS ATHLETIC POLICIES

STAFF POLICY ON PROTECTING ATHLETES

Yeshiva University High School (hereinafter YUHS) is committed to ensuring the well-being, safety, and protection of each of its student-athletes. In light of the influence, power and position of trust wielded by coaches and other members of the athletic staff, YUHS believes it is important to set forth guidelines to help define appropriate behavior and conduct of its athletic staff in order to cultivate a safe and positive environment for its student-athletes. These guidelines apply to the behavior and conduct of all members of YUHS athletic staff, whether on-campus or off-campus.

Romantic or sexual relationships between athletic staff and student-athletes are not permitted. Each member of the athletic staff should maintain professionalism and avoid any appearance of impropriety in his or her relationships with student-athletes. Relationships of a peer-to-peer nature between an athletic staff person and a student-athlete should be avoided. The athletic staff person must recognize that he or she is always the adult in the relationship and refrain from getting too close to the student-athlete.

YUHS prohibits, and will not tolerate, any form of sexual assault or harassment. Sexual harassment is defined in the YUHS Anti-Harassment Policy as:

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:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or
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
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
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, whether full or part-time, volunteer, employee of a contracted service provider, or other adult at Yeshiva University (hereinafter, "YU"), towards a *YUHS student*, whether welcomed by that student or not, is sexual harassment and a violation of this Policy.

Behaviors that constitute sexual harassment include, but are not limited to, the following:

- Remarks, jokes, and comments about a person's body, appearance, sex, or sexual orientation
- Inquiries or comments about a person's sexual activities
- Obscene or suggestive gestures
- Use of inappropriate or derogatory sexual language
- Inappropriate physical contact, including inappropriate touching, kissing, patting, pinching, and rubbing
- Promises or threats contingent on the performance of sexual favors

Every member of the athletic staff is required to avoid and/or report any behavior that could be considered sexual harassment, and monitor the actions of the other members of the athletic staff as well as the student-athletes.

Behaviors that should not be engaged in include, but are not limited to, the following:

- Being alone with a student-athlete, especially when engaging in otherwise permitted physical contact such as when teaching a skill
- Giving a student-athlete a rubdown or massage, unless the athletic staff person is a massage or similar therapist or trainer and it is conducted in an open and public location in the presence of others
- Being in showers or locker rooms while a student-athlete is undressed, unless another member of the athletic staff is present
- Showering or otherwise undressing in front of a student-athlete
- Communicating with a student-athlete on any topic that is sexual or inappropriate in nature
- Engaging in horseplay, roughhousing, or other inappropriate games with a student-athlete
- Giving inappropriate gifts to a student-athlete
- Providing alcohol or drugs to a student-athlete, or permitting him to drink alcohol or take drugs

- Promoting, providing access to, and/or sharing pornographic material with a student-athlete
- Sharing a hotel room or other sleeping arrangement with a student-athlete (unless the athletic staff person is the parent, guardian, or sibling of that particular student-athlete)

YUHS recognizes that there may be certain circumstances where the foregoing behavior cannot be avoided, such as when the student-athlete requests privacy to discuss a confidential issue or receive medical care. Coaches should attempt to have such private meetings with student-athletes in the gym, field, or other public location visible to others. If a coach needs to meet with an athlete in the coach's office, the door should remain open whenever possible. If the circumstances require the door to be closed because additional privacy is needed, the door to the room should remain unlocked and any windows in the doors of such rooms should be uncovered.

Every member of the athletic staff also must refrain, and prohibit others, from using audio or visual recording, including a cell phone camera, in changing areas, rest rooms, or locker rooms, and at no time in any location may a photograph of an athlete unclothed or partially unclothed be taken.

Any student-athlete who believes he or she has been subjected to inappropriate behavior, or others who believe that a student-athlete has been subject to inappropriate behavior, should report the incident immediately to **any** member of the YUHS faculty or staff with whom they are comfortable speaking about the matter. In addition, the reporting person may use the YU Confidential Compliance Hotline by calling the toll free hotline at 866-447-5052 or via the web at <https://www.integrity-helpline.com/yu.jsp>.

Promptly upon receiving such a report, YUHS employees **must** report the information they were given to **one** of the following people: 1) A Guidance Counselor, 2) Dean of Students, 3) Assistant Principal, 4) Principal for General Studies, 5) 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.

If for any reason, a YUHS employee 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 or the Office of the General Counsel at YU.

YUHS also urges any victim of a physical or sexual assault to report the crime to the local police department, and YUHS personnel will assist the victim through the reporting process. If the Office of the General Counsel at YU has *reasonable cause to suspect* 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 in 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. As applicable, any suspected child abuse or maltreatment should also be reported to the Child Abuse Hotline (Mandated Reporter Hotline (800) 635-1522; Public Hotline (800) 342-3720) or other appropriate authorities.

Retaliation against any individual who filed and/or participated in the investigation of a complaint in good faith, even if the complaint is subsequently unsubstantiated, is prohibited, and YUHS will take reasonable action to protect individuals from retaliation or reprisal.

If an athlete initiates inappropriate behavior to a member of the athletic staff, that staff person must document the incident and report it to one of the following people at the High School: 1) a Guidance Counselor, 2) Dean of Students, 3) Assistant Principal, 4) Principal for General Studies, or 5) the 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.

YUHS expects its coaches and other members of the athletic staff to serve as role models and appropriate mentors to the student-athletes and facilitate their intellectual, athletic, and personal growth. It will respond promptly to any report of sexual misconduct, harassment, threats, acts of violence, or acts of aggression against its student-athletes.

Any member of the athletic staff who is charged with a physical or sexual assault, as defined in the New York State Penal Law, or any other crime involving a child, by any local, state, federal, or foreign entity should promptly report such charge to the Head of School/Principal, who will consult

with the YU Liaison to the High School and the Office of the General Counsel at YU about appropriate action to be taken.

STUDENT POLICY ON PROTECTING ATHLETES

Yeshiva University High School is committed to ensuring the well-being, safety, and protection of each of its student-athletes. In light of the influence, power, and position of trust wielded by coaches and other members of the athletic staff, YUHS believes it is important to set forth guidelines to help define appropriate behavior and conduct of its athletic staff in order to cultivate a safe and positive environment for its student-athletes. These guidelines apply to the behavior and conduct of all members of YUHS athletic staff, whether on-campus or off-campus.

Romantic or sexual relationships between athletic staff and student-athletes are not permitted. Each member of the athletic staff should maintain professionalism and avoid any appearance of impropriety in his relationships with student-athletes. Relationships of a peer-to-peer nature between an athletic staff person and a student-athlete should be avoided. The athletic staff person must recognize that he or she is always the adult in the relationship and refrain from getting too close to the student-athlete.

YUHS prohibits, and will not tolerate, any form of sexual assault or harassment. Sexual harassment is defined in the YUHS Anti-Harassment Policy as:

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:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or

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

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

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, whether full or

part-time, volunteer, employee of a contracted service provider, or other adult at Yeshiva University (hereinafter, “YU”) towards a YUHS *student*, whether *welcomed by that student or not*, is sexual harassment and a violation of this Policy.

Behaviors that constitute sexual harassment include, but are not limited to, the following:

- Remarks, jokes, and comments about a person’s body, appearance, sex, or sexual orientation
- Inquiries or comments about a person’s sexual activities
- Obscene or suggestive gestures
- Use of inappropriate or derogatory sexual language
- Inappropriate physical contact, including inappropriate touching, kissing, patting, pinching, and rubbing
- Promises or threats contingent on the performance of sexual favors

Every member of the athletic staff is required to avoid and/or report any behavior that could be considered sexual harassment, and monitor the actions of the other members of the athletic staff as well as the student-athletes.

Behaviors that should not be engaged in include, but are not limited to, the following:

- Being alone with a student-athlete, especially when engaging in otherwise permitted physical contact such as when teaching a skill
- Giving a student-athlete a rubdown or massage, unless the athletic staff person is a massage or similar therapist or trainer and it is conducted in an open and public location in the presence of others
- Being in showers or locker rooms while a student-athlete is undressed, unless another member of the athletic staff is present
- Showering or otherwise undressing in front of a student-athlete
- Communicating with a student-athlete on any topic that is sexual or inappropriate in nature
- Engaging in horseplay, roughhousing, or other inappropriate games with a student-athlete
- Giving inappropriate gifts to a student-athlete

- Providing alcohol or drugs to a student-athlete, or permitting him to drink alcohol or take drugs
- Promoting, providing access to, and/or sharing pornographic material with a student-athlete
- Sharing a hotel room or other sleeping arrangement with a student-athlete (unless the athletic staff person is the parent, guardian, or sibling of that particular student-athlete)

YUHS recognizes that there may be certain circumstances where the foregoing behavior cannot be avoided, such as when the student-athlete requests privacy to discuss a confidential issue or receive medical care. Coaches should attempt to have such private meetings with student-athletes in the gym, field, or other public location visible to others. If a coach needs to meet with an athlete in the coach's office, the door should remain open whenever possible. If the circumstances require the door to be closed because additional privacy is needed, the door to the room should remain unlocked and any windows in the doors of such rooms should be uncovered.

Every member of the athletic staff also must refrain, and prohibit others, from using audio or visual recording, including a cell phone camera, in changing areas, rest rooms or locker rooms and at no time in any location may a photograph of an athlete unclothed or partially unclothed be taken.

Any student-athlete who believes he or she has been subjected to inappropriate behavior, or others who believe that a student-athlete has been subject to inappropriate behavior, should report the incident immediately to **any** member of the YUHS faculty or staff with whom they are comfortable speaking about the matter. In addition, the reporting person may use the YU Confidential Compliance Hotline by calling the toll free hotline at 866-447-5052 or via the web at <https://www.integrity-helpline.com/yu.jsp>.

YUHS also urges any victim of a physical or sexual assault to report the crime to the local police department, and YUHS personnel will assist the victim through the reporting process. If the Office of the General Counsel at YU has *reasonable cause to suspect* 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 in 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. As applicable, any suspected child abuse or maltreatment should also be reported to the Child Abuse

Hotline (Mandated Reporter Hotline (800) 635-1522; Public Hotline (800) 342-3720) or other appropriate authorities.

Retaliation against any individual who filed and/or participated in the investigation of a complaint in good faith, even if the complaint is subsequently unsubstantiated, is prohibited, and YUHS will take reasonable action to protect individuals from retaliation or reprisal.

YUHS will respond promptly to any report of sexual misconduct, harassment, threats, acts of violence, or acts of aggression against its student-athletes.

Any member of the athletic staff who is charged with a physical or sexual assault, as defined in the New York State Penal Law, or any other crime involving a child, by any local, state, federal, or foreign entity should promptly report such charge to the Head of School/Principal, who will consult with the YU Liaison to the High School and the Office of the General Counsel at YU about appropriate action to be taken.