

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.