POLICY ON REPORTING CHILD ABUSE OF STUDENTS BY SCHOOL EMPLOYEES AND OTHER ADULTS

Dear LREI Community,

Throughout their time at LREI, students have experienced and recognized instances of sexual harassment and assault, both of which are examples of rape culture. Rape culture promotes or creates an atmosphere where sexual harassment and assault against students is not only normalized and perpetuated by systems of sexism, racism, classism, homophobia, ableism, and transphobia, but also silenced, made invisible, and excused by those very systems. Gender based violence is not only an LREI issue, but also a global and national problem. For example, the American Association for University Women (AAUW) reports that 1 in 2 girls in grades 7-12 experience sexual harassment. In addition, gender is not the only factor when experiencing sexual harassment. The AAUW’s report titled Crossing the Line: Sexual Harassment at School, states that “African American students were more likely than their white counterparts to stop doing an activity or sport, get in trouble at school, and find it hard to study because of sexual harassment.” Meanwhile, Latinx “students were more likely than white students to stay at home from school because of sexual harassment.” Additionally, in GLSEN’s (Gay, Lesbian, Straight Education Network) 2015 report, the 2015 National School Climate Survey, showed that 59.6% of LGBTQ+ students were sexually harassed at school and 57.6% did not report it to a faculty member because they felt that the school administration would do nothing about it, if not make it worse.

LREI acknowledges this important research and is committed to preventing and ending instances of sexual harassment and assault by creating two sets of policies, one for cases involving student-to-student and one for cases involving adult-to-student harassment. As part of implementing these policies, LREI is also committed to engaging in creating and sustaining a culture of consent through ongoing education, which will include trainings every year for school leadership, faculty, students, and parents throughout all divisions. Both the policies and all ongoing education are and will be inclusive of all racial, ethnic, gender, and sexual identities, as an intersectional approach will guide us towards a more just and equitable school environment for all.

The policies that you will find in this section of our handbook were the result of diligent research, dialogue, and consciousness raising led by high school students at LREI. Work on these policies began during a rape culture minimester in October 2016, with the discovery that LREI did not have a policy for student-to-student and faculty-to-student sexual harassment and assault. Shortly after, students in the Intersectional Feminism course created a call to action for the community during their assembly to mark the UN’s annual day on the elimination of violence against women. After this call to action, members of the 2016 rape culture minimester, the feminism class and club, and the 2017 #ItHappensHere consent workshop formed a policy recommendations working group. Research and writing for these recommendations continued through the spring of 2017 and into the fall. In November 2017, leaders of the Feminism Club presented this research and recommendations to the school administration, Director Phil Kassen, and former High School Principal Micah Dov Gottlieb. Conversations with school leadership continued into the spring of 2018 and these policies were approved before the end of the school year in 2018.

On LREI Connect in a section box labeled HS Handbooks & Resources and in the print version of the Student Handbook you will find both the student-to-student and adult-to-student sexual harassment policies. Reporting forms can be found at the end of both policies. Both policies will walk you through a definition of sexual harassment and assault, procedures for students to follow when reporting, reporting forms, and a list of individuals in the school who have been appointed to help and support you.

From the very start, our intention in creating these policies was to protect students and to establish a culture of consent at LREI for students, faculty, and school leadership. These policies are designed to give a voice to those who are often silenced and provide a transparent protocol for reporting and investigating instances of sexual harassment, assault, abuse, and gender based violence. Sexual violence is a crime and interferes with a student’s right to receive an education free from violence, discrimination, and retaliation and will not be tolerated by LREI.
POLICY ON REPORTING CHILD ABUSE AND SEXUAL HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES AND OTHER ADULTS

Students have the right to feel safe and respected, and to work and learn in an environment that is free from abuse and sexual harassment. This policy applies to all campuses of LREI, (the School), all school-sponsored and affiliated trips and events, on transportation to or from School or a School-affiliated event, and to the use of communication devices, whether School, student, or employee owned. For purposes of this Policy, "Employees" include all individuals employed by the School including but not limited to teachers, administrators, and staff. "Other Adults" include volunteers, employees of a contracted service provider, parents and legal guardians of School students, and visitors to the School. The School prohibits all forms of abuse and sexual harassment as defined herein. This policy also applies to abuse or sexual harassment by an Employee or Other Adult on campus or at a School-sponsored event, of a minor who is not an enrolled student at the School. With respect to interaction between a School employee and students, this Policy applies at all times in all locations.

Studies have shown that certain adults "groom" children over a period of time to target them for potential sexual abuse and harassment. Grooming can be defined as "an act of deliberately establishing an emotional connection with a child to prepare the child for child abuse" (including sexual harassment and assault). Accordingly, any act of abuse or sexual harassment that occurs within 5 years of a student's attendance at, or graduation from, the School is covered by this policy. This policy also covers any abuse or sexual harassment by an Employee or Other Adult against a minor anywhere, including but not limited to a visitor to our campuses or a School-sponsored or affiliated trip or event, abuse directed at a sibling of a School student, etc. Further, this policy covers any abuse or sexual harassment by an Employee or Other Adult against a current student at any primary or secondary school (even if the student is 17 or older, and even if consented to or welcomed by the student). With respect to interaction between a School Employee and students, this Policy applies at all times in all locations.

Definitions:

Abuse shall mean any of the following acts committed by an Employee or Other Adult against a School student:
(a) intentionally or recklessly inflicting physical injury, serious physical injury or death; (b) intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; (c) sexual abuse; sexual abuse includes sexual intercourse, oral genital contact, oral anal contact, genital anal contact, touching of the sexual or other intimate parts of the body for the purpose of gratifying sexual desire of either party, or intimate kissing; prohibited touching of the sexual or other intimate parts of the body includes touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing; (d) disseminating pornographic or indecent materials to a student or engaging a student in the production of pornographic or indecent materials; or (e) sexual or romantic conduct including but not limited to kissing, caressing, other sexual or romantic touching, and sexual or romantic verbal, electronic, or social media communication.

Sexual harassment shall mean any of the following committed by an Employee or Other Adult against a School student: unwelcome conduct of a sexual nature, which can include sexual advances; requests for sexual favors; other verbal, nonverbal, or physical conduct of a sexual nature; touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating email messages or websites of a sexual nature.

Sexual harassment, unwelcome conduct of a sexual nature, or sexual assault may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Examples of the type of behavior that may constitute sexual harassment/assault include demands for sexual activity; sexual flirtations, advances or propositions; sexual innuendos or suggestive jokes; comments of a sexual nature to describe an individual or an individual's body; unwelcome physical contact such as hugging,
kissing, massaging, touching, pinching or brushing the body, or any touching of a sexual nature; any type of coerced sexual activity; displays of sexually suggestive objects or pictures; and obscene gestures or materials. making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating emails or Websites of a sexual nature. This list is not all-inclusive. Other unwelcome acts of an offensive nature may also constitute sexual harassment or assault.

Note that student-student sexual harassment will be addressed by the Student Sexual Harassment/Assault Policy, and should be reported pursuant to that Policy.

Any sexual or romantic/grooming conduct between a School employee, volunteer, or employee of a contracted service provider and a current School student, even if the student is 17 or older, and even if consented to or welcomed by the student, is strictly prohibited and will result in dismissal of the adult involved. This behavior may not be engaged in at any time a child is a student at the School, nor for five years post-date of a student’s high school graduation.

It can also occur when someone is intoxicated and cannot say “no” or resist, or has fallen asleep and can therefore not consent. In addition, it may occur in other 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. In addition, lack of consent occurs when one of the persons involved in the sexual act is under 17 years of age. Children under 17 in the State of New York cannot legally consent to having sex or sexual contact with an adult. Therefore, any sexual contact between a student under 17 and an adult under this policy is a crime that will be reported to the police.

**Procedures for Reporting**

The School requires all Employees, Other Adults, including volunteers and employees of organizations with whom the school holds contracts, and students who have actual knowledge of or who have reasonable cause to suspect an incident(s) of abuse or sexual harassment under this policy, to report such knowledge or reasonable suspicion, regardless of who the offender may be. Reports should be made to: (a) a Point Person (as defined below) or (b) Laura Kirschstein, Esq. of T&M Protection Resources, LLC at (212) 916-8852 or via email at lkirschstein@tmprotection.com.

The School has designated and trained specific faculty and staff members as “Point Persons” who share the responsibility for receiving, responding to and investigating abuse and sexual harassment complaints with coordination and direction provided by the director. The designated Point Person(s) are: the members of the school’s administrative leadership team, the school’s nurses and psychologists, and the following members of the faculty (one per division.)

- Phil Kassen, Director - pkassen@lrei.org
- Mary Young, Director of Admissions – myoung@lrei.org
- Cari Kosins, Director of Afterschool and Summer Programs - ckosins@lrei.org
- Josh Marks, CFO – jmarks@lrei.org
- Jenny Well, Director of Advancement – jweil@lrei.org
- Mark Silberberg, Director of Learning and Innovation – msilberberg@lrei.org
- Faith Hunter, Lower School Principal – fhunter@lrei.org
- Alisa Soriano, Lower School Assistant Principal - asoriano@lrei.org
- Ana Fox Chaney, Middle School Principal - achaney@lrei.org,
- Margaret Andrews, Middle School Assistant Principal - mandrews@lrei.org
- Margaret Paul/Allison Isbel, High School Principals – mpaul@lrei.org, aisbell@lrei.org
- Ava Dawson, Sixth Avenue Nurse – adawson@lrei.org
- Joanne MacDonald, Charlton St. Nurse - jmacdonald@lrei.org
- Linda Perlmutter, Charlton St. Nurse – lperlmutter@lrei.org
- Judy Lambek, LS Psychologist – jlambek@lrei.org
- Dr.Chelsea Risner, MS/HS Psychologist Maternity Leave Replacement– crisner@lrei.org
- Barbara Charriez, Assistant to the Director - bcharriez@lrei.org
All point people are available at the school’s main number, (212) 477-5316 or via email.

If a complaint is brought to a Point Person or to T&M Protection Resources under this policy, the Point Person or T&M Protection Resources must alert the director who, in turn, will alert the Chair of the Board. If the director is the subject of the allegations, the Point Person or T&M Protection Resources should alert the Chair of the Board. Upon a determination that an allegation appears substantiated (as described in the Investigations section below), the Chair of the Board will alert the Executive Committee which may, in turn, alert the Board of Trustees.

**Reporting Adult Sexual Misconduct/Harassment/Assault**

Any student who believes that they have been or are being sexually harassed/assaulted by a student or who has witnessed an incident of sexual harassment by a fellow student should take the following steps to report the incident:

**LREI Sexual Harassment/Assault Reporting Procedures for Students**

- **A student may report the incident using the reporting form included in this section. The student (reporter) can also fill out the form with the Point Person to whom they report. The Point Person is a trained interviewer. The student may report to T&M Protection Resources as set forth herein.**
- **The Point Person reviews the report and holds a conversation with the reporter; the Point Person makes notes about the conversation/report.**
- **Point Person notifies the director and/or school director (unless they are the subject of the report). The director of the school will notify the chair of LREI’s Board of Trustees.**
  - The director and/or school director may seek advice from the school’s attorneys and/or other outside professionals including but not limited to professional investigators.
  - The School may report the incident to law enforcement in accordance with the "Law Enforcement Notification" section below.
  - The respondent will be notified that a report has been made, but the identity of the reporter will remain confidential to the extent possible.
- **The School will work with the student reporter to implement interim support measures for the reporter. The school will try to meet all needs of the reporter to feel safe and comfortable.**
- **The School will notify the parent(s) of the reporter and provide the parent(s)**
- **The investigation will be conducted in accordance with the "Investigations" section below.**
- **The investigation that follows a report will consist of a number of conversations with appropriate members of the school community, limiting this group to those that have a knowledge of, or are involved in, the situation at hand.**
- **The school will attempt to keep all investigation matters confidential, to the extent possible.**
- **Once the investigation is complete, a determination will be made by the director of the school.**
- **If the accused is an employee or a volunteer at another school(s), the director will forward the written report to the administrator at the other school(s).**
- **Upon the final determination:**
  - Interim supports will be revised/ updated and a plan for future support will be made
  - The reporter and respondent will be notified of disciplinary repercussions, if any.
  - The parent(s)/ legal guardian(s) will be notified of the final determination
  - The written investigation report will be filed in the Business Office

The School will attempt to protect the privacy of the individuals involved during any investigation, restricting related information on a “need to know” basis. The school will instruct all involved to keep the matters confidential and will not reveal the name of a person who reports about abuse or sexual harassment without that person’s permission, whenever possible.

The School will not retaliate against anyone who reports a violation under this policy or who participates in the investigation of a report. Any person who engages in such retaliation will be subject to disciplinary action up to and including expulsion or termination. Nothing herein is intended to prohibit or discourage any student,
Employee, or Other Adult from reporting outside the School to law enforcement in the event they believe a crime has been committed.

The School recognizes that false accusations of abuse or sexual harassment can cause serious harm to innocent persons. Although the School encourages complaints made in good faith, if an investigation reveals that an Employee or Other Adult knowingly or maliciously accused another person falsely of abuse or sexual harassment, the School will take all appropriate action. Anyone reporting in good faith will not be penalized.

**Parent and/or Guardian Notification**

Whenever a report of abuse or sexual harassment against a student by an Employee or Other Adult has been made, the parent and/or guardian of the student must be promptly notified of the report. The School will keep the parent and/or guardian regularly informed of the progress of any internal investigation, and will provide the parent and/or guardian with a written copy of the findings and recommendations of the investigative body. The School will promptly notify the parent and/or guardian if the appropriate law enforcement authority has been notified of the report. All individuals that are notified will be made known to the reporter and the respondent.

**Investigations**

Following consultation between the student and the Point Person(s), the School, in consultation with outside counsel, the Board of Trustees, and the director's response team (director, chair, Board counsel, divisional principal, CFO) will determine whether further investigation is required. If the allegation appears substantiated, the alleged offender may be placed on administrative leave pending the outcome of any internal or external investigation. The terms of such leave shall be determined by the School. Any investigation will generally be performed by outside counsel or an independently appointed investigation firm. The investigation may include interviews of the complainant, the alleged offender and others. The alleged offender may be asked to respond to the allegations in writing. In addition, other investigative measures, including but not limited to, viewing emails, text messages, photographs, and social media pages or apps may be employed. Employees, other adults, and students are under a duty to cooperate in any investigation pursuant to this Policy.

**Law Enforcement Notification**

If there is reasonable suspicion to believe that an act of child abuse occurred, and in consultation with the school’s outside counsel, the director or the Chair of the Board of Trustees shall immediately report this determination to the appropriate law enforcement authorities, which shall include the New York City Police Department and the New York County District Attorney. Where the alleged incident of abuse assault or sexual harassment has occurred in a location other than New York, the appropriate law enforcement authorities in that location will also be notified. Whenever law enforcement has been notified, the victim's parent must also be notified as required by the parent notification procedure above. The School will also notify the districts for which the accused is licensed, if any.

**Discipline**

If it is determined that the School’s policy prohibiting abuse has been violated, the School will take disciplinary action against the offender. Such action may include, but is not limited to probation, suspension or termination of employment.

While the School may have limited authority to investigate and/or discipline allegations of abuse or sexual harassment against other adults, the School expects such individuals to comply, and will explore remedial action if it found that such an individual violated this Policy. In cases of other adults, the School may notify appropriate law enforcement authorities without an investigation and without a determination that the allegation appears substantiated.

The School’s administrators may not withhold from law enforcement or other authorities the fact that there was an allegation of child abuse as part of any agreement with the accused.

If any Employee or Other Adult with actual knowledge of or reasonable cause to suspect that any student has been the victim of abuse or sexual harassment by an Employee or Other Adult fails to report such abuse or
assault or sexual harassment as set forth in this Policy, or fails to cooperate in an investigation of an allegation pursuant to this Policy, such individual may be subject to discipline up to and including termination of employment for Employees, or termination of the relationship with the School or other remedial action in the School's discretion for Other Adults. Any student with actual knowledge of or reasonable cause to suspect that any student has been the victim of abuse or assault or sexual harassment by an Employee or Other Adult fails to report such abuse or assault or sexual harassment as set forth in this Policy, or fails to cooperate in an investigation of an allegation pursuant to this Policy, may be subject to discipline.

Recordkeeping

The School will maintain records of complaints of abuse or sexual harassment and any subsequent investigation. Access to these files (investigation reports, notes, reporter forms, etc.) is strictly limited to those with a need-to-know, and will be kept in the Business Office. All reports and associated materials will only be disclosed to law enforcement authorities involved in an investigation or as required by law.

Mandated Reporting

If there is an allegation of abuse or sexual harassment by a parent or legal guardian with respect to their own child, the School's Mandated Reporting Policy will supersede this policy and apply.

-Approved by the Board September 26, 2018
REPORT OF STUDENT / STUDENT and ADULT / STUDENT
SEXUAL HARASSMENT/ASSAULT

NAME OF REPORTER: _______________________________________________________________

GRADE: _______________________________________________________________

DATE: _______________________________________________________________

PERSON COMPLETING THE FORM IS A (please check one):

☒ Reporter
☒ Witness

Name of the student(s) who you believe is responsible for the harassment/assault:

___________________________________________________________________________________

Date(s), time(s) and place the incident occurred (approximate dates are acceptable):

___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

Please describe the incident(s) as clearly and with as much detail as possible (Use additional sheet if necessary).

___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

If you believe that the behavior you are reporting is bias-based, please check the boxes below that apply.

☒ Color
☒ Ability
☒ Ethnicity/National Origin
☒ Citizenship/Immigration Status
☒ Socioeconomic Status
☒ Gender Identity/Gender Expression
☒ Race
☒ Religion
☒ Sexual Orientation Gender/Sex
☒ Weight
☒ Other: _____________________

If you would like to explain the relationship between your identity and the harassment/assault you may.

___________________________________________________________________________________

___________________________________________________________________________________
Were you or the target of harassment/assault absent from school as a result of the incident?
- Yes  - No

If yes, how many days were you or the target of harassment/assault absent from school as a result of the incident?
___________________

Please list any witnesses who were present or who have knowledge about the incident.
____________________________________  ______________________________________
____________________________________  ______________________________________
____________________________________  ______________________________________

Any additional information you would like to provide?
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

Did a physical injury result from this incident? Place an X next to one of the following:
- No
- Yes, but it did not require medical attention
- Yes, and it required medical attention
- Yes, and medical attention will be sought

Did a psychological injury result from this incident? Place an X next to one of the following:
- No
- Yes, but psychological services have not been sought
- Yes, and psychological services have been sought
- Yes, and psychological services will be sought

Signature of Reporter: __________________________ Date: ______________

Received by:

Name: __________________________________ Title: _____________________________
Date: ________________________________