

NCSY CONDUCT POLICY AND BEHAVIORAL STANDARDS

NCSY is committed to providing a safe and appropriate environment for all participants and employees. All NCSY Staff members are expected to positively contribute to this environment.

As part of NCSY's goal of deepening Jewish identity and encouraging greater Torah commitment, all NCSY Staff shall encourage participants' self-confidence, rooted in self-competence. NCSY should endeavor to help the adolescents in their charge grow and become who they can be within their familial context.

NCSY Staff must work to maintain and ultimately enhance participants' relationships with and respect for their parents, and work to help children learn how to develop a wide range of good relationships with peers, school personnel, and members of their community. When a conflict arises between NCSY and parents a mediating authority agreeable to both should be consulted. NCSY Staff should encourage respect for diversity and multiple sources of guidance in those NCSYers for whom they serve as mentor.

To achieve these goals, all NCSY Staff and NCSYers are expected to adhere to the Conduct Policy and Behavioral Standards in this document. This policy applies to all NCSY operations and programs, as well as to contacts between Staff, or between Staff and members, that take place outside the context of NCSY.

NCSY will send a copy of this Conduct Policy and Behavioral Standards to all Synagogue Rabbis, Presidents, and Youth Chairpersons of synagogues sponsoring Chapters. It is essential that all affected persons understand the policy and how to respond if they feel they are being harassed or abused.

NCSY as an organization, and all NCSY Staff as individuals, are committed to the NCSYers physical safety, and to respecting modesty and dignity regarding all personal and sexual matters in both deed and word. NCSY Staff must refrain from any deed or word that is injurious or demeaning in these matters.

Any allegations of abuse or harassment should be reported promptly to the NCSY National Ombudsman at 212-613-8361 or if the complainant is more comfortable they can contact their Regional Director or the National Director according to the procedure at the end of this document.

None of the above-mentioned reporting normally constitutes impermissible Lashon HaRa or any violation of any other Jewish Laws of Proper Speech. NCSY will not retaliate in any way against any Staff member, NCSYer or parent who reports a violation, or who assists in the investigation of a complaint.

HALAKHA

Halakha (Jewish Law) must be observed by all participants at all NCSY events. Shabbat must be observed at all times during a Shabbaton, whether during group programs or free time.

All halakhot of physical contact (Negiah) must be observed at *all* times. Physical contact between members of the opposite gender is prohibited except to protect or safeguard someone in immediate physical danger, or to protect or safeguard synagogue or private property from immediate danger.

All halakhot of **Yichud** must be followed at all times. NCSY discourages activities and situations that leave two individuals alone, even when the technical violation of Hilkhos Yichud is not involved.

While respect can be communicated by gesture and tone of voice, language is the most powerful tool for conveying it. Nekiyut HaLashon , cleanliness of language, serves as the standard that should guide everyone. Words should be chosen with regard to their impact upon the listener, and should confirm his or her sense of self-worth.

UNACCEPTABLE BEHAVIOR

While the overwhelming majority of interactions between NCSY Staff and NCSYers fall well within the range of normal healthy relationships, certain behavior should be regarded as incompatible with NCSY s goals and standards and therefore always prohibited.

The following behavior is incompatible with NCSY s goals and is therefore unacceptable:

- mocking, ridiculing, berating, or any other speech that deliberately hurts the feelings of an NCSYer,
- unwanted sexual attention in the form of remarks, jokes or innuendo about a person's body or clothing, or sexual activity,
- denigration, public or private, of parents or their central role in the lives of their children,
- denigration, public or private, of religious institutions or their leaders, including local synagogues and their Rabbis, as well as yeshivot and their administration and faculty,
- psychological manipulation or control of NCSYers by staff. Among the identifying hallmarks of this are attempts to restrict, rather than to widen, the range of resource persons with whom NCSYers develop relationships, and attempts to eliminate parents as critical influences in an NCSYer's life. The psychological health of each NCSYer must be protected just as their physical safety is protected.

ABUSE OR HARASSMENT

Child abuse, Abandonment, Cruelty and Neglect, includes, but is not limited to, unwelcome physical and emotional harassment, and physical injury.

The United States Office of Civil Rights, under Title IX of the Civil Rights Act, defines sexual harassment as unwelcome activity in two categories, which are described further below: Quid Pro Quo Harassment and Hostile Environment Harassment.

SEXUAL ABUSE includes, but is not limited to:

- any demeaning or exploitative behavior of a sexual nature, including threats of such behavior,
- displaying demeaning, suggestive, or pornographic material,
- unwelcome physical contact, such as inappropriate touching, patting, pinching, punching, and physical assault,
- indirect or explicit invitations to engage in unwelcome sexual activities which may or may not include a promise of reward for complying or a threat of reprisal for not complying.

Sexual abuse or harassment shows no preference for age, race, appearance, or occupation. It usually happens to females, but males may be victims, too. The abuser/harasser and victim may be of opposite sex or the same sex. It may involve the abuse of:

- an NCSYer by a paid or volunteer staff member,

- an advisor by a regional or national staff member or another advisor,
- a staff member by another staff member,
- an advisor or staff member by an NCSYer,
- an NCSYer by another NCSYer.

HARASSMENT is defined as unwelcome physical, verbal, visual, or behavioral mannerisms or conduct that denigrates, shows hostility or aversion towards an individual because of his or her sex or other legally protected characteristics, where

- submission to or rejection of such conduct is made (explicitly or implied) a term or condition of employment, maintaining their volunteer position (chapter board, regional board, etc.), participation in NCSY activities or the granting of preferential treatment (awards, recommendations, scholarships, etc.) This is known as Quid Pro Quo Harassment ;
- submission to or rejection of such conduct by an individual is used as a basis for evaluation in making personnel or leadership decisions affecting an individual. This is also known as Quid Pro Quo Harassment ;
- such verbal or physical conduct has the effect of interfering with an individual's work, participation in NCSY activities, or living conditions, or creates an intimidating, hostile, or offensive environment. This is commonly known as Hostile Environment Harassment .

WELCOMENESS

Conduct is unwelcome if the recipient did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.

If younger children are involved, it may be necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they may or should reasonably object and the degree to which they can articulate an objection.

NCSY is particularly concerned about harassment by a person in a position of authority, since in these cases victims often feel less able to express that the conduct is unwelcome.

SEVERITY, PERSISTENCE and PERVASIVENESS

Hostile environment sexual harassment is created if conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit the victim's ability to participate in or benefit from the educational program or to create a hostile or abusive educational environment.

GENDER BASED HARASSMENT

Sexual harassment may occur between members of the same or opposite sex. Further, harassment based on a person's sex is not limited to instances involving sexual behavior. That is, harassment on the basis of sex may occur without sexual advances or sexual overtones when conduct is directed at individuals or groups because of their sex. This is often referred to as sex or gender harassment and violates this policy.

INDIRECT HARASSMENT

A person does not have to be the direct and immediate target of sexual harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning or disruptive as to constitute a hostile environment, though not specifically directed at the observer or individual lodging the complaint.

POWER-IMBALANCED ROMANTIC RELATIONSHIPS

The difference in power and the respect and trust that is often present between an advisor and NCSYer, supervisor and subordinate, or senior and junior colleague in the same department or unit makes these sexual relationships especially vulnerable to exploitation. Those who abuse their power in such circumstances by, for example, granting preferential treatment to a member who has submitted to sexual favors may be found to have violated this policy. Voluntary participation in a romantic relationship does not alone demonstrate that a romantic partner's conduct was welcome.

DATING

Attempts by NCSY Staff to establish a dating relationship with an NCSYer are strictly prohibited, with no exceptions, as they are contrary to a healthy mentor-NCSYer or supervisory relationship. A dating relationship is not only incompatible with mentoring and supervising, but can also give the impression of coercion, and can lead to at least the appearance of playing favorites. In addition, a dating relationship between an NCSY Staff person and an NCSYer may fall into the category of a power-imbalanced romantic relationship.

Therefore, violations of this prohibition are grounds for immediate dismissal.

It is understood that dating between Staff members might also potentially fall under the cat-

egory of power-imbalanced relationships. However, understanding the importance of such interactions, rather than prohibiting outright all such relationships, it is the responsibility of the Regional Director to the best of his or her ability to monitor all such relationships to assure that they not fail this critical test.

PERMITTED PHYSICAL CONTACT

NCSY Staff and an NCSYer of the same gender, or two NCSYers of the same gender, are welcome to engage in normal physical contact such as hugging or touching as an act of encouragement or consolation. This is permitted as long as the contact is both welcome and appropriate and not of a sexual nature.

Similarly, normal aggressive contact, such as that which would take place in a basketball or football game, or arm-wrestling is permitted as long as the activity is appropriate, welcome, and is not of a sexual nature.

DISCIPLINE

All NCSY Staff present at an event are expected to help the program organizers run their programs. All NCSY Staff members are expected to keep order and usher NCSYers in a respectful but firm manner. Should an NCSYer remain uncooperative, the Staff member involved should inform the Regional Director or person running the event for disciplinary procedures.

PHYSICAL FORCE

Physical force may never be used other than to safeguard against immediate physical danger to another person, to a sacred religious object, or to property if the results of damaging the property would cause physical danger to an individual. It certainly may never be used as a means to discipline a recalcitrant NCSYer.

MANIPULATION AND CONTROL

NCSY is committed to fostering healthy teen development, development of Torah middot, respect for all parents, respect for Torah institutions, and respect for all people. While teenagers often begin to rely more on peers as they attempt to establish their independence, NCSY should encourage the long-term primary role of family in the NCSYer's life.

NCSY regards the following as important to healthy adolescent development:

- Recognizing that the chief goal in parent-child relations is the transformation of the relationship from one in which parents decide for children to one in which children learn to make sound and informed decisions with their parents as their most valued advisors,
- Helping the NCSYer to develop self-confidence rooted in self-competence as he or she

expands the range of skills that he or she can successfully employ, and the range of people and resources upon which he or she can draw.

In keeping with these goals, all NCSY Staff should always speak respectfully when addressing or speaking about NCSYers, their parents, their schools, Rabbis, shuls, etc. In addition, they should be sensitive to issues that may arise and foster respect for a person's right to a varying point of view. NCSY staff should listen and help NCSYers clarify their thoughts, concerns and feelings and attempt to inspire greater Torah observance. However, they should avoid coercing NCSYers by:

Applying negative pressure and fear to achieve a desired result. For example making an NCSYer feel that he or she will not be accepted if an undesired conclusion is reached.

Exerting emotional encouragement so strongly that the individual perceives emotional pressure.

Making the NCSYer to staff relationship conditional upon their decision.

Adolescent life is often a time of turmoil, distress and conflict. Extreme reactions to people, places and things are quite common during this stage of development. NCSY Staff must be especially careful not to allow an adolescent's normal occasional tendency toward hero worship to be transformed into an unhealthy relationship with a member of NCSY Staff. NCSY Staff shall be sensitive to such situations as they develop, and will endeavor to see that NCSYers are referred to the appropriate resources for assistance in dealing with them.

If it is brought to the attention of an advisor that his/her attempt to recommend a particular school or program is causing conflict with the parents of the NCSYer then the advisor should inform the Regional Director who should then consult with the NCSYer's parents.

NCSY PARTICIPANT BEHAVIORAL STANDARDS

In addition to adherence to the above policies and standards, NCSYers also have a responsibility to conduct themselves properly at all NCSY events and in all NCSY interactions.

The most important elements in proper NCSYer behavior are to treat both NCSY Staff and each other with the personal respect that lies at the heart of healthy personal relationships, and to follow Staff directions and instructions.

Events, that involve both trips and multiple chapters present require tight organization and diligent compliance. Clear organization and complying promptly with directions and instructions are vital to both the success of the particular event and the safety of the participants.

If an NCSYer violates the rules, or in any emergency situation which occurs at such an event, the Regional Administrator in charge of the event shall take whatever action he or she deems necessary within the parameters of this policy, and as soon as possible afterwards shall report the entire matter to the Regional Director, who shall promptly report it to the local Adult communal leader of the NCSYer's Chapter, and if necessary, to the NCSYer's parents.

Adult communal leaders should take lead responsibility, in consultation with NCSY, to inform parents of serious NCSYer misconduct, especially any misconduct that may lead to an NCSYer's suspension or expulsion, even though the misconduct itself is not illegal. The Adult communal leaders may seek assistance, where necessary, from outside consultants and mental health professionals, as well as from NCSY Staff where appropriate.

UNACCEPTABLE BEHAVIOR

Beyond making mutual respect the cornerstone of personal relationships, and beyond following directions and instructions, there are specific behavioral standards that apply to NCSYers.

- _ NCSYer abuse of staff will not be tolerated.
- _ Any behavior that threatens the safety of program participants will not be tolerated.
- _ Violence, depending on the seriousness of the act, may also result in referral to law enforcement authorities.
- _ Foul, obscene or profane language of any sort (verbal, written or electronic) is unacceptable.
- _ Smoking at an NCSY event may be grounds for immediate dismissal from the event at the earliest practical time.
- _ Drinking of alcoholic beverages at an NCSY event may be grounds for immediate dismissal from the event at the earliest practical time.
- _ Use of illegal drugs and controlled substances at an NCSY event is grounds for immediate dismissal from the event at the earliest practical time, and may be subject to further disciplinary action.
- _ Bringing illegal weapons (such as guns, switchblades, sharpened box cutters, and sharpened screwdrivers) to an event will result in confiscation of the weapons, expulsion from the event at the earliest practical time, and may also be referred to the appropriate law enforcement authorities. Other items that are intrinsically dangerous will be confiscated for the event, and those who brought them may be subject to further disciplinary action. (Swiss Army knives, or small pocket knives, which are as much tools as knives, are generally permitted. In specific situations, however, the Regional Administrator in charge of the event may confiscate them at his or her discretion for the period of the event.)

NCSY Staff shall be sensitive as to which breaches of standards indicate the need to refer the problem to professional outside resources for further resolution.

Procedures of the office of Ombudsman

Reporting Procedures

The Orthodox Union Board of Trustees through its subcommittee National Youth Commission created the Office of the Ombudsman (“Ombudsman”) to receive reports or complaints of harassment or abuse or any violation of the standards herein from any individual or victim of harassment. If the complaint involves the Ombudsman, it should be filed directly with the Chairperson of the Board of Trustees.

Any NCSY student or staff member, who believes she or he has been the victim of harassment or any third person (including but not limited to a parent or guardian of a minor) with knowledge or belief of conduct that may constitute harassment should report the alleged acts immediately (or at any later date that he or she feels comfortable) to the NCSY Ombudsman as designated by this policy. Anyone with a complaint may also contact the Regional or National Director if that is more comfortable. NCSY encourages the reporting party or complainant to use the report forms available from any NCSY Regional Office; however, use of the formal reporting form is not mandatory.

Any NCSY staff member who has or receives notice that a student member has been the victim of harassment is required to immediately report the alleged acts to the NCSY Ombudsman as designated by this policy

NCSY will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with NCSY’s legal obligations and the necessity to investigate allegations of harassment and take disciplinary and other appropriate action, as necessary. No person named in a complaint will have any part of the review of that complaint. Submission of a complaint or report of harassment will not affect the future membership or status of any individual with NCSY.

Complainants should report any alleged acts of harassment directly to the Ombudsman. However, if the Regional Director receives a report, the Regional Director must notify the Ombudsman within 24 hours without screening or investigating the report. The Regional Director may request but may not insist upon a written complaint. As soon as practical, the Regional Director will forward a written statement of the facts alleged to the Ombudsman. If the report was given verbally, the Regional Director shall personally reduce it to written form within 72 hours and forward it to the Ombudsman. Failure of the Regional Director or any NCSY staff member to forward any harassment report or complaint as provided herein, will be considered a breach of responsibility.

Investigation and Recommendation

The Ombudsman, upon receipt of a report or complaint alleging harassment shall immediately conduct an investigation. Due to geographic constraints the ombudsman will arrange to have a group of three professionals recommended by the youth commission of each region outside the New York metropolitan area and approved by the Ombudsman, consisting of a rabbi, attorney and a mental health professional available to assist if necessary in the investigation supervised by the Ombudsman. Regions in the New York metropolitan area will utilize those professionals from among members of the National Youth Commission. The Ombudsman shall promptly notify the NCSY National Director and the relevant Regional Director once a complaint has been made and shall provide a written report of the status of the investigation to the NCSY National Director within 10 working days. If the report or complaint involves the National Director or the Regional Director, the Ombudsman shall notify the Chairperson of the Board of Trustees or its subcommittee National Youth Commission and provide the written status report to the Chairperson. The right to confidentiality of both the complainant and the accused will be respected consistent with NCSY’s legal obligations and the necessity to investigate allegations and punish substantiated misconduct.

In determining whether alleged conduct constitutes harassment, the surrounding circumstances, the nature of advances, relationships between the parties involved and the context in which the alleged incidents occurred should be considered. Whether a particular action or incident constitutes harassment requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have the knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of documents deemed pertinent by the Ombudsman.

NCSY may take immediate steps, at its discretion, to protect the complainant, as well as other NCSY members, pending completion of an investigation of alleged harassment.

The Ombudsman shall make a report to the NCSY National Director and the Board of Trustees or its subcommittee National Youth Commission upon completion of the investigation. A verbal report shall also be given to the accused and the complainant and/or his or her parents. The ombudsman shall use discretion and seek legal advice to determine if the report will be presented in writing.

NCSY Action

Upon receipt of a recommendation that a report or complaint of harassment is substantiated, the Board of Trustees or its subcommittee National Youth Commission will take such disciplinary action as it deems necessary and appropriate, including issuance of a warning, a suspension or immediate discharge to end the harassment and prevent its recurrence.

NCSY will verbally report the result of the investigation and any disciplinary action taken as a result of the complaint to the accused and the complainant and/or his or her parents. The ombudsman shall use discretion and seek legal advice to determine if the report will be presented in writing.

NCSY would like to thank and give credit to all the many people who contributed to this document.