

BAIS YAAKOV SCHOOL FOR GIRLS
SCHOOL CONDUCT POLICY AND BEHAVIORAL STANDARDS

I. INTRODUCTION

A. Bais Yaakov School for Girls, from this point forward BYSGF, is committed to providing a safe and appropriate environment for all BYSGF Staff Members¹ and BYSGF students. All BYSGF Staff Members and BYSGF students are expected to positively contribute to this environment. To facilitate these contributions, BYSGF has adopted this School Conduct Policy and Behavioral Standards (the “Conduct Policy”) setting forth certain responsibilities and obligations of BYSGF Staff Members and BYSGF students regarding interpersonal conduct and relationships.

B. Childhood, especially adolescence, is often a time of turmoil, distress and conflict. As part of BYSGF’s educational goals, all BYSGF Staff Members must encourage BYSGF students’ self-confidence and self-competence, and help BYSGF Students grow to increase their potential within their school, family and community. BYSGF students must behave in a manner that facilitates their personal growth and development as well as the growth and development of all BYSGF students.

C. This Conduct Policy sets forth certain Behavioral Standards, reporting obligations and other responsibilities of BYSGF Staff Members and BYSGF students, and an outline of the procedures available to BYSGF, BYSGF Staff Members and BYSGF students relating to complaints regarding alleged violations of the Behavioral Standards, investigation of such complaints, and enforcement of the Conduct Policy.

D. Although voluminous rules and procedures could be written for all possible circumstances, this Conduct Policy focuses on situations, which, if unremedied, are likely to be damaging to BYSGF students. The Conduct Policy is not intended to supersede the authority and responsibility of the principals of each division of BYSGF (each a “Principal”) to manage their respective BYSGF divisions on a day to day basis, nor is the Conduct Policy intended to be the sole and exclusive source of rules governing BYSGF personnel and student policies.

E. All questions or comments regarding the Conduct Policy may be directed to one or more persons listed on attached Exhibit B.

II. BEHAVIORAL STANDARDS AND OTHER RESPONSIBILITIES

A. Behavioral Standards. The following behavior is incompatible with BYSGF’s educational goals and is therefore always prohibited, without regard to the location, time or frequency with which such behavior occurs:

¹ Exhibit A includes a definition for this and other capitalized terms.

1. “Abuse”, including (A) physical injury or Mental Injury of any child under 18 by a BYSGF Staff Member or BYSGF student (in each case, without regard to whether such BYSGF Staff Member or student was a BYSGF Staff Member or student at the time such behavior occurs), under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed; and (B) sexual abuse of any child under 18 by a BYSGF Staff Member or BYSGF student (in each case, without regard to whether such BYSGF Staff Member or student was a BYSGF Staff Member or student at the time such behavior occurs), whether physical injuries are sustained or not, including any act that involves sexual molestation or exploitation, including (without limitation):

- (i) any demeaning or exploitative behavior of a sexual nature, or threats of such behavior;
 - (ii) displaying demeaning, suggestive or pornographic material;
 - (iii) improper physical contact, such as inappropriate touching, patting, pinching, punching or physical assault;
 - (iv) indirect or explicit invitations to engage in sexual activities which may or may not include a promise of reward for complying or a threat of reprisal for not complying;
 - (v) fondling, incest, rape, or sexual offense in any degree;
- and/or
- (vi) unnatural or perverted sexual practices.

Any conduct which meets the preceding definition of sexual abuse shall be prohibited conduct whether or not such conduct was consensual.

2. “Neglect”, including leaving any child under 18 unattended, or other failure to give proper care and attention to any child under 18, by a BYSGF Staff Member or BYSGF student (in each case, without regard to whether such BYSGF Staff Member or student was a BYSGF Staff Member or student at the time such behavior occurs), under circumstances that indicate that the child’s health or welfare is harmed or placed at substantial risk, or that Mental Injury to the child, or substantial risk of such Mental Injury, may result.

3. “Harassment”, including physical, verbal, visual or behavioral mannerisms or conduct by a BYSGF Staff Member or BYSGF student (in all cases, with or without sexual advances or sexual overtones) that denigrates or shows hostility towards any BYSGF student or BYSGF Staff Member because of such person’s sex (excluding sexual orientation), race, national origin, age, or disability where:

- (A) submission to, or rejection of, such conduct is (i) made (explicitly or implicitly) a term or condition of enrollment as a BYSGF student,

employment or engagement as a BYSGF Staff Member, participation in BYSGF activities or granting of preferential treatment (for example, awards, recommendations, scholarships); or (ii) used as a basis for evaluation in making personnel or leadership decisions affecting a BYSGF student or a BYSGF Staff Member, or

(B) such conduct is severe, persistent or pervasive and has the effect of interfering with a BYSGF student's schooling or a BYSGF student's or BYSGF Staff Member's work, participation in BYSGF activities or living conditions, or such conduct creates an intimidating, hostile or offensive educational environment.

4. A BYSGF Staff Member mocking, ridiculing, or berating a BYSGF student if such conduct is severe, persistent, or pervasive.

5. Any sexual attention by a BYSGF Staff Member to a BYSGF student in the form of remarks, jokes or innuendo about a BYSGF student's body or clothing, or about sexual activity.

6. Any psychological manipulation or control of a BYSGF student by a BYSGF Staff Member, including (without limitation) (A) attempting to restrict, rather than widen, the range of resource persons with whom a BYSGF student develops relationships, or (B) attempting to eliminate a BYSGF student's parents as critical influences in the life of the BYSGF Student, or (C) implying that the relationship between a BYSGF Staff Member and BYSGF student is conditional upon the conformity of the BYSGF student to a particular point of view, in each case, if such conduct is severe, persistent or pervasive.

7. A BYSGF Staff Member using physical force against a BYSGF student, except (A) to safeguard against immediate physical danger to any person, to a sacred religious object, or to property if the result of damaging such property is reasonably likely to cause physical danger to a person, or (B) normal physical contact (such as hugging or touching) as an act of encouragement or consolation, within the bounds of Halacha and common sense, or (C) normal aggressive contact (such as contact in a basketball or football game, or arm-wrestling), within the bounds of Halacha and common sense.

B. Student Discipline. BYSGF Staff Members are expected to keep order and control their BYSGF students in a respectful but firm manner. Physical force may never be used to discipline a recalcitrant student.

C. Parental Influences. If a BYSGF Staff Member is aware that such BYSGF Staff Member's attempt to advise a BYSGF student is causing conflict with the parents of such student, such BYSGF Staff Member must inform such BYSGF Staff Member's Principal who should then consult with the student's parents.

D. BYSGF Student Behavior. In addition to complying with this Conduct Policy's prohibition against Abuse, Neglect and Harassment, each BYSGF student must conduct himself properly at all times in and out of school, in accordance with specific

guidelines set forth in various BYSGF student handbooks. The most important elements of proper BYSGF student behavior are (1) treating BYSGF Staff Members and BYSGF students with the personal respect that lies at the heart of healthy personal relationships, and (2) following directions and instructions of BYSGF Staff Members so long as such directions and instructions are not harmful to such BYSGF students or others.

E. Cooperation. All BYSGF Staff Members and BYSGF students are required to fully cooperate with any and all Investigations, including, without limitation, disclosing all relevant information of which they are aware to Principals, the individual serving as BYSGF's Ombudsman (the "Ombudsman"), the Chief Operating Officer (COO), BYSGF's President of the Board (the "BYSGF President"), BYSGF's Board of Directors (the "BYSGF Board"), any committee of the BYSGF Board, or any other person selected by the Ombudsman to conduct an investigation (an "Investigator").

F. False Reports. While reporting violations of this Conduct Policy is encouraged and required, BYSGF Staff Members, BYSGF students, and parents of BYSGF students are expected to understand that false reports of violations of this Conduct Policy are likely to be damaging to the individual falsely accused. Consequently, all BYSGF Staff Members and BYSGF students are prohibited from knowingly making a false report of any violation of this Conduct Policy.

G. Training and Compliance. All BYSGF Staff Members are required to attend all training programs relating to this Conduct Policy to be provided from time to time by BYSGF. In addition, all BYSGF Staff Members are required to know and comply with all provisions of this Conduct Policy.

III. REPORTING OBLIGATIONS

A. General. All BYSGF Staff Members and BYSGF students recognize and understand that none of the reporting obligations set forth in this Conduct Policy constitutes impermissible Lashon Hara or any other violation of other Halachos of Proper Speech. BYSGF will not retaliate in any way against any BYSGF Staff Member, BYSGF student or parent of a BYSGF student who, in good faith, (1) reports a violation of this Conduct Policy by a BYSGF Staff Member or BYSGF student, or (2) cooperates with any investigation of any suspected violation of this Conduct Policy.

B. Reporting to BYSGF. Any BYSGF Staff Member or BYSGF student who has reason to believe that conduct by a BYSGF Staff Member or BYSGF student constitutes a violation of any of the Behavioral Standards must report the alleged conduct immediately (in the case of a BYSGF Staff Member with such belief) or as soon as reasonably practicable (in the case of a BYSGF student with such belief). Such Report must be made either (1) orally, to the Ombudsman (by leaving a voicemail message at the Ombudsman's phone number listed on Exhibit B) to any Principal, to the COO, to the BYSGF President or to the Vaad HaChinuch Chairman (by leaving a voicemail message at such Principal's or COO's phone number listed on Exhibit B), or (2) in writing to the Ombudsman and to any Principal, the COO, the BYSGF President or to the Vaad

HaChinuch Chairman (in each case, by delivering a completed copy of the report via email to the address of the Ombudsman and any other individual set forth in Exhibit B).

C. Reporting to Government. Each BYSGF Staff Member is required to be aware of, and comply with, legally mandated reporting requirements in the event such BYSGF Staff Member has reason to believe that (1) a BYSGF Staff Member or BYSGF student has committed Abuse or Neglect, or (2) a BYSGF student is a victim of Abuse of Neglect.

(1) Currently, Maryland law does not require proof that Abuse or Neglect has occurred before reporting a suspected incident, and incidents must be reported as soon as there is reason to believe that Abuse or Neglect has occurred. A BYSGF Staff Member who fails to report suspected Abuse or Neglect may be subject to professional sanctions by applicable licensing boards, in addition to action by BYSGF in accordance with Section IV of this Conduct Policy. Failure to report may be prosecuted under certain circumstances.

(2) In addition to, and without limiting, the reporting obligations set forth in the preceding paragraph “(B)” of this Section III, Maryland law requires BYSGF Staff Members to make an oral and written report to the local department of social services, or, in the case of Abuse, to local law enforcement, not later than 48 hours after the contact that revealed the suspected Abuse or Neglect. If the following information is known by the reporting BYSGF Staff Member, it must be included in any report: (i) names and home addresses of the BYSGF student, both parents and any other individual responsible for the care of the BYSGF student; (ii) the present location of the BYSGF student; (iii) the names and ages of other children in the home; (iv) the specific nature and extent of Abuse or Neglect; and (v) any information known to the reporting BYSGF Staff Member of possible previous Abuse or Neglect.

(3) The United States Department of Health and Human Services offers the following website and hotline for information on applicable laws at http://www.childhelpusa.com/get_help and 1-800-4-A-CHILD (1-800-422-4453). The State of Maryland website is at <http://www.dhr.state.md.us/cps/mandated.htm>.

(4) In the event a BYSGF Staff Member is the person alleged to have committed Abuse or Neglect with respect to a BYSGF student, a Principal shall, if given permission by the investigating government agency, promptly (normally prior to the end of the next school day) inform the BYSGF student’s parents/legal guardians of the situation and the referral to the investigating agency.

(5) Maryland law provides immunity for persons reporting Abuse or Neglect, in good faith.

D. BYSGF Student Misconduct. Principals have responsibility to inform parents of a BYSGF student’s misconduct, especially any misconduct that may lead to a BYSGF student’s suspension or expulsion, even if such misconduct is not illegal.

Principals may seek assistance, if necessary, from mental health professionals or other outside consultants.

E. Ombudsman. The BYSFG Executive Board created the Office of the Ombudsman to receive Reports, coordinate Investigations, report the findings of Investigations to the BYSFG President, and perform other functions set forth herein. The Ombudsman will be appointed by vote of the BYSFG Executive Board, on a yearly basis, and serves at the discretion of the BYSFG Executive Board. All Reports of violations of any of the Behavioral Standards by the Ombudsman must be made directly to the BYSFG President.

F. Confidentiality. The existence and contents of any Report (including, without limitation, the names of the person making the Report, the alleged violator and alleged victim) may be disclosed by BYSFG, a BYSFG Staff Member, a BYSFG student, and/or other persons acknowledging acceptance of this Conduct Policy (in accordance with Section V.E. hereof) only to the extent (1) necessary for the Investigator to fully investigate allegations in the Report, (2) necessary for BYSFG to take disciplinary and other actions in response to such Report, and/or (3) otherwise permitted by law (solely in the case of disclosure by BYSFG) or otherwise required by law (in all other cases).

IV. INVESTIGATION AND ENFORCEMENT

A. Ombudsman and Principals. No later than one business day after receipt of any Report, the Ombudsman and/or any Principal or COO, receiving such Report shall notify the BYSFG President, all Principals, the COO and the Ombudsman of the existence of such Report, and, in the event the Report was made in writing, circulate a copy of such Report to all such persons. Alternatively, in the event the Report was made orally, the Principal supervising the alleged violator (either a BYSFG Staff Member or BYSFG student) shall prepare a written version of the Report and circulate it to all such persons. In the event a Principal is the alleged violator, such Principal shall be treated in the same manner as any other BYSFG Staff Member who is the alleged violator. In the event a Principal, the BYSFG President, the COO or the Ombudsman is a parent, grandparent, sibling, aunt, uncle or first cousin of either the alleged violator or the alleged victim, such family member shall not receive such Report, and shall not be involved in any related investigation, determination and action.

B. Investigator. As soon as practicable after receipt of a Report, the Ombudsman, in consultation with BYSFG's legal counsel and one or more Principals, the COO and the President shall make a determination as to whether an Investigation of the Report will be conducted by one or more Principals, the Ombudsman, the COO or a third party Investigator selected by the Ombudsman. An Investigation by BYSFG may not occur with respect to any Abuse or Neglect requiring immediate referral to the local department of social services or law enforcement, until BYSFG is cleared to do so by any such government agency.

C. Investigation. The Investigation may consist of (1) personal interviews with the person making the Report, the alleged violator, the alleged victim, and all other

persons the Investigator determines may have relevant knowledge, (2) inspection and review of any files, e-mails and other documents deemed relevant by the Investigator, and/or (3) any other methods deemed appropriate by the Investigator.

D. Experts. In connection with any Investigation, the Ombudsman may arrange to have BYSFG engage experts (for example, mental health professionals, attorneys, and/or rabbis) to assist the Investigator in conducting the Investigation.

E. Interim Actions. Pending completion of an Investigation, (i) on a weekly basis, the Ombudsman shall inform the BYSFG President of the status of the Investigation, and (ii) the BYSFG President and the BYSFG Board may take such immediate action as they deem, in their sole discretion, appropriate to protect the alleged victim of the alleged violation of Behavioral Standards and other persons.

F. Determination and Enforcement. Upon completion of the Investigation (as determined by the Ombudsman and the Investigator), the Ombudsman and the Investigator shall report the findings of the Investigation to the BYSFG Chairman. Upon receipt of the findings of the Investigation, the BYSFG President and/or the BYSFG Board shall take such action as they deem appropriate, in their sole discretion, including, without limitation, taking no disciplinary action, or alternatively, issuing a warning, suspending the violator, terminating the employment or other relationship between BYSFG and such violator, or any other action to prevent any recurrence of the applicable violation of the Behavioral Standards. In all cases, the Investigator, the BYSFG Chairman and the BYSFG Board may consider all facts and circumstances including, without limitation, (A) the nature, time and frequency of the behavior, (B) past incidents or patterns of behavior, (C) the relationship between the parties, and (D) the context in which the behavior occurred.

G. Other Actions and Enforcement. In the event the BYSFG President and/or the BYSFG Board determines that a BYSFG Staff Member or BYSFG student has violated any such person's obligations set forth in this Conduct Policy (other than violations of the Behavioral Standards), the BYSFG President and/or the BYSFG Board shall take such action as they deem appropriate, in their sole discretion, including, without limitation, issuing a warning, suspending the violator, terminating the employment or other relationship between BYSFG and such violator, or any other action to prevent any recurrence of the applicable violation of this Conduct Policy.

V. MISCELLANEOUS

A. Amendment and Termination. The BYSFG Board may modify or terminate this Conduct Policy, or any portion thereof, at any time, with or without notice.

B. Dispute Resolution.

(1) In the event of any dispute between BYSFG, on the one hand, and any BYSFG Staff Member, BYSFG student or any other person, on the other hand, relating to this Conduct Policy (other than disputes regarding factual issues, with respect

to which the findings, if any, of the Investigator shall be deemed conclusive and binding on all parties), all parties shall use good faith efforts to resolve such dispute; provided, that if such parties do not resolve such dispute within ten (10) days after any party notifies the other parties, in writing, of such party's intent to submit the dispute to arbitration pursuant hereto, such dispute shall be submitted by all parties to arbitration by Rabbi Shmuel Kamenetsky or his designee (the "Arbitrator") in accordance with such rules as may be established by the Arbitrator. The Arbitrator's decision in any such arbitration shall be binding and enforceable by a court of competent jurisdiction. Each party shall be responsible for its own fees, costs and expenses in connection with such arbitration, and each party shall be responsible for one-half of the Arbitrator's fees.

(2) Subject to the preceding clause "(1)", any suit involving any dispute arising under this Conduct Policy may only be brought in the United States District Court for the Northern District of the State of Maryland, or any State of Maryland court having jurisdiction over the subject matter. BYSFG Staff members, BYSFG students and other persons acknowledging acceptance of this Conduct Policy (in accordance with Section V.E hereof) hereby (i) consent to such jurisdiction, and (ii) waive any and all rights which they may have to request a jury trial in any proceeding at law or in equity.

C. Interpretation. In the event of any conflict or inconsistency between this Conduct Policy and any other BYSFG rules governing BYSFG personnel and/or student policies, this Conduct Policy shall control.

D. Separability. Each provision of this Conduct Policy shall be considered separable, and if, for any reason, any provision hereof is determined to be invalid and contrary to any existing or future laws, such invalidity shall not impair the operation of (or affect) those provisions of this Conduct Policy which are valid.

E. Acknowledgment. BYSFG reserves the right to require, from time to time, any and all BYSFG Staff Members, BYSFG students, parents of BYSFG students and certain other persons to acknowledge, in writing, receipt of a copy of, and acceptance of all provisions of, this Conduct Policy.

F. Status. Sent to the Board via e-mail on March 28, 2012 with a comment period ending at the end of business on March 30, 2012, at which time the policy will be adopted.

BYSFG
SCHOOL CONDUCT POLICY AND BEHAVIORAL STANDARDS

EXHIBIT A

Definitions

“Abuse” means (i) in the case of conduct engaged in by a BYSGF Staff Member or BYSGF student, the conduct described as “Abuse” in Section II.A of this Conduct Policy, and (ii) in the case of conduct engaged in by any other person who has permanent or temporary care or custody or responsibility for supervision of a child, or any family member of a child, the same conduct described in the preceding clause (i) engaged in by any such other person.

“Behavioral Standards” means, collectively, the behavior prohibited in Section II.A of this Conduct Policy.

“Investigation” means the investigation of any Report, in accordance with Section IV of this Conduct Policy.

“Mental Injury” means the observable, identifiable and substantial impairment of a child’s mental or psychological ability to function.

“Neglect” means (i) in the case of conduct engaged in by a BYSGF Staff Member or BYSGF student, the conduct described as “Neglect” in Section II.A of this Conduct Policy, and (ii) in the case of conduct engaged in by any other person who has permanent or temporary care or custody or responsibility for supervision of a child, the same conduct described in the preceding clause (i) engaged in by such other person.

“Report” means an oral or written report (with respect to any alleged violation of the Behavioral Standards) made by a BYSGF Staff Member or BYSGF student in accordance with Section III.B of this Conduct Policy.

“BYSFG Staff Member” means each full-time or part-time teacher, administrator, clerk, custodian or other employee of BYSGF, and any independent contractor or volunteer engaged by BYSGF to interact with BYSGF students or conduct Bais Yaakov business.

EXHIBIT B

Contacts

<u>Name</u>	<u>Position</u>	<u>Telephone</u>	<u>Email Address</u>
Dr. Shmuel Markovitz	President	410-653-6379	malkiemarkovitz@hotmail.com
Dr. Yoel Jakobovitz	Chair, Vaad HaChinuch	410-580-0900	jjakobov@pol.net
Rabbi Zalman Nissel	Chief Operating Officer	410-363-3300 x 214	nissel@baisyaakov.net
Rabbi Mendel Freedman	Principal, Elementary School	410-363-3300 x 111	mfreedman@baisyaakov.net
Rabbi Naftoli Hexter	Principal, Middle School	443-548-7700 *	rhexter@baisyaakov.net
Rabbi Yechezkel Zweig	Principal, High School	443-548-7700 **	rabbizweig@baisyaakov.net
Mr. Nachum Hurvitz	Ombudsman	410-635-9048	ombudsman@baisyaakov.net

Notes:

* Press 2 for Middle School, then 0

**Press 1 for High School, then 0