

Ballet Arts Studio
Sexual Abuse and Misconduct Policy

1. Policy Objectives

- a. Ballet Arts Studio is committed to providing its students and employees with an educational environment that is free from sexual abuse and misconduct, and to treating students and employees who report such incidents with dignity and respect.
- b. Ballet Arts Studio has adopted this Sexual Abuse and Misconduct Policy (the "Policy") which defines sexual misconduct and abuse and outlines its training, reporting, investigative, and disciplinary responses to complaints of sexual misconduct or sexual abuse made by its students and employees.

2. Scope

- a. This Policy applies to all students and members of Ballet Arts Studio including persons who manage BAS, teachers, instructors, staff, contractors, and volunteers.
- b. This Policy applies to complaints of sexual violence and/or misconduct that have occurred on the premises of Ballet Arts Studio. The Policy may also apply off-campus if the incident in question affects the safety, integrity and/or other interests of the Ballet Arts community and/or any member of Ballet Arts Studio.

3. Definitions

- a. Sexual abuse and/or misconduct: any sexual act, gesture and language targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes inappropriate language, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
- b. Complainant: the person affected by the sexual abuse and/or misconduct who makes a report under this Policy.
- c. Respondent: the person or group against whom a report has been filed under this Policy.

4. Training

- a. Ballet Arts Studio shall publish a copy of this Policy on its website.
- b. Ballet Arts Studio shall provide a copy of this Policy to its faculty and staff.
- c. Ballet Arts Studio shall provide, or make available to all students and to all faculty and staff, training regarding this Policy and its processes of reporting, investigating and responding to complaints of sexual misconduct involving its members.

5. Supports and Accommodation

- a. Ballet Arts Studio faculty/staff and students affected by sexual abuse and/or misconduct shall receive appropriate support and/or accommodations with respect to disclosures and reports of sexual abuse and/or misconduct. There shall be no fee charged for referrals to off-campus supports.
- b. A Ballet Arts Studio faculty/staff member or student affected by sexual abuse and/or misconduct is not required to report or file a complaint of an incident of sexual abuse and/or misconduct in order to receive or access the supports or accommodations outlined in this Policy.
- c. Ballet Arts Studio shall make available supports for students affected by sexual abuse and/or misconduct. These supports may include assisting students who have experienced sexual abuse in obtaining counseling and medical care, and providing them with information about

sexual abuse supports and services available in the community as set out at the end of this policy.

d. A Ballet Arts Studio faculty/staff member or student affected by sexual abuse and/or misconduct who are seeking supports available in the community should contact the Artistic Director of Ballet Arts Studio.

6. Reporting and Responding to Incidents of Sexual Abuse and Misconduct

a. Students and all Ballet Arts Studio faculty and staff shall report incidents or complaints of sexual abuse and/or misconduct to the Artistic Director upon becoming aware of them.

b. Ballet Arts Studio recognizes the right of the Complainant not to report or make a complaint about an incident of sexual abuse and/or misconduct, the right not to request an investigation and the right not to participate in any investigation that may occur.

c. Notwithstanding (b), in certain circumstances, Ballet Arts Studio may be required by law or its internal policies to initiate an internal investigation and/or inform police, or other authorities, without the Complainant's consent if it believes the safety of members of its school or the broader community is at risk.

d. If a Ballet Arts Studio faculty, staff member or student, in good faith, report an incident of, or make a complaint about, sexual abuse and/or misconduct, they will not be subject to discipline or sanctions for violations of Ballet Arts Studio Policies relating to drug or alcohol use at the time the alleged sexual abuse and/or misconduct occurred.

e. The Ballet Arts Studio faculty and staff members or students who disclose their experience of sexual abuse and/or misconduct through reporting an incident of, making a complaint about, or accessing supports and services for sexual abuse, will not be asked irrelevant questions during the investigation process by the Artistic Director or investigators, including irrelevant questions relating to the faculty/staff member or student's sexual expression or past sexual history.

7. Investigating Reports of Sexual Abuse and Misconduct

a. Under this Policy, any Ballet Arts Studio faculty/staff member or student may file a report of an incident of sexual abuse and/or misconduct, or a complaint to the Artistic Director. The complainant may file a report or complaint in writing via e-mail or letter or may request an in-person meeting to make their report or complaint.

b. Upon receipt of a complaint or report of sexual abuse and/or misconduct, the Artistic Director to whom the complaint or report is made, shall respond promptly and shall:

i. determine whether an investigation should proceed and whether the Complainant wishes to participate in an investigation;

ii. determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;

iii. determine whether the incident should be referred to the police or other authorities;

iv. determine what interim measures ought to be put in place pending the investigation and decision-making processes such as removal of the Respondent or seeking alternate methods of providing necessary classes.

v. Where the incident is referred to the police or other authorities, as determined in section 7(b) (iii), or where civil proceedings are commenced in respect of allegations of sexual abuse and/or misconduct, Ballet Arts Studio may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

c. Once an investigation is initiated, the following shall occur:

i. the Complainant and the Respondent shall be advised their right to have another person present throughout the investigation process;

ii. the Complainant shall be interviewed to ensure a complete understanding of the allegation and to gather additional information that may not have been included in the complaint such as

- the date and time of the incident, the persons involved, the names of any person who may have witnessed the incident, and a complete description of what occurred;
- iii. the Respondent shall be informed of the complaint and provided with details of the allegations. The Respondent shall be given an opportunity to respond to those allegations and to provide the names of any witnesses the Respondent feels are necessary to the investigation;
 - iv. any identified witnesses or persons involved, or persons who have, or may have, knowledge of the incident shall be asked to be interviewed;
 - v. the Complainant and the Respondent shall be provided with reasonable updates regarding the status of the investigation; and
- d. Following investigation, the Artistic Director shall:
- i. review all of the evidence collected during the investigation;
 - ii. determine whether the available evidence indicates sexual abuse and/or misconduct occurred; and if so
 - iii. determine what disciplinary action, if any, should be taken as set out in Section 8 below.

8. Disciplinary Measures

- a. If it is determined by Ballet Arts Studio that the Respondent did engage in sexual abuse and/or misconduct, immediate disciplinary or corrective action shall be taken. This may include:
- i. disciplinary action up to and including termination of employment or contract; and/or
 - ii. expulsion of a student; and/or
 - iii. the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
 - iv. any other actions that may be appropriate in the circumstances.

9. Appeal

- a. Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the Artistic Director within 14 days of communication of the original decision, by submitting a letter addressed to the Artistic Director advising of the person's intent to appeal the decision.

10. Confidentiality

- a. Subject to Section 7 above, to the extent it is possible, Ballet Arts Studio shall attempt to keep personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at immediate risk of self-harm, or of harming another, or there are reasonable grounds to believe that others at the school or in the broader community are at risk. This shall be done by:
- i. Ensuring that all complaints/reports and information gathered as a result of the complaint/reports shall be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and
 - ii. Ensuring that the documentation is kept in a separate file from that of the Complainant or the Respondent.

11. Making False Statements

- a. It is a violation of this Policy for anyone to knowingly make a false complaint of sexual abuse and/or misconduct or to provide false information about a complaint.
- b. Individuals who violate this Policy are subject to disciplinary and/or corrective action up to and including termination of employment or contract, and/or expulsion of a student.

12. Protection from Retaliation or Threat of Retaliation

- a. It is a violation of this Policy to retaliate or threaten to retaliate against a Complainant who has; brought forward a complaint of sexual abuse and/or misconduct; provide information related to a complaint; or who has otherwise been involved in the complaint or the investigation process.
- b. Individuals who violate the Policy are subject to disciplinary and/or corrective action, which may include termination of employment or contract, and/or expulsion of a student.

13. Review

- a. Ballet Arts Studio shall review this Policy once every 3 years, beginning 3 years after the month of implementation. This date June 25th, 2024.
- b. Ballet Arts Studio shall consider faculty, staff and student input when reviewing and amending this Policy.

Organizations to contact in case of Sexual abuse and misconduct:

Office of Child and Family Services

Capital View Office Park

52 Washington Street

Rensselaer, New York 12144-2834

Phone: 518-473-7793

Email: info@ocfs.ny.gov

RAINN

NATIONAL SEXUAL ASSAULT HOTLINE

800.656.4673