

Title:	Working With Minors Policy
Policy Owner:	Office of the General Counsel
Contact Information:	Room 225, Main Building (212) 799-5000, ext. 7201 OGC@juilliard.edu
Applies to:	All Juilliard faculty, staff, students and third parties participating in Juilliard activities and programs involving minors
Effective Date:	September 2013 Last revised August 2020

PURPOSE AND SCOPE

The Juilliard School strives to maintain a safe and secure environment for minors participating in Juilliard programs and activities. The Juilliard School Working with Minors Policy (the "Policy") applies to all Juilliard sponsored activities and programs operating under the authority and direction of the School and taking place: (i) on the Juilliard campus or in the residence hall; or (ii) at Juilliard sponsored off-campus programs and activities in which minors will be physically present and participating. The Policy establishes guidelines for those in the community who are involved in covered programs or activities and may work or interact with individuals under the age of 18.

DEFINITIONS

"Minor" for purposes of this Policy means any person under the age of 18 who is participating in a Juilliard sponsored or Juilliard sanctioned program or activity operating under the authority and direction of the School, **excluding** (i) those enrolled as full time College students at Juilliard; (ii) on-campus guests or attendees at a public performance; and (iii) prospective students touring or visiting the School. Minors falling within exclusion (i), however, remain subject to The Juilliard School Child Abuse and Neglect Prevention Policy and Mandatory Reporting Procedure and other general policies applicable to the Juilliard community.

"Authorized Adults" for purposes of this Policy means all individuals, ages 18 and over, paid or unpaid, who instruct, supervise, chaperone or otherwise oversee Minors in connection with Juilliard sponsored or Juilliard sanctioned programs or activities operating under the authority and direction of the School. This includes, but is not limited to faculty, staff, students, parents, volunteers, interns, independent contractors, consultants, alumni, guest artists or other personnel who will participate in any way in a Juilliard sponsored program, event, performance or other organized activity that includes Minors.

GUIDELINES FOR PROGRAMS INVOLVING MINORS

All Juilliard sponsored programs and activities must comply with the following conditions:

- **Program Registration.** All programs in which Minors will participate, whether on or off campus, must be registered with the Department of Human Resources not less than 90 days prior to the commencement of the program. The application form (Appendix A) must include, but is not limited to, the following information:
 - A **description** of the Program, including age and number of participants and whether they will be housed in the residence hall.
 - Dates on which the Program will occur
 - Name, title and contact information for the program director
 - A **list** of all Authorized Adults participating in the program.
 - A **procedure** for notification of participants' parents or legal guardians in the event of an emergency, including contact information.
 - A **Medical Emergency Plan**, including authorization to obtain emergency medical treatment in the event parents or legal guardians are not available, and disclosure of any allergies or medical conditions that might impact participation in the Program.

- **Training.** All Authorized Adults must receive appropriate training in (i) maintaining professional boundaries when working with Minors; (ii) protecting Minors from any form of abusive treatment; and (iii) reporting, under School policy and law, incidents or suspicions of improper conduct.

- **Criminal Background Check.** Prior to being hired as an Authorized Adult, an applicant must undergo a criminal background check, including a review of the New York State Sex Offender Registry or similar registry of the state of the applicant's primary residence, and a national criminal and sex offender search. All background checks must be performed and approved by Human Resources. Current Juilliard faculty members and staff who work with Minors must have undergone a criminal background check within the past three years. Criminal background checks may be conducted periodically thereafter at Juilliard's discretion. Authorized Adults are required to undergo a sex offender registry check every year. It is the obligation of the program director or sponsoring department to ensure that these checks have been completed.

Authorized Adults are also required to notify the program director and the Department of Human Resources immediately in the event of an arrest or the conviction of any crime. Juilliard reserves the right to require background checks under any circumstances it deems necessary or appropriate.

More information regarding the New York State Division of Criminal Justice Services Sex

Offender Registry may be obtained by calling **(518) 457-3167** or visiting the website at www.criminaljustice.state.ny.us.

- **Supervision.** All programs must establish an adequate plan for supervision. The plan must specify the person having responsibility over all Authorized Adults. Supervision plans must incorporate the following guidelines:
 - To the extent practicable, Minors participating in Juilliard sponsored programs or activities (other than Minors enrolled in Pre-College programs), whether on or off campus, should not be left unattended. Minors under the age of eleven (11) should be supervised at all times by an Authorized Adult or by their parents or legal guardians.
 - When outside of a classroom setting, the minimum ratio for supervision of Minors is at least one Authorized Adult for every twelve (12) Minors.
 - Authorized Adults must inform the program director and/or sponsoring department if using an area other than the one specifically designated for the program or activity.
 - Although 1:1 interaction is a valuable component of certain areas of instruction at Juilliard, Authorized Adults should minimize the amount of 1:1 time spent with Minors outside of lessons and adhere whenever possible to the “rule of three,” requiring at least two Authorized Adults or two Minors in a group at all times. Exceptions to this guideline are health care providers, tutors expressly authorized by the program director to provide private instruction or other individuals authorized by Juilliard to provide counseling, advice, private help or assistance.
 - On-campus private instruction should be conducted whenever possible in a room or other space that is open or in full view (via a window) from outside the room when the door is closed. Doors must remain unlocked at all times.
 - Human touch is a necessary component of many elements of instruction at Juilliard. If a Minor appears uncomfortable with any form of physical contact, the Authorized Adult should immediately cease the contact and report the incident to the program director or sponsoring department as soon as possible. Advice on using touch in instruction is available from the program director or the Provost and Dean. Additional information on using touch in instruction can be found in Appendix B to this Policy.
 - Privacy of Minors must be respected at all times. In situations such as changing clothes, showering or using the restroom, Authorized Adults must

not intrude except where health and safety reasons require such intrusion.

- Proper clothing appropriate to the given activity must be worn by Authorized Adults and Minors at all times. Nudity is **never** acceptable.
- Minors should be restricted from certain areas of the facilities where significant potential safety hazards and liabilities may exist, and where strict safety precautions are required. Examples include, but are not limited to, mechanical rooms, workshops, construction zones, food preparation areas, or any areas containing power tools or machinery with exposed moving parts.

PROHIBITED CONDUCT

The following practices and behaviors are strictly prohibited under this Policy. This list is not meant to be exhaustive:

- Engaging in sexual activity or other inappropriate deliberate physical contact or horseplay with, or in the presence of, Minors.
- Communicating electronically with Minors, except through Juilliard's email system, or when **absolutely** necessary and related to a particular program or activity in which the Minor is participating. Sending sexually explicit photos or messages and "sexting" is strictly prohibited, as is any form of communication through social media. This includes, without limitation, the use of Facebook, Instagram, Snapchat and any other social media platform.
- Engaging in the use of, or providing Minors with, alcohol, drugs or other illegal substances, or being under the influence of alcohol, drugs or other illegal substances, during Minor programs or activities. This prohibition includes allowing those substances to be used by a Minor in the Authorized Adult's presence.
- Disciplining Minors in any manner involving isolation, humiliation or corporal punishment. Any form of discipline must be constructive and appropriate, given the age of the Minor and the circumstances of the situation. In most circumstances, Authorized Adults should consult with their program director prior to disciplining a Minor.
- Engaging in abusive conduct of any kind, either verbal or physical, toward or in the presence of Minors. Bullying (including cyberbullying), hazing and initiations are strictly forbidden.
- Picking up or dropping off Minors at the Minors' homes, except if specifically authorized in writing by the Minors' parents or legal guardians.

- Spending time alone with a Minor in a vehicle, unless the Authorized Adult is the parent or guardian of that Minor or is authorized to do so in writing by the Minor's parent or guardian.
- Spending significant out of school time with a Minor.
- Sharing personal or private information with Minors, or any information an adult would normally reserve for other adults.
- Giving gifts of any kind to Minors.
- Making sexual materials or pornography in any form available to Minors or assisting them in any way in gaining access to such materials.
- Making inappropriate or risqué comments to or in the presence of Minors.
- Releasing a Minor's personal contact information to third parties without the written consent of the Minor's parent or legal guardian. Even with parental consent, such information may only be released in connection with a Juilliard sponsored program or activity in which the Minor is participating.
- Photographing or making videos of Minors for other than program-related purposes. For program-related purposes, photos or videos may be taken only after the Minor's parent or guardian has signed an appropriate waiver obtained from the Legal Department. Use of any device capable of recording or transferring visual images is forbidden in showers, restrooms, locker rooms, dressing rooms or other areas where privacy is expected.
- Retaliating against anyone who, in good faith, raises a suspicion or allegation of inappropriate conduct toward a Minor.

PERSONAL VISITORS

Other than immediate family members, Minors participating in Juilliard sponsored programs or activities may not have visitors on-campus or in the residence hall, except with the permission of the program director or in the case of emergencies. All visitors must agree to abide by Juilliard policies and procedures. Policy violations will result in the suspension or revocation of visiting privileges.

REPORTING HARM TO MINORS

Any Authorized Adult who has a reasonable suspicion that a Minor who is participating in a Juilliard program or activity, has been physically or sexually abused; physically or emotionally neglected; exposed to any form of violence or threat of violence; or exposed to any form of sexual exploitation, must **immediately** report his or her concerns to: (i) the program director or sponsoring department; **and** (ii) the Assistant Dean for Preparatory Education or the Director of Human Resources, who will determine appropriate next steps. Any uncertainty about whether a report is required should always be resolved in favor of making a good faith report. A list of common indicators of child abuse or maltreatment can be found in Appendix C to this Policy. Both New York law and this Policy prohibit retaliation against any individual who in good faith makes a complaint or report of child abuse or neglect or participates in the investigation of such a complaint or report.

Any questions or concerns regarding this Working With Minors Policy may be addressed to the Legal Department.

REMOTE LEARNING

This Policy is applicable in its entirety to remote instruction in the same manner as it is to in-person instruction.

To the extent that any classes are held remotely, all Authorized Adults must continue the same precautions when dealing with Minors and conduct themselves in accordance with this Policy.

When conducting online sessions, Authorized Adults must choose an appropriate quiet space where they will not be disturbed while leading their classes. Adults who are not Authorized Adults should not view or participate in any online sessions. If any classes are recorded, such recordings must be stored and archived properly.

If you have any questions about this Policy as it applies to remote instruction, please contact the Office of the General Counsel at OGC@juilliard.edu.

Last revised August 2020

APPENDIX A

Minors Program Registration Form

To: Human Resources

From: _____

Date: _____

1. Describe the program, including the dates and locations where the program will take place and the name, title and contact information for the program director, and give the age and number of Minor participants:
2. Will Minors be housed in the residence hall?
3. List all Authorized Adults participating in this program:
4. Describe the program's emergency contact procedures and include emergency contact information:
5. Describe the program's Medical Emergency Plan (as described in the Policy):

APPENDIX B

Advice on Using Touch in Instruction

Human touch is an essential component of instruction in dance, drama, and music. Illustrating a point about breath control, a woodwind professor presses on a student's diaphragm. A dance teacher's hand on a student's body provides invaluable tactile feedback. It is understood and expected that master teachers at Juilliard use touch in order to guide their students toward greater artistry.

The traditions of touch in a given art form may be less familiar to inexperienced students. Instructors in these programs should remain mindful of the students' needs and expectations. In teaching minor students, for example, a Juilliard Fellow cannot use touch in the same way that the Fellow experiences it in his or her own professional training.

Some basic guidelines can help reduce the possibility of misunderstanding or discomfort:

- a. Limit touch to what is necessary and appropriate for the instructional point and to the student's age, needs and preferences.
- b. People experience touch in different ways depending on factors such as cultural background, age, gender and personal experience.
- c. It can be helpful to explain at the beginning of instruction why, when and how you might touch a student. With minors, parents may find the information useful.
- d. Before using touch, ask permission from the student and give a verbal cue about the touch and its purpose: "Let me adjust your wrist so your hand stays more horizontal."
- e. Touching should never take place on any part of the body that would normally be covered by a bathing suit. It is never appropriate to touch someone on sensitive areas, such as a student's chest, pelvis, buttocks or upper thigh.
- f. Consider alternatives to touch, such as demonstration or verbal description. A description might explain the position or movement of the body part under consideration and of adjacent parts. Metaphor is another useful type of description.
- g. If a student seems uncomfortable or expresses any concerns about touch, acknowledge the matter. Immediately cease the contact and report the situation to the program director, department head or Dean of Student Affairs as soon as possible.
- h. Consider that people experience touch in different ways depending on factors such as cultural background, age, gender and personal experience.

Additional advice on using touch in instruction is available from the program director or the Provost and Dean.

APPENDIX C

Signs of Child Abuse or Maltreatment

The list that follows contains some common indicators of child abuse or maltreatment. This list is not all-inclusive, and some abused or maltreated children may not show any of these symptoms.

Indicators of Physical Abuse can include:

- Injuries to the eyes or both sides of the head or body (accidental injuries typically only affect one side of the body);
- Frequently appearing injuries such as bruises, cuts and/or burns, especially if the child is unable to provide an adequate explanation of the cause. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns or impressions of other instruments;
- Destructive, aggressive or disruptive behavior;
- Passive, withdrawn or emotionless behavior; and
- Fear of going home or fear of parent(s).

Indicators of Sexual Abuse can include:

- Symptoms of sexually transmitted diseases;
- Injury to genital area;
- Difficulty and/or pain when sitting or walking;
- Sexually suggestive, inappropriate or promiscuous behavior or verbalization;
- Expressing age-inappropriate knowledge of sexual relations; and
- Sexual victimization of other children.

Indicators of Maltreatment can include:

- Obvious malnourishment, listlessness or fatigue;
- Stealing or begging for food;
- Lack of personal care – poor personal hygiene, torn and/or dirty clothes;
- Untreated need for glasses, dental care or other medical attention;
- Frequent absence from or tardiness to school; and
- Child inappropriately left unattended or without supervision.

Source: N.Y.S. Office of Child and Family Services
www.ocfs.state.ny.us/main/cps/signs.asp