

CITY OF KEARNEY – SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY

SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY

PURPOSE

This policy establishes how the City of Kearney, will prevent the physical, emotional, and sexual abuse of children and youth by its employees or volunteers. The City of Kearney seeks to create a welcoming and nurturing environment and has “zero-tolerance” for those whose actions may jeopardize the safety, health, or innocence of a minor.

City of Kearney does not permit or allow sexual abuse or molestation to occur in the workplace or at any activity sponsored by or related to it. In order to make this “zero-tolerance” policy clear to all employees, independent contractors, and volunteers we have adopted mandatory procedures that employees, volunteers, , independent contractors, board members, individuals, and victims must follow when they learn of or witness sexual abuse or molestation.

DEFINITIONS

Abuse – Because it takes many forms, abuse can be broken down into the following subtypes, all of which are prohibited within the scope of this policy.

- Physical abuse – Injury inflicted on a child or youth.
- Sexual abuse – Contact or activity of a sexual nature between an adult and a child or youth.
- Emotional abuse – Mental or emotional injury inflicted on a child or youth by the actions of an adult.
- Neglect – Failure to provide adequate care for a child or youth.
- Economic abuse – Deliberate misuse of the money or belongings of a child or youth.
- Child – A child is defined as anyone under the age of 12.
- Youth – A youth is defined as anyone between 12 and 17 years of age.

POLICY GUIDELINES

Personnel Screenings

Safeguards in the hiring process will be used to eliminate from consideration any candidates who display characteristics that could classify them at a high risk for violating this policy. The required screenings and background information will depend on the positions and its level of involvement with children and youth.

For those who regularly work with or around children or youth:

Candidates for positions that involve regular interaction with children or youth will be screened and selected using the following:

- Standard City of Kearney employment application that includes signed authorization to perform necessary background checks.
- Criminal background checks in any and all states where the candidate has lived in the past seven years.
- Sexual offender registry checks in any and all states where the candidate has lived for the last seven years.
- Driving records and any applicable certification if the position requires the transportation of children.
- In-person interview of the candidate.

- If hired, criminal and sexual offender registry checks will be conducted every five years for those who regularly work with children or youth.

For those who occasionally work with children or youth:

Candidates for positions that involve occasional contact with children or youth will be screened and selected using the following:

- Standard City of Kearney employment application that includes signed authorization to perform necessary background checks.
- In-person interview of the candidate.
- Driving records and any applicable certification if the position requires the transportation of children.

All information collected about a candidate will be reviewed and used to determine if they are appropriate for the respective position. If hired, all information collected during the hiring process will be included in the employee's permanent file, which will be maintained over the course of their employment with City of Kearney.

Personnel screenings are required regardless of current employment status with City of Kearney. City of Kearney employees seeking to transfer into a position that involves working with children or youth must undergo the same review process as new hires.

Structural Guidelines for Programs

All City of Kearney programs are designed to encourage safe interaction between employees and volunteers and children or youth. The following guidelines are meant to keep established safeguards effective:

- Programs for children and youth must have an established adult to child ratio.
- Employees and volunteers are restricted from being alone with a child or youth where they cannot be easily observed by others.
- Employees are not allowed to implement new activities or programs for children without City of Kearney consent. Request for new activities or programs should be submitted in writing to management.
- Written permission must be obtained from a parent or guardian before any employee transports a child or youth.
- Children under the age of six placed in the care of City of Kearney will only be released to a parent, legal guardian, or a person designated by a parent or legal guardian.

General Conduct

In an effort to provide a safe and healthy environment for both mind and body, the following guidelines are meant to guide City of Kearney employees, independent contractors, and volunteers during their interactions with children and youth. These guidelines do not and cannot outline every situation that may be encountered while on the job, requiring employees, independent contractors, and volunteers to act with a certain degree of personal discretion. Because a certain action is not prohibited in this section does not mean it is acceptable behavior. City of Kearney reserves the right to take disciplinary action against employees whose actions are found to be inappropriate or prevent a person from continuing to volunteer or work as an independent contractor with the City of Kearney regardless of whether they appear in this section.

- Employees, independent contractors, and volunteers will treat all children and youth with respect and consideration. Treatment must be fair and equal, and must not be based on sex, race, religion, sexual orientation, or economic or social status. All effort must be made to avoid favoritism or the appearance of favoritism.

- Employees, independent contractors, and volunteers must not use harsh or inappropriate language, degrading punishment, or any type of restraining device in the name of behavior management.
- Employees, independent contractors, and volunteers must not participate in or allow others to engage in any form of hazing.
- Employees, independent contractors, and volunteers must not have sexual contact with children or youth.
- Employees, independent contractors, and volunteers must not dress, undress, shower, or bathe with or in the presence of children or youth.
- Employees, independent contractors, and volunteers must not use physical punishment in any form. The only time physical force is allowed to be used against a child or youth is when their actions are placing others at an immediate risk for serious harm.
- Employees, independent contractors, and volunteers are prohibited from sharing sleeping locations with children or youth. This includes beds, tents, hotel rooms, and other similar areas. Employees, independent contractors, or volunteers can sleep in open areas with children or youth as long as the area is large enough for the employee, independent contractor, or volunteer to have their own defined sleeping areas and other employees, independent contractors, or volunteers are also present.
- Employees, independent contractors, and volunteers must not discuss sexual content while in the company of children or youth.
- Employees, independent contractors, and volunteers are not allowed to possess any sexually oriented materials (books, magazines, videos, clothing) when conducting business in the name of City of Kearney.
- When one-on-one discussion or counseling is warranted, employee (and not a volunteer or independent contractor) interaction with a child or youth will take place in an area that allows for private conversation while remaining in the view of others, with a minimum of two (2) adult employees.

If, for any reason, an employee, independent contractor, or volunteer feels there is a need to make an exception to these guidelines, they must submit to their supervisor or management a written description of the incident and why their actions were necessary. Their report will be reviewed for wrongdoing. A copy of the original report along with any additional findings made by the reviewer will be included in the employee's permanent file.

Reporting Procedure

All employees, independent contractors, or volunteers who witness or learn of sexual abuse being committed must immediately report it to a Supervisor who will then report to City Clerk/HR. If the victim is an adult, the abuse will be reported by this designee to the local or state Adult Protective Services (APS) Agency. If a child or youth is the victim, the designee will report it to the local or state Child Abuse Agency. The appropriate family members of the victim must be notified immediately if child abuse is suspected.

Investigation & Follow Up

We take allegations of sexual abuse seriously. Once the allegation is reported we will promptly, thoroughly, and impartially initiate an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. Our investigation may be undertaken by either an internal team or we may hire an independent third party. We will cooperate fully with any investigation conducted by law enforcement or regulatory agencies and we may, depending on the serious nature of allegations, report directly to law enforcement or other regulatory agency for investigation or refer the complaint, and the result of our investigation to those agencies. We reserve the right to place the subject of the investigation on an involuntary leave of absence or reassigning that person to responsibilities that do not involve personal contact with children or youth. To the fullest extent possible, but consistent with our legal obligation to report suspected abuse to appropriate authorities, we will endeavor to keep the identities of the alleged victims and investigation subject confidential.

If the investigation substantiates the allegation, our policy provides for disciplinary penalties, including but not limited to termination of the actor's relationship with our organization. There are a number of "red flags" that suggest someone is being sexually abused. They take the form of physical or behavioral evidence.

Physical evidence of sexual abuse includes, but is not limited to:

- Sexually transmitted diseases;
- Difficulty walking or ambulating normally;
- Stained, bloody, or torn undergarments;
- Genital pain or itching or physical injuries involving the external genitalia;
- Behavioral signals suggestive of sexual abuse include, but are not limited to:
 - Fear or reluctance about being left in the care of a particular person;
 - Recoiling from being touched;
 - Bundling oneself in excessive clothing, especially night clothes;
 - Discomfort or apprehension when sex is referred to or discussed; and
 - Nightmares or fear of night and/or darkness.

Retaliation Prohibited

We prohibit any retaliation against anyone, including an employee, volunteer, board member, and/or individual, who in good faith reports sexual abuse, alleges that it is being committed, or participates in the investigation. Intentionally false or malicious accusations/ allegations of sexual abuse are prohibited.

Anyone who improperly retaliates against someone who has made a good faith allegation of sexual abuse, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination.

ACKNOWLEDGMENT OF RECEIPT OF SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY

I, (print name) _____, acknowledge that I have received and read the **SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY** immediately preceding my signature below. I understand that I am bound to follow the policy and understand the consequences in the event that I fail to do so.

Dated: _____

Signature of employee: _____

If you choose to send the form back electronically, please type in your name starting with "/s/". Example: /s/ John Doe. This will act as a legal signature.