

Sexual Abuse & Misconduct - Protection of Minors/Youth

Organizations that supervise or work with youth are under a legal and moral obligation to protect against sexual abuse and misconduct. The National Child Abuse and Neglect Data System (NCANDS) reports that nearly 70 percent of all reported sexual assaults (including assaults on adults) occur to children ages 17 and under, and that 50 percent of abused children are abused by someone outside of the family whom they know and trust.

To help protect minors and the organization, define and implement a strong sexual abuse and misconduct risk management program supported by leadership. Consider the following suggestions to help protect organizations and youth.

Utilize the Employee/Worker Selection Process

Use the selection process to help monitor who is being brought on-board. Formal applications, professional and personal reference checks and face-to-face applicant interviews followed up with thorough background checks for employees, volunteers, board members and others (e.g., contractors) affiliated or doing regular work with the organization can help to mitigate the risk of sexual abuse and misconduct. Regardless of the organization's size, perform due diligence to help ensure persons with criminal backgrounds are not being put in situations where harm to others is likely, particularly minors.

Increase Awareness of Reporting Procedures

Victims and witnesses of abuse or misconduct may not complain, especially where there is a lack of knowledge (or trust) of internal reporting, investigative and resolution processes. Bring awareness of the internal and external complaint and investigation procedures to persons affiliated with the organization. Publish a written sexual abuse and misconduct prevention policy that is easy to understand and deliver it to persons associated with the organization.

- **Lack of Knowledge** – Periodic and wide dissemination of how to report sexual abuse or misconduct may help empower the most vulnerable to seek internal or external resolution.
- **Lack of Power** – Victims of abuse and misconduct may be persons without power, authority, or tenure. They may fear lodging a complaint against a long-term and respected individual within the organization. Victims, witnesses, or others made aware of wrongdoing may not trust the neutrality and transparency of the organization's internal investigation or response processes when the alleged offender is a prominent figure in the organization. Consider maintaining a business relationship with an outside risk management consultant or group in order to highlight the organization's pledge to avoid an abuse of power, internal cover-up, or lack of transparency.
- **Deterrent Effect** – A perpetrator may be less likely to commit misconduct if he or she knows the victim(s) and witnesses receive periodic prevention training, have a clear understanding of the available avenues of complaint, and that the organization will take decisive actions to stop wrongdoing.

Train All Groups

Train employees, volunteers and youth associated with the organization and their parents or guardians on the prevention of sexual abuse and misconduct. Regular training sends the message that wrongdoing is not tolerated and immediate response processes are in place. Educate individuals on the organization's policy against sexual abuse and misconduct and the avenues of internal and external complaint and resolution.

Allow the opportunity for questions to be answered during and after training sessions. Because of the serious nature of the subject matter, a victim, witness, or other person that suspects or learns of sexual abuse or misconduct may feel most comfortable asking a trainer questions in confidence after a group training session. Not providing a periodic training forum may keep inappropriate behavior or incidents in the dark and may foster an environment where problems continue or escalate.

Consider utilizing a professional from outside the organization to facilitate training on sexual abuse and misconduct prevention for all groups. A third-party expert helps demonstrate the organization's transparency and willingness to prevent, learn of, and promptly respond to misconduct.

Maintain Healthy Boundaries

A safe environment includes the establishment of healthy boundaries between youth and adults. It is important to understand "grooming" behaviors, defined as methods by which abusers target a potential victim, win the trust of the youth, manipulate the child to engage in sexual activity and command the child not to disclose the abuse.

Examples of inappropriate grooming behaviors may include, but are not limited to:

- An adult being alone with one youth, particularly in unsupervised settings (home visits, car rides, sleepovers or out of town trips)
- Giving a youth gifts, showing favoritism or otherwise expressing special attention
- Physical touching (to desensitize the youth to contact) - usually progressive in nature, contact may begin with rubbing shoulders or other massage, sitting next to, "accidental" touches in inappropriate places or lingering touches
- Communications of unusual frequency, duration, or content - Be on the lookout for electronic communications that are sexual in nature such as jokes, innuendoes, banter, flirtatious, flattery, pictures or pornography.

Investigate and Respond

Investigate all allegations of sexual abuse or misconduct. It is also important to investigate conduct that may be characterized as potential grooming behavior. Follow the legal requirements in the organization's state to report allegations or incidents of sexual abuse or misconduct to appropriate law enforcement or child protective services organizations.

- **Internal Investigation Procedures** – Following standardized internal investigation and interviewing procedures may help ensure uniformity and fairness. It is recommended that those within the organization designated as internal investigators receive training on how to respond appropriately and legally to sexual abuse or misconduct suspicions or accusations.
- **External Investigation Resources** – Persons accused of inappropriate sexual behavior, misconduct or abuse may be in positions of authority. Therefore, utilizing an outside third-party investigator for sexual abuse or misconduct allegations may be an appropriate risk management step to defend the integrity of the investigative process. External third-party professionals can often help protect against real or perceived cover-up in the investigation or resolution of the misconduct allegation.

DISCLAIMER: This is a sample guideline furnished to you by Glatfelter Healthcare Practice. Your organization should review it and make the necessary modifications to meet your organization's needs. The intent of this guideline is to assist you in reducing exposure to the risk of injury, harm, or damage to personnel, property, and the general public. For additional information on this topic, contact your Glatfelter Healthcare Practice Representative at (800) 233-1957.

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Consider the following factors when determining whether utilization of a third-party investigator would be beneficial in responding to an allegation of wrongdoing include:

- Nature and severity of the alleged offense
- High-ranking official accused of wrongdoing
- Real or perceived conflict of interest with facilitation of an in-house investigation
- Perception that the internal investigation would be insufficient due to a lack of specially trained or educated internal resources
- Multiple complainants

- **Duty to Report Suspected or Alleged Sexual Abuse or Misconduct** – It is not recommended that the reporter investigate or assess the validity or credibility of an allegation of abuse as a condition before reporting the allegation to proper law enforcement authorities. Consult with the organization’s legal counsel to determine the state, federal, or other jurisdictional requirements to report suspicions or allegations of child sexual or physical abuse.

Require Signed Acknowledgement

Employees, volunteers, board members, and youth affiliated with the organization and their parents or guardians may be provided acknowledgement forms for their signature, with a return copy to the organization. Well-written forms include statements that the organization will conduct a prompt and thorough internal investigation and complete a conflict of interest check to help ensure persons named in a complaint will not be part of the investigative team or efforts. Inform persons and ask them to acknowledge their understanding that an outside third-party investigator may be utilized to resolve allegations of wrongdoing, which emphasizes the organization’s transparency. Note the organization’s legal responsibilities to report suspected or alleged sexual abuse to appropriate law enforcement authorities on the acknowledgment form. Also, give persons an opportunity to ask questions about the organization’s sexual abuse and misconduct policy, accompanying training and content of the acknowledgement form.

Monitor Risk Management Program

Designate persons within the organization to be primarily responsible for monitoring the effectiveness of the sexual-abuse risk management program. Not only monitor compliance, but solicit feedback to determine ways to improve the understanding and impact of the policy, training and other risk management efforts.

Summary

Organizations have a duty to protect employees, volunteers, and others associated with the organization from wrongdoing. Prevention of sexual abuse or misconduct is increasingly important where organizations are engaged in activities with minors and youth. Organizations that work with youth can leave a lasting impression as those youth move to and through adulthood. Developing and implementing a sexual abuse prevention program will help organizations protect minors and youth and make a positive impression.