

RISK COMMUNIQUÉ

SAMPLE – Sexual Abuse and Misconduct Prevention Policy

[NAME OF ORGANIZATION] prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. [NAME OF ORGANIZATION] provides procedures for employees, volunteers, board members or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment or membership, as well as criminally prosecuted. No employee, volunteer, board member or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Definitions and Examples

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third-parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders and/or pulling against another's body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Reporting Procedure

Immediately report suspected sexual abuse or misconduct to [LIST MULTIPLE AVENUES OF INTERNAL COMPLAINT]. It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. [NAME OF ORGANIZATION] will take every reasonable measure to ensure that those named in complaint of misconduct, or are too closely associated with those involved in the complaint, will not be part of the investigative team.

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Anti-retaliation and False Allegations

[NAME OF ORGANIZATION] prohibits retaliation made against any employee, volunteer, board member or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. [NAME OF ORGANIZATION] prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or membership and criminal prosecution.

Investigation and Follow-up

[NAME OF ORGANIZATION] will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly and equitably investigate whether misconduct has taken place. The organization may utilize an outside third-party to conduct an investigation of misconduct. [NAME OF ORGANIZATION] will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. [NAME OF ORGANIZATION] will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

[NAME OF ORGANIZATION] is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of [NAME OF ORGANIZATION] not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

[CONSULT WITH THE ORGANIZATION'S LEGAL COUNSEL TO DETERMINE STATE, FEDERAL OR OTHER JURISDICTIONAL REQUIREMENTS TO REPORT SUSPICIONS OR ALLEGATIONS OF CHILD OR ADULT SEXUAL OR PHYSICAL ABUSE OR NEGLECT. INCLUDE APPROPRIATE AGENCIES' CONTACT INFORMATION IN THE POLICY. CONSIDER THE FOLLOWING RESOURCE FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES: <https://www.childwelfare.gov/>].

Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, [NAME OF ORGANIZATION] is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interaction with those employed by, associating with or serviced by [NAME OF ORGANIZATION]. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

Supervision of Youth

To provide a safe environment for minors, [NAME OF ORGANIZATION] strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. If individual meetings with a minor must be held in an office, keep the door open. Only conduct closed door meetings when another adult is put on notice of the meeting and the door remains unlocked.

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Acknowledgement Form: Sexual Abuse and Misconduct Prevention Policy

I acknowledge that I received and read the Sexual Abuse and Misconduct Prevention Policy and/or had it explained to me. I understand that it is my responsibility to abide by all rules contained in the policy. I also understand how to report incidents of sexual abuse or misconduct as set forth in the policy, including retaliation against any employee or volunteer exercising his or her rights under the policy.

I acknowledge that I will be alerted when changes and updates are made to the Sexual Abuse and Misconduct Policy and will be responsible for reading and complying with these updates.

Employee/Volunteer's Printed Name

Employee/Volunteer's Signature

Witness' Signature

Date of Annual Review: _____