

# Protection of Children

## POLICY

### Purpose

The purpose of this policy is to ensure the fulfillment of our moral & legal obligation to protect minor children as vulnerable members of society and the obligation that is mandated by Federal & State Law. Specifically, this policy addresses the abuse of minor children.

### Definition of Abuse

Abuse of a minor child includes serious endangerment of a child's physical or mental health due to injury by act or omission, including acts of sexual abuse. Sexual abuse includes contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome.

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## PROCEDURES

**Federal & State of California Laws** require anyone who has reason to believe that a child has been abused or neglected to report the abuse or neglect. Additional obligations are imposed upon institutions such as Emmaus of Santa Barbara, an educational institution. In order to meet the reporting obligation, as well as to provide appropriate protection to children, this policy applies to abuse that allegedly occurs on our property or property rented by Emmaus of Santa Barbara, or while members of the board, administration, staff or program participants are participating in an Emmaus connected activity off campus.

A. A minor and/or his or her parents or guardians or anyone external to the organization who has knowledge about the abuse of a minor which occurred on Emmaus property or which involved an Emmaus employee or participant during the course of an Emmaus connected activity, is urged to report the alleged abuse to the Office of the Executive Director or Office of the Program Director in which the minor is involved.

B. An Emmaus of Santa Barbara employee who has reason to believe that a minor has been abused on our properties owned or rented by Emmaus, or while members of the board, administration, staff or program participants are participating in an Emmaus connected activity or who has received a report of such alleged abuse must report this information to either 1) his or her supervisor or the Director or 2) if the report involves another employee, the direct supervisor of the alleged abuser or the Director in charge of the alleged abuser's department; or 3) if the report involves a program participant, to the Office of the Executive Director.

C. A program participant or volunteer who has reason to believe that a minor has been abused on our property owned or rented by Emmaus, or while members of the board, administration or program participant are participating in an Emmaus connected activity or who has received a report of such alleged abuse must report this information to either 1) his or her Program Director, or 2) if the report involves an employee, the direct supervisor of the alleged abuser or the office of the Executive Director.

D. In all situations, those who receive a report of abuse must immediately report the allegation to the Office of the Executive Director or President of the Board of Trustees.

E. The Office of the Executive Director shall develop written procedures for handling the investigation of allegations of abuse for reporting it to the authorities if appropriate, and for resolving the situation including imposition of sanctions if appropriate. Such written procedures will be published in the *Emmaus Safe Environment Policy* handbook.

F. If there is a finding that the alleged abuse occurred, Emmaus of Santa Barbara will assist the victim in obtaining appropriate counseling for the victim and members of the victim's family if appropriate.

### **Advisory Board for Cases Involving Abuse**

A. The President of the Board of Trustees shall appoint an advisory board to review the investigation of any allegations of abuse involving minors and to review the sanctions, if any, imposed on the alleged abuser.

1. The advisory board shall include three persons who are independent from the organization and who will serve without remuneration for their service.
2. If the advisory board is dissatisfied with the organization's investigation or the sanctions, if any, imposed as a result of the investigation, it may conduct its own investigation.
3. If the advisory board believes that the findings of the organization are incorrect in that there should have been a finding that abuse occurred or believes that the sanction imposed is insufficient, they shall have the opportunity to discuss the case with the President of the Board and the General Counsel of the organization. If the President is alleged to have been involved in the abuse, the executive committee of the Board of Trustees shall review the case and meet with the advisory board before making the final decision in the case as to the appropriate resolution

### **Procedures for Handling Allegations of Child Abuse**

In the event that the General Counsel's Office receives a report of alleged abuse of a minor by a member of the Emmaus administration or staff, the General Counsel shall take the following action:

A. If the abuse happened on property owned or rented by the organization, the General Counsel shall:

1. Notify the President of the Board of Trustees.
2. If the parents or guardians of the victim have not been involved in the reporting and are not the alleged abusers, notify the parents or guardians of the minor involved.
3. If the alleged abuser is a staff member, notify the Executive Director.
4. If the alleged abuser or the victim is a program participant, notify the Program Director.
5. Notify the Sheriff's office or appropriate agency at such time as the General Counsel receives an allegation of abuse as defined by the *Emmaus Safe Environment Policy* handbook.
6. If appropriate, conduct an investigation in conjunction with the Office of the Executive Director, the President of the Board of trustees, depending on whether the alleged abuser is a member of the administration, staff, or program participant. The investigation may include interviews of the reporting party, the victim, the alleged abuser, and any person(s) whom the reporting party, the

victim, the victim's parents or guardians, or the alleged abuser believe have relevant information.

7. Report the findings of the investigation to the President of the Board if the alleged abuser is on the administration or a staff member, to the Executive Director if the alleged abuser is a program participant, along with a recommendation as to any sanction which should be imposed, up to and including dismissal.

- a. If the alleged abuser is a staff member, the Executive Director shall make the final decision as to the sanction, if any. The decision may be appealed by the alleged abuser to the President of the Board of Trustees according to the organization's appeal procedures.

- b. If the alleged abuser is a board member, the President of the Board of Trustees shall make the final decision as to the sanction, if any. If the proposed sanction is suspension or dismissal, the President shall institute a for cause proceeding according to Article III Section 6 of the Safe Environment Handbook Articles. If the sanction imposed is less than suspension or dismissal, the board member may file an appeal under the Emmaus of Santa Barbara Grievance Procedures as described in Article III Section 9 of the Safe Environment Handbook Articles.

- c. If the alleged abuser is a program participant, the Executive Director, in consultation with the Program Director, shall make the final decision as to the sanction, if any. The sanction may be appealed to the President of the Board of Trustees.

- d. If the alleged abuser is an officer of the organization, the President of the Board of Trustees shall make the final decision as to the sanction, if any. If the alleged abuser is the President of the Board of Trustees, the Executive Committee of the Board shall make the final decision as to the sanction, if any.

B. An employee may be immediately suspended with pay pending the outcome of the investigation if the appropriate officer believes that the circumstances justify such suspension. A program participant may be

suspended according to the procedures outlined in the *Emmaus Safe Environment Policy* handbook.

C. If the alleged abuser is not employed by or enrolled as a program participant of Emmaus but the alleged abuse happened on property owned or rented by the organization, in addition to the above procedures, the President of the Board of Trustess, the Offices of the Executive Director & General Counsel:

1. May request that a “no trespass” letter be sent to the alleged abuser pending the outcome of the investigation.
2. May, if the alleged abuser is present on the property as a result of working for someone or some entity with authorization to be on the property, notify that person or entity of the allegations.
3. Must, if the investigation confirms that the abuse occurred, request that a permanent “no trespass” letter be sent and notify the person or entity with whom the alleged abuser is employed of the results of the investigation and the permanent ban of the alleged abuser from any Emmaus property owned or rented.

D. The General Counsel shall send a report of each allegation to the Executive Committee along with a summary of the investigation conducted, the findings and the sanctions, if any, that are imposed.