



# **Learning Club of KCK**

## **CHILD PROTECTION POLICY**

### **Policies and Procedures Pertaining to Abuse of a Child**

**Adopted August 6, 2013**

**Adopted with revisions November 5, 2013**



## INTRODUCTION

It shall be the policy and covenant of the Learning Club of KCK to do everything in our power to prevent physical, emotional or sexual abuse against children and youth who participate in activities sponsored by the Learning Club. We must be aware of our legal responsibilities, to comply with those responsibilities, and to go beyond those responsibilities when necessary to act justly in the best interest of those who have been abused or those who are most vulnerable to abuse.

The Learning Club will facilitate orientations and offer training for both staff and volunteers who have direct or indirect contact with children and youth.

The Learning Club will screen staff and volunteers who have direct or indirect contact with children and youth and will report all instances of abuse.

## SCOPE

Unless specified otherwise, this policy and its provisions shall apply to all staff and volunteers, who have any direct or indirect contact with children and/or youth who are involved in Learning Club activities. These activities include regular class sessions, field trips and other Learning Club special events.

## ETHICS POLICY

### Statement of Policy

Staff and volunteers of the Learning Club shall not engage in sexual abuse, sexual harassment, sexual misconduct, physical abuse, emotional maltreatment, and/or moral-legal maltreatment of children or youth.

## DEFINITIONS

**1. Sexual Abuse:** Sexual abuse means unwanted physical conduct of a sexual nature, sexual contact or sexualized behavior and may include touching, fondling, other physical contact and sexual relations. Child/youth sexual abuse is the sexual exploitation or use of same for satisfaction of sexual drives. It includes but is not limited to any sexual conduct with, or fondling of a child or youth who participates in Learning Club programs or any sibling, friend or other child who is visiting a Learning Club program.

**2. Sexual Harassment:** Sexual harassment is any unwanted sexual advance or demand, either verbal or physical that is reasonably perceived by the recipient as demeaning, intimidating or coercive.

**3. Sexual Misconduct:** Sexual misconduct means a chargeable offense.

**4. Physical Abuse:** Any act of omission or an act that endangers a person's physical or mental health. This definition includes any non-accidental physical injury. Physical abuse may result from punishment that is overly punitive or inappropriate to the individual's age or condition. In addition, physical abuse may result from purposeful acts that pose serious danger to the physical health of a child or youth.

**5. Emotional Maltreatment:** Persistent or extreme thwarting of a child's, youth's or vulnerable person's basic emotional needs (such as the need to feel safe and accepted).

**6. Moral-Legal Maltreatment:** Individual in charge exposes or involves a child or youth in illegal or other activities that may foster delinquency.



### **PHOTO AND AUDIO-VISUAL POLICY**

Photos of children and youth at Learning Club programs or events should only be taken by Learning Club staff or volunteers if they are intended for Learning Club purposes. Staff, volunteers, other adults or students should not take photos of students for personal use unless permission has been granted by a Learning Club Executive Director. Similarly, video and audio recordings of Learning Club students should only be taken for official Learning Club purposes unless permission has been granted by the Executive Director.

Learning Club parents will be asked to sign an optional photo release for each child. This release allows the Learning Club to use the child's photo for Learning Club purposes. If student photos are printed in Learning Club materials or on the website or social media, last names and contact information will never be shared.

### **GIFT POLICY**

Gifts or rewards should not be given to children and/or youth without prior written approval from the Learning Club Executive Director. In turn, children and/or youth or their parents should not give expensive gifts to staff or volunteers without written approval from the Learning Club Executive Director.

### **TRANSPORTATION POLICY**

Except for field trips and in certain emergencies, the Learning Club does not provide transportation to students. If an emergency arises, the Executive Director may, at his/her discretion, authorize a ride for the student.

### **SCREENING FOR STAFF**

Careful screening is one way to prevent the abuse of children and youth at the Learning Club. See the Learning Club's "Policy on Criminal History Background Checks" for more details.

1. Prior to acceptance as a paid staff person, the Executive Director shall request proof of Virtus training (which includes a background check) or facilitate a background screening check through Zaeplex.
2. The Learning Club shall request and verify all references for paid staff persons.
3. The Executive Director will carefully consider all information from the reports and references in determining whether the applicant is appropriate for the specific position for which he/she has applied. The Learning Club reserves the right to turn away any persons for employment.
4. Information gathered during the screening process shall be kept confidential.

### **SCREENING FOR VOLUNTEERS**

1. Volunteers who work one-on-one with children on a regular, ongoing basis should be screened either through Virtus training (which includes a background check) or a Zaeplex background screening check.
2. The Executive Director will carefully consider all information from the reports and references in determining whether the volunteer applicant is appropriate for the specific duties and responsibilities of the volunteer position for which he/she has applied. The Learning Club reserves the right to turn away any person for volunteer service.
3. Information gathered during the screening process shall be kept confidential.
4. In the nature of the tutoring role, occasional tutors (those who come three or fewer times per year) will work in a classroom with other tutors and students, and are not permitted to be alone with children. Occasional tutors will not be required to complete a background screening.
5. Occasional volunteer presenters and visitors, who only have limited contact with the children, will be monitored carefully but not asked to undergo a background screening. Occasional volunteer presenters and visitors will not be left alone with children.



6. Volunteers under the age of 18 who intend to be ongoing volunteers will need to provide at least one reference but will not receive a background check because background checks cannot sufficiently screen applicants under the age of 18. Volunteers under the age of 18 shall not be permitted to be alone with children.

## **TRAINING**

The Learning Club shall develop and implement training procedures for staff and volunteers who have direct contact with children and youth as part of their duties. This training shall include the staff or volunteer reading this Child Protection Policy and signing the Volunteer/Staff Code of Conduct sheet (Appendix B).

## **SUPERVISION**

At each site, the Site Leader will supervise all staff and volunteers. Tutoring and other one-on-one interactions between adults and children should always occur where at least one other adult is present. Adults should avoid being alone with a child. Staff and volunteers are to be encouraged to remind each other when questionable behavior is displayed.

## **REPORTING OF INCIDENTS**

Persons who have reason to believe a violation of this policy has occurred shall report immediately to the Executive Director or Site Leader. The Executive Director, in consultation with the President of the Board of Directors, may convene the Crisis Management Team where appropriate. The Crisis Management Team shall be made up of the Executive Director, one Learning Club volunteer, and one Board member. It is the responsibility of the Executive Director to initiate and oversee any investigation of reported incidents and to ensure compliance with the policies of the LCKCK. The Executive Director will retain all incident reports for reference. In such situations, the protection of children and youth must be paramount.

All personnel must report allegations of abuse of a child when required by Kansas child abuse reporting laws, with which all personnel are required to be familiar. An internal report does not relieve an individual from the responsibility to report abuse of a child if required by Kansas law. See Kansas Law Summary, Appendix A. Generally, Kansas law requires certain persons and permits others to report if “there is reason to suspect that a child has been injured as the result of... abuse.” “Reason to suspect” is not defined in the statute. “Reason to suspect” abuse includes possessing information that would make a reasonable and prudent person believe the child had been sexually or otherwise abused. Stated another way, there is credible evidence or information that abuse has occurred.

## **Procedures for Reporting, Investigating, and Resolving Violations of Child Protection Policy**

1. A staff member who learns of any suspicion, on the part of any person, or of any violation of this policy, shall report it immediately to the Executive Director, who will facilitate reporting to law enforcement agencies as appropriate according to State and Federal reporting guidelines; the Executive Director shall also notify the Board of Directors.
2. The person against whom an allegation has been made (“Respondent”) will immediately be suspended.
3. The child’s parent(s)/guardian(s) shall be notified of the alleged violation of policy by the Executive Director.



4. A Crisis Management Team (CMT) shall direct and assist with the investigation of the complaint and the process used to determine whether the complaint can be substantiated. The CMT may use the assistance of legal counsel and public relations assistance. The CMT will determine whether and to what extent interviews are to be conducted and evidence is to be gathered. The resolution of the complaint shall ultimately rest with the Board of Directors.
5. The Complainant will be requested to document the basis of his/her allegations and all facts relevant to the allegations.
6. The CMT, in consultation with legal counsel if desired, will determine the nature, timing, scope, procedure, and resolution of investigations. All documents collected during and generated by the investigation shall be maintained by the CMT.
7. If a complaint is made, the Crisis Management Team shall provide the respondent with a copy of the complaint, unless this the CMT determines that providing a copy of the complaint to the respondent could potentially expose the child to further abuse or harm.
8. The Complainant, the parent(s)/guardian(s) of any minor involved, the Respondent, and any persons who supervise such persons shall be notified of any result of the investigation and final decision of the documentation shall be retained in a confidential, personal file.
9. The CMT will determine when and with whom information needs to be shared. If investigations or allegations of abuse should come to the attention of the media, a response shall come from a spokesperson of the Learning Club who is appointed by the CMT.
10. It shall be the goal of the Learning Club to provide supportive care to both the Complainant and the Respondent, and to restore such persons to wholeness. Supportive care can include the procedures of the criminal justice system and appropriate counseling referrals.

#### **IMPLEMENTATION OF CHILD PROTECTION POLICY**

All Learning Club staff and regular, weekly volunteers shall be provided a copy of this policy and shall receive training information to assist in the understanding and implementation of this policy.

\*\*\*\*\*

This Child Protection Policy has been approved by the Learning Club of KCK Board of Directors.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brad Grabs, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sr. Vickie Perkins, President of the Board



**APPENDIX A**  
**The Learning Club of Kansas City, Kansas**  
**Child Protection Policy**

**Kansas Law Summary**  
**Effective June 2013**

*Important Note: This Kansas Law Summary is subject to change from time to time.*

The following summarizes the Kansas statutory provisions concerning reporting sexual abuse of a child referenced in the Learning Club of KCK Child Protection Policy.

1. Definitions (K.S.A.38-2202)
  - 1.1 **Child** is a person under 18 years of age;
  - 1.2 **Harm** “means physical or psychological injury or damage.”
  - 1.3 **Sexual abuse** is “contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person” and includes “allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.”
  
2. Reports of sexual abuse of a child
  - 2.1 Who must or may report sexual abuse of a child? (K.S.A.38-2223(a))
    - 2.1.1 A mandated reporter who “has reason to suspect that a child has been harmed as a result of... sexual abuse” must make a report “promptly.”
      - 2.1.1.1 Persons providing medical care or treatment are mandated reporters: persons licensed to practice the healing arts, dentistry and optometry; those engaged in postgraduate training programs approved by the Kansas board of healing arts; licensed professional or practical nurses and chief administrative officers of medical care facilities.
      - 2.1.1.2 Persons holding state licenses to provide mental health services are mandated reporters: psychologists, masters level psychologists, clinical psychotherapists, social workers, marriage and family therapists, clinical marriage and family therapists, professional counselors, clinical professional counselors and registered alcohol and drug abuse counselors.
      - 2.1.1.3 School employees and child care providers are mandated reporters: teachers, school administrators or other school employees where the child is attending and persons licensed by SRS to provide child care services or their employees at the place where the child care services are provided.
      - 2.1.1.4 Other mandated reporters include: firefighters, emergency medical services personnel, law enforcement officers, 152.1.1.1 Juvenile intake and assessment workers, court services officers and community correction officers, appointed case managers and mediators.
    - 2.1.2 Anyone who has reason to suspect that a child has been sexually abused may make a report.
  
  - 2.2 What should a report of sexual abuse of a child include? (K.S.A.38-2223(b))
    - 2.2.1 A report required of suspected harm resulting from sexual abuse may be made orally, and in writing if requested, and generally should include, if known, the child’s
      - (a) name, address and location,
      - (b) parents or other guardian(s) and their address(es),
      - (c) why sexual abuse is suspected and “the nature and extent of the harm to the child, including any evidence of previous harm;”
      - (d) other information the reporter believes helpful.

- 2.2.2 A person reporting a suspicion of sexual abuse of a child “shall disclose protected health information freely and cooperate fully with” SRS and law enforcement investigations and subsequent legal proceedings.
- 2.3 To whom are reports of sexual abuse of a child to be made? (K.S.A.38-2223(c))
  - 2.3.1 Reports of sexual abuse of a child are made to SRS, when open for business.
  - 2.3.2 If SRS is not open, reports of sexual abuse of a child should be made to the appropriate local law enforcement agency.
- 2.4 May penalties be imposed in connection with reports of or failure to report sexual abuse of a child? (K.S.A.38-2223(e))
  - 2.4.1. Willful and knowing failure of a mandated reporter to make a report required by law is a class B misdemeanor.
  - 2.4.2 Intentionally preventing or interfering with making a report required by law is a class B misdemeanor.
  - 2.4.3 Willfully and knowingly making a false report of sexual abuse of a child or making a report knowing it lacks factual foundation is a class B misdemeanor whether or not the report was required under law.
- 2.5 Does the law protect reporters of sexual abuse of a child?
  - 2.5.1 One who, without malice, makes a report of sexual abuse of a child to SRS or law enforcement or participates in any activity or investigation relating to or judicial proceedings resulting from the report “shall have immunity from any civil liability that might otherwise be incurred or imposed.”(K.S.A. 38-2223(f))
  - 2.5.2 An employer who retaliates against an employee for making a report to or cooperating with an investigation by SRS or a law enforcement agency relating to harm of a child the employee suspects resulted from the sexual abuse of a child is guilty of a class B misdemeanor. (K.S.A. 38-2224)
- 3. Investigations of sexual abuse of a child.
  - 3.1 Upon written request for information from SRS or law enforcement and written notice that an investigation into a report of sexual abuse of a child is being conducted by SRS or law enforcement, a person or agency possessing records relating to the involved child relevant to the investigation shall provide the necessary records. (K.S.A. 38-2226)



**APPENDIX B**  
**The Learning Club of KCK**  
**VOLUNTEER/STAFF CODE OF CONDUCT SHEET**

**Volunteer/Staff Code of Conduct**

Our children are among the most important gifts God has entrusted to us. As a volunteer or staff member, I promise to strictly follow the rules and guidelines in this Volunteer/Staff's Code of Conduct as a condition of my providing services to the children and youth of the Learning Club of KCK.

**As a volunteer or staff member, I will:**

- ✓ Treat everyone with respect, patience, integrity, courtesy, dignity and consideration.
- ✓ Avoid situations where I am alone with children and/or youth at Learning Club activities.
- ✓ Use positive reinforcement rather than criticism when working with children and/or youth.
- ✓ Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the Executive Director.
- ✓ Refrain from giving gifts to children and/or youth without prior written approval from the Executive Director.
- ✓ Report suspected abuse to the Executive Director as well as proper local authorities. I understand that by our Learning Club Child Protection Policy, I shall report suspected abuse to civil authorities.
- ✓ Cooperate fully in any investigation of abuse of children and/or youth.

**As a volunteer or staff member, I will not:**

- ✓ Use, possess, or be under the influence of alcohol at any time while working at the Learning Club.
- ✓ Smoke or use tobacco products in the presence of children and/or youth.
- ✓ Use, possess, or be under the influence of illegal drugs at any time.
- ✓ Knowingly pose any health risk to children and/or youth.
- ✓ Strike, spank, shake, or slap children and/or youth.
- ✓ Humiliate, ridicule, or degrade children and/or youth.
- ✓ Touch a child and/or youth in a sexual or other inappropriate manner.
- ✓ Use any discipline that humiliates children and/or youth.
- ✓ Use profanity in the presence of children and/or youth.
- ✓ Share my personal contact information with students or ask them for theirs.
- ✓ Contact students on social media of any kind, nor will I respond to social media requests from students.
- ✓ Take photos or audio or video recordings of the Learning Club students for personal use without written approval of the Executive Director.
- ✓ Give rides to Learning Club students, except during field trips or in an emergency situation. In an emergency situation, the Executive Director may, at his/her discretion, authorize a ride for the student.

I have read the Learning Club of KCK Child Protection Policy and Volunteer/Staff Code of Conduct sheet and agree to comply with them. I understand that as a volunteer or staff working with children and/or youth I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer or staff.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Volunteer/Staff Member's Signature

\_\_\_\_\_  
Printed Name of Volunteer/Staff Member