Key Principles in Youth Protection: Considerations and Action Steps

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NOTE: This article includes excerpts from Chapter 6 of the Nonprofit Risk Management Center's book, *EXPOSED: A Legal Field Guide for Nonprofit Executives-2nd Edition*. NRMC is deeply grateful to Mark E. Chopko for his valuable contributions to this article and *EXPOSED*.

Nonprofit leaders often seek 'best practices or standards for excellence for which to aim or surpass at their own organizations. Yet the complexity and variations in service models of youth-serving nonprofits make it difficult to standardize youth protection practices throughout the sector. While many organizations are eager to implement and exceed what they view to be minimum standards, the process of developing a youth protection program must be nuanced rather than rote. Rather than simply applying a set of minimum standards, a youth-serving nonprofit should instead aim to transcend those standards by tailoring its youth protection program to the unique elements of its mission and the needs of its clientele. Though youth protection practices may be distinct among diverse nonprofits, in NRMC's experience, all youth-serving organizations share a commitment to inspire and support youth and avoid causing harm.

Four Considerations

There is no single framework, checklist or standard for youth protection to which all organizations must be held. The Center's view, therefore, is that youth-serving organizations must thoughtfully consider a number of key factors in designing and implementing youth protection measures. The diagram on the next page offers a reminder of the interlocking considerations worthy of discussion before designing youth protection policies and strategies: staffing, participant mix, program and mission, and the environment in which programs are delivered. In the Center's book, The Season of Hope, and its predecessor, The Child Abuse Prevention Primer, we referred to these interlocking factors as the "4 P's: Personnel, Participants, Program, and Premises."

1. **Staffing** – Staffing issues are related to the three other considerations in that some youth-serving programs should be staffed by individuals with advanced degrees, while others may be staffed by mature teens and young adults. For those that offer direct services to the children and youth in the programs, supervision is a critical factor to the safety of service recipients.
   Example: Confirmation classes at a community church are taught by an ordained minister, while Vacation Bible school activities are led by teenage members of the church.
2. **Participant mix** – While some youth-serving nonprofits offer single-sex programs and others deliver services to participants that fall within a narrow-age range, most youth-serving nonprofits work with a diverse mix of young children as well as teens, some of whom have special needs and are at increased risk. The participant mix shapes the risks facing the organization, thereby shaping the approach to youth protection, which affects decisions about staffing, programs, and the program environment.
   Example: A youth-serving organization's daycare center is staffed by one teacher for each small group of 4-6-year-old children. The organization's after-school adventure program, involving multiple teens between the ages of 13-17 who take afternoon hikes, is staffed by two adults.
3. **Program and mission** – The mission of an organization and the nature of its programs and services are vital considerations in developing youth protection measures.
   Example: A mentoring organization matches responsible adults with children who lack great adult role models. The organization encourages the pairs to attend cultural events, educational events, and spend time nurturing the interests and life goals of the child. The mission of a small charter school is to nurture

the intellect of its students, as well as their interest in science. All school activities are held in classrooms in the school, or on the school grounds. The mentoring organization might focus on intensive screening and youth protection training for its mentors, who interact with children one-on-one, whereas the charter school might focus on enforcing organization-wide youth protection policies to ensure that employees practice only authorized photography, appropriate forms of physical contact, and 'two-deep supervision' (having two adult supervisors present at all times).

4. **The environment in which programs are delivered** – Youth participate in activities sponsored by nonprofits in an extraordinary range of environments. From camping trips to rural areas, to rides in home-built aircraft, to mission trips overseas, there are far more differences than similarities in the environments where children learn and grow. While recognizing the risks that are attributable to the venues in which programs are conducted, it's also important to recognize that all programs and activities offer access to children. A child molester (or a person with the proclivity to abuse children) can use a nonprofit program to gain access to children and then try to form relationships that offer opportunities for out-of-program contact with children (e.g., contact that occurs outside the sanctioned/ supervised activities conducted by the nonprofit).
   Example: A school serving deaf and hard of hearing students rejects an offer by a teacher to take students for rides in his private airplane. An association of aviation enthusiasts promotes its program by providing rides for children in four-seat and two-seat airplanes, some of them home-built aircraft.

Although it is impossible to guarantee a safe environment or promise parents that their children are immune from harm, the public rightly expects that community-serving organizations will take time to understand the risks that arise from the organization's mission, and respond promptly to complaints of misconduct. Yet no system of prevention will be perfect and eliminate the risk of harm.

4-Step Youth Protection Action Plan

The following action steps are relevant for most youth-serving organizations. However, they must be addressed against a contextual backdrop that reflects the four considerations previously discussed.

1. **Consider the risks facing your organization**. First, examine the risks associated with your mission and services, and your service recipients. Begin by reflecting on the past experiences of your organization along with the experiences of your peer organizations. Also consider common concerns expressed or felt by your stakeholders, including staff, management, board members, parents, donors, etc. Last, brainstorm about potential risks that you have not yet identified or that you have not fully acknowledged. What risks might lie on the horizon? What do you keep pushing 'under the rug' in favor of addressing other, more immediate concerns? Consider these questions in light of your service recipients' needs and your organization's existing culture, capabilities and resources. Your organization should strive to implement youth protection practices but must also adopt a pragmatic approach that is truly effective and sustainable given your context.
2. **Adopt a written policy**. The time and attention required to write organizational policies dealing with prevention and response to abuse are well worth it. The worst thing that can happen to an institution is to have a crisis—a complaint of active abuse in the organization—and have administrators scrambling to decide how to respond. This policy should state the organization's commitment to providing a safe environment for those entrusted to its care, simultaneously disclosing that no institution is immune and no policy is fail-safe. The policy should be both proactive and reactive. For example, the policy should address issues such as the screening and checking of backgrounds for employees and volunteers and any additional education and training either for staff or for those served. An issue that frequently arises in this context is whether every individual associated with the organization must submit to a background check. For example, if a private school required all parents to submit to a background check to be an occasional driver for school field trips, there would be a large increase in fees and expenses. Some parents will not share these duties in these situations because it's either too much trouble, because they're concerned about privacy, or for other concerns. Some institutions have resolved this issue by insisting that only full-time employees, other staff, and volunteers whose tasks include regular (as opposed to occasional) contact with children are subject to a rigorous screening process. Additionally, there are numerous low or no-cost tools that can be used for screening individuals in contact with children. For example, sex offender registries are accessible for free online. Moreover, organizations should not be over-reliant on background checks. Supervision and monitoring interactions between staff and children is much more important. Appropriate supervision is another key youth protection practice that warrants clear, written policies. Every organization is different. they have different needs, resources, services, responsibilities, funding, cultures, demographics, etc. Therefore, each situation of abuse is different. Policies should stress

that they are only guidelines and each situation is different; therefore, for good reasons that will be documented, the guidelines can be departed from in particular circumstances. For example, if a policy requires an automatic suspension on notice of a complaint, what happens if the accuser recants? Organizations should review their youth protection policies regularly to be sure that they reflect the newest legal developments in the state and account for any changes in programs and activities. Certainly, one of the most important tasks an organization can undertake is a review after it has had a claim to determine what can be learned from the situation. For example: was training adequate? Was the screening of staff adequate and fair? Did we follow the law? Did we interact properly with the community through media and through public authorities? A commitment to protect the vulnerable has to reflect a commitment to change and improve as more is known and expected.

3. **Promptly respond to all complaints**. A nonprofit□'s youth protection policy should outline how the organization intends to deal with complaints. For example, will any member of the staff respond to a complaint or will a complainant always be directed to a particular trained individual? Will oral or anonymous reports be accepted? What will happen within the organization with respect to reporting issues to executives or the board? Will reports to law enforcement be made as a matter of course because the staff are mandatory reporters or as a matter of practice? Will the organization accept reports from persons who return and cite abuse from decades earlier by someone in the institution? What will the organization□'s leaders say to stakeholders and participants about the complaint? One problem, in practice, is that policies can sometimes be too general or too strict. If they are too general, too much is left to the discretion of individual administrators and problems routinely arise in that similar situations are often given disparate treatment. If policies are too strict, they make compliance difficult and cumbersome. In practice, you should strive for balanced policies administered by trained staff. A well-trained, sensitive and dedicated staff is really the best device to prevent and respond to abuse. In the abstract, the process is remarkably simple. The difficulty is in the details. Follow these good practices when responding to an allegation of abuse:
    - Direct the person to a designated staff contact. Not every staff member has the background and training to handle a complaint from a victim.
    - Presume the person is a victim of abuse. Listen respectfully, take good notes and get contact information. Explain what will happen next. there is a policy, and it will be followed.
    - Report! Certainly, there will need to be communication with the organization□'s executives, board, legal counsel, and insurer. A report to law enforcement (or child protective services), even if not mandated by law, is always a good practice regardless of whether the presumed victim is a legal minor. Additionally, all referrals for investigation–whether to law enforcement or child protective services–should be documented by your organization. Please note that one must also report whether the complaint meets the legal standard (usually reasonable suspicion–or, more plainly–could this really have happened?□).
    - Investigate. Typically, an investigation of abuse should be handled by the proper authorities, and in some circumstances (e.g., after a required report) law enforcement may forbid an agency to take any further steps. However, there will be instances when the organization must do some rudimentary investigating to verify facts and circumstances, especially if the claim is more than a few years old and public authorities are not actively pursuing it. To prepare for scenarios like this, be aware of the statute of limitations for abuse claims. In some jurisdictions, this may be quite long. Often when an allegation is made of long since passed abuse, the allegation may arise in conjunction with legal proceedings, in which case the organization should be guided by its attorney. Even if charges are never filed or the actual report does not lead to conclusive results, the organization must assure itself that the accused has the required fitness for continued service. Additionally, if the alleged abuse would have resulted in any violations of the organization□'s policies, then these policy violations should be investigated and addressed, even if authorities cannot substantiate the abuse.
    - Remove the accused, at least temporarily while a credible accusation is investigated by the proper authorities. The most controversial and sensitive issues that the organization must deal with are questions such as when the accused should be removed, on what basis, and for how long. The person should be advised to seek counsel and receive notification if the matter was reported, that an investigation is underway, and that further action is expected. If a person is not removed, this might signal that the organization considers the complaint insubstantial. On the other hand, there may be extenuating circumstances.
    - Act with confidentiality. The privacy of the person making the complaint as well as the privacy of the accused and the reputation of the organization are all on the line. Acting with confidentiality does not mean allowing secrecy or a □cover-up. The organization should act prudently with due regard for the privacy and reputations of all involved.

    - Prepare to deal with the public. Not every complaint will result in a media inquiry or every action in an institution in a press release. But some consideration must be given as to the need for a public response, and some preparation must be made in the event that news has already begun to leak.
    - Follow-up with the presumed victim, the accused and other stakeholders to communicate next steps.
    - When the matter is concluded, debrief with key staff and counsel for lessons learned. Be prepared to evolve and revise, and re-screen and re-train.
4. **Communicate compassionately with victims and the wider community.** There is much sensitivity among nonprofits about how best to deal with those who have been abused. Many nonprofit organizations encourage victims to come forward and offer communication channels including hotlines, the Internet, brochures, and other devices, all of which signal that the institution is open to receiving a report of abuse. This kind of education may not only eliminate suspicion but helps raise confidence that the institution cares and understands the need for effective action.There is also some sensitivity around terminology. In this article we have mainly referred to persons making reports as either "victims" or "complainants." Neither should be taken in this context to be a pejorative term. Rather, they accurately describe a person who is in fact a victim of abuse, because that person is not responsible for their own exploitation, and because the complainant is voicing a concern and expecting action. In the case of alleged child abuse, victims who are now adults sometimes prefer to be called "survivors" or "victim survivors." Another term often used by organizations is "alleged" as a descriptive term for a victim to signal that a claim has been made, but it has not yet been adjudicated according to legal standards. Perhaps a softer term is to refer to such persons as "presumed victims" which signals that the institution is operating on the presumption that the facts as stated did indeed occur and that the organization is acting accordingly. Presumptions can be rebutted and in a small number of cases, the claims are proven to be without substance. But experience shows that a large majority of those bringing forward complaints about abuse are acting with some basis in fact. Policies should therefore be written and implemented with the expectation that the person is telling the truth, not circulating a lie.
5. **Focus on Prevention and Education**. While no system is entirely foolproof, there are things an organization can do to enhance its ability to prevent abuse, starting with screening prospective employees and volunteers. Prevention raises barriers to abuse by focusing on staff and volunteers who serve the vulnerable in a nonprofit's programs, by creating awareness in those who are served of situations that could end in abuse or exploitation, by encouraging reports to agency officials and to public authorities, and by holding everyone accountable for creating and maintaining a safe environment. Another preventative policy is education. If an after-school recreation program, school, daycare center, or church teaches those it serves about the signs of abuse or how to maintain appropriate personal boundaries, that education process raises awareness. There are some instances when the resulting awareness has led to reports of "grooming" and other boundary violations that may be a precursor to abuse. From the perspective of organizational information, much can be learned from these complaints of precursor events or recent abuse. Who is the accused, and how did they come to be associated with the organization? How did the complainant know what to report and to whom? What kind of media or other follow-up occurred? In other words, an organization can learn what worked and what did not so as to do better in the next incident and adjust policies as needed.Though the leaders of every nonprofit hope, and perhaps believe, that the organization will never have to face an incident of staff or volunteer abuse of a client or service recipient, prudent risk management requires that much more affirmative steps be taken to prevent, plan for, and respond to such allegations. Every client-serving nonprofit should identify policies, screen, train and supervise staff and volunteers according to the risks associated with these positions, and be prepared to implement a response plan if there is an allegation of abuse. Only in this manner can the nonprofit attain the two separate objectives: minimizing the risks to vulnerable clients and minimizing the adverse consequences if a risk should materialize.

Five Principles: Reacting to Claims of Abuse

A statement issued by the president of the Conference of Catholic Bishops in June 1992 (endorsed by the membership in November 1992) provided five guidelines on how Catholic Church staff should respond to claims of abuse suffered by service recipients. Although there are many variations and even more details, the principles still form a useful basis upon which to make policy and apply to institutions that are secular and religious. They are set forth here:

1. Respond promptly to all allegations of abuse where there is a reasonable belief that abuse has occurred.
2. If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of their ministerial duties and refer them for appropriate medical evaluation and intervention.

3. Comply with the obligations of civil law as regards the reporting of the incident and cooperating with the investigation.
4. Reach out to the victims and their families and communicate a sincere commitment to their spiritual and emotional well-being.
5. Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with members of the community.