



## CHILD PROTECTION POLICY

### I. POLICY APPLICATION STATEMENT

It is the policy of Bay Area Performing Arts that its employees, contractors, and volunteers maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children and youth.

This Policy applies to all programs, activities, and events sponsored by Bay Area Performing Arts that involve children and youth. We seek to provide a safe environment in which opportunities for abuse are minimized through the proper enlistment, training, and supervision of individuals working with children and youth.

When third party groups sponsor activities at Bay Area Performing Arts, the child/youth protection policies of the outside group or third party, not this Policy, shall apply.

### II. DEFINITIONS

A. Child (also 'youth' or 'minor\*') - a person under 18 years of age (AL Code § 26-16-2).

B. Child abuse - harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.

Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion or any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law.

Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

The above definitions are found in AL Code § 26-14-1 (2021).

C. National Background Check - A review by a professional background check firm which shall include, at a minimum, a Social Security trace, a State of Alabama criminal check, and a national (multi-jurisdictional) criminal check provided that the national (multi-jurisdictional) criminal check also includes a sex offender registry check. Applicants who may reasonably be expected to transport children or youth by vehicle shall also complete a motor vehicle record (\*MVR\*) check

D. Neglect - Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter (AL Code § 26-14-1).

E. Staff (also 'Employees\*') - A person employed and paid by Bay Area Performing Arts, including but not limited to full/part time staff and contract workers who are paid to work directly with children at Bay Area Performing Arts-sponsored programs, activities, or events. Individuals whose primary employment is not for the purpose of directly working with children, but have regular interaction with children during the course of Bay Area Performing Arts-sponsored programs, activities, or events (e.g., technical staff, artists, production team, musicians) are required to submit to a National Background Check but are not considered Staff for purposes of training and reporting obligations. Individuals who are primarily patron-facing (e.g., bar staff, ushers, development team) are not considered Staff for purposes of this policy.

#### IV. RULES FOR WORKING WITH CHILDREN AND YOUTH

A. Adult Supervision - Whenever possible, at least one adult (who has been screened as Child/Youth Workers) shall be present to supervise children and youth during Bay Area Performing Arts programs involving children.

Exceptions to this Adult Supervision requirement exist in "emergency situations", which is one that (i) is outside of the control of Bay Area Performing Arts, and (ii) may threaten the well-being and security of a child.

B. One-on-One Counseling and Coaching - Counseling and coaching by Staff with one youth/child is sometimes appropriate, but care must be taken to ensure that the environment is acceptable and visible to other adults. If meeting in a room or office, the door must be left open or be in a room with a window. When that is not possible, the meeting must be in a location where it could be easily interrupted. The Staff conducting the meeting must inform another Staff member about where and with whom they are meeting.

C. Out-of-Town and Overnight Activities - On an annual basis, a parent or guardian must sign and submit a written consent form applying to out-of-town or overnight event or activity. They must also complete and submit a medical release form that may be kept on file for the period of one year and will be considered valid for that year.

For overnight events, there must be at least 2 staff members. Adults and children or youth must have separate sleeping areas. In no event may an adult sleep with a child. The exception to this rule is for the legal caregiver/child or the parent/child situation. Children or youth and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing.

D. Social Media - Photos, video, or comments of a child or youth can be used only for Bay Area Performing Arts-sponsored printed, video, web-based, social media, or other publicity materials and only with the signed consent of the parent or guardian. Please see our Photo Video Release form for further information.

E. Prohibited Behaviors - All Staff must also abide by the following child safety standards that recognizes appropriate boundaries and prohibits, among other inappropriate behaviors, the following.

1. Display of sexual or romantic affection toward a child.
2. Use of profanity or off-color jokes.
3. Discussion of sexual encounters with or around children.
4. Dating or becoming "romantically" involved with children.
5. Using or being under the influence of alcohol or illegal drugs, or any substance (including prescription drugs) which may impair the physical or cognitive abilities of a Child/Youth Worker to care for children or youth.
6. Allowing a child or youth to consume alcohol or other prohibited substances.
7. Tobacco or marijuana use in any form, including vapor, e-cigarettes, or edibles in the presence of a child or youth.
8. Possessing, creating, or sharing inappropriate, obscene, sexually oriented, or pornographic images or materials (including print, non-print media and digital communications).
9. Asking youth/children to keep secrets of a personal nature about the adult or any relationships of the adult.
10. Engaging in inappropriate electronic communications with children.
11. Giving gifts to individual children without prior knowledge of the parents) and/or approval by the DPD.
12. Abusing or neglecting a child in any way, including (but not limited to) the following: (a) physical abuse (hit, spank, slap, shake, or unnecessary restraint); (b) verbal abuse (degrade, threaten, curse); (c) sexual abuse (inappropriately touch, expose oneself, or engage in sexually oriented conversations); (d) mental abuse (shame, humiliate, or act cruelly); or (e) neglect (withhold food, water, shelter, or medical treatment)
13. Participating in, encouraging, or allowing demeaning and belittling behaviors or language involving or directed toward children, including, but not limited to, insensitive or inappropriate comments or behavior related to race, ethnicity, sexual orientation, or gender.
14. Permitting children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

Any Child/Youth Worker who witnesses or experiences any of the above behaviors or violations must report such conduct immediately to the DPD or other member of Staff (not implicated in violation) at the activity, program, or event who shall in turn immediately inform the Owner.

## V. REPORTING ALLEGED CHILD ABUSE AND NEGLECT

A. Internal Reporting and Initial Response - A Volunteer or Staff member who suspects child abuse or neglect as defined under AL Code § 26-14-1 (2021) (\*Child Abuse or Neglect\*) or receives information from any person who suspects or alleges Child Abuse or Neglect must immediately report the incident to

a member of Staff who is not implicated in the allegation. It is not sufficient to leave a phone or email message. It is critical that the Volunteer or Staff member speak directly to a member of Staff.

The Staff member will work with legal counsel to make any required report of alleged child abuse or neglect to the appropriate authorities.

## VI. POLICY VIOLATIONS

Violations of this Policy will result in discipline, up to and including termination of employment, in the case of Staff.