INTRODUCTION

The Child Protection Policy of Latin American Youth Center (LAYC) represents our zero-tolerance approach to child abuse, child sexual abuse, child pornography, and other forms of violence against children. The Child Protection Policy exemplifies the commitment made by LAYC to proactively protect children and youth that directly or indirectly benefit from LAYC programs or initiatives; it is not meant to replace our compliance with pre-existing legal protections or safety procedures for children, but rather to elaborate on our approach to protecting youth, particularly those above the age of 18. This policy provides a framework for managing and reducing risks of child abuse by persons engaged in or supporting our programs.

Most of LAYC’s work focuses on youth: most program participants range from 12-24 years old. The Convention on the Rights of the Child defines a child as any person under the age of 18 years. As such, LAYC has a special responsibility to also ensure it is safeguarding our population of program participants who are over the age of 18. Although this policy prioritizes children among the youth population that LAYC supports, most of the principles and standards within the policy apply to all LAYC program participants regardless of age. LAYC envisions an environment that is safe and supports the protection of all young people. Staff, volunteers, and partners will be expected to respect and uphold the best standards of protection practice towards all young people.

Our goal is to protect all children and youth that participate in LAYC programs through the following guiding principles:

- Zero-tolerance; abuse is never acceptable.
- Equality; all children and youth have equal rights to protection from abuse and exploitation.
- Efficacy; the best interests of the child are paramount in all aspects of LAYC programming.
- Universality; responsibility and commitment for child protection is shared across the organization.

LAYC periodically reviews its policies and procedures and makes revisions based upon the changing needs of the organization, best practices, and changing environments. Thus, any policies and procedures outlined in these pages may be modified at any time.

LAYC’s Child Protection Policy outlines the core elements that support the organization’s obligation and commitment to protect children that participate directly in LAYC’s programs or initiatives. Except where otherwise distinguished, all protocols and procedures outlined in this policy apply to youth both above and below the age of 18. Many of these elements are also covered in LAYC’s Employee Handbook. LAYC employees are expected to read LAYC’s Employee Handbook in conjunction with this policy.
Purpose
The purpose of this policy is to ensure that LAYC has the proper guidance and processes in place to prevent and address child abuse by any LAYC employee, volunteer, intern, or service provider. Additionally, this policy sets out a procedure for the reporting, investigation, and address of any alleged violations of our child protection standards.

An alleged violation is the occurrence of any prohibited action as defined by the LAYC Child Protection Policy. All staff have a responsibility to notify LAYC if they hear of an allegation, directly observe, and/or suspect there has been a violation of any part of this policy. Per the LAYC Employee Handbook, there will be no retaliation or consequence for reporting a concern regarding a potential violation of this policy. However, should an employee knowingly not report a potential violation, this could be grounds for disciplinary action, up to and including termination.

To report an alleged violation of LAYC’s child protection standards, staff should follow the Complaint Process, which can be found on page 4 of this policy.

Scope of the Policy
This policy applies to the following:
1. LAYC employees, temporary employees, and interns;
2. LAYC volunteers;
3. All service providers, contractors, or consultants providing services in any LAYC program; and,
4. Other program or organizational collaborators and/or contributors, as appropriate.

Child Protection Policy
LAYC employees that are involved in any behavior or activity that is harmful to children or youth are subject to disciplinary action up to, and including, termination of employment and potential legal prosecution. LAYC has zero-tolerance for abuse, and enforces immediate disciplinary or corrective action upon investigative confirmation of abuse allegations. All allegations of abuse against a child or youth will be thoroughly investigated by either local authorities, LAYC internal authorities, or both, as required by this policy.

All employees are required to receive mandated reporter training upon hire to help them identify abuse and neglect and to understand proper reporting procedures. All candidates for employment must complete the following clearances before they are allowed to have contact with youth: Child Protective Registry, local police clearance, and FBI clearance. Please refer to the LAYC clearance policies as detailed in LAYC’s Employee Handbook. LAYC will not hire candidates whose background check reveals violent crimes or crimes of any kind against children.

In line with the guiding principles and the scope of this policy, all service providers, contractors, or consultants hired by LAYC to implement program activities, particularly activities that include participants under the age of 18, must meet LAYC child protection compliance standards in their operations. If a prospective service provider lacks a child protection policy and standard operating procedures to investigate allegations, the organization must commit to signing an agreement to abide by LAYC’s Child Protection Policy.
LAYC expects all relevant stakeholders to respect and abide by the principles and standards set out in this policy. There are no exceptions and LAYC has zero-tolerance for violations of this policy, and all allegations will result in immediate investigation. Definitions of behaviors that LAYC considers to be harmful to children and youth can be found on page 7 of this policy.

Roles and Responsibilities
Creating a safe and secure environment for LAYC’s program participants requires the commitment and participation of staff at every level of the organization. Every staff member plays a role in ensuring the safety of LAYC’s program participants by reading this policy and following the instructions herein.

LAYC’s senior team, which is responsible for this policy, is ultimately responsible for ensuring that a report is made and that an investigation by the appropriate authorities is conducted regarding any allegations brought to the attention of anyone in the organization. Receiving and managing an alleged violation of this policy is an integral part of the success of this policy. The following staff play a role in this process:

- **All employees** are responsible for reporting suspicions of child abuse to their supervisor and, in the case of youth 18 year of age and younger, to the local child protection agency within 24 hours. If the staff member reporting the misconduct feels that the director or supervisor to whom they must report an incident is involved in any way in the problem, the person should notify the next higher person in the chain of authority who they believe is not involved: up to the chair of the Board of Directors.
- **LAYC’s senior team** is responsible for ensuring that a thorough investigation by the appropriate local and/or internal authorities is conducted upon any allegations brought to LAYC management.
- **Human Resources (HR) director** will coordinate with local authorities, as requested, in order to facilitate and support any investigation conducted by external agents. If local authorities do not investigate, the HR director will manage an internal investigation.
- **Department directors** will receive all allegations filed in their department, and will in turn will notify the HR director of the reported misconduct. The department director may delegate this responsibility to another employee in the office.

COMPLAINT PROCESS
LAYC has two separate processes for handling complaints: one for minors under the age of 18, and a one for those youth who are 18 years old and over.

**Reporting a Complaint for Youth Under 18 Years Old (minors)**
All employees have an obligation to report allegations, observations and/or suspected violations of these policies. LAYC will not tolerate any form of coercion, intimidation, reprisal, or retaliation against any employee who makes a report in good faith regarding a possible violation of this policy or who provides information or assistance in an investigation. Employees must report any and all allegations, observations and/or suspected violations of this policy to their supervisor, who in turn must report it to his/her supervisor and/or HR director as appropriate.

All LAYC employees are mandated reporters. This means that in addition to reporting to supervisors, all employees are required to report suspicion of Child Abuse or Neglect to the
corresponding Child Protection Agency: in Washington DC CFSA Hotline at (202) 671- SAFE (7233), in Montgomery County (240) 777-4417, in Prince George’s County (301)909-2450. District of Columbia law requires staff to report all alleged or actual child abuse or neglect within 24 hours.

Any staff involved in alleged child abuse will be immediately placed on probation and suspended from any programmatic duties involving youth participants for the duration of either an external or internal investigation.

Reporting Complaints for Youth 18 Years of Age and Older
Although CFSA, or its legal equivalent in Maryland and Virginia, only handles legal matters and accepts allegations regarding minors under the age of 18, LAYC employees are also required to internally report all possible incidences of general misconduct against youth over 18 in accordance with our social work principles and LAYC’s ethical standards. If an allegation amounts to misconduct but does not involve a minor or otherwise meet the standards for classification as a criminal matter, LAYC will handle the investigation process internally.

Staff may report an alleged violation of the Child Protection Policy by communicating with a supervisor, who in turn has the obligation to report it to the appropriate local authorities. This must be done under the guidance and supervision of the chief operations officer (COO). For youth 18 and over, this report is not made to Child Protection Agencies but rather to other local authorities such as local police. Examples of instances of abuse that need to be reported to local police include sexual assault, physical violence, threats of harm, etc.

Upon receiving a complaint from a staff person, the HR director will report it to the COO who will investigate in coordination with the HR director and department director (unless any of those persons is involved). The senior team will be informed of the investigation and its findings. If any of the above persons is involved in the complaint, the complainant should email or call either the chief financial officer (CFO), the chief strategy officer (CSO), the president & chief executive officer (CEO), or the chair of the Board of Directors. Any staff involved in alleged child abuse will be immediately placed on probation and suspended from any programmatic duties involving youth participants for the duration of LAYC’s investigation.

Managing a Complaint
Upon receipt of an alleged violation of this policy, HR director and COO will determine the following:

1. If immediate protection measures are needed;
2. If the allegation should be turned over to local law authorities, or if an LAYC team should manage the investigation;
3. If the allegations require immediate personnel changes. For example, an alleged perpetrator of child abuse will normally be suspended from their position during the investigation of the allegation: the accused person will be informed that allegations have been made against him or her and given an opportunity to respond.
4. What communication protocols and steps are needed to secure the LAYC’s reputation and working relationships within the community where the alleged incident has occurred.
This procedure is identical for youth above and below the age of 18.

The Investigation
If an internal investigation is required, it will be prioritized and completed as expeditiously as possible with care given to the confidentiality of all those involved. When investigating, the HR director and COO will determine the following:

1. The objectives and procedures of the investigation (any rules, restrictions, protection measures needed);
2. The timeframe to carry out the investigation;
3. Who should be included on the investigation team;
4. The investigation team will carry out the following, ensuring the confidentiality of all those involved is maintained to the greatest extent possible;
5. Create an investigation plan;
6. Gather information (testimony, documents, records, dates/times, in relation to the allegation);
7. Interview victims, witnesses, subject of the complaint;
8. Keep organized records and notes of information collected in a confidential manner;
9. Determine which information is evidence or not (evidence proves or disproves the allegation);
10. Write an investigation report with recommendations for action;
11. Upon receipt of the investigation report, the President & CEO – with advice from CFO, COO, CSO, and HR director – will determine the following:
   a. The appropriate disciplinary measures to be taken;
   b. Whether the incident requires the involvement of law enforcement, legal protection for the organization and/or other agencies (e.g. Child Protective Services); and,
   c. Whether the child protection policy, procedures and standards that are in place are sufficient or whether, given the events that unfolded, they should be strengthened to prevent occurrences in the future.

This procedure is identical for youth above and below the age of 18.

Ramifications of Misconduct
Following the completion of the investigation, the complainant, victim, and the person/s alleged of a violation will be informed of the results of the investigation and the steps to be taken based on the findings. If evidence supports the allegation of abuse, disciplinary measures could include, but are not limited to:

1. Immediate termination of employment;
2. Reporting to government agencies (e.g. Child Protective Services);
3. Reporting to relevant law enforcement for criminal prosecution.

LAYC reserves the right, in the event an employee, volunteer, or intern is discharged for proven misconduct, to disclose such information if requested by a prospective employer. Disclosures shall be made in accordance with applicable local law.
LAYC will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee, program participant and/or service provider who makes a report regarding possible violations of the LAYC Child Protection Policy or any person who provides information or assistance in an investigation. In alignment with our zero-tolerance policy on child abuse, we would ensure immediate disciplinary or corrective action upon confirmation of any attempt to coerce, intimidate, retaliate, or otherwise suppress reporting, investigation, or redress of child abuse.

This procedure is identical for youth above and below the age of 18.

**LAYC CHILD ABUSE DEFINITION, GUIDING PRINCIPLES, AND STANDARD OF CONDUCT**

Our Child Protection Policy is an operational commitment shared by LAYC and its employees in how we treat children, young people, and all participants in our programs. It also represents the high standard and values that LAYC as an organization has set and upholds to create a protective culture that safeguards program participants, staff, stakeholders and the reputation of the organization.

The following section provides a “Do” and “Do Not” guide on expected behavior for all staff on how to treat children and youth with respect: ensuring that no child or youth is abused, exploited or neglected as a result of individual or organizational decisions. These protocols are designed to protect youth participants foremost, but are also intended to protect staff from false accusations of inappropriate behavior or abuse.

Inappropriate behavior toward children, including failure to follow LAYC’s behavior protocols or sexual abuse of a child, is grounds for discipline up to and including termination from employment, and potential legal prosecution. These standards are identical for youth above and below the age of 18.

**Child Abuse**

*Definition:* Child abuse is defined by the United Nations Convention on the Rights of the Child as all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child. LAYC also adds “youth” to this definition, and all those that follow, to reflect that the organization works with youth over the age of 18 as well as children. LAYC has a responsibility to protect the safety of our youth participants as well as the children with whom we work.

*Guiding Principles:*

1. LAYC employees will work in a proactive manner to protect the safety of children and youth from preventable harm;
2. LAYC employees will not condone or participate in behavior that is illegal, unsafe or abusive towards children or youth;
3. LAYC employees will realize that they are always the responsible party, required to take action to avoid any harm to children or youth and/or violation of this policy, even if a child or youth behaves inappropriately;

4. LAYC employees will not put themselves in positions where their actions (physical, verbal or otherwise) are offensive, inappropriate, abusive, neglectful or exploitative towards children or youth.

Minimizing risk situations:

**Do:**
- Avoid placing yourself in a compromising or vulnerable position;
- Avoid being alone or staying overnight with a child where others cannot witness behavior, unless the child is a family member or if the employee is the legal guardian;
- Where possible and practical, use the ‘two-adult’ rule, wherein two or more adults supervise all activities where minors or children are involved and are always present;
- Meet with a child in a central, public location whenever possible;
- Immediately note, using the *Incident Report Form*, the circumstances of any situation which occurs which may be subject to misinterpretation;
- Keep in mind that actions, no matter how well intended, are always subject to misinterpretation by a third party. Impact and perception are important.
- Inform youth at intake about policies and procedures concerning abuse, neglect and mistreatment;
- Educate children, youth and families of your duty to report at intake;
- Keep sensitive and personally identifiable information in a safe and secure location with access permissions restricted to properly designated persons.

**Do not:**
- Hit or threaten to hit a child or youth either with a hand or other implement; otherwise physically hurt or physically abuse a child or youth or threaten to do so.
- Reveal any personal information about children or youth to anyone unless directed to do so by legal guardian or parent, Guardian ad Litem, Judge or the like;
- Pry for information from a youth if they have not volunteered such information themselves.

**Discrimination**

*Definition:* Discrimination is unfair or unequal treatment of individuals or groups on the basis of personal characteristics such as disability or appearance or group characteristics such as ethnicity or religion.

*Guiding Principles:*
1. LAYC employees will not discriminate against children or youth in its programs or services on the grounds of age, citizenship status, color, disability, ethnicity, gender, gender identity, language, marital status, national origin, political conviction, pregnancy, race, religion, sexual orientation;
2. LAYC will promote gender equity in all its programs.
Minimizing risk situations:

Do:
- Be aware of the power balance between youth and staff and avoid leveraging any advantage this may provide;
- Be trauma-informed in your approach when dealing with a child or youth’s misbehavior, attitude, etc.

Do not:
- Use language that will mentally or emotionally harm any child or youth;
- Suggest inappropriate behavior or relations of any kind;
- Act in any way that intends to embarrass, shame, humiliate, or degrade a child or youth; encourage any inappropriate attention-seeking behavior, such as tantrums, by a child or youth;
- Discriminate against a child on the grounds of age, citizenship status, color, disability, ethnicity, gender, gender identity, language, marital status, national origin, political conviction, pregnancy, race, religion, sexual orientation;
- Pressure a child or youth to participate in any activity.

Harassment

Definition: Harassment consists of unwelcome comments or behavior (methods include in person, using telecommunications and/or social media) that are offensive, demeaning, intimidating, or emotionally or physically harmful.

Guiding Principles:
1. LAYC prohibits harassment of any program participant, partner, or member of a community in which it conducts programs;
2. LAYC employees will treat all those whom they serve with respect and dignity at all times;
3. LAYC will maintain a safe environment for participants at all times;
4. LAYC will make its best effort to hire and train employees of the highest integrity who are accountable, responsible and create an environment of openness for all involved;
5. LAYC employees will not use their relationship of authority inappropriately.

Minimizing risk situations:

Do:
- Be aware of the potential for peer abuse and/or bullying;
- Be aware of the power balances between youth (based on age, disability, ethnicity, gender, gender identity, income, sexual orientation, etc.) and avoid creating situations where children or youth can exploit these differences to abuse and/or bully each other;
- Develop special measures/supervision guidelines to protect younger and especially vulnerable children;
- Avoid placing children or youth in high-risk peer situations (e.g. unsupervised mixing of older and younger ages);
- Encourage youth to develop mutually agreed peer codes of conduct or ‘ground rules’ including not hitting, bullying or intimidating each other.
• Develop clear rules to address specific physical safety issues relative to the physical environment of a program;
• Provide for gender-sensitive and/or gender-neutral facilities such as individual toilets and showers.

**Do not:**
• Allow children or youth to engage in sexually provocative games with each other.

**Sexual Harassment and Exploitation**

*Definition:* Sexual harassment consists of unwelcome sexual advances, comments, jokes, or conduct of a sexual nature (methods include in-person, using telecommunications and/or social media). Sexual harassment includes sexually-oriented conduct that is sufficiently pervasive or severe enough to reasonably interfere with program delivery, participation, or to create an intimidating, hostile, or offensive environment.

*Definition:* Sexual exploitation consists of actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

**Guiding Principles:**
1. LAYC prohibits sexual harassment of any individuals, employee or program participant, regardless of their work relationship.
2. LAYC employees shall not engage in sexual activity with children (persons under the age of 18). Mistaken belief in the age of a child is not a defense;
3. LAYC employees are prohibited from exchanging money, employment, goods, or services for sex, including sexual favors;
4. LAYC employees shall not engage in sexual relationships with program participants regardless of age since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of LAYC’s work and are harmful to program participants.

**Minimizing risk situations:**

**Do not:**
• Engage in or allow sexually provocative games with children or youth to take place; kiss, fondle, rub, or touch a child in an inappropriate or culturally insensitive way;
• Use language that sexualizes a child or youth;
• Encourage any crushes by a child or youth;
• Create, view or distribute images in any format (print or electronic) of a child or youth who is not appropriately clothed and/or who is depicted in any poses that could be interpreted as sexually inappropriate;
• Sleep in the same bed or do things of a personal nature that a child or youth could do for him/herself, including dressing, bathing, and grooming.

**Marketing and Communications**

As much as this policy is about proper behavior of employees towards children, young people, and all program participants, the same standards must be set for how LAYC communicates and
displays images of children and youth within marketing and communication materials for the organization. Participants have a right to be seen in respectful and positive images that emphasize their dignity and self-worth. The following standards are in place to ensure that participants are represented in an appropriate and respectful manner.

- All employees wishing to photograph or film a child or youth for the purposes of promoting LAYC, communicating about programs implemented by LAYC directly or by service provider organizations, or for use in written materials such as reports, brochures, postcards, the website, posters, and other public communication tools (“communication materials”) must acquire permission of the child and/or parent/guardian to either take or use a selected photograph/film where the child or youth is involved.
- LAYC’s Participant Release Form must be signed by parent/guardian and where applicable, the child, to use any photo or film in any form of communication materials.
- Images of participants should be accurate and provide a balanced portrayal of them and their situation with an emphasis on dignity.
- Photographs and text should avoid manipulation or sensationalizing images.
- No staff should communicate with youth using their own personal email, cell phone, social media etc. unless otherwise explicitly authorized by a program manager or department director.

**Recruitment**

All newly hired employees, interns, volunteers, will be provided with an orientation to all LAYC policies including the *LAYC Child Protection Policy*. To ensure that employees, volunteers, and interns with direct contact with children or youth or indirect contact with information concerning individual children or youth are eligible to work with participants, the following standards will be in place:

- All potential employees, volunteers, interns shall be asked to disclose any criminal convictions during the hiring process.
- To the extent possible, LAYC will perform background checks on all employees, interns and volunteers. Such background checks may include, but not be limited to, criminal, Federal Bureau of Investigation (FBI), fingerprint, and/or child protective services (CPS) registries. Such background checks may be performed for all newly hired employees, interns and volunteers. Periodically, LAYC may perform background checks of existing employees, interns and volunteers.
- LAYC will not knowingly hire or engage with anyone with a conviction for child abuse, pedophilia, sex offenses, or any other related offense that violates or exploits a child.
Receipt of Child Protection Policy

I acknowledge that I have received a copy of LAYC’s Child Protection Policy and read it carefully. I agree that if there is any policy or provision in the Policy that I do not understand, I will seek clarification from Human Resources.

Please sign and date this receipt and return it to Human Resources.

Date: ________________________________

Signature: ____________________________

Print Name: __________________________