APPENDIX B

Sexual Abuse and Harassment Allegation Reporting Guidelines for District 5830

Rotary International is committed to protecting the safety and well-being of all youth program participants and will not tolerate their abuse or harassment. All allegations of abuse or harassment will be taken seriously and must be handled within the following guidelines. The safety and well-being of young people must always be the first priority.

Definitions

**Sexual abuse:** Engaging in implicit or explicit sexual acts with a young person or forcing or encouraging a young person to engage in implicit or explicit sexual acts alone or with another person of any age, of the same or opposite sex. This includes non-touching offenses, such as indecent exposure or showing a young person sexual or pornographic material.

**Sexual harassment:** Sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature. In some cases, sexual harassment precedes sexual abuse and is used by sexual predators to desensitize or groom their victims.

Some examples of sexual harassment include:

* Sexual epithets, jokes, written or spoken references to sexual conduct, talking about one’s sex life in the presence of a young person, and comments about an individual’s sexual activity, deficiencies, or prowess
* Verbal abuse of a sexual nature
* Display of sexually suggestive objects, pictures, or drawings
* Sexual leering or whistling, any inappropriate physical contact such as brushing or touching, obscene language or gestures, and suggestive or insulting comments

**Who should determine if it is abuse or harassment?**

Upon hearing allegations, adults should not determine whether the alleged conduct constitutes sexual abuse or sexual harassment. Instead, after ensuring the safety of the student, the adult should immediately report all allegations to appropriate child protection or law enforcement authorities. In some countries, this reporting is required by law.

Allegation Reporting Guidelines

Any adult to whom a Rotary youth program participant reports an allegation of sexual abuse or harassment must follow these reporting guidelines:

**1. Receive the report.**

**a. Listen attentively and stay calm.** Acknowledge that it takes a lot of courage to report abuse or harassment. Be encouraging; do not express shock, horror, or disbelief.

**b. Assure privacy but not confidentiality.** Explain that you will have to tell someone about the abuse/harassment in order to make it stop and ensure that it does not happen to others.

**c. Get the facts, but don’t interrogate.** Ask questions that establish facts: who, what, when, where, and how. Reassure the young person that he or she did the right thing in telling you. Avoid asking “why” questions, which may be interpreted as questioning the young person’s motives. Remember that your responsibility is to present the story to the proper authorities.

**d. Be nonjudgmental and reassure.** Avoid criticizing anything that has happened or anyone who may be involved. It’s especially important not to blame or criticize the young person. Emphasize that the situation was not his or her fault and that it was brave and mature to come to you.

**e. Document the allegation.** Make a written record of the conversation, including the date and time, as soon after the report as you can. Try to use the young person’s words and record only what he or she told you.

**2. Protect the young person.**

Ensure the safety and well-being of the youth program participant by removing him or her from the situation immediately and preventing all contact with the alleged abuser or harasser. Reassure the youth that this is being done for his or her safety and is not a punishment.

**3.** **Report the allegations to appropriate authorities — child protection or law enforcement.**

Immediately report all cases of sexual abuse or harassment — first to the appropriate law enforcement authorities for investigation and then to the club and district leadership for follow-through. In District 5830 the appropriate law enforcement offices are:

Arkansas Department of Health & Human Services

Division of Children and Family Services (DCFS)

Crimes Against Children Hotline

1-800-482-5964 (TDD 1-800-843-6349)

Texas Abuse Hotline of the Department of

Family and Protective Services 1-800-252-5400

In Texas, you are required to make a report within 48 hours of the time you suspected the child has been or may be abused or neglected. However, District 5830 urges you to make your report immediately.

Oklahoma Department of Human Services

24-hour Child Abuse and Neglect Hotline

1-800-522-3511

If the situation is an emergency, call 911. If 911 is not available in your area, call your local law enforcement agency.

In most situations, the first Rotary contact is the District 5830 Youth Protection Officer, who is responsible for seeking the advice of appropriate agencies and interacting with them. If the allegation involves the conduct of this Rotarian, one of the two district youth program chairs or the district governor should be the first Rotary contact.

District 5830 will cooperate with police or legal investigations.

District 5830 has researched local, state, and national laws related to sexual abuse and harassment prevention and notes the following legal requirements of which all adult volunteers participating in the program must be aware:

Arkansas Law.

'Abuse' means:

• Extreme or repeated cruelty to a child

• Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of a bodily organ

• An injury that is at variance with the history given

• Any nonaccidental physical injury

• Any of the following acts with physical injury:

o Throwing, kicking, burning, biting, or cutting a child

o Striking a child with a closed fist o Shaking a child

o Striking a child on the face or head

• Any of the following acts with or without physical injury:

o Striking a child age 6 or younger on the face or head

o Shaking a child age 3 or younger o Interfering with a child's breathing

o Pinching, biting, or striking a child in the genital area

o Tying a child to a fixed or heavy object or binding or tying a child's limbs together

o Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions

o Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, marijuana, alcohol for use other than during a recognized and established religious ceremony, a narcotic, or an over-the-counter drug if a person purposely administers an overdose or an inappropriate drug and the child is detrimentally affected

• Exposing a child to dangerous chemicals including, but not limited to, a chemical used or generated during the manufacture of methamphetamine • Subjecting a child to Munchausen syndrome by proxy or a factitious illness by proxy if the incident is confirmed by medical personnel

'Neglect' means failure or refusal to:

• Prevent abuse of the child when the person knows or has reasonable cause to know the child is or has been abused

• Provide necessary food, clothing, shelter, and education required by law, or medical treatment necessary for the child's well-being

• Take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of the condition was known or should have been known

• Provide for essential and necessary physical, mental, or emotional needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child

• Provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care

• Assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility

• Appropriately supervise the child that results in the child being left alone at an inappropriate age or in inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm 'Neglect' shall also include:

• Causing a child to be born with an illegal substance in the child's bodily fluids or bodily substances as a result of the pregnant mother knowingly using an illegal substance before the birth of the child

• At the time of the birth of a child, the presence of an illegal substance in the mother's bodily fluids or bodily substances as a result of the pregnant mother knowingly using an illegal substance before the birth of the child

o An 'illegal substance' is a drug that is prohibited to be used or possessed without a prescription.

o A test of the child's or the mother's bodily fluids or bodily substances may be used as evidence to establish neglect.

'Sexual abuse' means

• By a person age 10 or older to a person younger than age 18:

o Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion o Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion o Indecent exposure

o Forcing the watching of pornography or live sexual activity

• By a person age 18 or older to a person not his or her spouse who is younger than age 16:

o Sexual intercourse, deviate sexual activity, or sexual contact o Attempted sexual intercourse, deviate sexual activity, or sexual contact • By a caregiver to a person younger than age 18:

o Sexual intercourse, deviate sexual activity, or sexual contact o Attempted sexual intercourse, deviate sexual activity, or sexual contact

o Forcing or encouraging the watching of pornography o Forcing, permitting, or encouraging the watching of live sexual activity

o Forcing the listening to a phone sex line

o An act of voyeurism

• By a person younger than age 10 to a person younger than age 18:

o Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion

o Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion

'Sexual contact' means an act of sexual gratification involving:

• Touching, directly or through clothing, the sex organs, buttocks, or anus of a person or the breast of a female

• Encouraging of a child to touch the offender in a sexual manner

• The offender requesting to touch a child in a sexual manner

'Sexual exploitation' means:

• Allowing, permitting, or encouraging participation or depiction of the child in prostitution, obscene photography, or obscene filming

• Obscenely depicting, posing, or posturing a child for any use or purpose

The term 'abuse' includes acts or omissions that result in injury to a child's intellectual, emotional, or psychological development, as evidenced by observable and substantial impairment of the child's ability to function within the child's normal range of performance and behavior.

'Abandonment' means:

• Failure of the parent to provide reasonable support and to maintain regular contact with the child through statement or contact, when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future

• Failure to support or maintain regular contact with the child without just cause • An articulated intent to forgo parental responsibility

Standards for Reporting

A report is required when there is reasonable cause to suspect that a child has been subjected to child maltreatment.

Persons Responsible for the Child:

Responsible persons include:

• A parent, guardian, or custodian

• A foster parent

• A person age 18 or older living in the child's home, whether related or unrelated

• A person who is entrusted with the child's care, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the child's welfare

Exceptions

Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Abuse shall not include when a child suffers transient pain or minor temporary marks as the result of an appropriate restraint if:

• The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act.

• The agency has policy and procedures regarding restraints.

• No alternative exists to control the child except for a restraint.

• The child is in danger or hurting himself or herself or others.

• The person exercising the restraint has been trained properly in restraining children, de-escalation, and conflict resolution techniques.

• The restraint is for a reasonable period of time. • The restraint is in conformity with training and agency policy and procedures.

Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include an act that is likely to cause and that does cause injury more serious than transient pain or minor temporary marks.

The age, size, and condition of the child, the location of the injury, and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

It is not considered neglect when the parent's failure to provide for the child's needs is due to financial inability, and no services or relief have been offered.

Texas Law.

In Texas, the definitions of child abuse and neglect include specific acts or omissions by a person responsible for a child’s care, custody or welfare. Here are important legal definitions from Section 261.001 of the Texas Family Code.

**“Abuse” includes the following acts or omissions by a person:**

* Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning.
* Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning.
* Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm.
* Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child.
* Sexual conduct harmful to a child’s mental, emotional, or physical welfare including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code.
* Failure to make a reasonable effort to prevent sexual conduct harmful to a child.
* Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code.
* Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic.
* Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.
* The current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child.
* Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code.

**“Neglect” includes:**

* Leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child.
* The following acts or omissions by a person:
  + Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that result in bodily injury or a substantial risk of immediate harm to the child.
  + Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.
  + The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.
  + Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child.
* The failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

**“Person responsible for a child’s care, custody, or welfare” means a person who traditionally is responsible for a child’s care, custody, or welfare, including:**

* A parent, guardian, managing or possessory conservator, or foster parent of the child.
* A member of the child’s family or household as defined by Chapter 71.
* A person with whom the child’s parent cohabit.
* School personnel or a volunteer at the child’s school.
* Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

Oklahoma Law.

Oklahoma statutes define child abuse as harm or threatened harm to a child’s health, safety or welfare by a person responsible for the child. This includes non-accidental physical or mental injury, sexual abuse, or neglect (Title 10, Section 7102).

 Neglect is the failure or omission to provide a child adequate food, clothing, shelter, medical care, protection, supervision, or special care made necessary by the physical or mental condition of the child. Abandonment is also a type of neglect.

 Physical abuse is non-accidental physical injury to a child under the age of 18.

 Sexual abuse, which also includes sexual exploitation, means any sexual activity or propositioning between an adult and a child for the purpose of sexually stimulating the adult, the child, or others. This can include rape, sodomy, incest, lewd or indecent acts or proposals, prostitution, obscene photography, and deliberate exposure to adult pornography or adult sex acts.

 Emotional abuse is an injury to a child’s psychological growth and development resulting from incessant rejecting, criticizing, terrorizing, isolating, exploiting, corrupting, and denying emotional responsiveness.

Every person, private citizen or professional who has reason to believe that a child under the age of 18 is being abused or neglected is mandated by law to promptly report suspected abuse to the Oklahoma Department of Human Services (DHS). Failure to do so is a misdemeanor. A person making a report, in good faith, is immune from civil or criminal liability. The name of the reporter is kept confidential by DHS.

A report should be made each time there is reasonable cause to believe that a child under 18 is being abused or neglected,or is in danger of being abused or neglected. If you are worried about a child, a trained professional at the child abuse hotline will discuss these concerns with you.

**4. Avoid gossip and blame.**

Don’t tell anyone about the report other than those required by the guidelines. Be careful to protect the rights of both the victim and the accused during the investigation.

District 5830 will maintain the privacy (as distinct from confidentiality) of any accused person by limiting discussions only to those people who need to know. The audience will be limited to the student's natural parents, club counselor, club youth exchange officer, district youth exchange officer, district Youth Protection Officer, the District Governor, and appropriate government or law enforcement agents necessary to protect the alleged victim.

**5.** **Do not challenge the alleged offender.**

Don’t contact the alleged offender. In cases of abuse, interrogation must be left entirely to law enforcement authorities. In cases of non criminal harassment, the district governor is responsible for follow-through and will contact the alleged offender after the young person has been moved to a safe environment. The district governor may designate this task to a district youth protection officer or district review committee.

Follow-through Procedures

Either the district youth programs chair or district youth protection officer will ensure that the following steps are taken immediately after an abuse allegation is reported.

1. Confirm that the youth program participant has been removed from the situation immediately and has no contact with the alleged abuser or harasser.

2. If law enforcement agencies will not investigate, the district youth protection officer or district review committee should coordinate an independent review of the allegations.

3. Ensure that the student receives immediate support services.

4. Offer the young person an independent, non-Rotarian counselor to represent his or her interests. Ask social services or law enforcement to recommend someone who is not a Rotarian or in any way involved with the youth program.

5. Contact the student’s parents or legal guardian.



If the student is away from home, the student and his or her parents should decide whether to stay in country or return home. If the student stays in country, written authorization from the student’s parents or legal guardian is required. If the student and the student’s parents choose for the student to return home, consult with police before making travel arrangements. If an investigation is pending, the police may not approve of the student leaving the country.

6. Remove alleged abuser or harasser from all contact with any other young participants in Rotary programs and activities while investigations are conducted.

7. Cooperate with the police or legal investigation.

8. Inform the district governor of the allegation. Either the district governor, district youth protection officer, or other district youth program chair will inform RI of the allegation within 72 hours and provide follow-up reports of steps taken and the status of investigations.

9. After the authorities have completed their investigation, the district must follow through to make sure the situation is being addressed. Specifically, District 5830 will conduct an independent and thorough review of any allegations of sexual abuse or harassment.

Post Allegation Report Considerations

Responding to the needs of the youth program participant

District 5830 will adopt a cohesive and managed team approach to supporting a young person after an allegation report. The youth program participant is likely to feel embarrassed or confused and may become withdrawn.



After a report of harassment or abuse, students may have mixed feelings about remaining on their exchange. If they do choose to stay, they may or may not want to continue their relationship with their hosting Rotary club. In some cases, a student may wish to remain in country but change to a different host club.

Although club members and host families may have trouble understanding how the student is feeling, the student would find it helpful to know that the club continues to be reassuring and supportive. Club members and host families may feel ambivalent about their roles and unclear about their boundaries. However, they need to do whatever is necessary to reassure the student of their support at all times. District 5830 will support this need.

Addressing issues within the club

When addressing an allegation of abuse or harassment, the most important concern is the safety of youth. Club members should not speculate or offer personal opinions that could potentially hinder any police or criminal investigations. Rotarians must not become involved in investigations. Making comments about alleged victims in support of alleged abusers violates both the Statement of Conduct for Working with Youth and Rotary ideals. Comments made against an alleged abuser could lead to a slander or libel claim filed against Rotarians or clubs by the alleged abuser. District 5830 will work to ensure that this requirement is met.