

ORDINANCE NO. 66-23

AN ORDINANCE ADOPTING A SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY FOR THE MEDINA COMMUNITY RECREATION CENTER.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That the Sexual Abuse and Molestation Prevention Policy for the Medina Community Recreation Center is hereby adopted.
- SEC. 2:** That a copy of the Sexual Abuse and Molestation Prevention Policy for the Medina Community Recreation Center is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: March 27, 2023

SIGNED: James A. Shields
President of Council Pro-Tem

ATTEST: Kathy Patton
Clerk of Council

APPROVED: March 27, 2023

SIGNED: John M. Coyne, III
Acting Mayor

Sexual Abuse and Molestation Prevention Policy for Medina Community Recreation Center

ORD. 66-23
Exh. A

The Medina Rec Center prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. The Medina Rec Center provides procedures for employees, volunteers, or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment, as well as criminally prosecuted. No employee, volunteer, or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Because our organization is dedicated to maintaining zero tolerance for abuse, it is imperative that every member of the organization actively participates in the prevention of abuse. In the event that anyone observe any suspicious or inappropriate behaviors and/or policy violations, it is their personal responsibility to immediately report their observations.

Definitions and Examples

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third-parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Any activity which is meant to arouse or gratify the sexual desires of either person.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders and/or pulling against another's body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Reporting Procedure

Immediately report suspected sexual abuse to your Supervisor or Rec Center Superintendent who will then report to the Parks Director and Medina City Law Director. It is not required to directly confront the person who is the source of the report, question or complaint before notifying your Supervisor or Rec Center Superintendent. The Medina Rec Center will take every reasonable measure to ensure that those named in complaint of misconduct, or are too closely associated with those involved in the complaint, will not be part of the investigative team.

Anti-retaliation and False Allegations

The Medina Rec Center prohibits retaliation made against any employee, volunteer, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. The Medina Rec Center prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment and criminal prosecution.

Investigation and Follow-up

The Medina Rec Center will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly and equitably investigate whether misconduct has taken place. The organization may utilize an outside third-party to conduct an investigation of misconduct. The Medina Rec Center will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. The Medina Rec Center will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

The Medina Rec Center is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of the Medina Rec Center not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, the Medina Rec Center is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interaction with those employed by, associating with or serviced by the Medina Rec Center. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references. Staff with hiring authority will receive training on screening and selection.

Supervision of Youth

To provide a safe environment for minors, the Medina Rec Center strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. Additional guidelines for supervision and interaction with minors include:

- No staff member is permitted to be alone with one child in any closed room (door must be open). One-on-one interactions should occur in public areas only.
- All activities and interactions between staff and minors should be conducted in easily accessible, visible areas. If any staff member is alone with a minor or group of minors in a room with a door, the door must remain open or the door must have a visible window/glass for easy observation from the outside.
- All staff and volunteers must refrain from any inappropriate physical contact with minors. For example, a shoulder hug is a sign of encouragement, but a full-frontal embrace is not appropriate.

Staff members and volunteers should refrain from allowing minors to sit on their laps, having their arms around minors, or any other physical contact that could be misrepresented by someone passing by.

- If a staff member or volunteer finds him/herself alone with a group of children, another staff member should check-in/monitor the area closely. Our goal should always be at least two adult staff members with groups of minors at all times. If a staff member must be alone with a child, that staff member should inform other staff and ask them to randomly drop in.
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
- Staff will be assigned specific supervision responsibilities and will document the scheduled and periodic sweeps of high-risk areas.
- Staff are prohibited from having interactions with minor participants outside of regularly scheduled program activities unless approved by the Superintendent or Parks Director.
- Staff are prohibited from giving individual gifts to minor participants unless approved by the Rec Center Superintendent or Director and the minor's parent or guardian.

Training Requirements

The Medina Rec Center requires those hiring its employees and supervising its volunteers to review this policy with them prior to them beginning employment and/or volunteering and provide any additional education or training needed to ensure they are able to effectively follow this policy.

<i>Audience</i>	<i>Content</i>	<i>Timetable</i>	<i>Delivery Method</i>
All employees and volunteers with access to participant	Abuse Risk Management	Within 30 days of selection or prior to placement	Live Training or Armatus® Online Training*
All employees and high access volunteers	Prevention of participant-to-participant Abuse	Within 30 days of selection or prior to placement	Live Training or Armatus® Online Training
All employees who make hiring decisions	Screening and Selection	Prior to making hiring decisions	Live Training
All employees who conduct internal investigations	Incident Investigation	Prior to investigations	Live Training
All employees with access to participant	Refresher Abuse Risk Management	At employment or volunteer anniversary date	Live Training or Armatus® Online Training

Code of Conduct

The Code of Conduct outlines specific expectations of the staff and volunteers as we strive to accomplish our mission together.

1. Participants will be treated with respect at all times.
2. Participants will be treated fairly regardless of race, sex, sexual orientation, gender identification, age, or religion.
3. Staff and volunteers will adhere to uniform standards of displaying affection as outlined by our organization.
4. Staff and volunteers will avoid affection with participants that cannot be observed by others.
5. Staff and volunteers will adhere to uniform standards of appropriate and inappropriate verbal interactions as outlined by our organization.
6. Staff and volunteers will not stare at or comment on participants' bodies.
7. Staff and volunteers will not date or become romantically involved with participants.
8. Staff and volunteers will not use or be under the influence of alcohol or illegal drugs in the presence of participants.
9. Staff and volunteers will not have sexually oriented materials, including printed or online pornography, on our organization's property.
10. Staff and volunteers will not have secrets with participants and will only give gifts with prior permission.
11. Staff and volunteers will comply with our organization's policies regarding interactions with participants outside of our programs.
12. Staff and volunteers will not engage in inappropriate electronic communication with participants.
13. Staff and volunteers are prohibited from working one-on-one with participants in a private setting. Staff and volunteers will use common areas when working with individual participants.
14. Staff and volunteers will not abuse participants in anyway including (but not limited to) the following:
 - a) *Physical abuse*: hitting, spanking, shaking, slapping, unnecessary restraints
 - b) *Verbal abuse*: degrading, threatening, cursing
 - c) *Sexual abuse*: inappropriate touching, exposing oneself, sexually oriented conversations
 - d) *Mental abuse*: shaming, humiliation, cruelty
 - e) *Neglect*: withholding food, water, shelter
15. Our organization will not tolerate the mistreatment or abuse of one participant by another participant. In addition, our organization will not tolerate any behavior that is classified under the definition of bullying, and to the extent that such actions are disruptive, we will take steps needed to eliminate such behavior.

16. Bullying is aggressive behavior that is intentional, is repeated over time, and involves an imbalance of power or strength. Bullying can take on various forms, including:
- a) *Physical bullying* – when one person engages in physical force against another person, such as by hitting, punching, pushing, kicking, pinching, or restraining another.
 - b) *Verbal bullying* – when someone uses their words to hurt another, such as by belittling or calling another hurtful names.
 - c) *Nonverbal or relational bullying* – when one person manipulates a relationship or desired relationship to harm another person. This includes social exclusion, friendship manipulation, or gossip. This type of bullying also includes intimidating another person by using gestures.
 - d) *Cyberbullying* – the intentional and overt act of aggression toward another person by way of any technological tool, such as email, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve:
 - i) Sending mean, vulgar, or threatening messages or images.
 - ii) Posting sensitive, private information about another person.
 - iii) Pretending to be someone else in order to make that person look bad.
 - iv) Intentionally excluding someone from an online group.
 - e) *Hazing* – an activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers that person regardless of that person’s willingness to participate.
 - f) *Sexualized bullying* – when bullying involves behaviors that are sexual in nature. Examples of sexualized bullying behaviors include sexting, bullying that involves exposures of private body parts, and verbal bullying involving sexualized language or innuendos.
 - g) Anyone who sees an act of bullying, and who then encourages it, is engaging in bullying. This policy applies to all participants, staff and volunteers.
17. All staff must follow state specific mandatory reporting requirements. Staff should be trained to be aware of and understand their legal and ethical obligation to recognize and report suspicions of mistreatment and abuse. Staff will:
- a) Be familiar with the symptoms of child abuse and neglect, including physical, sexual, verbal, and emotional abuse.
 - b) Know and follow organization policies and procedures that protect participants against abuse.
 - c) Report suspected child abuse or neglect to the appropriate authorities as required by state mandated reporter laws.
 - d) Follow up to ensure that appropriate action has been taken.
18. Staff and volunteers will report concerns or complaints about other staff, volunteers, adults, or participants to our organization’s supervisor.
19. Our organization cooperates fully with the authorities to investigate all cases of alleged abuse. Any staff or volunteer shall cooperate to the fullest extent possible in any external investigation by outside authorities or internal investigation conducted by the organization or persons given investigative authority by the organization. Failure to cooperate fully may be grounds for termination.
20. Staff and volunteers may not have engaged in or been accused or convicted of participant abuse, indecency with a participant, or injury to a participant.

Critical Incident Management Plan

Immediate Safety after an Incident

- Follow all mandated reporting requirements and contact the authorities as appropriate.
- Where applicable prevent the accused from having access to children until a thorough incident review is completed. Before beginning an internal incident review, verify with local authorities that this will not interfere with their investigation.
- If the accused person is an employee, follow progressive discipline procedures accordingly. This may involve suspending the accused during the investigation.

Initial Communication Plan

- All incidents should be immediately reported to the direct Supervisor and then Rec Center Superintendent or Parks Director. This group is considered the critical incident management team. They will then reach out to City of Medina Law Director.
- All employees are directed not to speak with the media, parents, or patrons. Please send all inquiries to the Rec Center Superintendent or Parks Director.
- As soon as possible the critical incident management team will meet in person with identified victims and or parents / guardians.

Acknowledgement of Sexual Abuse and Molestation Prevention Policy

I have read and agree to comply with the Medina Rec Center's policies regarding sexual abuse and molestation prevention.

Printed Name of Employee

Date

Signature of Employee