

**MONTREAT CONFERENCE CENTER
JUVENILE PROTECTION POLICY**

The Mountain Retreat Association d/b/a Montreat Conference Center (MCC) is committed to providing a safe and secure environment for all children, youth, employees, and volunteers who participate in ministries and activities sponsored by the center. The following policy statements reflect our commitment to preserving MCC as a holy place of safety and protection for all and as a place in which all people can experience the love of God through relationships with others.

I. PURPOSE, APPLICABILITY AND SCOPE

A. Purpose

1. To provide a safe and secure environment for children and youth at MCC activities.
2. To protect children and youth from sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct while participating in MCC activities.
3. To guide MCC as an institution in the conduct of its employees and volunteers and to prevent incidents and allegations of sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct.
4. To protect volunteers and employees from unwarranted allegations of sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct regarding juveniles.

B. Applicability

This policy addresses four (4) components of children and youth protection:

1. Screening of applicants for employment and volunteer service for a history of behavior potentially detrimental to children and youth.
2. Training of employees and volunteers.
3. Reporting of incidents.
4. Responding to incidents.

This policy applies to all persons, whether MCC employees or volunteers. With regard to any employee(s) or any volunteer(s) of MCC, perceived conflicts or ambiguities in interpretation and application of this policy shall be resolved by the President.

C. Scope

1. All employees and volunteers shall abide by the policy.
2. An individual may be terminated from employment and/or volunteer service for failure to observe and abide by this policy. This action may be taken regardless of the outcome of any investigation if, in the case of an employee or volunteer, it is determined that the Juvenile Protection Policy and procedures have not been followed.
3. Individuals who fail to follow the procedures listed in this policy place themselves at risk for accusations of sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct.
4. The possibility of being accused of sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct, whether true or false, is a risk each employee and volunteer faces when working with the children at MCC. Each person must assume responsibility for his/her own actions in working with children and youth and for attending training offered on child and youth protection.

Groups who co-sponsor events with MCC

All leaders of groups who co-sponsor events with MCC involving children or youth must review and adhere to these policies. Co-sponsoring groups will bear sole responsibility for background checks, personal and professional references, employment records, and civil and criminal record reviews of any persons in leadership in such co-sponsored events. MCC will not bear these responsibilities in such co-sponsored events. Any childcare provider employed by or volunteering for such a group must meet the requirements laid out for an MCC employee or volunteer, respectively, according to this policy. An authorized representative of each group must acknowledge their review of this policy and confirm the group's agreement to follow it. Groups who co-sponsor events with MCC must allow the MCC program staffer to review all leadership choices.

Groups not sponsored by MCC but using MCC Facilities

All leaders of non-MCC groups involving children or youth that use MCC facilities must review and generally adhere to these policies. Non-MCC groups will bear sole responsibility for background checks, personal and professional references, employment records, and civil and criminal record reviews for such groups. MCC will not bear these responsibilities. An authorized representative of each group must acknowledge their review of this policy and confirm the group's agreement to follow, at a minimum, its requirements. The President, in his/her sole discretion, shall have the authority to grant limited exceptions to the requirements in this policy for non-MCC groups on a case-by-case basis depending upon the circumstances.

II. Screening

A. Screening of Employees

1. Reference checks and employment records are required for all employees of MCC. Drug testing is done pre-employment and at random during employment. Criminal background checks are done on all employees pre-employment.

2. Reference checks, employment records, drug tests, and criminal background checks on employees are documented in writing. These records are the confidential property of MCC. They will not be released to any party except with the written approval of the President or Chief Financial Officer. They will be made available to an employee if a written request is made to the President or Chief Financial Officer.
3. All current and potential employees will be required to sign an Employee and Volunteer Agreement Regarding Juvenile Protection. This Agreement is a supplement to the personnel application, and is maintained in the employee's personnel file.
4. A criminal conviction related to any of the following will automatically disqualify an individual from employment with children or youth: pedophilic behavior, incest, rape, child pornography, or abuse of a minor. Any candidate for employment who has a past criminal conviction of or pending civil or criminal allegation related to sexual or physical abuse, assault or harassment of any kind cannot be employed by MCC without the express written approval of the President. The President will consider the available information related to the circumstances of the situation in order to make a determination about the employment of the individual in question. A candidate's criminal history will be considered as it relates to the duties of the position at issue in determining whether any conviction may disqualify the candidate from hire.

B. Screening of Volunteers

1. Background checks are done on all MCC volunteers who work with children or youth.
2. Information from volunteer application forms and background checks on volunteers will be reviewed and will be held confidentially.
3. All current and potential volunteers will be required to sign an Employee and Volunteer Agreement Regarding Juvenile Protection.
4. A criminal conviction related to any of the following will automatically disqualify an individual from volunteer service with children or youth: pedophilic behavior, incest, rape, assault, child pornography, or abuse of a minor. Any candidate for volunteer service who has a past criminal conviction of or pending civil or criminal allegation related to sexual or physical abuse, assault or harassment of any kind cannot be employed by MCC without the express written approval of the President. The President will consider the available information related to the circumstances of the situation in order to make a determination about the service of the individual in question. A candidate's criminal history will be considered as it relates to the duties of the volunteer position at issue in determining whether any conviction may disqualify the candidate from volunteer service.

III. Training

All employees and volunteers who work with children and youth will receive training and must sign the required documents during their orientation period regarding sexual abuse, physical abuse, emotional abuse, sexual harassment, and sexual misconduct. This training will include the following:

- Juvenile Protection Policy
- Definition and recognition of child abuse/neglect/dependency
- Prevention of child sexual abuse
- What constitutes inappropriate conduct
- MCC policies governing working with children
- Procedures for reporting observed or suspected misconduct
- North Carolina statutes regarding Child Protective Services
- Employee and Volunteer Code of Conduct, including the Two-Adult/Open Door Policy

IV. Reporting

- A. In all situations of possible sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct, no matter how unlikely it seems, the MCC “Juvenile Protection Policy” shall be observed.
- B. According to North Carolina law, any person or institution who has cause to suspect that a juvenile is abused, neglected, has been left dependent or has died as a result of maltreatment is required to report such suspected abuse or neglect to the Director of the Department of Social Services in the county where the juvenile resides or is found. The report may be made orally, by telephone or in writing. Brief definitions of these terms are found below:
 1. A “juvenile” is defined as a person who is less than eighteen (18) years of age, is not married, emancipated or a member of the armed services.
 2. An “abused juvenile” is a juvenile whose parent, custodian or caretaker: inflicts or allows to be inflicted upon the juvenile serious physical injury or a substantial risk of such; Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; Commits, permits or encourages the commission of a rape, various sexual offenses, dissemination of obscene material to a juvenile, exploitation, prostitution and taking indecent liberties with the juvenile; Creates or allows to be created serious emotional damage to the juvenile; or encourages, directs or approves of delinquent acts involving moral turpitude committed by the juvenile.
 3. A “neglected juvenile” is one who does not receive proper care, supervision or discipline from his parent, guardian, custodian or caretaker; one who has been abandoned; one who is not provided necessary medical care; one who is not provided necessary remedial care; or one who lives in an environment injurious to his welfare.

4. A “dependent juvenile” is defined as: “A juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile’s care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.”
5. There is no confidential privilege, even for clergy, that relieves one of responsibility of reporting if one has cause to suspect that a juvenile is abused, neglected or has been left dependent.

6. The report shall be made to:

Buncombe County Department of Social Services
40 Coxe Avenue
PO Box 7408
Asheville NC 28802
(828) 250-5500
Fax: 250-6235

7. Any person who in good faith makes a report of suspected juvenile abuse/neglect/dependency or cooperates in a protective services assessment or testifies in a judicial proceeding resulting from a protective services report or assessment is immune from any civil or criminal liability with regard to such reporting.
8. The person reporting shall notify any MRA full-time staff person of their report within twenty-four (24) hours of making the report. That MRA full-time staff person shall immediately notify the President.

C. Reporting other concerns.

1. Concern regarding possible sexual abuse, physical abuse, or emotional abuse not covered by the reporting requirement found above in “B” should be reported to a full-time staff person who shall immediately report that concern to the President.
2. It is the policy of MRA to maintain a work place free of any form of unlawful harassment based on race, color, religion, sex, national origin, age, disability, perceived or actual sexual orientation, gender identity or gender expression, marital status, veteran status or status in any group protected by state or local law. Improper interference with the ability of MRA’s employees to perform their expected job duties will not be tolerated. MRA further prohibits unlawful intimidation from any employee, including supervisors, or from non-employee work contacts. Any form of unlawful harassment is unacceptable behavior within the work place and is subject to appropriate disciplinary action.

MRA specifically prohibits sexual harassment. Sexual harassment may include, but is not limited to, unwelcome and unsolicited sexual advances, requests for sexual favors, tormenting based on gender and other undesired verbal, visual, or physical conduct of a sexual nature.

- a. In particular, sexual harassment may occur if submission to any kind of sexual harassment is an explicit or implicit term or condition of employment or if submission to, or rejection of, sexually harassing behavior is used as the basis of employment or other personnel decisions affecting the victim of the behavior.
- b. Sexual harassment may also occur when the behavior has the purpose or the effect of unreasonably interfering with the victim's work performance or creating an intimidating, hostile, or offensive work environment.

Any MRA employee or volunteer who believes in good faith that there has been a violation of this policy should and is encouraged to report the perceived violation as soon as possible, either to the employee's supervisor, the Chief Financial Officer, or the President. Any complaint received by a supervisor must be reported promptly to the President and the Chief Financial Officer. MRA will investigate all allegations promptly, objectively and as confidentially as possible.

MRA prohibits retaliation against any employee or volunteer who in good faith complains of unlawful harassment and will protect such employees against reprisal from other employees to the extent possible. Disciplinary action, including dismissal when appropriate, will be taken where it is determined that unlawful harassment did occur or where a supervisor has failed promptly to report violations of this policy or employee complaints of harassment to the Chief Financial Officer or the President.

V. Responding

In the event of an allegation of abuse, the following procedures are to be followed by all staff members of MCC, and all such procedures shall be undertaken within three days following the allegation of abuse.

- A. Take every allegation seriously. Adequate care, respect, and confidentiality must be offered to alleged victims and perpetrators until the allegations can be substantiated or cleared.
- B. Observe the procedures listed in the previous section on Reporting.
- C. Maintain written records relating to the matter in confidential files.
- D. Carefully document all efforts in handling the situation.
 1. The President may complete an internal investigation in addition to that which will be carried out by the authorities following the required referrals. An accused individual may be placed on leave or prohibited from being present at MCC at the discretion of the President. The accused individual will be prohibited from access to the alleged victim to protect the child or youth from possible further abuse or harassment. The office of the President will maintain a list of persons that the institution is aware have unresolved allegations against them. This list shall be shared only with members of the Senior Leadership Team.
 2. The President, in his/her sole discretion, will make a determination as to whether the individual will be allowed to return to work as an employee or volunteer at MCC.
- E. The President or designee will notify the parent(s) or legal guardian(s) of the alleged victim unless they have already been notified.

- F. MCC employees and volunteers are generally encouraged to cooperate fully with the investigation authorities, such as the Child Protective Services Unit of the Department of Social Services, or local police authorities. MCC employees and volunteers who receive a request from an investigative authority to participate in an investigation should immediately, or as soon as practicable given the circumstances, notify a full-time employee of MCC who will immediately notify the President.

- G. All employees and volunteers will refer any and all inquiries regarding the situation to the President. The President is the only staff person authorized to release any information regarding an allegation except where the law requires others to release information, such as to a protective services investigator or to a police officer.

Employee and Volunteer Code of Conduct Regarding Juvenile Protection

1. MCC employees and volunteers may not engage in sexual abuse, physical abuse, emotional abuse, sexual or other harassment, or sexual misconduct.
2. MCC employees and volunteers may not discipline a juvenile by use of physical punishment or by failing to provide the necessities of care.
3. Physical restraint is used only in situations when it is necessary to prevent the juvenile from harming himself/herself or others.
4. MCC employees and volunteers shall never leave a juvenile having completed fourth grade or younger unsupervised while participating in a program.
5. Restroom supervision: Employees and volunteers will inspect any restroom used before allowing a juvenile having completed kindergarten or younger to use the facilities. Always send them in pairs, and send juveniles having completed kindergarten or younger with an employee or volunteer who will stand in the doorway while children are using the restroom. This policy allows privacy for the juvenile and protection for the adult (not being alone with a juvenile).
6. Only childcare staff, following childcare guidelines, will perform diapering.
7. Employees and volunteers should be alert to the physical and emotional state of juveniles. Any signs of injury or possible sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct must be reported according to the MCC Juvenile Protection Policy.
8. Employees and volunteers are discouraged from being alone with juveniles of any age outside of scheduled program activities.
9. Under no circumstances should employees or volunteers release juveniles to anyone other than the authorized parent, guardian, or other individual authorized by the parent or guardian.
10. Using, possessing, or being under the influence of alcohol or illegal drugs, or being impaired by legally prescribed drugs during working hours or while volunteering is prohibited.
11. Smoking or use of tobacco in the presence of children, youth or parents during working hours or while volunteering is prohibited.
12. Profanity, inappropriate jokes, sharing intimate details of one's personal life, and any kind of harassment in the presence of juveniles or parents is prohibited.

13. Employees and adult volunteers may not be romantically involved with program participants who are juveniles.
14. Employees and volunteers are required to read, sign, and adhere to all policies related to identifying, documenting, and reporting sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct and will attend training sessions on the subject, as instructed by a supervisor.
15. Employees and volunteers are expected to observe the Two Adult/Open Door Policy in their interaction with children and youth (see below).
16. All staff members and volunteers are required to report any concerns or suspicions regarding their observations of any adult's interactions with a juvenile. These concerns should be reported to a full-time staff person. If the concerns are not alleviated by a change in the individual's behavior, the second report must be made to the President.

Two-Adult/Open Door Policy

In order to avoid situations where an individual employee or volunteer is alone in a room with a juvenile, all children and youth activities should be supervised by two unrelated adults. The presence of two adults is to protect juveniles against situations in which sexual abuse, physical abuse, emotional abuse, sexual harassment, or sexual misconduct might occur, and to protect leaders against false allegations of these instances.

There is the expectation that one adult will never be alone in a room with a juvenile. Personal conversations should be conducted in a public space in full view.

Each classroom for juveniles should ideally have a door with a window in it or a half door, which could then be kept closed.

The above policy extends to all MCC-sponsored programs, including overnight and transportation-related events in so far as practicable. If it is necessary, for instance, for an adult to take a juvenile home after an event, an effort should be made to contact the family and inform them of the situation before transporting the juvenile. It is always advisable for leaders to give parents advance notice and full information regarding the event in which their juvenile will be participating.

Employee and Volunteer Agreement Regarding Juvenile Protection
(to be signed after initial training is complete)

I have read the MCC Juvenile Protection Policy, and I agree to observe and to abide by the policy, including the Employee and Volunteer Code of Conduct Regarding Juvenile Protection.

Signature

Date

For office use:

Training Completed _____ date

Signature of Person Conducting Training _____

Agreement for Groups Who Co-sponsor Events with MCC or Non-MCC Groups Who Use MCC facilities -- Regarding Juvenile Protection

I have read the MCC Juvenile Protection Policy, and I understand that it is my group's responsibility at a minimum to observe and to abide by the policy's requirements.

Signature

Date

For office use:

Form received _____ date