

Amended Nov. 1, 2019  
Amended July 15, 2020  
Amended 2/15/21

**This Policy shall be adopted using the exact wording provided below, filling the blanks, as applicable.**

**Assistance League<sup>®</sup>**  
**of Los Gatos-Saratoga**  
**Protected Persons Behavioral and Reporting Policy**  
Adopted 2/15/2021

**Purpose:**

It is the purpose of this policy of Assistance League of Los Gatos-Saratoga to provide a safe and secure environment for children, persons with intellectual disabilities, and elderly persons who participate in activities sponsored by Assistance League. This policy is intended to formalize Assistance League's commitment to the avoidance of abuse to such Protected Persons.

**Scope:**

This policy shall apply to all current and future Assistance League employees, Members and/or volunteers, including all Advisory Council Members.

**Definitions:**

For the purpose of this policy the following definitions shall apply:

1. "Abuse" shall be defined as verbal, physical, emotional, or sexual abuse and/or exploitation and neglect of a Protected Person, which thus includes child abuse, abuse of persons with intellectual disabilities, and elder abuse.
2. "Adult" shall be defined as any individual at least eighteen (18) years of age.
3. "Advisory Council Member" shall be defined as any individual invited by the Board to serve on an annual basis.
4. "Child," "children" and/or "minor" shall be defined as any individual under the age of eighteen (18) years of age, including Minor Member Volunteers.
5. "Community Volunteer" shall be defined as any individual, other than a Member Volunteer or Advisory Council Member, performing services for Assistance League without compensation.
6. "Elderly Persons" shall be defined as any individual sixty-five (65) years of age and older.
7. "Employee" shall be defined as any individual performing services for Assistance League for compensation, including independent contractors and employees.
8. "Member Volunteer" shall be defined as any individual who is listed on the official rolls of chapter members maintained annually by National Assistance League.
9. "Minor Member Volunteers" shall be defined as any individual under the age of eighteen (18) years of age; and listed on the official rolls of chapter members maintained annually by National Assistance League. Minor Member Volunteers are sometimes referred to as "Assisteens®."
10. "Protected Person(s)" shall refer to children, persons with intellectual disabilities, and elderly persons.

**Eligibility for Service**

No individual is suitable to serve as an employee, Member, or volunteer with Assistance League of Los Gatos-Saratoga who has been convicted of a felony; or a misdemeanor involving sexual misconduct or moral turpitude; unless an exemption has been granted by the chapter board.

No Community Volunteer shall be allowed to be in the presence of a Protected Person unless under the direct supervision of a Member Volunteer or Employee.

### **Specific Acts and Omissions in Violation of this Policy:**

The following acts or omissions are violations of this Policy and will not be tolerated or accepted during any activity or program and are to be immediately reported after the safety of the Protected Person has been assured.

1. Any direct observations or evidence of sexual advances and/or sexual activity in the presence of or in association with a Protected Person.
2. Any display or demonstration of sexual advances and/or sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a Protected Person.
3. Sexual advances and/or sexual activity of any kind between any person and a Protected Person.
4. Infliction of physically abusive behavior or bodily injury to a Protected Person.
5. Physical neglect of a Protected Person including failure to provide adequate supervision.
6. Mental or emotional injury to a Protected Person.
7. The presence and/or possession of obscene or pornographic materials.
8. The possession of and/or being under the influence of any illegal or illicit drugs.
9. Being under the influence of illegal or illicit drugs, marijuana, or alcohol while leading a function with a Protected Person or Minor Volunteer Member.

### **Adult Behavior:**

1. For Protected Persons *not including* elderly persons:
  - a. No adult employed by or volunteering for Assistance League shall be left alone with a Protected Person. This will require a reasonable ratio of adults to Protected Persons be maintained in each situation involving the supervision of Protected Persons. For elderly persons, see 2a below.
  - b. In guidance and/or advisory sessions, written parental or guardian permission shall be obtained prior to a meeting privately with a Protected Person. If written permission is granted two adults shall be present during the guidance and/or advisory session. Prior written permission may be granted by parents to cover a specific time period (i.e., a chapter year). For elderly persons, see 2b below.
2. For elderly persons:
  - a. One-on-one Interactions between Assistance League employees and/or volunteers and elderly persons that fall within the scope of Assistance League sponsored activities are permitted.
  - b. In guidance and/or advisory sessions, including those involving financial advice or financial matters, two adults shall be present during the guidance and/or advisory session in addition to the elderly person.

3. For Assisteens events, or any event involving Minor Member Volunteers, and conferences a one (1) to ten (10) ratio of Adult to Assisteens shall also be maintained. In the event of an Assisteens overnight event at least one adult of each gender shall be present if male and female Assisteens are participating.

### **Abuse Reporting:**

Upon the first suspicion of an instance of abuse of a Protected Person, the chapter shall immediately take the following steps:

1. In consultation with local legal counsel, determine appropriate steps. Do not treat the suspicion as frivolous. Maintain confidentiality of the investigation. If local legal counsel recommends an investigation:
  - a) Discuss appropriate confidentiality steps with local legal counsel.
  - b) Commence the investigation immediately and conclude it as soon as possible.
  - c) Under guidance of local legal counsel, determine if accused should be suspended from performing duties until the investigation has been completed.
  - d) Seek guidance from local legal counsel to determine what legal requirements exist regarding reporting of abuse to local law enforcement and/or child protective services.
  - e) Seek advice from local legal counsel to determine appropriate communication with the Protected Person and/or the Protected Person's legally-responsible party.
2. Inform the President of National Assistance League<sup>®</sup> that an investigation is in progress. Include the nature of the investigation but maintain confidentiality of individuals involved.
3. The investigation will evaluate the situation in regard to legal obligations and moral standards and conclude with a report of findings. If the chapter Board determines that no abuse has occurred, the case is concluded.
4. If the report of findings states that abuse may have occurred, the accused shall be given the right to a hearing by the chapter Board. Following a hearing, the chapter board issues a ruling setting forth findings. The chapter makes an appropriate determination regarding future service and notifies the president of national.
5. The ruling of the chapter Board shall be deemed final.
6. At an appropriate time, Assistance League shall contact its insurance company to report the occurrence.
7. All Assistance League employees and volunteers are instructed to read and abide by this policy. They are required to notify the President in the event of observation of, or allegations of, abuse of a Protected Person.
8. Fully comply with the federal, state and local statutes regarding the avoiding and reporting of abuse of Protected Persons. In circumstances where a situation has implicated obligations under any such legislated requirements, a chapter's compliance with the applicable laws, along with notification to National Assistance League that the matter is being reviewed pursuant to such requirements, shall be

deemed compliance with this policy.

I, \_\_\_\_\_, have carefully read the foregoing **Protected Persons Behavioral and Reporting Policy**. I understand and acknowledge the content.

Name Printed:

Signature:

Date of Signature:

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