

Delaware Art Museum Child Protection Policy

Youth Protection Statement

We take the protection of the children under our care very seriously. It is essential to the mission of the Museum. This policy is intended to provide multiple layers of protection for the children and families we serve and covers all the things we think are critical to keeping children safe from abuse: the screening/hiring process, our employee code of conduct, the physical and virtual environment of our organization, and the training and educational programs for our employees, volunteers, families and children.

We are devoted to the safety of children and our goal is to provide an atmosphere for children to safely flourish while in our care. We take pride in our ongoing efforts to improve our services to young people and their families. The primary responsibility to keep children safe rests with adults.

Policy Overview

Delaware Art Museum's policy is reviewed annually by administration and, with employee involvement, updated accordingly. Should any legislative or other best practices necessitate, the policy will be updated immediately. The policy is issued to all employees and select volunteers; their signature of understanding and agreement to comply is required. The policy is available electronically on our website, posted within our facilities and readily accessible to the families we serve. Any updates in the policy will be communicated immediately. Violation of this policy may be grounds for immediate dismissal or discharge from this organization.

Compliance

The Delaware Art Museum, as part of its Child Protection Policy, is responsible for appointing a Compliance Officer. The Compliance Officer ensures the organization is acting in accordance with any requirements outlined in the policy. He/she is also responsible for designing and implementing any internal controls, policies, and/or procedures to assure compliance with the internal policy and with any outside parties. The Compliance Officer audits each outside entity to make sure they are following the policy guidelines, ensures that any reports/incidents are handled appropriately and in a timely manner, and responds to requests for information from internal and external clients.

Other duties of the Compliance Officer include but are not limited to:

- Conducting, or arranging for, the orientation and training of internal new hires
- Ensuring that background checks are conducted for all staff, volunteers and long term vendors
- Notifying Executive Director of any incident reports
- Upholds the Code of Conduct guidelines to all employees, volunteers and vendors

Code of Conduct

Delaware Art Museum's code of conduct sets out the requirements to which all employees select volunteers must conform. The code is reflective of our values, expectations and ethical policies.

- Supervision
 All persons associated with Delaware Art Museum will strive to ensure optimal child protection. It is our policy that adults will not be alone with children without being in a continuously observable setting that can be interrupted at any time. If an adult must be with a child one-on-one, the expectation is that the employee or volunteer shall take proactive steps to increase visibility and accountability during the interaction. Other forms of communication and interaction, such as on social media, in online chats, on the telephone or through text message conversations are only permissible if another adult is copied on or included in the message/conversation.

- Relationships
 Relationships with children formed as a result of the organization are prohibited outside of the organization unless the child's parent/caregiver and director/principal are fully aware. Staff and volunteers who work with children must not share their personal contact information with children or follow or friend them on social media platforms. Youth may follow public artistic brands on social media, but staff and volunteers should not follow children back. All persons associated with Delaware Art Museum (young people and their families, staff, volunteers, administration and committee members) have the right to be treated with respect and courtesy. Relationships with children should be reinforced with respect for their personal space and their bodies.

- Physical Contact
 Touch with a child should always be observable by others. Appropriate touching should only be initiated if it is clear that the child is comfortable with the interaction. Examples of appropriate touching are: fist bump, handshake, side hug, and high five. Smaller children requiring assistance with personal needs should receive assistance from a caregiver.

- Professional Integrity
 Staff, volunteers and affiliates accept that professional responsibility must take precedence over personal aims, needs and views. As you are a representative of the organization, the following behaviors are strictly forbidden:
 - Obscenities, profanity, or vulgar language;
 - Harassing or intimidating behaviors;
 - Sexually explicit, suggestive, humiliating or demeaning comments;
 - Viewing of any material inappropriate for a child viewing audience while on the premises or during sanctioned activities or event. Occasionally in art, therein lies the risk for patrons, including children, that they may be inadvertently exposed to nudity in works of art. Concerned patrons will alert museum staff in advance of their visit and all reasonable steps will be taken to avoid any such encounter.
 - To be under the influence of alcohol or drugs (prescription or illicit) which interferes with the proper care and attention necessary to supervise children;
 - Use of any derogatory language regarding: race, gender, religion, sexual orientation, citizenship, socio-economic status or ability; and
 - Any form of physical, verbal, sexual, or mental abuse or neglect

Any arrest or indictment of an employee shall be immediately communicated to the Human Resources.

Attire shall be professional and modest.

Orientation and Training

All internal new hires that work with children will be provided with training during their new hire orientation within one month of hire, but always prior to working directly with children.

Orientation/Training will cover:

- Background checks
- Mandated Reporting Training
- Child Sexual Abuse Prevention Training
- Explanation of Delaware Art Museum Code of Conduct

Background Checks

Delaware Art Museum adheres to the required background check procedures as specified by Delaware law (*Alternatively, Delaware Art Museum requires background checks every two years*). Every applicant for employment (including: full-time, part-time, and select contractors) or volunteers who would work with children must complete a criminal background check prior to commencing employment/participation. A selected applicant who refuses to undergo a criminal background check shall be deemed ineligible for employment/participation and shall not be hired.

- A “Volunteer” is a person providing services who has “direct access to children.”
- “Direct Access” means “the opportunity to have personal contact with persons receiving care or education during the course of one’s assigned duties.”
- A “Contractor” is a person, not an employee, providing services to the Museum who has regular direct access to children or who is providing services while youth are present.

In addition, Delaware Art Museum will require Background Checks from all Interns or others who may conduct youth programming on behalf of Delaware Art Museum.

Background checks shall include:

1. Criminal history, National and Delaware Sex Offender Registries and also the Delaware Child Protection Registry. Any applicant who refuses to undergo a criminal background check shall be deemed ineligible for employment and shall not be hired.
2. A background check may be conducted by a third party. If a third-party contractor is asked to perform a criminal background check, then the applicant will be asked to sign a disclosure and authorization form granting Delaware Art Museum permission to request a criminal background

report on him or her. Any selected applicant who chooses not to sign the disclosure and authorization form shall be deemed to have withdrawn from the hiring process.

Prohibited criminal convictions and prohibited child abuse and neglect substantiations are designated under 31 Delaware Code, Section 309 and 16 Delaware Code, Section 923, which include:

1. Any arrest or conviction for any misdemeanor or felony involving a child, Child abuse or neglect, spousal abuse, crimes against children (including child pornography), and crimes involving violence including rape, sexual assault and homicide committed at any time, physical assault, battery and drug related offenses committed within the past five years.
2. Offenses against the person where physical harm or death has taken place; offenses involving weapons, explosive devices or threat of harm; offenses involving public indecency and obscenity which may have been the result of plea bargain situations; offenses that show a disregard of others, such as reckless endangering, arson; cruelty to animals or deviant behavior such as abusing a corpse; offenses against the Uniform Controlled Substances Act.

Delaware Art Museum reserves the right to review the existence of a substantiated report of child abuse / or neglect involving an applicant in consideration of other criteria including but not limited to: frequency of offense (s); length of time since the offense(s); age at the time of the offense(s); Severity of the offense(s); record since the offense(s); relationship of the offense(s) to the any type of job assignment and/or responsibilities of the child /youth care person or foster parent; policies of the organization.

All interim arrests for all of aforementioned offenses shall be immediately report any such arrest to their supervisor or Human Resources.

Mandated Reporter Responsibility

Delaware is one of several states which currently requires anyone having reasonable suspicion of child abuse, neglect or dependency to report it. All suspected child abuse and neglect must be reported to the 24-hour Division of Family Services (DFS) Child Abuse and Neglect Report line at **1-800-292-9582**. You may also call any Law Enforcement Agency or 911, but not in lieu of contacting DFS. You are not required to provide proof. Anyone who makes a good faith report based on reasonable grounds is immune from prosecution. The individual with direct knowledge is the mandated reporter: notifying a supervisor of reasonable suspicion of abuse, neglect or dependency does NOT satisfy your requirements under the law.

Social Media Policy

Employees and volunteers must be mindful of Delaware Art Museum's Mission Statement, and the children and families we serve when engaging in online communications including their online profiles, blogs or other Internet sites and online communications. Their privacy and integrity is our upmost priority and no staff or volunteer should discuss a child's or families personal circumstances or experiences without express consent from both the child's caregiver and the organization's director.

Delaware Art Museum professionals, advisors, staff and volunteers shall not initiate or participate in any one-on-one communications with children they have met through their association with this organization on social networking sites, by phone or by text without express knowledge and consent by the child's caregiver and the organization's director or employee's supervisor. Employees and volunteers may not accept invitations to profiles, groups, and events, nor initiate any one-on-one communication with youth in their care. Any electronic communication shall pertain only to academic or programmatic related topics, and be conducted only through institution approved mediums. Youth may follow an artist's public social media, but staff and volunteers should not friend youth from their personal page or engage in direct messaging.

Delaware Art Museum professionals, advisors, staff and volunteers must recognize that they are role models for children at all times, and should limit their digital footprint to information, comments, photos, etc. that are appropriate should a child or parent/guardian view them.

Signature: _____

Name: _____

Date: ____/____/____

Delaware Reporting Law: Title 16 Del. C.

§ 903 Reports Required

Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

§ 904 Nature and content of report; to whom made

Any report of child abuse or neglect required to be made under this chapter shall be made by contacting the Child Abuse and Neglect Report Line for to the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division. No individual with knowledge of child abuse or neglect or knowledge that leads to a good faith suspicion of child abuse or neglect shall rely on another individual who has less direct knowledge to call the aforementioned Report Line.

§ 908. Immunity from Liability

Anyone participating in good faith in the making of a report pursuant to this chapter, performing a medical examination without the consent of those responsible for the care, custody and control of the child pursuant to §906(e) of this chapter; or exercising emergency protective custody in compliance with §907 of this chapter shall have immunity from any civil or criminal liability that might otherwise exist and such immunity shall extent to participation in any judicial proceedings resulting from the above actions taken in good faith. This section shall not limit liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to this §906(b)3 of this Title.

§ 914. Penalty for violation

Whoever violates § 903 of this title shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation.

(b) In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.

Delaware Community Resource

Helplines

Delaware Helpline 211	Mobile Crisis (adult services) 1-800-652-2929 (NCC) 1-800-345-6785 (KC/SC)
Child Priority Response Crisis Helpline 1-800-969-4357 (HELP) or Text DE to 741741	Domestic Violence Hotline NCC: (302) 762-6110 KC/SC: (302) 422-8058
ContactLifeline Crisis Helpline (Sexual Assault) NCC: (302) 761-9100 KC/SC: 1-800-262-9800	National Center for Missing and Exploited Children - CyberTipline www.cybertipline.com 1-800-THE-LOST (1-800-843-5678)
RAINN – National Sexual Assault Hotline 1-800-656-4673 (HOPE)	Delaware Victim Services 1-800-VICTIM-1

Healing Resources- Treatment Providers

Delaware Guidance- Children NCC: (302) 652-3948 KC: (302) 678-3020 SC: (302) 645-5338	SOAR, Survivors of Abuse In Recovery NCC: (302) 655-9049 KC/SC: (302) 422-3811 Lewes: (302) 645-4903
Jewish Family Services of Delaware (302) 478-9411	La Esperanza Community Center SC: (302) 854-9262

Additional Resources

Children’s Advocacy Center of Delaware NCC:(302) 651-4566 KC: (302) 741-2123 SC: (302) 854-0323 www.cacofde.org	Beau Biden Foundation for the Protection of Children Patty Dailey Lewis, Executive Director (302) 477-2018, patty@beaubidenfoundation.org www.beaubidenfoundation.org
Prevent Child Abuse Delaware www.pcadelaware.org	Darkness to Light www. D2L.org
Stop it Now www.stopitnow.com	Child Inc. – Runaway & Homeless Youth (302) 762-6373

For more information on the Delaware Initiative to train 55,000 Delaware adults or to schedule additional training:
stewards@beaubidenfoundation.org

