

TEXAS PRIVATE SCHOOL MUSIC EDUCATORS ASSOCIATION

ABUSE POLICY FOR THE PROTECTION OF CHILDREN, YOUTH AND ADULTS WITH DEVELOPMENTAL DISABILITIES

INTRODUCTION

It is the policy of the Texas Private School Music Educators Association (TPSMEA) to do everything in its power to prevent physical, emotional or sexual abuse against children, youth and adults with developmental disabilities involved in the operations or who participate in activities sponsored by the Texas Private School Music Educators Association. We are aware of our legal responsibilities and fully intend to comply with those responsibilities when necessary by acting in the best interest of those who have been abused or those who are most vulnerable to abuse.

TPSMEA will implement orientations and require training certification for persons in management and employment who have direct or indirect contact with children, youth and adults with developmental disabilities. The TPSMEA will screen persons in management and employment who have direct or indirect contact with children, youth and adults with developmental disabilities and will report all instances of abuse. Management and employees will receive ongoing training as designated in TPSMEA's employment and training practices.

SCOPE

This policy and its provisions shall apply to all professionals, management, employees and volunteers, who have any direct or indirect contact with children and/or youth and/or adults with developmental disabilities who participate in activities sponsored by the TPSMEA. Effective September 1, 2015, no person under the age of 18 will be certified to work or volunteer, directly with children, youth and adults with developmental disabilities.

ETHICS POLICY

Statement of Policy

All professionals, management, employees and volunteers of TPSMEA shall not engage in sexual abuse, sexual harassment, sexual misconduct, and physical abuse, physical neglect, lack of supervision, emotional maltreatment, educational maltreatment, and/or moral-legal maltreatment of children, youth, and adult /children with developmental disabilities.

Persons who interact, with children, youth and adults with developmental disabilities in any way - **shall include all professionals, management, employees and volunteers**, who have a direct or indirect contact with same while participating in activities sponsored by TPSMEA.

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DEFINITIONS

1. Sexual Abuse: Sexual abuse means unwanted physical conduct of a sexual nature, sexual contact or sexualized behavior and may include, by example, touching, fondling, other physical contact and sexual relations. Child/youth/adult with developmental disabilities sexual abuse is the sexual exploitation or use of same for satisfaction of sexual drives. It includes but is not limited to: (1) incest, (2) rape, (3) prostitution, (4) any sexual intercourse, or deviant sexual conduct with, or fondling of a child, or youth, or adult with developmental disabilities while participating in activities sponsored by TPSMEA.

2. Sexual Harassment: Sexual harassment is any unwanted sexual advance or demand, either verbal or physical that is reasonably perceived by the recipient as demeaning, intimidating or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender.

3. Sexual Misconduct: Sexual misconduct means a chargeable offense.

4. Physical Abuse - Any act of omission or an act that endangers a person's physical or mental health. This definition includes any non-accidental physical injury. Physical abuse may result from punishment that is overly punitive or inappropriate to the individual's age or condition. In addition, physical abuse may result from purposeful acts that pose serious danger to the physical health of a child, youth or adult with developmental disabilities.

5. Physical Neglect – individual in charge does not take adequate precautions (given a child's, youth or or vulnerable person's particular emotional developmental needs) to ensure his or her safety in and out of the residence.

6. Lack of Supervision- individual in charge does not take adequate precautions (given a child's, youth or vulnerable person's particular emotional developmental needs) to ensure his or her safety in and out of the residence.

7. Emotional Maltreatment- Persistent or extreme thwarting of a child's, youth's or vulnerable person's basic emotional needs (such as the need to feel safe and accepted)

8. Educational Maltreatment- individual in charge fails to ensure that a child, youth or vulnerable person receives adequate education

9. Moral-Legal Maltreatment- individual in charge exposes or involves a child, youth or vulnerable person in illegal or other activities that may foster delinquency or antisocial behavior.

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Implementation

Professionals, management, employees, and volunteers shall be provided a copy of this policy and shall receive training information to assist in the understanding and implementation of this policy.

Making a Complaint

Any person/s who has knowledge of possible violations of this policy by professionals, management, employees, volunteers or participants should report the possible violation to any State Board member or the Executive Director of the TPSMEA. The Executive Board with assistance of the Crisis Management Team will investigate, report, and take necessary actions to insure children, youth and adults with developmental disabilities are protected.

SCREENING FOR VOLUNTEERS OR STAFF

Careful screening is one way to prevent the abuse of children, youth and adults with developmental disabilities.

1. Prior to employment or acceptance as management or paid staff person, TPSMEA shall direct each prospective employee to complete an Application, Authorization to Release Information Form and Applicant Disclosure Affidavit Form. By signing the form, the applicant will give the TPSMEA authorization to contact references, authorization for those references to release information to TPSMEA and to allow TPSMEA to perform the necessary investigation to complete the review of the application and all references attached.
2. TPSMEA shall facilitate a screening check with the use of Intellicorp or a similar background check company, FBI background checks, State registries or other appropriate agencies.
3. The TPSMEA shall request and verify all references.
4. The TPSMEA shall receive the completed forms and reports and review them. If any of the reports and/or references raises questions about the fitness of an applicant, TPSMEA will disapprove the application and notify the applicant. TPSMEA reserves the right to turn away any persons for employment.
5. If the applicant is found to have been involved in any activity in which the applicant abused or exploited children, youth and adults with developmental disabilities, the applicant will not be hired/approved. Any conviction of a crime against children, youth or adults with developmental disabilities shall disqualify any applicant.
6. Results of screens shall be kept confidential.

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TRAINING

TPSMEA shall require all management and employees who have direct or indirect contact with children, youth and adults with developmental disabilities to complete an abuse certification course as part of their duties, activities and events. No person shall, after September 1, 2015, have any direct or indirect contact with children, youth or adults with developmental disabilities until they have completed this training program. (Most of the professional members and volunteers of TPSMEA are teachers who typically receive abuse training as part of their school's in-service and/or continuing professional education each year.)

SUPERVISION

Supervision and enforcement of policy and procedures regarding all professionals, management, employees and volunteers who have direct or indirect contact with children, youth and adults with developmental disabilities should be clearly communicated within TPSMEA's policies and procedures. ALL reporting activities set forth by government, State and Federal regulations, will be followed. Whenever possible, a team approach should be used with children, youth and adults with developmental disabilities. If the necessity for one-on-one interactions between adults and children, youth and adults with developmental disabilities arises, the interaction should occur in an unenclosed area and with the knowledge of another adult. TPSMEA professionals, management, employees and volunteers are encouraged to warn each other when questionable behavior is displayed.

REPORTING OF INCIDENTS

All incidents of abuse should be immediately reported to a TPSMEA State Board member and an incident report should be filed. TPSMEA will retain all incident reports for reference. When the necessity of reporting occurs, the protection of children, youth and adults with developmental disabilities must be paramount.

Procedures for Reporting, Investigating, and Resolving Violations of Certification Policy

1. Upon receipt of an alleged violation of abuse policy, TPSMEA State Board members will immediately notify the TPSMEA Executive Director. The Executive Director will facilitate reporting to law enforcement agencies as appropriate according to State and Federal reporting guidelines and shall also notify the other members of the State Board.
2. For the protection of children, youth and adults with developmental disabilities and the person against whom an allegation has been made ("Respondent"), the Respondent will be immediately removed from any duties involving contact with children, youth and adults with developmental disabilities.

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ABUSE POLICY FOR THE PROTECTION OF CHILDREN, YOUTH AND ADULTS WITH DEVELOPMENTAL DISABILITIES

- 3.** If a minor is involved, that person's parent(s)/guardian(s) shall be notified of the alleged violation of policy by the TPSMEA Executive Director.
- 4.** A Crisis Management Team consisting of the Executive Director, one member of the Executive Board and at least one member of the State Board shall conduct an investigation of the complaint. This may include interviews necessary for the investigation of the complaint and assistance with legal and public relations issues. Decisions of resolution shall ultimately rest with the Executive Board of TPSMEA.
- 5.** The person or persons who first report the alleged violation of policy will be asked to document their knowledge of this incident(s) and provide that documentation to the Crisis Management Team.
- 6.** The Crisis Management Team will determine who needs to be interviewed to determine the nature of the alleged violation and its impact. All conversations shall be documented including such things as (but not exclusive of) date, time, place, and names of persons involved. In addition the substance of the conversation shall be documented, with the person interviewed asked to review notes for accuracy and to sign such notes. In addition, all contacts made and actions taken by the Crisis Management Team are to be documented.
- 7.** If a formal complaint is made, the Crisis Management Team shall provide the respondent with a copy of the complaint.
- 8.** Those making the allegations ("Plaintiff"), the parent(s)/guardian(s) of any minor involved, the Respondent, and any persons who supervise such persons shall be notified of any result of the investigation and final decision of the TPSMEA Executive Board. All documentation shall be retained in a confidential, personal file.
- 9.** The TPSMEA Executive Board will determine when and with whom information needs to be shared. If investigations or allegations of abuse should come to the attention of the media, a response shall come from the TPSMEA Executive Director.
- 10.** It is the goal of TPSMEA to provide supportive care to both the Plaintiff and the Respondent, and to restore such persons to wholeness. Supportive care can include referrals to law enforcement, school administrators, and appropriate counseling referrals.
- 11.** If the Plaintiff should desire to appeal the decision of the TPSMEA Executive Board, legal council will be consulted.