

Molestation Prevention Process

Lines of Business: General Liability, Public Officials Liability, and Educators Legal Liability

Risk Control Strategy / Key Issues: Institute procedures to address molestation allegations or accusations

Suggested Program Elements:

1. Policy Statement:

- Formal statement from top management, i.e. superintendent / board president, expressing agency's position against the issue, potential physical, emotional and academic implications. The policy should also acknowledge the agency's assurance to provide a safe, nondiscriminatory environment.
- The policy should also assign responsibilities and accountability and provide for enforcement by a specific individual/position with appropriate authority to implement all necessary procedures and control to ensure compliance.

2. Program:

- The policy should be posted for all employees to review as well as distributed to each employee within Employee Handbooks
- Signed receipt of policy should be placed in employee's personnel file.
- All personnel who will be in contact with minors should have criminal history background checks conducted prior to any contact (usually required by Federal/State law/regulations/education codes).
- Employee Training
 - Annually include this topic as an agenda item at orientation/in-service training.
 - Mandated reporter status reviewed
 - State laws on reporting incidents
 - Discuss control procedures
 - Rules of conduct
 - Physical contact
 - Transportation
 - Interactions with students on a one-to-one situation.
 - Mandatory for all employees
 - Document topic covered/employees attendance
- Complaint Procedures
 - Should be established in writing, consistently followed and communicated to all employees.
 - All complaints must be treated seriously and with the compassion that would be expected in this type of situation.
 - No complaint should be treated lightly or be disregarded.
 - The accused should be contacted and informed of the complaint.
 - Take immediate action to investigate the allegation.
 - If approved by legal counsel, the accused should be removed from contact with the accuser and other minors.
 - When speaking with both parties detailed notes should be taken.
 - Emphasize that the meeting is only to obtain information from both parties to allow for a complete investigation.

- A form should be established with legal counsel assistance.
- Do not discuss findings with either party during this process.
- The investigation must be kept confidential to protect the privacy and identity of both parties.
- If suit is filed, immediately contact the agency's insurance broker

- Occurrence Investigation – The agency must be proactive; do not wait for a complaint to be filed. If issues or situations are brought to your attention, suspected or discovered, take action immediately and document.
 - Questions of improper contact based upon viewed situations should be regarded as adequate justification for investigation action.
 - The actions should include a confidential discussion with the parties involved and with others that may be familiar with the situation.

- Management Action – If individual is to be terminated due to findings of improper conduct.
 - Contact legal counsel to determine the individual's legal rights.

3. Legal Review:

- Have program reviewed by local attorney
- Notify local law enforcement agency of program

Program Activities Calendar:

- Monthly review of call documentation
- Annual review of program status
- Employee training must be consistent throughout the year and mandatory for all employees.

Web Site Links:

- US. Department of Education: Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html?src=mr>

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