

Sexual Misconduct, Molestation, and Harassment Policy

BANNER prohibits and has zero tolerance for sexual abuse, misconduct, harassment, or molestation in the workplace or during any organization-related activity. Making direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization is also prohibited. BANNER provides procedures for employees, volunteers, board members, or other victims of abuse or misconduct to report such improper/illegal acts. Any employee, volunteer, adjudicator, board member, or other person who holds a position with BANNER suspected or believed to have committed sexual misconduct or molestation will be investigated. Where the evidence is sufficient to warrant action against the individual accused of sexual misconduct or molestation, BANNER will act to discipline that individual up to and including termination of employment, removal from a position of volunteer, disqualification from component board approval adjudication status, BANNER board membership, or other action BANNER deems appropriate. Individuals can also be referred to the proper authorities for criminal prosecution if the behavior reaches the applicable state threshold for reporting abuse.

Definitions and Examples of Sexual Abuse, Harassment, and/or Misconduct

The following definitions or examples of sexual abuse, misconduct, or harassment may apply to any and/or all the following persons – employees, BANNER board members, volunteers, vendors, or other third parties.

Sexual abuse or misconduct may include, but is not limited to, the following:

- 1. Child sexual abuse is defined as any sexual activity, involvement, or attempt of sexual contact with a person who is a minor (under 18 years of age) where consent is not or cannot be given.**
- 2. Sexual activity, involvement, or an attempt of sexual contact includes a person older than 18 years of age if that person is a student at an BANNER member school.**
- 3. Sexual activity with any person who is legally incompetent or otherwise unable to give consent.**
- 4. Physical assaults or violence, such as rape, sexual battery, abuse, molestation, or any attempt to commit such acts.**
- 5. Unwanted and intentional physical conduct that is perceived to be sexual in nature, such as touching, pinching, patting, brushing, and massaging someone's neck or shoulders.**
- 6. Sending, personally delivering, or displaying materials such as pornographic or sexually explicit images, posters, calendars, or objects.**
- 7. Making unwelcome and/or inappropriate sexual activities, advances, comments, innuendoes, bullying, telling jokes of a sexual nature, making sexual or suggestive gestures, delivering in-person or electronic communications or messages (e.g., notes, photos, telephone calls, emails, texts, social media, voicemails), exploitation, exposure, stalking, or invasion of sexual privacy.**
- 8. Interfering with the performance or the ability to effectively do one's job by creating an intimidating, hostile, or offensive environment by employing actions, comments, or**

conduct.

9. Building a relationship, trust, and emotional connection with someone to manipulate, exploit, and/or sexually abuse that person (sexual grooming).

Sexual Misconduct

The definition of “sexual misconduct” is generally defined as any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity by an employee or agent of the school district, charter school or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:

1. A sexual or romantic invitation.
2. Dating or soliciting a date.
3. Engaging in sexualized or romantic dialog.
4. Making sexually suggestive comments directed toward or with a student.
5. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
6. Sexual, indecent, romantic, or erotic contact with a student.

Definitions and Examples of Grooming Behaviors and Characteristics

The following definitions or examples of grooming may apply to any and/or all of the following persons – employees, board members, volunteers, vendors, or other third parties.

Grooming behaviors refer to a series of manipulative and deceptive actions employed by individuals, often abusers, to build trust and establish an emotional connection with their intended victims. Grooming is commonly associated with the context of child sexual abuse, but it can also occur in other abusive relationships involving adults.

It is important to note that grooming is a predatory tactic and should not be confused with appropriate or healthy efforts to build trust in normal relationships. Here are some common characteristics and tactics used by abusers engaging in grooming:

1. **Building Trust and Rapport:** The abuser will go to great lengths to gain the potential victim's trust. They may be exceptionally charming, kind, and attentive, showering the victim affection, gifts, or attention to create a sense of emotional dependence.
2. **Identifying Vulnerabilities:** Abusers are skilled at identifying and exploiting vulnerabilities in their victims. They may use active listening and empathy to discover emotional or psychological weaknesses they can exploit later.
3. **Isolation:** Abusers often try to isolate their victims from friends, family, or support networks. This isolation makes it easier for the abuser to control and manipulate the victim without interference from others who might raise concerns.

4. **Testing Boundaries:** Over time, the abuser may test the victim's boundaries by pushing for increased intimacy or demanding secrecy about certain aspects of their relationship. They might gauge how much control they have over the victim.
5. **Gradual Escalation:** Grooming typically involves a gradual escalation of behavior. The abuser might start with seemingly innocent or non-threatening actions and gradually introduce more inappropriate or abusive behaviors.
6. **Desensitization:** Through desensitization, the abuser may slowly normalize inappropriate behavior, making it seem less alarming or unacceptable to the victim.
7. **Exploitation of Trust:** Once trust is established, the abuser may manipulate the victim into engaging in activities they are uncomfortable with or wouldn't otherwise consent to, such as sharing personal information, engaging in sexual activities, or participating in illegal actions.
8. **Threats and Blackmail:** Groomers might use threats, emotional blackmail, or coercion to ensure the victim complies with their demands and remains silent about the abuse.
9. **Gaslighting:** Abusers may engage in gaslighting, a tactic designed to make the victim doubt their perceptions, memory, or sanity. This can make the victim more susceptible to manipulation and control.
10. **Maintaining Control:** Groomers will often continue to exert control and dominance over the victim to perpetuate the abuse and prevent the victim from seeking help or breaking free from the relationship.

Educating individuals, especially children and vulnerable populations, about grooming behaviors and empowering them to recognize and report such actions to prevent abuse and protect potential victims from falling prey to manipulative individuals is crucial. Additionally, creating awareness among communities and promoting open conversations about these tactics can help reduce the prevalence of grooming.

Grooming is the process used by an abuser to select a child, win the child's trust (and the trust of the child's parent or 'gatekeeper'), manipulate the child into sexual activity, and keep the child from disclosing the abuse. Because sexual abusers 'groom' abuse children, it is possible a staff member or volunteer may witness behavior intended to 'groom' a child for sexual abuse. Staff members and volunteers are asked to report 'grooming' behavior, policy violations, or suspicious behaviors to a supervisor or specific organization member. Grooming is prohibited and BANNER has zero tolerance for this behavior.

Reporting Procedure

Any person who feels they have been a victim of grooming, sexual abuse, or misconduct during a BANNER-sanctioned event should report the suspected abuse or misconduct to a member of the BANNER administration or to a board member.

1. The victim of sexual abuse or misconduct does not have to directly confront the person who is the subject of the abuse or misconduct report, question, or complaint before notifying a BANNER administrator or board member.
2. BANNER will take every reasonable measure to ensure that the third party investigating the sexual abuse or misconduct will not be any person or persons named in the complaint.
3. BANNER will take every reasonable measure to ensure that any person or persons who are determined to be “closely associated” with any person or persons named in the complaint or “closely associated” with the victim of the abuse or misconduct will not be a member of the third-party investigating the accusation of sexual abuse or misconduct.
4. Upon completion of its investigation, the third party will present its findings to BANNER’s board.

BANNER will also report ALL suspicions, allegations, or abuse to the applicable local and/or state authorities.

Investigation and Follow-up

The BANNER President will appoint a third-party, someone not directly associated with BANNER or one of its components, to investigate all allegations of serious misconduct.

1. Based on the results of the investigation of the third party, the committee will determine whether allegations of abuse of sexual misconduct or abuse have taken place.
2. BANNER will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies.
3. BANNER will make every reasonable effort to keep the matters involving alleged misconduct confidential.
4. The chair of the BANNER’s investigation team will report all committee findings to the President with recommendations for disciplinary action if warranted.

BANNER specifically employs the following notification procedures to address sexual misconduct.

1. The first procedure requires schools to provide notice to the parents or guardians of an enrolled student with whom an employee, agent of the school, or a contractor of the school is alleged to have engaged in sexual misconduct as defined herein and by local or state law.
2. The second procedure requires schools to provide notice to the parents or guardians of a student when any formal action has been taken by BANNER relating to the employment of the alleged perpetrator following the investigation of sexual misconduct, including whether employment was terminated or whether the governing body accepted the resignation of the employee.

Each procedure shall include the following:

1. Consideration of the time frame for providing notice to the student and the student’s parents or guardians if the alleged misconduct is also being investigated by DCFS or law

enforcement as described in Section 22-85 of the School Code, or other applicable local or state law.

2. Notice to the student in a developmentally appropriate manner;
3. After notice to the student is provided, the student's parents or guardians shall be notified in writing; and
4. Notification must be provided as soon as feasible, subject to Section 22-85(f)5 requirements of the School Code, after the employing entity becomes aware that alleged misconduct may have occurred and after the board action is taken, as applicable. See 105 ILCS 5/22-85.10(a) & (b).
<https://ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K22-85.10>

Upon receiving a report of harassment, abuse, molestation, or grooming, the third party will investigate the allegations of such a report. The third-party will promptly notify the parents or guardians of all students involved in the alleged incident(s) of bullying and harassment and advise the parents or guardians of the students involved of the resources available to the students, including involving their treating therapist and administrative contact.

The third party will make all reasonable efforts to complete the investigation within ten days after the report of the incident of bullying or harassment is received, taking into consideration additional relevant information obtained during the inquiry concerning the reported incident.

The third-party will also make information concerning the status of the investigation available to the parents of all students involved in such an investigation. The parents or guardians of the students involved shall have the opportunity to meet with BANNER's President and board members to discuss the investigation, any findings resulting from the investigation, and any actions taken to address the reported bullying or harassment.

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Victim Services

Victim(s) and parent(s)/guardian(s) of harassment, abuse, molestation, or grooming will receive counseling and support services facilitated by trained and certified school/organizational staff.

Findings

Any BANNER employee or staff determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any student determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action consistent with the discipline policy.

Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action.

Notice Requirements for Allegation of Sexual Misconduct

- 1) Notice will be given to the students;
- 2) Notice will be given to parents or guardians;
- 3) Notice shall include details of the alleged misconduct.
- 4) Notice shall include available resources for the student within the school and community in accordance with Article 26A of the School Code and available counseling services under Section 3-550 of the Mental Health and Developmental Disabilities Code; and
- 5) The name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

Notice Requirements for Formal Action Due to Allegations of Sexual Misconduct

When formal action has been taken by the governing body relating to the employment of an alleged perpetrator following the investigation of sexual misconduct, notification must first be provided to the student in a developmentally appropriate manner and include:

- 1) Notice will be given to the students;
- 2) Notice will be given to parents or guardians;
- 3) Notice shall include details of the alleged misconduct.
- 4) Notice shall include available resources for the student within the school and community in accordance with Article 26A of the School Code and available counseling services under Section 3-550 of the Mental Health and Developmental Disabilities Code; and
- 5) The name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

Evaluation of Policy

BANNER will review the harassment, abuse, molestation, or grooming policy annually to determine if changes need to be made. BANNER will make any necessary revisions to this policy as it deems appropriate.

1. The policy evaluation process to assess the outcomes and effectiveness of the policy includes, but is not limited to, the following factors:
2. The frequency of victimization.
3. Student, staff, and family observations of safety at a school.
4. Identification of areas of a school where bullying occurs.
5. The types of harassment, abuse, molestation, or grooming that are common or occurring.
6. Bystander intervention or participation.
7. All stakeholder groups (i.e., students, parents, school staff, and staff participated in the annual review and revision of the policy.)
8. The information developed as part of the evaluation process is posted on the BANNER website. The data is also provided to school administrators, board members, personnel, parents, guardians, and students. Finally, the harassment, abuse, molestation, or grooming Policy is posted in each classroom, Student Handbook, and Parent Handbook.

Anti-Retaliation and False Allegations

BANNER prohibits retaliation against any employee, volunteer, board member, or other

person who lodges a good faith complaint of abuse (sexual or other) or misconduct or who participates in any related investigation. To knowingly make false or malicious accusations of abuse or misconduct can have serious consequences for those wrongly accused.

Deliberately Making False Allegations and Information

BANNER prohibits its employees or board members from deliberately making false or malicious sexual misconduct allegations and prohibits providing false information during an investigation of sexual abuse or misconduct. BANNER employees or board members who violate this policy are subject to disciplinary action that can include termination of employment and/or criminal prosecution. BANNER board members can be removed from the BANNER board.

Employee, Worker, Volunteer, Adjudicator Screening and Selection

As part of its sexual abuse and misconduct prevention program, BANNER is committed to maintaining a diligent screening program for prospective and existing employees, volunteers, adjudicators, and others who may interact with those employed by, associating with, or serviced by BANNER. All school-based volunteers who have direct contact with minors/students while attending a BANNER-sanctioned event will have a background screening performed by the local school district in the manner prescribed by the district and/or the State of Florida. Any other person having direct contact with students will be screened by means designated by the component organization and approved by the BANNER Board of Directors.

Employment History Review Requirements

BANNER ensures that the following criteria are met for each applicant:

1. The applicant has completed the Illinois State Board of Education Sexual Misconduct Disclosure Template for Applicant;
<https://www.isbe.net/Documents/Temp1-ISBE-Sexual-Misconduct-Disclosure-Form-Applciant.pdf>
2. The prospective employer and applicant have both completed the Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response Template, and the prospective employer has forwarded the templates to the applicant's current/former employer(s). <https://www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf> -- This form must be completed multiple times if the applicant has multiple current or former employers.
3. The school or contractor has no knowledge or information pertaining to the applicant that would disqualify the applicant from employment;
4. The school or contractor shall initiate a review of the employment history of the applicant by contacting those employers listed by the applicant in the Illinois State Board of Education Sexual Misconduct Disclosure Template; and
5. To the extent the applicant is licensed by ISBE, the school district, charter school, or nonpublic school shall also verify the applicant's reported previous employers with previous employers in the State Board of Education's educator licensure database to

ensure accuracy. See 105 ILCS 5/22-94(c)

<https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K22-94#:~:text=information%20about%20allegations%20or%20findings,false%2C%20unfounded%2C%20or%20unsubstantiated.>

Supervision of Youth/Recommendations and Requirements

BANNER strives to create a safe environment for the minors/students it serves and the events it sponsors. In situations where there are fewer than ten students involved, one of the ways to provide a safe environment for those minors/students is to require a minimum of two supervising adult workers/volunteers at BANNER-sanctioned activities.

Other professional practices that should be observed in situations involving minors/students and an adult include:

1. Avoid private one-on-one interactions between an adult and a minor/student.
2. When private interactions cannot be avoided, make another adult aware of the meeting and keep the door open.
3. If a private meeting between an adult and a minor/student is necessary, make another adult aware of the meeting and keep the door to the office or other meeting space open and unlocked.
4. When the door cannot remain open in situations such as private lessons, auditions, solo MPA performances, the door should be unlocked and there should be another adult in the room or there should be an unobstructed view into the room from the outside.

Training BANNER Associated Personnel

Training relating to the BANNER Sexual Misconduct, Molestation, Abuse, and Harassment Policy is required ANNUALLY of the BANNER staff.

1. The BANNER President will be responsible for the training of the members of the BANNER board on the points of the BANNER Sexual Misconduct, Molestation, Abuse, and Harassment Policy that apply to them however the President deems appropriate.
 - a. The BANNER will include a report on this training as a part of the President's report at the fall meeting of the board each year.
2. The BANNER President will provide for the training of the employees of BANNER on the points of the BANNER Sexual Misconduct, Molestation, Abuse, and Harassment Policy that apply to them however the Executive Directors deems appropriate.
 - a. The BANNER PRESIDENT will include a report of that training as a part of his report each year at the fall meeting of the BANNER.
3. Any person receiving BANNER Sexual Misconduct, Molestation, Abuse, and Harassment Policy training must submit the BANNER Acknowledgement Form to the person or organization providing the training.
 - a. The form will be kept on file by the person or organization providing the training however the component organization deems to be appropriate.
 - b. It is the responsibility of the person(s) in charge of an BANNER sanctioned event to prohibit any person who has not received the

BANNER Sexual Misconduct, Molestation, Abuse, and Harassment Policy training, and who does not have an BANNER Acknowledgement Form on file with the component they represent, from supervising students or other event personnel, working as an adjudicate or paid worker, volunteering in any event capacity, or in any other position that represents BANNER at an BANNER sanctioned event.

Resource Guide

BANNER maintains a maintain a resource guide <https://www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf> that is available on its website and includes guidance for pupils, parents or guardians, and teachers about sexual abuse responses and prevention resources available in the community, including the contact information of entities that provide services for victims of child sexual abuse and their families.

See 105 ILCS 5/2-3.188(a).

<https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K2-3.188>

**THE POLICIES IN THIS DOCUMENTS DO NOT TAKE THE PLACE OF OR
SUPERSEDE LOCAL SCHOOL DISTRICT POLICY.**

ACKNOWLEDGEMENT PAGE

I have received a copy of BANNER'S Sexual Misconduct, Molestation and Sexual Harassment Policy. I have read and understand the policy and have had the opportunity to ask questions regarding it, and acknowledge and agree to all aspects of the policy.

I will sign the two copies of this Acknowledgment, retain one copy for myself, and return one copy to BANNER's representative listed below on the date specified. I understand that this form will be retained in my personnel file.

PRINT NAME: _____

SIGNATURE: _____

DATE: _____