

SECTION 3: Code of Conduct and Monitoring

Executive Summary

A Code of Conduct is another prevention tool that helps YSOs clearly identify acceptable and expected behaviors of anyone in a position of responsibility for the children and youth in their care – from junior employees and volunteers to senior management. Among common items addressed in such codes are boundaries of physical, sexual and verbal behavior; staff-to-child ratios; guidance about being alone with children/youth; awareness of power differentials and abuse of power; bullying, harassment, and discrimination; interpersonal communication with children using electronic and social media; and compliance with the policies and procedures of the organization and the state’s child abuse reporting laws.

Codes of Conduct can be used to address interactions between the staff and children/youth; among the staff members; between staff members and parents; and – in simplified form – among the children and youth themselves. On this last point, for example, a simple set of “rules and regulations” for participant behavior can list the expected behaviors for children and youth, emphasize that the rules are there to keep everyone safe, and identify to whom the children/youth should report if the rules aren’t being followed.

Codes of Conduct should be written in clear language and define behaviors that the organization considers appropriate, inappropriate, or harmful. Depending on the kinds of services the YSO provides, a Code of Conduct should anticipate and contain guidance for interactions that are typical and can be expected – from 1-on-1 contact to small and large group situations – both in and outside the YSO’s facilities – and their duration (e.g., 1-hour small group instruction, all day events, overnight trips, multi-week residential camps, etc.). If a YSO is constructing a Code of Conduct for the first time, input from front-line staff (those in regular contact with children/youth), parents, and the children/youth themselves may prove helpful and contribute to a sense of shared awareness and responsibility.

Since a Code of Conduct cannot possibly contain descriptions of all the situations and interactions that might be encountered, it is helpful for it to incorporate, or be prefaced by, a Mission Statement (the purpose of the organization) and a set of ethical practices (Code of Ethics) that reflect the core standards and principles upon which the organization is built and which guide its activities. In combination, organizational Mission Statements and Codes of Ethics can be used as guidance by staff and volunteers in making decisions when circumstances are uncommon, unclear or unexpected. The section also provides examples of each, and expanded guidance for their construction in Appendix 9.

As mentioned in the previous section, the Task Force recommends that a YSO’s Code of Conduct should be integrated into the screening and hiring process for all prospective

administrators, staff and volunteers. It should be given to the applicants, read and discussed as part of the personal interview, and signed to acknowledge both its receipt and the applicant's agreement to comply with its requirements – with a copy retained in the applicant's personnel file if he or she is hired. A sample Code of Conduct and a Statement of Receipt and Agreement with signature block are provided in Appendix 9.

A Code of Conduct should also include a clear description of the organization's reporting lines, and the process that follows when behavioral concerns or breaches of the Code are observed and/or reported. YSOs should take care to define, and help staff and volunteers understand the expectation that all inappropriate behavior must be reported according to internal policies including those that could possibly be handled internally by a supervisor or manager, and behaviors that "cross the line" into causing harm and which must be reported to police or DCF. In either case, administrators and supervisors must then ensure that once reported, all allegations are addressed in line with the organization's protocol and Massachusetts law. Staff and volunteers must trust that their reports will be responded to, and will be handled quickly and appropriately. They must also trust that they will not be penalized for coming forward and raising issues, questions or concerns. Negative consequences to a person who reports a concern will prevent others from coming forward – thus increasing the potential risk to children. Monitoring and documentation strategies for those in leadership positions are also included.

Table 3 presents the basic elements of a Code of Conduct. Smaller organizations with clear, uncomplicated reporting lines or few staff may not require all elements. For example, small YSOs could collapse a simplified Code into a set of "Rules and Regulations" that pertain to staff, volunteers, parents, and youth (see example in Appendix 9).

Table 3
Basic Elements of a Code of Conduct

- Mission Statement
- Ethical Principles and Standards
- Guidance on, and definitions of specific behaviors/interactions common and relevant to the YSO
 - Appropriate, inappropriate, harmful
 - Encouraged vs. prohibited behaviors and interactions
- Reporting obligations, procedures and process
- Investigation and monitoring procedures
- Statement of Receipt and Agreement
- Signature Block

When safety policies and a Code of Conduct are reinforced through staff meetings, and other training or professional development opportunities, it ensures that the topic is addressed on a regular basis, and makes it easier for staff to talk about their concerns and highlight the day-to-day behaviors that may be giving them some concern. In this way, a Code of Conduct becomes not only a guide for supervisors, employees and volunteers to follow in terms of their daily interactions, but also a tool that fosters awareness and conversations about behaviors – both those that are appropriate and beneficial, and those that fall outside of the defined boundaries. Implemented thoroughly and consistently, a Code of Conduct serves as an “early warning system” that can detect inappropriate or harmful behaviors as they occur and allow supervisors, managers and staff to address them before they become chronic, and before children and youth are harmed.

Integrating the Code of Conduct into the YSO’s performance appraisal process also reinforces the Code of Conduct as a shared responsibility that serves to protect everyone in the organization and thus promotes a sense of both personal and professional ownership. This, in turn, can help to create an organizational culture that promotes mutual respect, empathy, reciprocity, and dignity, and that encourages people to come forward and helps them to feel safe in doing so.

Key Findings and Recommendations

- A Code of Conduct for all YSOs is another essential tool that helps to prevent child sexual abuse by defining expected/required behaviors and interactions among staff, volunteers and children/youth.
- The elements of a Code of Conduct are listed along with the definitions of appropriate, inappropriate and harmful behaviors. Where they exist, compliance with professional licensing, certification, legislative, or regulatory requirements concerning behavior or interactions should be addressed and integrated.¹
- The development of organizational Mission Statements and Codes of Ethics (if appropriate) can help to support judgement and decision making in uncommon or unexpected situations not specifically covered by the Code.
- Implementation strategies for YSOs include integrating the Code of Conduct into the screening and hiring process; requiring staff and volunteer signature on a Statement of Receipt and Agreement; ensuring that the Code is included/addressed in ongoing training and professional development opportunities; and is linked to the performance appraisal process.
- A Code of Conduct must include a clear description of the lines of communication and the process and timeline for reporting concerns, suspicions or allegations about behaviors contrary to the Code – and what will follow. It should also include a

¹ For example, if a YSO employs licensed clinical social workers, and is drafting a Code of Conduct, it may want to incorporate standards already adopted by the Code of Ethics of the National Association of Social Workers: <http://www.socialworkers.org/pubs/code/default.asp>

description of the penalties for failing to report. The procedures that will be used to respond to the reported situation must be applied in a timely manner, and applied fairly and transparently to ensure their credibility.

- A Code of Conduct should include language about the procedures that are in place for monitoring/recording behavior, encourage the shared responsibility to speak up, and help build an organizational culture that enhances safety and reduces risk.
- The “tone at the top” and the behavior of those in leadership roles is critical for a Code of Conduct to be effective, provides an example throughout the organization, and supports a sense of shared ownership.

Recommended Implementation and Decision Making Model

STEP 1: Developing the Code of Conduct

- Use the model Codes provided in Appendix 9 to lay out the basic elements of a Code of Conduct and signature page. Consider a simpler Code for children/youth.
- If a YSO is affiliated with a parent or national organization, check to see if they have published suggested Codes of Conduct as models.
- If they exist, compliance with professional licensing, certification, legislative, or regulatory requirements for YSOs concerning staff behavior or interactions may be required. If so, ensure they are addressed and integrated.
- In developing the Code, solicit input from supervisors, staff, volunteers, parents, children and youth in terms of the day-to-day behaviors that are important to them.
- Evaluate the different levels of risk presented by the YSO’s range of activities.
- Provide clear guidance on maintaining appropriate boundaries and list the verbal and physical behaviors that are acceptable, appropriate and expected, as well as those that are prohibited, inappropriate or harmful.
 - Include prohibition of pornography, sexual innuendo in jokes or conversation, sexual/intimate contact, and discussion of physical/sexual attributes.
 - Include the requirement to follow the child abuse reporting laws of the Commonwealth and the consequences for failing to report. (Also see section on Responding and Reporting)
 - Include language about the protections in place for people who come forward to discuss or report violations of the Code
- Use the guidance provided to draft a Mission Statement/Code of Ethics to help guide decision making in situations not specifically described in the Code.
- If appropriate, address issues of staff to children/youth ratios, 1-on-1 interactions with children/youth, transportation in personal vehicles, gift-giving, electronic and social media contact with youth (Also see Safe Environment and Safe Technology section below), out-of-program contact between staff and children/youth, and drug and alcohol use when supervising children/youth.

- If appropriate, include guidance on high risk situations (changing, bathroom activities, overnight stays, etc.).
- Include the consequences for breaching the Code on the signature page.
- Smaller YSOs, depending on their size, staff, and range of activities can create an abbreviated Code that addresses “Rules and Regulations” for behavior that pertain to staff, volunteers, parents, and youth (see example in Appendix 9).

STEP 2: Implementing the Code of Conduct

- Ensure that the Code provides a description of who is responsible for implementing the Code and to whom concerns or reports should be addressed.
- Distribute the Code to all constituents, including parents and other caregivers with a statement about the YSO’s commitment to maintaining a safe environment for the children and youth in its care.
- Integrate reading and signing the Code into the screening and hiring process for new employees and volunteers.
- All current staff and volunteers should be trained on the Code and sign the Statement of Receipt and Agreement. Include a copy of the statement in their personnel file.
- Integrate the Code into the performance appraisal process.
- Include the Code of Conduct in the YSO’s Policies and Procedures, on the YSO’s website and in any marketing, recruitment and advertising activity.
- Reinforce the Code of Conduct at staff meetings, during group and individual supervision, and other professional development opportunities.
- Ensure that once reported, all allegations are addressed in line with the organization’s protocol.

STEP 3: Monitoring and Documenting the Code of Conduct

- Leadership presence in the workplace with an active role in observing and monitoring interactions among staff and between staff and children/youth is essential.
- Develop a monitoring plan that will help determine if and how the Code of Conduct is being implemented.
 - Use the opportunity for positive reinforcement or constructive critique
 - Help build a culture of awareness, keeping eyes open, mutual responsibility and dialogue
- Collect data on the types and frequency of reports, allegations and complaints to help identify areas that need to be addressed, or lack of clarity in the Code.
- Share the data with staff and volunteers, ask for feedback and use the data to periodically evaluate, revise and update the Code

End of Executive Summary