



# RED MOUNTAIN THEATRE

## **Child and Youth Protection Policy** **Effective as of January 1, 2023**

This Child and Youth Protection Policy (the “Policy”) of Red Mountain Theatre of Birmingham, Alabama (“RMT”) contains the legal foundations, relevant definitions, and policies and procedures related to the prevention, response, and reporting of child and youth abuse and neglect for RMT.

### **I. POLICY APPLICATION STATEMENT**

It is the policy of RMT that its employees, contractors, board members, and volunteers maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children and youth.

This Policy applies to all programs, activities, and events sponsored by RMT that involve children and youth. We seek to provide a safe environment in which opportunities for abuse are minimized through the proper enlistment, training, and supervision of individuals working with children and youth.

When third party groups sponsor activities at RMT’s campus, the child/youth protection policies of the outside group or third party, not this Policy, shall apply. Examples of outside group activities on the RMT campus include, but are not limited to, visits by the Exceptional Foundation, YMCA, or the Horizon School.

### **II. DEFINITIONS**

**A. Child (also ‘youth’ or ‘minor’)** - a person under 18 years of age (AL Code § 26-16-2).

**B. Child abuse** - harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.

Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion or any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law.

Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

The above definitions are found in AL Code § 26-14-1 (2021).

**C. Child/Youth Worker** – A term that includes both Staff and Volunteers as defined herein. Youth Volunteers, as defined below, are not included in this definition.

**D. Designated Program Director (“DPD”)** – The Staff member who is primarily responsible on an ongoing basis for the RMT sponsored program, activity, or event, including the Director of Youth Performance, Academy Manager, Community Engagement Manager, or Lead Teaching Artist. When a DPD is not able to be present or reachable for a program, event, or activity, or on leave or vacation, they must designate another member of Staff to act as DPD.

**E. National Background Check** – A review by a professional background check firm which shall include, at a minimum, a Social Security trace, a State of Alabama criminal check, and a national (multi-jurisdictional) criminal check provided that the national (multi-jurisdictional) criminal check also includes a sex offender registry check. Applicants who may reasonably be expected to transport children or youth by vehicle shall also complete a motor vehicle record (“MVR”) check.

**F. Neglect** - Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter (AL Code § 26-14-1).

**G. Policy Compliance Team** – The Policy Compliance Team is composed of the Managing Director, CFO, DPDs, and the Artistic Director.

**H. Staff** (also ‘Employees’) – A person employed and paid by RMT, including but not limited to full/part time staff and contract workers who are paid to work directly with children at RMT-sponsored programs, activities, or events. Individuals whose primary employment is not for the purpose of directly working with children, but have regular interaction with children during the course of RMT-sponsored programs, activities, or events (*e.g.*, technical staff, artists, production team, musicians) are required to submit to a National Background Check but are not considered Staff for purposes of training and reporting obligations. Individuals who are primarily patron-facing (*e.g.*, bar staff, ushers, development team) are not considered Staff for purposes of this policy.

**I. Volunteer** – A person aged 18 or older who works directly with children or youth at RMT sponsored programs, activities, or events but is not paid by RMT or a third party for such service. Individuals that are primarily patron-facing (*e.g.*, ushers) are not considered Volunteers for purposes of this Policy.

**J. Youth Volunteer** – A volunteer who is under the age of 18 or who is 18 or older and a participant in RMT’s programs. Youth Volunteers will be allowed to volunteer with children in a support function, but not in a supervisory role.

**K. Floater** – Staff or Volunteer who is trained and available to monitor, view, interrupt, or otherwise observe activities.

### III. SCREENING AND SELECTION PROCEDURES

All Child/Youth Workers must comply with the screening and selection policies described below:

**A. Staff** - All Staff are required to undergo a National Background Check, as defined in this policy. If there is a background check on file that meets the definition of National Background Check, a new background check need not be repeated until three years after the date of the background check on file. Staff members who will drive children in their own cars or RMT vehicles must undergo an MVR check every three years.

**B. Volunteers** – All Volunteers are required to (1) complete an RMT volunteer application form; (2) sign a consent to a background check; (3) undergo a National Background Check; and (4) undergo an MVR check if the Volunteer will drive children.

If there is a background check for a Volunteer on file at RMT that meets the definition of National Background Check, a new background check need not be repeated until three years after the date of the background check on file. Volunteers who will drive children in their own cars or RMT vehicles must undergo an MVR check every three years.

**C. Youth Volunteers** – Youth Volunteers are not required to undergo a National Background Check. However, they must certify that they have not been convicted of the offenses listed in D, below. The certification must also include a signed statement of the youth's parent/guardian that they know of no reason that the minor should not be allowed to work with other minors.

For certain events requiring Youth Volunteers who are working alongside Staff and Volunteers, the requirement for completing a volunteer certification and related documentation will be waived. Examples of these types of events include auditions, Ensemble or show rehearsals, or camp programming.

**D. Screening Results** – No person may serve as a Child/Youth Worker who has been convicted of or pled guilty to certain misdemeanors or felonies, including, but not limited to, violent crimes, crimes of moral turpitude, sexual assault or misconduct, sexual or other abuse or neglect of a child, pornography, drug offenses or dangerous driving offenses.

The results of any background check that indicate a crime or misdemeanor or other issue of concern must be reviewed by the Policy Compliance Team before a decision is made concerning the eligibility of the individual to serve as a Child/Youth Worker. Any Child/Youth Worker who is denied a position or assignment based on his/her National Background Check or application will be advised of the action and given an opportunity to dispute the results, in accordance with the requirements of applicable federal or state law.

**E. Other Eligibility Criteria** – Even if a Volunteer meets all the above requirements, the Policy Compliance Team may exercise discretion to determine that a person is, or is no longer, a good fit for the position and will privately communicate this to the individual.

**F. Confidentiality of Records** - RMT shall maintain all Child/Youth Worker and Youth Volunteer

applications, results of background and MVR checks, and related information in confidential, secured files.

**G. Agreement to Abide by Policy and Training** - All Child/Youth Workers must sign an acknowledgement that they have read and will abide by this Policy and participate in training on this Policy prior to working with children and at least annually.

**H. Screening of Third Parties** – If a bus is rented, or any outside carrier is contracted for an RMT sponsored event involving youth or children, the company hired must sign a certificate affirming that criminal background and MVR checks (meeting the requirements of this Policy) have been completed on all drivers of its vehicles and such certificate shall be renewed at least annually.

#### **IV. RULES FOR WORKING WITH CHILDREN AND YOUTH**

**A. Adult Supervision** – Whenever possible, two non-related and non-cohabiting adults (who have been screened as Child/Youth Workers) shall be present to supervise children and youth during RMT programs involving children. When two Child/Youth Workers are not available within the same room, a Floater shall be available on the RMT Campus with the ability to observe and interrupt any activities involving Children or Youth. Related and/or cohabitating adults are considered one adult for purposes of this policy.

Exceptions to this Adult Supervision requirement exist in “emergency situations”, which is one that (i) is outside of the control of RMT, and (ii) may threaten the well-being and security of a child.

With respect to vehicles, when the two-adult rule is not feasible, caravans or multiple vehicles with only one adult per vehicle may be used, provided that there must be at least two children or youth in each vehicle. Legal guardians who are volunteers may travel alone with their child.

**B. Minimum Age Rule** – Child/Youth Workers must be at least eighteen (18) years old. Youth Volunteers will be allowed to serve in a support role (not a supervisory one), subject to meeting the provisions of Section III. C. of this Policy.

**C. Windows/Doors** – When Child/Youth Workers and children or youth are in a room, the door must remain open unless there is a view window. Child/Youth Workers must not be alone with a child without being in a location that is accessible and interruptible by those in the immediate area.

**D. One-on-One Counseling and Coaching** – Counseling and coaching by Staff with one youth/child is sometimes appropriate, but care must be taken to ensure that the environment is acceptable and visible to other adults. If meeting in a room or office, the door must be left open or be in a room with a window. When that is not possible, the meeting must be in a location where it could be easily interrupted. The Staff conducting the meeting must inform another Staff member about where and with whom they are meeting.

**E. Transportation** – Any activities that involve RMT-provided or arranged transportation of minors must adhere to this provision. Child/Youth Workers who drive children or youth must sign a certificate agreeing to comply with the following requirements:

- No child may be transported without the consent of their parent or guardian.
- The driver must provide a copy of a valid driver’s license.

- The driver must provide a copy of auto insurance coverage.
- The vehicle to be used must have seat belts for the driver and each passenger.
- All drivers transporting minors must be at least 25 years old (unless the driver is a Staff member who is at least 21).
- The Adult Supervision policy described in Section IV.A. of this Policy applies.
- If a driver is using their own vehicle and an accident occurs, their personal insurance for claims will be primary.

No minor may be a driver at any event or activity.

**F. Out-of-Town and Overnight Activities** – On an annual basis, a parent or guardian must sign and submit a written consent form applying to out-of-town or overnight event or activity. They must also complete and submit a medical release form that may be kept on file for the period of one year and will be considered valid for that year.

For overnight events, there must be at least one male and one female chaperone, depending on the gender mix of the participating group. Adults and children or youth must have separate sleeping areas. In no event may an adult sleep with a child. The exception to this rule is for the legal caregiver/child or the parent/child situation. Children or youth and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing.

**G. Social Media** – Photos, video, or comments of a child or youth can be used only for RMT-sponsored printed, video, web-based, social media, or other publicity materials and only with the signed consent of the parent or guardian. All Child/Youth Workers must abide by RMT’s guidelines regarding the use of social media and electronic communications attached to this Policy as Appendix A.

**H. Prohibited Behaviors** – All Child/Youth Workers must also abide by the following child safety standards that recognizes appropriate boundaries and prohibits, among other inappropriate behaviors, the following:

1. Display of sexual or romantic affection toward a child.
2. Use of profanity or off-color jokes.
3. Discussion of sexual encounters with or around children.
4. Dating or becoming “romantically” involved with children.
5. Using or being under the influence of alcohol or illegal drugs, or any substance (including prescription drugs) which may impair the physical or cognitive abilities of a Child/Youth Worker to care for children or youth.
6. Allowing a child or youth to consume alcohol or other prohibited substances.
7. Tobacco or marijuana use in any form, including vapor, e-cigarettes, or edibles in the presence of a child or youth.
8. Possessing, creating, or sharing inappropriate, obscene, sexually oriented, or pornographic images or materials (including print, non-print media and digital communications).
9. Asking youth/children to keep secrets of a personal nature about the adult or any relationships of the adult.

10. Engaging in inappropriate electronic communications with children.
11. Giving gifts to individual children without prior knowledge of the parent(s) and/or approval by the DPD.
12. Abusing or neglecting a child in any way, including (but not limited to) the following: (a) physical abuse (hit, spank, slap, shake, or unnecessary restraint); (b) verbal abuse (degrade, threaten, curse); (c) sexual abuse (inappropriately touch, expose oneself, or engage in sexually oriented conversations); (d) mental abuse (shame, humiliate, or act cruelly); or (e) neglect (withhold food, water, shelter, or medical treatment).
13. Participating in, encouraging, or allowing demeaning and belittling behaviors or language involving or directed toward children, including, but not limited to, insensitive or inappropriate comments or behavior related to race, ethnicity, sexual orientation, or gender.
16. Permitting children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

**Any Child/Youth Worker who witnesses or experiences any of the above behaviors or violations of IV.A-IV.H. must report such conduct immediately to the DPD or other member of Staff (not implicated in violation) at the activity, program, or event who shall in turn immediately inform the Managing Director as a representative of the Policy Compliance Team.**

## **V. REPORTING ALLEGED CHILD ABUSE AND NEGLECT**

**A. Internal Reporting and Initial Response** - A Volunteer or Staff member who suspects child abuse or neglect as defined under AL Code § 26-14-1 (2021) (“Child Abuse or Neglect”) or receives information from any person who suspects or alleges Child Abuse or Neglect must **immediately** report the incident to a member of RMT’s Policy Compliance Team who is not implicated in the allegation. It is not sufficient to leave a phone or email message. It is critical that the Volunteer or Staff member speak directly to a member of the Policy Compliance Team.

The Policy Compliance Team will work with legal counsel to make any required report of alleged child abuse or neglect to the appropriate authorities, as described in paragraph B. below.

**B. Reporting Requirements Under Alabama Law** – The Alabama statute on the mandatory reporting of suspected Alabama Mandatory Reporting Law for Child Abuse or Neglect (AL Code §§ 26-14-1 – 26-14-13) requires certain listed entities and persons called “mandatory reporters” to report known or suspected child abuse or neglect directly to the authorities. RMT and its staff are not “mandatory reporters” under Alabama law. The law also encourages the voluntary reporting of suspected child abuse or neglect by entities or individuals who are not mandatory reporters, which RMT will do when appropriate.

Nothing in this policy **shall be considered a restraint of an individual’s statutory obligation to report directly to authorities. Furthermore, no person shall be prevented from directly reporting an incident on the basis that they are not a “mandatory reporter”.**

**C. Communications with Media** – All communications with media about alleged child abuse or neglect must be referred to the Policy Compliance Team and RMT’s Director of Communications in developing a communications plan.

**D. Role of Policy Compliance Team** – In addition to its responsibilities as set forth in Appendix B

to this Policy, the Policy Compliance Team shall designate a lead team member to work in consultation with RMT's outside counsel to have the following responsibilities in response to allegations of Child Abuse or Neglect covered by this Policy:

- Make any required report to DHR and/or law enforcement.
- Notify RMT's insurance company.
- Advise the reporter and/or others concerning any immediate documentation that must be obtained.
- In consultation with RMT Executive Director, Managing Director, Director of Operations, Director of Communications, and President of the Board determine the appropriate spokesperson for communications with the media.
- Initiate an investigation in accordance with advice of counsel.
- Provide or arrange for counseling for the principal parties involved (reporter, possible victim(s), accused, family members).
- Take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.

## **VI. POLICY VIOLATIONS**

Violations of this Policy will result in discipline, up to and including termination of employment, in the case of Staff; and termination of authority to work with children through RMT programs, in the case of Volunteers.

## **VII. ADMINISTRATION**

This Policy shall be administered in accordance with the provisions of this Policy and Appendix B hereto which sets forth the roles of all who provide leadership under this Policy.

**APPENDIX A – RED MOUNTAIN THEATRE  
CHILD AND YOUTH PROTECTION POLICY  
SOCIAL MEDIA AND ELECTRONIC COMMUNICATION GUIDELINES**

**Communicating with Youth**

Social networking sites and electronic communication can enhance communication and support growth of young artists provided that they are used appropriately.

The following guidelines seek to apply principles of healthy boundaries to the virtual world of digital networking and communication. These guidelines apply to all RMT Staff and Volunteers, as defined in the Policy. These guidelines cover communications with youth (sixth through twelfth graders) who participate in RMT sponsored events or activities. It is never appropriate to communicate with children (first through fifth graders) through social media or electronic messages.

All communications with youth and children are subject to the terms of RMT’s Child and Youth Protection Policy.

**Social Media** – While we encourage the use of RMT social media pages to stay up to date on youth activities and accomplishments, we ask our Staff and Volunteers to follow the below guidelines:

**RMT Social Media Pages** – It is acceptable to “like” or make appropriate comments on posts or photos of RMT’s youth on RMT-sponsored social media pages, such as Facebook and Instagram. Frequent and/or lengthy comments about an individual youth may make the youth feel uncomfortable. All Staff, including administrators of RMT’s social media pages, should consider the content and nature of any post on RMT sponsored media sites. Such posts (including “likes”) may be perceived as the voice of RMT.

**Individual Social Media Pages** – RMT staff and Volunteers should not submit ‘friend’ requests to youth via their personal social media accounts or send messages via social media to youth. Social media sites such as *Snapchat* where messages appear only momentarily should never be used to communicate with youth. If a Staff member or Volunteer is being followed by a youth on a platform such as Instagram or TikTok, they do not need to terminate such interaction. Similarly, if the Staff member or Volunteer accepted a friend request from a youth as permitted prior to this Policy, they are not required to “unfriend” the youth, provided that all other provisions of these guidelines are followed.

**Groups** - For the sake of their own privacy and the well-being of youth participants, RMT Staff and Volunteers should not add or invite youth to join any groups, events, pages, chat rooms, etc. that are not solely dedicated to activities directly related to RMT’s children or youth programs or activities. Any RMT-related group or group message must contain more than two individuals if one of those individuals is a RMT Staff or Volunteer.

**Abuse and Neglect** - Material on any site that raises suspicion that a child or youth has been or will be abused/neglected/exploited must be reported immediately to a member of the Policy Compliance Team.

**Emails and Texts** – Electronic communications with youth should be by text or email, not phone call. The best practice is to include at least one other adult or multiple youth in the text message or email. In general, emails and texts should be limited to the hours of 9:00 AM – 9:00 PM, unless there is an immediate need for communication in which a Staff member feels that they must contact or respond



immediately to a youth outside of these hours or call a youth's cell phone (e.g., a change in call time or pick up time).

**Virtual Meetings** – Youth may be invited to attend a virtual meeting via video conference (on platforms such as zoom or skype) when meeting in person is not possible or practical. The youth's parent or guardian must be advised of the meeting in advance and given the opportunity to observe. The Adult Supervision rule, as described in the Policy, applies to virtual meetings and any breakout room or other virtual meeting space.

**APPENDIX B TO RED MOUNTAIN THEATRE  
CHILD AND YOUTH PROTECTION POLICY  
ADMINISTRATION**

The following individuals or groups have the administrative responsibilities listed below, in addition to any other duties listed in the RMT Child and Youth Protection Policy:

- A.** The CFO of RMT has the following responsibilities under the Policy:
1. **National Background Checks** - Obtain, update, and store (a.) National Background Checks for Staff and Volunteers, and (b.) National Background Checks for third parties, as described in Section III of this Policy.
  2. **MVRs and Certificates** – Obtain, update, and store (a.) MVRs and the certification required by Section IV.E. of this Policy for Child/Youth Workers who will drive children or youth in a private or RMT owned vehicle; and (b.) the certification required to be signed by third party transportation firms pursuant to Section III.H of this Policy.
  3. **Reports.** – Create reports accessible to all DPDs and Staff that list Child/Youth Workers for whom National Background Checks and MVRs have been obtained and the dates of the most recent checks.
  4. **Compliance** – Stay abreast of the applicable laws and regulations to ensure that RMT’s processes relating to National Background Checks and MVRs, including consents, disclosures, confidentiality, and proper storage comply with such laws and regulations.
  5. **Report Findings** – Report any adverse finding from a National Background Check or MVR on a Child/Youth Worker or third party to the Policy Compliance Team before any decision is made or communicated regarding the finding.
  6. **Insurance** – Ensure that RMT maintains appropriate insurance coverage relating to this Policy.
- B. Designated Program Directors** –The DPDs are responsible for ensuring that all requirements of the Policy are met with respect to the program, activity, or event under their leadership, including but not limited to, the following:
1. **Eligibility** – Review all Volunteer and Youth Volunteer applications to work in the DPD’s program or event. Ensure that all Child/Youth Workers in DPD’s program or event are on the list of screened and approved individuals, and that each has received a copy of the Policy and signed a statement that they will abide by the Policy. Notify the CFO to conduct a National Background Check or MVR (if applicable) for each Child/Youth Worker who is not on the list of screened individuals or whose National Background Check or MVR needs to be updated.
  2. **Training** - Conduct initial orientation and provide training programs for all Child/Youth Workers who will participate in their events and programs, ensure that training is provided at least annually, and document all training.
  3. **Compliance** - Monitor compliance with this Policy for each program, activity or event

under their leadership; take appropriate immediate corrective action; and report any incident of non-compliance in the manner required by this Policy.

4. **Forms** - Ensure that all required contact, medical, and permission forms for participants in their programs or events are on file and accessible to all Staff with a need for the information.

**C. Policy Compliance Team** - The Policy Compliance Team has the following responsibilities under the Policy:

1. Create processes, procedures, and reports to monitor compliance with the Policy.
2. Review all incidents and reports of non-compliance and all Policy-related concerns and questions that are raised by Staff, Volunteers, parents, or others.
3. Refer all matters of significant concern to the Board President and HR Committee of Board.

**D. Human Resources Committee of Board**

1. **Policy** - Periodically review RMT's Child and Youth Protection Policy, and in consultation with legal counsel, approve amendments thereto. Communicate any substantive changes in the Policy to the Policy Compliance Team.
2. **Compliance** - Request the Policy Compliance Team to report on a periodic basis (at least twice a year) to the HR Committee of the Board regarding Policy compliance. After receiving those reports, the HR Committee of the Board will report to the Executive Committee of the Board.
3. **Training** –Conduct or engage legal expert (s) to train the Policy Compliance Team on the best practices for protecting children and youth, recognizing signs of child abuse or neglect, and the Alabama laws, regulations, and procedures for reporting and responding to allegations of child abuse and neglect.