

Draft Abuse Prevention Policy and Procedures

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INTRODUCTION

Makersmiths is a community that seeks to build opportunities for others to learn, make and inspire. Toward that end, we sponsor makerspaces, classes, programs and activities in the hopes of enriching our community and all citizens of the world for generations to come. We seek to be an inclusive, collaborative community of all types and ages, fostering discovery, growth in knowledge and the satisfaction of making things. We seek to collaborate and mentor young and old, so that they too may join us in this rediscovery.

Unfortunately, there are times and situations where collaboration and mentorship crosses a line between a benign interaction to one of abuse or misconduct. These interactions may include many forms including physical, sexual, verbal or psychological abuse or misconduct. All forms of abuse or misconduct are intolerable and in direct conflict with the values of Makersmiths.

Abuse or misconduct may damage a makers's well-being. Makers who have been mistreated may experience social embarrassment, emotional turmoil, psychological scars, loss of self-esteem and negative impacts on their relationships with family, friends and society in general. We seek to avoid these results therefore dedicate ourselves to the following safety policies and procedures.

ABUSE PREVENTION POLICY

Makersmiths is committed to providing a safe and positive environment for its members and guests. Indeed, an environment free from abuse and misconduct. As a component of this commitment, Makersmiths has adopted the policies below to address various types of abuse and misconduct, and certain policies intended to reduce, monitor and govern the areas where potential abuse and misconduct might occur.

The policies below address the following types of abuse and misconduct:

- Bullying, Threats and Harassment
- Hazing
- Harassment, including Sexual Harassment
- Emotional Misconduct
- Physical Misconduct
- Sexual Misconduct

The policies below are implemented to reduce the risks of potential abuse:

- Social Media and Electronic Communications Policy
- Conduct with Minors Policy

All Makersmiths members and guests shall refrain from engaging in misconduct and/or violating any of these policies.

A Makersmiths member or guest who violates any of the above policies shall be subject to appropriate disciplinary action including but not limited, to suspension, permanent suspension and/or referral to law enforcement authorities.

In the event that any member or guest observe inappropriate behaviors (i.e., policy violations), suspected physical and/or sexual abuse, and any other types of abuse or misconduct, it is the responsibility of each person to immediately report their observations to the appropriate person as described in the section entitled 'Reporting'.

In addition to reporting within Makersmiths, such persons also must report suspected child physical or sexual abuse to appropriate local or state law enforcement authorities when required under this Policy and/or under applicable law. Members and guests should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities.

BULLYING, THREATS AND HARASSMENT

Makersmiths supports an environment that is free from threats, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying and harassing behavior are regarded as unacceptable.

Bullying is the use of coercion to obtain control over another person or to be habitually cruel to another person.

Bullying involves an intentional, persistent or repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying behavior is prohibited in any manner in connection with any Makersmiths sanctioned activity or events.

Examples of bullying prohibited by this policy include, but are not limited to: physical behaviors, including punching, kicking or choking; verbal and emotional behaviors, including the use of electronic communication (i.e. "cyber bullying") to harass, frighten, degrade, intimidate or humiliate.

While other members or guests are often the perpetrators of bullying, it is a violation of this policy if a member or guest knows or should know of the bullying behavior but takes no action to intervene on the behalf of the targeted participant(s).

HAZING

It is the policy of Makersmiths that there shall be no hazing of any participant involved in any of its activities or programs by any member or guest, parent or guardian of a member or guest, volunteer, support staff or any other community participant.

Hazing includes any conduct which is intimidating, humiliating, offensive or physically harmful. The hazing conduct is typically an activity that serves as a condition for joining an activity or group or being socially accepted by a group's members.

Examples of hazing prohibited by this policy include, but are not limited to: requiring or forcing (including through peer pressure) the consumption of alcohol or illegal drugs; tying, taping or physically restraining a participant; sexual simulations or sexual acts of any nature; sleep deprivation or the withholding of water and/or food; social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or means to draw ridicule; beating, paddling or other forms of physical assault.

Activities that fit the definition of hazing are considered to be hazing regardless of a person's willingness to cooperate or participate.

While fellow members and/or guests are often the perpetrators of hazing towards their peer members and/or guests, it is a violation of this policy if a member, guest or other responsible participant, knows or should know of the hazing but takes no action to intervene on behalf of the targeted participant(s).

HARASSMENT, INCLUDING SEXUAL HARASSMENT

It is the policy of Makersmiths that there shall be no form of harassment directed at any participant involved in any of its activities or programs by any member or guest or other participant.

Harassment includes any pattern of physical and/or nonphysical behaviors that are intended to cause fear, humiliation or annoyance; offend or degrade; create a hostile environment; or reflect discriminatory bias in an attempt to establish dominance, superiority or power over an individual participant or group based on gender, race, ethnicity, culture, religion, sexual expression or mental or physical ability.

Examples of harassment prohibited by this policy include, but are not limited to: such non-physical offenses as making negative or disparaging comments about any member's sexual orientation, gender or expression, disability, religion, skin color or ethnic traits; displaying offensive materials, gestures or symbols; and withholding or reducing participation based on any trait or characteristic listed above.

Sexual Harassment is a form of harassment prohibited by this policy. Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the participant being harassed are the same sex, and whether or not the participant resists or submits to the harasser, when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of participating in any activity; or
2. Submission to or rejection of such conduct by a participant is used as the basis for decisions affecting the participant; or
3. Such conduct is sufficiently severe, persistent or pervasive that it limits a participant's ability to participate in or benefit from a Makersmiths program or activity, or it creates a hostile or abusive environment.

Any conduct of a sexual nature directed by a minor toward an adult or by an adult to a minor is presumed to be unwelcomed and shall constitute sexual harassment.

While fellow members and guests may be the perpetrators of harassment or sexual harassment, it is a violation of this policy if any member or guest or other responsible adult knows or should know of the harassment or sexual harassment but takes no action to intervene on behalf of the targeted participant(s).

It shall be a violation for any member or guest, to harass another member or guest(s) through conduct or communications of a sexual nature, or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

EMOTIONAL MISCONDUCT

It is the policy of Makersmiths that there shall be no emotional misconduct (abuse) of any member or guest involved in any of its activities or programs by other members or guests.

Emotional misconduct involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a participant. These behaviors may include verbal acts, physical acts or acts that deny attention or support.

Examples of emotional misconduct prohibited by this policy include, but are not limited to: a pattern of; verbal behaviors that attack a participant by (e.g. calling them worthless, disgusting, etc.); or repeatedly and excessively yelling at a participant or participants in a manner that serves no productive motivational purpose; by physically aggressive behavior such as: leaning into, blocking passage, throwing items such as equipment, water bottles or chairs at participants; punching walls, windows or other objects.

PHYSICAL MISCONDUCT

It is the policy of Makersmiths that there shall be no physical misconduct (abuse) of any participant involved in any of its activities or programs by any member or guest.

Physical misconduct means physical contact with a participant that intentionally causes or has the potential to cause the participant to sustain bodily harm or personal injury. Physical misconduct also includes physical contact with a participant that intentionally creates a perceived or actual threat of immediate bodily harm or personal injury. Physical misconduct may also include intentionally hitting or threatening to hit a member or guest with an object.

In addition to physical contact or the threat of physical contact with a participant, physical misconduct also includes the providing of alcohol to a participant under the age of consent and the providing of illegal drugs or non-prescribed medications to any participant.

Without limiting the above, any act or conduct described as physical misconduct under applicable federal or state law constitutes physical misconduct under this Policy.

SEXUAL MISCONDUCT

It is the policy of Makersmiths that there shall be no sexual misconduct (abuse) of any member or guest involved in any of its activities or programs by another member or guest.

Sexual misconduct occurs when a member or guest touches another member or guest for the purpose of causing unwanted sexual arousal or gratification of either the perpetrator or the recipient.

Sexual misconduct of a minor also occurs when a minor touches a member or guest for the sexual arousal or sexual gratification of either the minor or member or guest, if the touching occurs at the request or with the consent of the member or guest.

Sexual contact between or among children also is abusive if there is a significant disparity in age, development or size, rendering the younger child incapable of giving informed consent, if there is the existence of an aggressor or where there is an imbalance of power and/or intellectual capabilities. The sexually abusive acts may include sexual penetration, sexual touching, or non-contact sexual acts such as exposure or voyeurism.

Sexual misconduct may also occur between adults or to an adult. Sexual misconduct includes sexual interactions that are non consensual or accomplished by force or threat of force, or coerced or manipulated, regardless of the age of the participant.

Sexual misconduct may also include non-touching offenses such as sexually harassing behaviors; an adult discussing his/her sex life with a minor; an adult asking a minor about his/her sex life; an adult requesting or sending nude or partial dress photo to minor; exposing minors to pornographic material; sending minors sexually explicit electronic messages or photos (e.g. "sexting"); deliberately exposing a minor to sexual acts; or deliberately exposing a minor to inappropriate nudity.

Without limiting the above, any act or conduct described as sexual misconduct, sexual abuse or child sexual abuse under applicable federal or state law constitutes sexual misconduct under this policy.

SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY

This policy is targeted to protect minor members and guests. Communications involving minor members or guests should be appropriate, productive and transparent.

Communications concerning activities such as programs, classes, travel, Maker Faires, etc. among members and guests and their families is critical. However, the use of mobile devices, web-based applications, social media and other forms of electronic communications increases the possibility for improprieties and misunderstandings, and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of mobile devices and electronic communications can result in misconduct.

Below are the Makersmiths Social Media and Electronic Communications Policy requirements:

Policy

All electronic communication between adult members and guests and minor members and guests must be for the purpose of communicating information about Makersmiths programs or activities.

All content between adult members and guests and minor members and guests should be readily available to share with the public or families of the minor member or guests. Use of the Makersmiths listserv(s) or communications server / service is encouraged.

If the minor member or guest is under the age of 18, any email, text, social media or similar communication must also copy or include the minor member or guest's parents or guardians.

Request To Discontinue All Electronic Communications

Immediate compliance without repercussion must be granted following receipt of a written request by minor members or guest's parents or guardians that their child not be contacted by any form of electronic communication.

CONDUCT WITH MINORS POLICY

While these policies are primarily for the protection of minor members and guests, they also serve to protect adult members and guests; this policy is targeted to protect both minor members and guests, as well as adult members and guests. Conduct involving minor members or guests should be appropriate, productive and transparent. Interaction with minors should always be appropriate and visible to others.

Minimum two-deep supervision for all activities and programs. Maintain two adults present with minors, at the minimum.

One-on-one contact between adults and minor members or guests is prohibited. In any situation requiring a personal meeting, such individual help or instruction, the meeting is to be conducted in view of other adults and youths.

There shall be no secret organizations within the Makersmiths community. Makersmiths does not recognize any secret organizations as part of its activities or programs. All aspects of Makersmiths activities and programs are to be open to observation by parents and other members and guests.

Adult members and guests are responsible for monitoring the behavior of minor members and interceding when necessary. The parents of minor members who misbehave should be informed and asked for assistance. Intercession should take the form of a timeout; corporal punishment is prohibited.

BACKGROUND SCREENING POLICY

Makersmiths policy includes strict criteria for which a person may be disqualified and prohibited from serving as a volunteer working with, teaching, or mentoring minor members or guests. Under the policy, Makersmiths will not authorize or accept any member or guest to interact with minor members or guests unless that person consents to be screened and passes a comprehensive screening by a Makersmiths approved background screening vendor.

Purposes of a Screening Policy:

- It is the moral responsibility of Makersmiths Board of Directors, its' officers and members to provide an abuse safe environment for members and guests during sponsored or sanctioned activities.
- To protect Makersmiths members and guests from known offenders so that such individuals do not have access to members and guests, especially minor members and guests.
- Deters offenders who have not been caught from joining Makersmiths as a member or guest because Makersmiths has a known policy against abuse.
- Helps protect Makersmiths from liability that could arise from allowing a previous offender to have access to members or guests, especially minor participants.

BACKGROUND SCREENING POLICY

It is the policy of Makersmiths that any individual member or guest will accept and abide by this background screening policy. The following individuals, 18 years of age or older, will be screened:

Members or guest who may be working with or interacting with other members or guests on a regular basis teaching a class, leading a project such as a group build, coaching a First Robotics team, or any other situation where there may be a mentor / mentee relationship.

Makersmiths will not allow participation of any individual who refuses to consent to a background screen if he/she intends to affiliate and/or participate a Makersmiths sponsored or sanctioned activity or program.

Makersmiths may also choose to require other members and/or guests to submit to and pass a background screen in order to affiliate with Makersmiths.

All disqualified individuals have the right to dispute the findings of the background screening directly with the Makersmiths approved Background Screen Vendor.

A background screen will not be required for those individuals who are under the age of 18 years.

A background screen shall be good for two (2) years. Makersmiths retains the right to require re-screening if there is reasonable cause to suspect an individual would become disqualified.

PROCEDURES:

Every individual required to submit Background Screening must complete, sign and date the Background Screen Consent and Waiver Release Form. The Background Screen Consent and Waiver Release form will be submitted and the applicant cleared before the applicant may commence working with or interacting with other members or guests on a regular basis teaching a class, leading a project such as a group build, coaching a First Robotics team, or any other situation where there may be a mentor / mentee relationship.

Upon receipt of the above described documents, Makersmiths will request that the Makersmiths approved Background Screen Vendor perform the background screen.

All information received as a result of a background screen will be strictly confidential. Notice of clearance or disqualification for all applicants will be provided to:

1. The President/Chairman of the Makersmiths Board of Directors
2. The Head Coach of the Makersmiths Robotics program (if screening was for an individual seeking to work with Makersmiths Robotics teams)

Upon notice to the above individuals, the approved Background Screen Vendor will request additional contact information for the disqualified individual.

The complete profile will be sent by the Makersmiths approved Background Screen Vendor directly to an automatically disqualified individual using the agreed upon method of delivery,

along with a copy of the "Summary of Your Rights under the Fair Credit Reporting Act" (FCRA), and a notification that the individual is prohibited from participating in Makersmiths sanctioned activities and programs.

All disqualified individuals have the right to review and dispute the accuracy of the background screening findings directly with the Makersmiths approved Background Screen Vendor. A disqualified individual MAY NOT appeal an automatic disqualification or the results of the findings of the background screen vendor to Makersmiths.

AUTOMATIC DISQUALIFIERS FOR PARTICIPATION IN SPONSORED AND/OR SANCTIONED MAKERSMITHS ACTIVITIES AND PROGRAMS:

Anyone found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication or received court directed programs and /or other sentencing directives in lieu of a finding of guilt, for the following criminal offenses:

All Sex offenses, Murder, and Homicide regardless of time limit;

Felony Violence and Felony Drug offenses in the past 10 years;

Any misdemeanor violence offenses in the past 7 years;

Any multiple misdemeanor drug and alcohol offenses within the past 7 years;

Any gun or weapon related offenses in the past 7 years;

Any other crimes (not listed) against children in the past 7 years (the time frames associated with the categories of crime listed above are calculated based on the date of the offense).

Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated.

Falsification of information on any membership application or the consent/release form is grounds for membership revocation or restriction of membership.

MAKERSMITHS SAFETY PROGRAM CONTACTS

The above policy and procedures are our attempt to codify our intentions and efforts to prevent abuse and misconduct. There will, from time to time, be occasions where policy or procedure fall short, need interpretation, or modification. In order to address those occasions and to oversee the Safety Program, Makersmiths has Safety Program Committee.

Contact the Safety Program Committee members to ask for clarification, provide feedback and to make suggestions for future initiatives, or get general information about the Makersmiths Safety Program.

Person X, person_x@makersmiths.org, 555-444-3333

Person Y, person_y@makersmiths.org, 222-111-0000

Person Z, person_z@makersmiths.org, 999-888-7777

Also, please visit the following Makersmiths web page for additional info and links to further resources on abuse prevention and safety:

<http://safety.makersmiths.org>

ISSUES NOT INCLUDED (that maybe should be . . .)

- Travel, especially those involving minor members and guests
- Overnight Travel situations, especially those involving minor members and guests
- First Aid / Administering medications

- Allergies and Immunizations
- Fund-Raising Activities, especially those involving minor members and guests