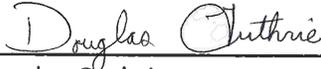


Report of the President & CEO

August 26, 2021

RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING AMENDMENT OF THE YOUTH PROTECTION POLICY FOR SERVICE PROVIDERS



Douglas Guthrie
President & Chief Executive Officer



Howard Baum
Deputy General Counsel

Purpose: Amendments to the Housing Authority of the City of Los Angeles' ("HACLA's") Youth Protection Policy for Service Providers (the "Youth Protection Policy" or "Policy") are desired to provide more robust guidance to service providers who serve HACLA's youth on: preventing, recognizing and reporting suspected or known child abuse and neglect; adopting best practices for protecting youth; understanding who qualifies as a Mandatory Reporter under the Penal Code; and related training and reporting responsibilities. These amendments will bolster efforts to safeguard youth served by HACLA's service providers ("Service Providers").

Regarding: HACLA's Youth Protection Policy was adopted by the Board of Commissioners on May 22, 2014 (by Resolution No. 9135), and was subsequently amended on October 30, 2014 (by Resolution No. 9164) and on August 24, 2017 (by Resolution No. 9371). The Policy currently requires Service Providers and their subcontractors to perform criminal background checks on their employees, volunteers and agents who may have more than limited contact with or supervise minors ("Covered Persons"). After the 2017 amendment, the Policy also requires all Covered Persons who meet the definition of a Mandatory Reporter under California Penal Code section 11165.7 to be recognized by Service Providers and their subcontractors and to receive proper training on their suspected or known child abuse and neglect reporting responsibilities.

Issues: The Youth Protection Policy establishes requirements that Service Providers must comply with in order to satisfy their contractual obligations with HACLA. These requirements include completing criminal background checks for all employees and subcontractors who qualify as Covered Persons and maintaining a current and accurate Cleared Background Check List to be made available to HACLA upon demand. Additionally, Service Providers must notify HACLA in the event that any previously-cleared Covered Person is subsequently arrested for a crime that, if convicted, would cause the person to not pass the background check required by the Policy. Service Providers are also required to recognize those Covered Persons who qualify as Mandatory Reporters under the Penal Code (nearly every person

who qualifies as a Covered Person), and to provide those individuals with training in the identification and reporting of suspected or known child abuse and neglect.

While the current Policy helps ensure that all Covered Persons are qualified to work with minors, additional provisions are proposed to help provide guidance on resources and best practices for creating safe and protective environments for children, and the recognition of behaviors that may be indicative of child abuse or neglect. These additions will provide Service Providers with suggested resources, best practices, and guidance on how to comply with specific mandatory reporting requirements, thereby conveying HACLA's commitment to promoting the wellbeing of youth served by HACLA's programs.

Examination of Proposed Changes:

Updated Policy Purpose

The "Purpose" section is amended to emphasize the importance of protecting youth to the greatest extent possible and conveys HACLA's commitment to promoting the recognition and prevention of child abuse and neglect. The section also states that in an effort to fulfill that commitment, the Policy provides guidance to Service Providers and their subcontractors on how to best create protective environments for youth. In sum, the revised "Purpose" section conveys that HACLA not only desires to ensure all adults working with children are suitable to do so, but also encourages Service Providers to adopt practices which will make their programs safe places equipped to help protect children from maltreatment.

Additional Definitions

The proposed changes include adding definitions of "Child Abuse," "Neglect" and "Grooming," to clearly identify those circumstances and behaviors the Policy seeks to recognize, deter, and prevent.

New Requirement for Updating Background Checks

The proposed changes include adding language under the "Criminal Background Clearance" section which requires Service Providers to conduct updated background checks for Covered Persons no less than every three years. This practice will help ensure that background checks are current and accurate, and reflect widely-accepted best practices.

New Section on Best Practices for Service Providers

The proposed changes include the addition of a new "Best Practices for Service Providers" section. This section encourages Service Providers to adopt some of

the best practices for interacting with minors that are currently being used by several notable public agencies charged with protecting youth and a variety of youth-serving organizations. The Policy notes that each organization is encouraged to adopt those practices and procedures best-suited to each Service Provider's unique structure and programming. The proposed section also provides best practices for creating a culture of protection, selecting and screening employees and volunteers, training, and maintaining appropriate contact with children. Additionally, the proposed section provides a list of resources that Service Providers are encouraged to reference for creating organizational practices and policies. The list references sample youth protection policies from public agencies and private organizations that have developed robust policies for interacting with youth, including, among others, the California Department of Education and Department of Health and Human Services.

New Section on Guidance for Recognizing Signs of Abuse and Neglect

The proposed changes include the addition of a new section entitled "Guidance on Recognizing Signs of Abuse and Neglect." The proposed section encourages Service Providers to educate all employees, volunteers, agents, and subcontractors on signs of child abuse and neglect so that the adults who interact with children are equipped to recognize maltreatment and help prevent further instances by reporting the abuse. This proposed section provides a list of behavioral warning signs that suggest a child may be enduring emotional abuse, physical abuse, sexual abuse, and/or neglect.

New Section on Mandatory Reporter Obligations

The proposed changes include the addition of a new section discussing "Mandatory Reporter Obligations." This section augments the previous Policy amendments, which added required training for Covered Persons qualifying as Mandatory Reporters by supplying Service Providers with the general reporting requirements under the California Penal Code. The proposed section also includes a non-exhaustive list of resources for reporting, such as the Los Angeles County Child Protection Hotline. This section is also intended to assist Service Providers in understanding their responsibilities to recognize Mandatory Reporters and train such persons in the reporting of suspected or known child abuse and neglect.

Vision Plan: Amendment of HACLA's Youth Protection Policy does not directly advance any specific Vision Plan goals but instead augments the PEOPLE component of the Vision Plan through helping ensure that HACLA's service providers providing tutoring, college preparation, sports programming, meal and nutrition services, counseling and leadership training do so in a manner that is protective of youth.

Funding: The Chief Administrative Officer confirms the following:

No dedicated funding is required in connection with approval of this item.

Environmental Review: Neither CEQA nor NEPA are triggered by this request.

Section 3: Not Applicable

Attachments:

1. Resolution
2. Red-Lined Draft of Youth Protection Policy Identifying Revisions
3. Clean Version of Youth Protection Policy with Proposed Amendments

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING AMENDMENT OF THE YOUTH PROTECTION POLICY FOR SERVICE PROVIDERS

WHEREAS, the Board of Commissioners (“Board”) approved HACLA’s Youth Protection Policy for Service Providers on May 22, 2014, as subsequently amended on October 30, 2014, and on August 24, 2017, under Board Resolutions 9135, 9164, and 9371, respectively (the “Youth Protection Policy”); and

WHEREAS, for the reasons set forth in the Report of the President and CEO of the same date herewith (the “Board Report”), the Board desires to amend the Youth Protection Policy as identified in Attachment No. 2 to the Board Report (the “Amended Youth Protection Policy”) to better support its commitment to protecting youth served by Housing Authority programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Amended Youth Protection Policy, and further authorizes the President & CEO, or designee, to make any non-substantive editorial revisions deemed necessary for its finalization.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED AS TO FORM

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

By: _____
James Johnson, General Counsel

By: _____
Cielo Castro, Chairperson



DATE ADOPTED: _____

Attachment No. 2

Red-Lined Draft of Youth Protection Policy Identifying Revisions

YOUTH PROTECTION POLICY FOR SERVICE PROVIDERS

I. PURPOSE

In an effort to help ensure the safetywellbeing of minors served by its programs, the Housing Authority of the City of Los Angeles (the "Authority") adopts this Youth Protection Policy for Service Providers (this "Policy"), which") to promote the recognition, prevention and reporting of child abuse and neglect by its service providers. This Policy requires, to the greatest extent permitted by law, criminal background checks for all employees, volunteers and agents of the Authority's service providers and their subcontractors, who, in the scope of providing services to the Authority, may have more than limited contact with or supervision of minors. This Policy also provides general guidance on best practices that service providers and their subcontractors can employ to create protective environments for children, and recognize, prevent and report the mistreatment of children, and further describes Mandatory Reporter responsibilities.

II. DEFINITIONS

Background Checks means criminal background checks of criminal databases identified by the Authority as being reliable sources of information for purposes of this Policy.

Child Abuse means any act that results in serious physical or emotional harm, sexual abuse or exploitation of a Minor.

Child Neglect means the negligent treatment or maltreatment of a Minor by a person responsible for the Minor's welfare under circumstances indicating harm or threatened harm to the Minor's health or welfare.

Covered Persons, which also includes the singular, means adult employees, volunteers, and agents who, in the course of providing services to the Authority and while under the direction of a Service Provider or its subcontractors, may have more than limited contact with or supervision of Minors.

Grooming, means befriending and establishing an emotional connection with a Minor, and sometimes the family, to lower the Minor's inhibitions with the objective of sexual abuse.

Mandatory Reporter means any person identified at Penal Code section 11165.7 as having the reporting responsibilities identified at Penal Code section 11166 concerning victims of child abuse or neglect or the discretionary reporting responsibilities concerning child victims of serious emotional damage identified at Penal Code section 11166.05.

Minor means a child under the age of 18 years who has not been emancipated.

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Serious Felonies, which also includes the singular, are those crimes defined at Penal Code section 1192.7(c), as may be amended from time to time. Unless the Service Provider finds extenuating circumstances as described under paragraph E of Article V of this Policy, a Covered Person has not cleared the requisite Background Check if said person has been convicted of a Serious Felony offense.

Service Providers, which also includes the singular, means businesses that contract with the Authority and, in the scope of providing services to the Authority, have employees, volunteers, and agents who have more than limited contact with or supervision of Minors.

Violent Felonies, which also includes the singular, are those crimes defined at Penal Code section 667.5(c), as may be amended from time to time. Unless the Service Provider finds extenuating circumstances as described under paragraph E of Article V of this Policy, a Covered Person has not cleared the requisite Background Check if said person has been convicted of a Violent Felony offense.

III. APPLICABILITY

- A. This Policy applies to all Service Providers with Covered Persons.
- B. The determination as to whether employees, volunteers, and agents are Covered Persons will be made by Service Providers and subcontractors. The Authority recommends consideration of the following factors when identifying Covered Persons:
 1. The amount of time such persons will spend in the presence of Minors;
 2. The amount of time such persons will spend in the presence of Minors without other adults present; and opportunities for inappropriate behaviors including, without limitation, Grooming and Child Abuse;
 3. The extent of supervision of such persons by other adults while in the presence of Minors;
 4. The frequency and duration with which such persons are in contact with Minors;
 5. The nature of interaction between such persons and Minors; and
 6. The location where the services are provided.

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C. The Authority recognizes that Background Checks cannot be performed on Minors. Minors who are employees, volunteers, agents or subcontractors of a Service Provider and who may have more than limited contact with or supervision of other Minors shall, at all times while providing services to, or on behalf of, the Authority, be supervised by a Covered Person who has passed a Background Check.

D. The Authority reserves the right, but not the obligation, to require a Service Provider to perform Background Checks on certain or all employees, volunteers, agents and subcontractors who are providing the Authority with services, including those not otherwise identified by the Service Provider or subcontractor as Covered Persons.

IV. SERVICE PROVIDER RESPONSIBILITIES

A. As part of their contractual obligations, Service Providers will be responsible for the following:

1. To complete Background Checks on all Covered Persons, including subcontractors who qualify as Covered Persons.

2. To prohibit all Covered Persons from coming into contact with or supervising Minors until cleared by the Background Checks required under this Policy.

3. To certify to the completion of requisite Background Checks by providing to the Authority, in writing, a list of all Covered Persons who have cleared Background Checks ("Cleared Background Check List"). Service Providers shall ensure their Cleared Background Check List is current, accurate, and available to the Authority upon demand.

4. If eligible, to apply for subsequent arrest notification with the Department of Justice in order to receive subsequent arrest notice for Covered Persons.

5. To immediately notify the Authority, in writing, in the event any Covered Person is suspected of Child Abuse or Neglect, or arrested for a crime that, if convicted, would cause the person not to pass the Background Check required by this Policy. Service Providers shall ensure ~~arrested~~that such persons do not come into contact with or supervise Minors until cleared of all suspicious or charges. Where charges are filed, Service Providers shall provide the Authority with written notice of the disposition of the charges (i.e., whether the person is convicted or cleared of charges). Notwithstanding clearance of all charges or suspicions, the Authority shall have the right, but not the obligation, to prohibit ~~arrested~~such persons from providing services to the Authority or providing services on behalf of the Authority.

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6. To immediately notify the Authority, in writing, in the event any Covered Person is investigated for material violations of this Policy. Service Providers shall ensure such person does not come into contact with or supervise Minors until the investigation is complete, and the Service Provider has provided the Authority with written findings clearing the person subject to the investigation. Notwithstanding Service Provider's clearance, the Authority shall have the right, but not the obligation, to prohibit an investigated Covered Person from providing services to the Authority or providing services on behalf of the Authority.

7. To recognize those Covered Persons who also qualify as Mandatory Reporters.

8. To provide Covered Person who qualify as Mandatory Reporters with training in the identification and reporting of child abuse and neglect as reasonably required to understand and fulfill their reporting requirements.

9. To provide a copy of this Policy to any subcontractor who will be employed to provide services to the Authority and who has employees, volunteers and agents who qualify as Covered Persons or Mandatory Reporters.

10. To adopt their own policies and practices based upon the type of Minor programming provided that helps ensure the recognition, prevention and reporting of Child Abuse and Neglect.

B. ~~B.~~ As part of their contractual obligations, Service Providers shall require Covered Persons to sign an affidavit, under penalty of perjury, attesting to the following:

1. The person has not made a false statement or material omission in connection with the Background Check;

2. The person is not a registered sex offender and is not otherwise required to file or register as a sex offender; and

3. The person has not been convicted of a criminal offense listed in Article V, or if he/she has been convicted of such crime, he/she has provided to the Service Provider a written explanation concerning the facts and circumstances surrounding said conviction.

V. CRIMINAL BACKGROUND CLEARANCE

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A. A Covered Person has not cleared the Background Check if said person has been convicted of violations or attempted violations of the crimes listed below. (Note: all citations are to the Penal Code.)

1. Unlawful sexual intercourse with a minor (PC §261.5)
2. Child endangerment (PC §273a)
3. Child abuse (PC §273d)
4. Domestic violence (PC §273.5)
5. Robbery, when it is charged and proved that the defendant personally used a deadly or dangerous weapon in the commission of the crime (PC §211)
6. Assault on government official (PC §217.1)
7. False imprisonment (PC §236)
8. Assault and battery laws (PC §§240-248)

B. A Covered Person has not cleared the Background Check if said person has been convicted of a violation or attempted violation of a Serious Felony offense. A “Serious Felony” offense includes any of the crimes specified at Penal Code section 1192.7(c), as may be amended from time to time.

C. A person has not cleared the Background Check if said person has been convicted of a violation or attempted violation of a Violent Felony offense, including a Violent Felony offense that counts as a prior in California’s Three Strikes law at Penal Code section 667.5(c). A “Violent Felony” offense includes any of the crimes specified at Penal Code section 667.5(c), as may be amended from time to time.

D. A person has not cleared the Background Check if said person is required to register as a sex offender.

E. Notwithstanding the foregoing provisions in this section, with the exception of a person who is required to register as a sex offender, a Covered Person who would otherwise not clear a Background Check due to criminal history, may be permitted by a Service Provider to fill a position in which said person may have more than limited contact with or supervision of Minors, if, the Service Provider finds support for the exception based on extenuating circumstances. In weighing whether a Covered Person’s conviction should give rise to an exception for disqualification based on criminal history, the Authority

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recommends consideration of the following factors: which shall be memorialized in a written communication to the Authority identifying the Covered Person:

1. The relationship between the offense leading to the conviction and the type and nature of services the person will provide under the services contract;
2. The person's employment or volunteer history before and after the offense leading to the conviction;
3. The person's efforts and success at rehabilitation since the offense leading to the conviction;
4. The likelihood the offense leading to the conviction would prevent the person from performing his or her responsibilities under the services contract;
5. The circumstances and/or factors indicating the offense leading to the conviction is likely to be repeated;
6. The nature, severity, number, and consequences of the offense leading to the conviction;
7. The circumstances surrounding each offense leading to the conviction; and
8. The amount of time elapsed since the offense leading to the conviction.

G. A Service Provider's initial determination of eligibility, ineligibility or disqualification of Covered Persons under this section shall not relieve the Service Provider of its continuing obligations and responsibilities under ~~the services contract~~this Policy, including without limitation, conducting Background Checks on new employees, volunteers, agents and ~~or~~ subcontractors who qualify as Covered Persons and periodic redeterminations of eligibility of Covered Persons as may be warranted.

H. Service Providers shall be responsible for obtaining updated Background Checks on Covered Persons no less frequently than every three years to be considered compliant with this Policy.

VI. BEST PRACTICES FOR SERVICE PROVIDERS

A. Service Providers are strongly encouraged to adopt policies and best practices which create a safe environment for Minors, and which provide guidance to all employees, volunteers, agents, and/or subcontractors on interacting with Minors and

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reporting concerns for a Minor's wellbeing. While the Authority cannot and does not control, direct or proscribe the manner in which its Service Providers operate their businesses or provide their services, the Authority does recognize that many public and private agencies and organizations have developed or adopted youth protection policies and best practices that the Authority's Services Providers might wish to employ. Because entities vary in structure and services offered, Service Providers are encouraged to adopt practices that best suit their unique needs for providing safe environments and programming. These policies and practices include:

1. Establishing a Culture of Protection
 - a. Having clearly articulated zero-tolerance policies for Child Abuse and Neglect and the detection of Child Abuse and Neglect by others.
 - b. Maintaining efforts to increase awareness about Child Abuse and Neglect.
 - c. Providing employees, volunteers and subcontractors with resources for education on Child Abuse, Neglect, and reporting.
 - d. Conveying to subcontractors the organization's policies and expectations for protecting youth.
 - e. Understanding and regularly reviewing the resources and information available to them to keep informed of evolving youth interaction and protection best practices.
 - f. Reviewing and periodically updating their youth policies and practices to adapt to evolving standards and understanding of youth interaction and protection.
2. Employee and Volunteer Selection and Screening
 - a. Requiring all applicants for employment and volunteering to submit an application which includes contact information, personal references and contact information, and a statement attesting that the applicant has no criminal convictions or pending charges related to abuse or harassment or which explains any past charges of abuse or harassment.

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- b. Conducting personal interviews of all applicants for employment and volunteering which utilize an established list of relevant questions to evoke responses which demonstrate the applicant's suitability for the position and interacting with Minors.
- c. Conducting reference checks for all applicants for employment and volunteering which inquire about whether the applicant is well-qualified to work with Minors based on the experience the reference has had with the applicant.

3. Training for Employees and Volunteers

- a. Training all new employees and volunteers about the organization's youth protection policies and practices and general information about safeguarding youth. Training serves both to educate all individuals who will interact with children and to convey and cultivate a commitment to protecting youth.
- b. Employees and volunteers should receive training regularly, such as on an annual basis.
- c. Maintaining records of who has received training.
- d. Training should include information which educates employees and volunteers on:
 - i. How sexual offenders behave and how they manipulate others;
 - ii. How to recognize Child Abuse and Neglect;
 - iii. How to behave in ways that keep participants from feeling uncomfortable;
 - iv. How individuals can protect themselves from false allegations by following guidelines for appropriate behavior;

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- v. How to recognize grooming behavior and respond to it; and
- vi. How to report alleged or suspected abuse or harassment, or behavior that causes concern.
- e. Having employees and volunteers certify in writing that they have read and understood the Service Providers youth protection policies and received the appropriate training.

4. Appropriate Contact with Youth

- a. Providing clear guidance to employees and volunteers on appropriate contact with children.
- b. Maintaining a two-deep supervision rule which provides that adults should never have one on one contact with children (outside visual presence of others) when possible. Two employees/volunteers who have been hired and trained to interact with children should be present at all times. If that is not feasible, at least one employee/volunteer who is certified to interact with children and one additional adult should be present at all times.
 - i. When transporting children, an adult should never be alone with a child in a vehicle.
- c. Educating all employees and volunteers on appropriate physical contact with children. Such as:
 - i. Physical contact should be in response to the need of the child, not the need of the adult.
 - ii. Physical contact should only be made with the child's permission.
 - iii. Adults should be respectful of any hesitation or resistance from the child.

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- iv. Physical contact should always be in the open and never in private.
 - v. Physical contact should be brief and limited in duration.
 - vi. Physical contact should be age and developmentally appropriate.
- d. Educating all employees and volunteers on appropriate standards for interacting with youth on social media. Such as:
- i. Generally, contact with youth over social media is inappropriate and should be refrained from.
 - ii. If social media contact is necessary for the purposes of the organization and programming, all contact should be done through organizational social media accounts, never personal accounts.
 - iii. Contact over social media should be conducted as if it were in public, meaning only communications that would be appropriate in public are appropriate to convey over social media.
 - iv. Excessive interaction, such as liking posts of individual children, should be refrained from.

B.

YOUTH PROTECTION POLICY FOR SERVICE PROVIDERS

Service Providers are strongly encouraged to reference the following list of resources, current at the time of preparation of this Policy, as well as any additional resources for establishing and implementing organizational best practices for interacting with children and preventing Child Abuse and Neglect:

1. Centers for Disease Control and Prevention,
<https://stacks.cdc.gov/view/cdc/7538/>

2. California Department of Education,
<https://www.cde.ca.gov/ls/ss/ap/>

3. American Youth Soccer Organization,
<https://www.aysovolunteers.org/ayso-safe-haven-policies-for-child-and-volunteer-protection/>

4. Rotary International, <https://my.rotary.org/en/document/rotary-youth-protection-guide>

5. Kiwanis International, https://www.kiwanis.org/docs/default-source/training/training/risk-management/youth-protection/youth-protection-guidelines-updated-march-2021-v1-031821-final.pdf?sfvrsn=8afe39ef_2

6. Department of Health and Human Services,
<https://www.childwelfare.gov/>; https://www.childwelfare.gov/pubPDFs/guide_2021.pdf

7. The Save the Children Fund,
https://www.savethechildren.net/sites/www.savethechildren.net/files/SCI_HR_POL_Child%20Safeguarding%20External%20Policy_EN.docx.pdf

VII. GUIDANCE ON RECOGNIZING SIGNS OF ABUSE AND NEGLECT

A. Service Providers are strongly encouraged to educate all employees, volunteers, agents, and subcontractors on the warning signs of Child Abuse and Neglect and the reporting of suspected or known Child Abuse or Neglect. While none of the following behaviors are dispositive of Child Abuse or Neglect, they may, independently or in combination with others, be signs and should be considered and reported as warranted.

B. Covered Persons should recognize warning signs of emotional abuse in Minors, such as when a Minor is:

1. Being excessively withdrawn, fearful, or anxious about doing something wrong;

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2. Showing extremes in behavior, such as being extremely compliant or demanding or being extremely passive or aggressive;

3. Seeming unattached to the parent or caregiver;

4. Acting inappropriately adult-like, such as taking care of other children; or

5. Acting inappropriately infantile, such as rocking, thumb-sucking, and/or throwing tantrums.

C. Covered Persons should recognize warning signs of physical abuse in Minors, such as:

1. Frequent injuries or unexplained bruises, burns, fractures, welts, or cuts;

2. Being always watchful and on alert, as if waiting for something bad to happen;

3. Having injuries which appear to have a pattern, such as marks from a hand or belt;

4. Shying away from touch and flinching at sudden movements; or

5. Wearing inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

D. Covered Persons should recognize warning signs of sexual abuse in Minors, such as when a Minor:

1. Has trouble walking or sitting;

2. Displays knowledge or interest in sexual acts which are inappropriate to his/her age, including seductive behavior;

3. Makes strong efforts to avoid a specific person without an obvious reason why;

4. Does not want to participate in physical activities;

5. Has a sexually transmitted disease (STD) or pregnancy; or

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6. Is reluctant to return home or runs away from home.

E. Covered Persons should recognize warning signs of Neglect in Minors, such as when:

1. Clothes are ill-fitting, very dirty, or inappropriate for the weather;

2. Hygiene is consistently bad, such as being unbathed, having matted/unwashed hair, and having noticeable body odor;

3. Illnesses and injuries have not been treated;

4. The child is frequently hungry or tired;

5. The child is frequently unsupervised, left alone, and/or allowed to play in unsafe situations and environments; or

6. The child frequently arrives late, is missing from activities, or picked-up late.

VIII. MANDATORY REPORTER OBLIGATIONS

Service Providers are solely responsible for understanding who, among their employees, volunteers, agents and subcontractors, are Mandatory Reporters and training said persons in meeting their legal responsibilities. The purpose of this Article VIII is to remind Service Providers of some of those responsibilities as of the date of adopting this Policy.

A. California Penal Code section 11165.7 lists those persons whose profession or position qualifies them as “mandated reporters” of Child Abuse or Neglect.

B. Mandatory Reporters must be provided a statement upon hire which informs them that they are a Mandatory Reporter and lists their obligations to report suspected and known cases of Child Abuse and Neglect.

C. Employers must provide Mandatory Reporters with training regarding their duties as Mandatory Reporters. This must include training in Child Abuse and Neglect identification and training in Child Abuse and Neglect reporting. The training requirement may be met by completing the general online training for Mandatory Reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

D. Mandatory Reporters are required to report all known or suspected cases of Child Abuse or Neglect. Mandatory Reporters are not responsible for determining if the

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suspicious are valid but must make a report if there are signs which create a reasonable suspicion that Child Abuse or Neglect has occurred or is occurring.

E. Mandatory Reporters must make an initial report of abuse or neglect which they have knowledge or reasonable suspicion of immediately upon receiving the information concerning the incident, or as soon as practically possible. This initial report must be made by phone to any police department or sheriff's department, county probation department, or county welfare department. Within 36 hours of receiving the information concerning the incident, the Mandatory Reporter must prepare and send, fax, or electronically transmit a written follow up report. This report may include any nonprivileged documentary evidence that the reporter has which relates to the incident.

F. Resources for reporting in the County of Los Angeles at the time of adopting this Policy include:

1. LA County Child Protection Hotline: (800) 540-4000; (800) 272-6699 - TDD
2. Form: SS 8572: Suspected Child Abuse Report & Instructions
3. Online Reporting: <https://reportChildAbuseLA.org>

G. Service Providers are responsible for understanding any changes in the above.

IX.

~~VI.~~ **AUTHORITY'S DISCRETION**

A. The Authority has the sole and absolute discretion to require all Service Providers to require Covered Persons to submit to additional background checks, drug testing, and/or tuberculosis clearance.

B. The Authority has the sole and absolute discretion to waive the Background Checks required hereunder if the Authority determines that the Service Provider is providing services in an emergency or exceptional situation, such as when health or safety is endangered or when repairs are needed to make facilities immediately safe and habitable.

C. The Authority has the sole and absolute discretion to require all Service Providers to submit proof of insurance coverage protecting against incidences involving

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minors, under either a General Liability policy or a separate Abuse and Molestation policy, in an amount satisfactory to the Authority's Risk Manager.

D. The Authority has the sole and absolute discretion to provide background check assistance to a Service Provider who can demonstrate, under criteria described in procedures adopted to implement this Policy, the requirements of this Policy or the procedures will pose an extreme financial hardship.

VIII. PROCEDURES

The President/CEO may provide for the development, administration and implementation of the procedures to be adopted in furtherance of this Policy ("Procedures").

VIII. AMENDMENTS TO THE POLICY

This Policy may only be amended by the Board of Commissioners. The Procedures adopted to implement this Policy may be amended at any time at the discretion of the President/CEO, without the approval of the Board of Commissioners.

Prior History:

Version 1: Approved by the BOC on 5/22/14 (Resolution No. 9135)

Version 2: Approved by the BOC on 10/30/14 (Resolution No. 9164)

Version 3: Approved by the BOC on 8/24/17 (Resolution No. 9371)

Attachment No. 3

Clean Version of Youth Protection Policy with Proposed Amendments

YOUTH PROTECTION POLICY FOR SERVICE PROVIDERS

I. PURPOSE

In an effort to help ensure the wellbeing of minors served by its programs, the Housing Authority of the City of Los Angeles (the "Authority") adopts this Youth Protection Policy for Service Providers (this "Policy") to promote the recognition, prevention and reporting of child abuse and neglect by its service providers. This Policy requires, to the greatest extent permitted by law, criminal background checks for all employees, volunteers and agents of the Authority's service providers and their subcontractors, who, in the scope of providing services to the Authority, may have more than limited contact with or supervision of minors. This Policy also provides general guidance on best practices that service providers and their subcontractors can employ to create protective environments for children, and recognize, prevent and report the mistreatment of children, and further describes Mandatory Reporter responsibilities.

II. DEFINITIONS

Background Checks means criminal background checks of criminal databases identified by the Authority as being reliable sources of information for purposes of this Policy.

Child Abuse means any act that results in serious physical or emotional harm, sexual abuse or exploitation of a Minor.

Child Neglect means the negligent treatment or maltreatment of a Minor by a person responsible for the Minor's welfare under circumstances indicating harm or threatened harm to the Minor's health or welfare.

Covered Persons, which also includes the singular, means adult employees, volunteers, and agents who, in the course of providing services to the Authority and while under the direction of a Service Provider or its subcontractors, may have more than limited contact with or supervision of Minors.

Grooming, means befriending and establishing an emotional connection with a Minor, and sometimes the family, to lower the Minor's inhibitions with the objective of sexual abuse.

Mandatory Reporter means any person identified at Penal Code section 11165.7 as having the reporting responsibilities identified at Penal Code section 11166 concerning victims of child abuse or neglect or the discretionary reporting responsibilities concerning child victims of serious emotional damage identified at Penal Code section 11166.05.

Minor means a child under the age of 18 years who has not been emancipated.

Serious Felonies, which also includes the singular, are those crimes defined at Penal Code section 1192.7(c), as may be amended from time to time. Unless the Service

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Provider finds extenuating circumstances as described under paragraph E of Article V of this Policy, a Covered Person has not cleared the requisite Background Check if said person has been convicted of a Serious Felony offense.

Service Providers, which also includes the singular, means businesses that contract with the Authority and, in the scope of providing services to the Authority, have employees, volunteers, and agents who have more than limited contact with or supervision of Minors.

Violent Felonies, which also includes the singular, are those crimes defined at Penal Code section 667.5(c), as may be amended from time to time. Unless the Service Provider finds extenuating circumstances as described under paragraph E of Article V of this Policy, a Covered Person has not cleared the requisite Background Check if said person has been convicted of a Violent Felony offense.

III. APPLICABILITY

A. This Policy applies to all Service Providers with Covered Persons.

B. The determination as to whether employees, volunteers, and agents are Covered Persons will be made by Service Providers and subcontractors. The Authority recommends consideration of the following factors when identifying Covered Persons:

1. The amount of time such persons will spend in the presence of Minors;

2. The amount of time such persons will spend in the presence of Minors without other adults present and opportunities for inappropriate behaviors including, without limitation, Grooming and Child Abuse;

3. The extent of supervision of such persons by other adults while in the presence of Minors;

4. The frequency and duration with which such persons are in contact with Minors;

5. The nature of interaction between such persons and Minors; and

6. The location where the services are provided.

C. The Authority recognizes that Background Checks cannot be performed on Minors. Minors who are employees, volunteers, agents or subcontractors of a Service Provider and who may have more than limited contact with or supervision of other Minors

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shall, at all times while providing services to, or on behalf of, the Authority, be supervised by a Covered Person who has passed a Background Check.

D. The Authority reserves the right, but not the obligation, to require a Service Provider to perform Background Checks on certain or all employees, volunteers, agents and subcontractors who are providing the Authority with services, including those not otherwise identified by the Service Provider or subcontractor as Covered Persons.

IV. SERVICE PROVIDER RESPONSIBILITIES

A. As part of their contractual obligations, Service Providers will be responsible for the following:

1. To complete Background Checks on all Covered Persons, including subcontractors who qualify as Covered Persons.

2. To prohibit all Covered Persons from coming into contact with or supervising Minors until cleared by the Background Checks required under this Policy.

3. To certify to the completion of requisite Background Checks by providing to the Authority, in writing, a list of all Covered Persons who have cleared Background Checks ("Cleared Background Check List"). Service Providers shall ensure their Cleared Background Check List is current, accurate, and available to the Authority upon demand.

4. If eligible, to apply for subsequent arrest notification with the Department of Justice in order to receive subsequent arrest notice for Covered Persons.

5. To immediately notify the Authority, in writing, in the event any Covered Person is suspected of Child Abuse or Neglect, or arrested for a crime that, if convicted, would cause the person not to pass the Background Check required by this Policy. Service Providers shall ensure that such persons do not come into contact with or supervise Minors until cleared of all suspicions or charges. Where charges are filed, Service Providers shall provide the Authority with written notice of the disposition of the charges (i.e., whether the person is convicted or cleared of charges). Notwithstanding clearance of all charges or suspicions, the Authority shall have the right, but not the obligation, to prohibit such persons from providing services to the Authority or providing services on behalf of the Authority.

6. To immediately notify the Authority, in writing, in the event any Covered Person is investigated for material violations of this Policy. Service Providers shall ensure such person does not come into contact with or supervise Minors until the investigation is complete, and the Service Provider has provided the Authority with written findings clearing the person subject to the investigation. Notwithstanding Service

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Provider's clearance, the Authority shall have the right, but not the obligation, to prohibit an investigated Covered Person from providing services to the Authority or providing services on behalf of the Authority.

7. To recognize those Covered Persons who also qualify as Mandatory Reporters.

8. To provide Covered Person who qualify as Mandatory Reporters with training in the identification and reporting of child abuse and neglect as reasonably required to understand and fulfill their reporting requirements.

9. To provide a copy of this Policy to any subcontractor who will be employed to provide services to the Authority and who has employees, volunteers and agents who qualify as Covered Persons or Mandatory Reporters.

10. To adopt their own policies and practices based upon the type of Minor programming provided that helps ensure the recognition, prevention and reporting of Child Abuse and Neglect.

B. As part of their contractual obligations, Service Providers shall require Covered Persons to sign an affidavit, under penalty of perjury, attesting to the following:

1. The person has not made a false statement or material omission in connection with the Background Check;

2. The person is not a registered sex offender and is not otherwise required to file or register as a sex offender; and

3. The person has not been convicted of a criminal offense listed in Article V, or if he/she has been convicted of such crime, he/she has provided to the Service Provider a written explanation concerning the facts and circumstances surrounding said conviction.

V. CRIMINAL BACKGROUND CLEARANCE

A. A Covered Person has not cleared the Background Check if said person has been convicted of violations or attempted violations of the crimes listed below. (Note: all citations are to the Penal Code.)

1. Unlawful sexual intercourse with a minor (PC §261.5)

2. Child endangerment (PC §273a)

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3. Child abuse (PC §273d)
4. Domestic violence (PC §273.5)
5. Robbery, when it is charged and proved that the defendant personally used a deadly or dangerous weapon in the commission of the crime (PC §211)
6. Assault on government official (PC §217.1)
7. False imprisonment (PC §236)
8. Assault and battery laws (PC §§240-248)

B. A Covered Person has not cleared the Background Check if said person has been convicted of a violation or attempted violation of a Serious Felony offense. A “Serious Felony” offense includes any of the crimes specified at Penal Code section 1192.7(c), as may be amended from time to time.

C. A person has not cleared the Background Check if said person has been convicted of a violation or attempted violation of a Violent Felony offense, including a Violent Felony offense that counts as a prior in California’s Three Strikes law at Penal Code section 667.5(c). A “Violent Felony” offense includes any of the crimes specified at Penal Code section 667.5(c), as may be amended from time to time.

D. A person has not cleared the Background Check if said person is required to register as a sex offender.

E. Notwithstanding the foregoing provisions in this section, with the exception of a person who is required to register as a sex offender, a Covered Person who would otherwise not clear a Background Check due to criminal history, may be permitted by a Service Provider to fill a position in which said person may have more than limited contact with or supervision of Minors, if, the Service Provider finds support for the exception based on extenuating circumstances. In weighing whether a Covered Person’s conviction should give rise to an exception for disqualification based on criminal history, the Authority recommends consideration of the following factors which shall be memorialized in a written communication to the Authority identifying the Covered Person:

1. The relationship between the offense leading to the conviction and the type and nature of services the person will provide under the services contract;
 2. The person’s employment or volunteer history before and after the offense leading to the conviction;
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3. The person's efforts and success at rehabilitation since the offense leading to the conviction;

4. The likelihood the offense leading to the conviction would prevent the person from performing his or her responsibilities under the services contract;

5. The circumstances and/or factors indicating the offense leading to the conviction is likely to be repeated;

6. The nature, severity, number, and consequences of the offense leading to the conviction;

7. The circumstances surrounding each offense leading to the conviction; and

8. The amount of time elapsed since the offense leading to the conviction.

G. A Service Provider's initial determination of eligibility, ineligibility or disqualification of Covered Persons under this section shall not relieve the Service Provider of its continuing obligations and responsibilities under this Policy, including without limitation, conducting Background Checks on new employees, volunteers, agents and subcontractors who qualify as Covered Persons and periodic redeterminations of eligibility of Covered Persons as may be warranted.

H. Service Providers shall be responsible for obtaining updated Background Checks on Covered Persons no less frequently than every three years to be considered compliant with this Policy.

VI. BEST PRACTICES FOR SERVICE PROVIDERS

A. Service Providers are strongly encouraged to adopt policies and best practices which create a safe environment for Minors, and which provide guidance to all employees, volunteers, agents, and/or subcontractors on interacting with Minors and reporting concerns for a Minor's wellbeing. While the Authority cannot and does not control, direct or proscribe the manner in which its Service Providers operate their businesses or provide their services, the Authority does recognize that many public and private agencies and organizations have developed or adopted youth protection policies and best practices that the Authority's Services Providers might wish to employ. Because entities vary in structure and services offered, Service Providers are encouraged to adopt practices that best suit their unique needs for providing safe environments and programming. These policies and practices include:

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1. Establishing a Culture of Protection
 - a. Having clearly articulated zero-tolerance policies for Child Abuse and Neglect and the detection of Child Abuse and Neglect by others.
 - b. Maintaining efforts to increase awareness about Child Abuse and Neglect.
 - c. Providing employees, volunteers and subcontractors with resources for education on Child Abuse, Neglect, and reporting.
 - d. Conveying to subcontractors the organization's policies and expectations for protecting youth.
 - e. Understanding and regularly reviewing the resources and information available to them to keep informed of evolving youth interaction and protection best practices.
 - f. Reviewing and periodically updating their youth policies and practices to adapt to evolving standards and understanding of youth interaction and protection.

 2. Employee and Volunteer Selection and Screening
 - a. Requiring all applicants for employment and volunteering to submit an application which includes contact information, personal references and contact information, and a statement attesting that the applicant has no criminal convictions or pending charges related to abuse or harassment or which explains any past charges of abuse or harassment.
 - b. Conducting personal interviews of all applicants for employment and volunteering which utilize an established list of relevant questions to evoke responses which demonstrate the applicant's suitability for the position and interacting with Minors.
 - c. Conducting reference checks for all applicants for employment and volunteering which inquire about whether the applicant is well-qualified to work with Minors based on the experience the reference has had with the applicant.
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3. Training for Employees and Volunteers
 - a. Training all new employees and volunteers about the organization's youth protection policies and practices and general information about safeguarding youth. Training serves both to educate all individuals who will interact with children and to convey and cultivate a commitment to protecting youth.
 - b. Employees and volunteers should receive training regularly, such as on an annual basis.
 - c. Maintaining records of who has received training.
 - d. Training should include information which educates employees and volunteers on:
 - i. How sexual offenders behave and how they manipulate others;
 - ii. How to recognize Child Abuse and Neglect;
 - iii. How to behave in ways that keep participants from feeling uncomfortable;
 - iv. How individuals can protect themselves from false allegations by following guidelines for appropriate behavior;
 - v. How to recognize grooming behavior and respond to it; and
 - vi. How to report alleged or suspected abuse or harassment, or behavior that causes concern.
 - e. Having employees and volunteers certify in writing that they have read and understood the Service Providers youth protection policies and received the appropriate training.
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4. Appropriate Contact with Youth
 - a. Providing clear guidance to employees and volunteers on appropriate contact with children.
 - b. Maintaining a two-deep supervision rule which provides that adults should never have one on one contact with children (outside visual presence of others) when possible. Two employees/volunteers who have been hired and trained to interact with children should be present at all times. If that is not feasible, at least one employee/volunteer who is certified to interact with children and one additional adult should be present at all times.
 - i. When transporting children, an adult should never be alone with a child in a vehicle.
 - c. Educating all employees and volunteers on appropriate physical contact with children. Such as:
 - i. Physical contact should be in response to the need of the child, not the need of the adult.
 - ii. Physical contact should only be made with the child's permission.
 - iii. Adults should be respectful of any hesitation or resistance from the child.
 - iv. Physical contact should always be in the open and never in private.
 - v. Physical contact should be brief and limited in duration.
 - vi. Physical contact should be age and developmentally appropriate.
 - d. Educating all employees and volunteers on appropriate standards for interacting with youth on social media. Such as:
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- i. Generally, contact with youth over social media is inappropriate and should be refrained from.
- ii. If social media contact is necessary for the purposes of the organization and programming, all contact should be done through organizational social media accounts, never personal accounts.
- iii. Contact over social media should be conducted as if it were in public, meaning only communications that would be appropriate in public are appropriate to convey over social media.
- iv. Excessive interaction, such as liking posts of individual children, should be refrained from.

B. Service Providers are strongly encouraged to reference the following list of resources, current at the time of preparation of this Policy, as well as any additional resources for establishing and implementing organizational best practices for interacting with children and preventing Child Abuse and Neglect:

1. Centers for Disease Control and Prevention, <https://stacks.cdc.gov/view/cdc/7538/>
 2. California Department of Education, <https://www.cde.ca.gov/ls/ss/ap/>
 3. American Youth Soccer Organization, <https://www.aysovolunteers.org/ayso-safe-haven-policies-for-child-and-volunteer-protection/>
 4. Rotary International, <https://my.rotary.org/en/document/rotary-youth-protection-guide>
 5. Kiwanis International, https://www.kiwanis.org/docs/default-source/training/training/risk-management/youth-protection/youth-protection-guidelines-updated-march-2021-v1-031821-final.pdf?sfvrsn=8afe39ef_2
 6. Department of Health and Human Services, <https://www.childwelfare.gov/>; https://www.childwelfare.gov/pubPDFs/guide_2021.pdf
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7. The Save the Children Fund,
https://www.savethechildren.net/sites/www.savethechildren.net/files/SCI_HR_POL_Child%20Safeguarding%20External%20Policy_EN.docx.pdf

VII. GUIDANCE ON RECOGNIZING SIGNS OF ABUSE AND NEGLECT

A. Service Providers are strongly encouraged to educate all employees, volunteers, agents, and subcontractors on the warning signs of Child Abuse and Neglect and the reporting of suspected or known Child Abuse or Neglect. While none of the following behaviors are dispositive of Child Abuse or Neglect, they may, independently or in combination with others, be signs and should be considered and reported as warranted.

B. Covered Persons should recognize warning signs of emotional abuse in Minors, such as when a Minor is:

1. Being excessively withdrawn, fearful, or anxious about doing something wrong;
2. Showing extremes in behavior, such as being extremely compliant or demanding or being extremely passive or aggressive;
3. Seeming unattached to the parent or caregiver;
4. Acting inappropriately adult-like, such as taking care of other children; or
5. Acting inappropriately infantile, such as rocking, thumb-sucking, and/or throwing tantrums.

C. Covered Persons should recognize warning signs of physical abuse in Minors, such as:

1. Frequent injuries or unexplained bruises, burns, fractures, welts, or cuts;
 2. Being always watchful and on alert, as if waiting for something bad to happen;
 3. Having injuries which appear to have a pattern, such as marks from a hand or belt;
 4. Shying away from touch and flinching at sudden movements; or
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5. Wearing inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

D. Covered Persons should recognize warning signs of sexual abuse in Minors, such as when a Minor:

1. Has trouble walking or sitting;
2. Displays knowledge or interest in sexual acts which are inappropriate to his/her age, including seductive behavior;
3. Makes strong efforts to avoid a specific person without an obvious reason why;
4. Does not want to participate in physical activities;
5. Has a sexually transmitted disease (STD) or pregnancy; or
6. Is reluctant to return home or runs away from home.

E. Covered Persons should recognize warning signs of Neglect in Minors, such as when:

1. Clothes are ill-fitting, very dirty, or inappropriate for the weather;
2. Hygiene is consistently bad, such as being unbathed, having matted/unwashed hair, and having noticeable body odor;
3. Illnesses and injuries have not been treated;
4. The child is frequently hungry or tired;
5. The child is frequently unsupervised, left alone, and/or allowed to play in unsafe situations and environments; or
6. The child frequently arrives late, is missing from activities, or picked-up late.

VIII. MANDATORY REPORTER OBLIGATIONS

Service Providers are solely responsible for understanding who, among their employees, volunteers, agents and subcontractors, are Mandatory Reporters and training said persons in meeting their legal responsibilities. The purpose of this Article VIII is to remind Service Providers of some of those responsibilities as of the date of adopting this Policy.

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A. California Penal Code section 11165.7 lists those persons whose profession or position qualifies them as “mandated reporters” of Child Abuse or Neglect.

B. Mandatory Reporters must be provided a statement upon hire which informs them that they are a Mandatory Reporter and lists their obligations to report suspected and known cases of Child Abuse and Neglect.

C. Employers must provide Mandatory Reporters with training regarding their duties as Mandatory Reporters. This must include training in Child Abuse and Neglect identification and training in Child Abuse and Neglect reporting. The training requirement may be met by completing the general online training for Mandatory Reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

D. Mandatory Reporters are required to report all known or suspected cases of Child Abuse or Neglect. Mandatory Reporters are not responsible for determining if the suspicions are valid but must make a report if there are signs which create a reasonable suspicion that Child Abuse or Neglect has occurred or is occurring.

E. Mandatory Reporters must make an initial report of abuse or neglect which they have knowledge or reasonable suspicion of immediately upon receiving the information concerning the incident, or as soon as practically possible. This initial report must be made by phone to any police department or sheriff’s department, county probation department, or county welfare department. Within 36 hours of receiving the information concerning the incident, the Mandatory Reporter must prepare and send, fax, or electronically transmit a written follow up report. This report may include any nonprivileged documentary evidence that the reporter has which relates to the incident.

F. Resources for reporting in the County of Los Angeles at the time of adopting this Policy include:

1. LA County Child Protection Hotline: (800) 540-4000; (800) 272-6699 - TDD
2. Form: SS 8572: Suspected Child Abuse Report & Instructions
3. Online Reporting: <https://reportChildAbuseLA.org>

G. Service Providers are responsible for understanding any changes in the above.

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IX. AUTHORITY'S DISCRETION

A. The Authority has the sole and absolute discretion to require all Service Providers to require Covered Persons to submit to additional background checks, drug testing, and/or tuberculosis clearance.

B. The Authority has the sole and absolute discretion to waive the Background Checks required hereunder if the Authority determines that the Service Provider is providing services in an emergency or exceptional situation, such as when health or safety is endangered or when repairs are needed to make facilities immediately safe and habitable.

C. The Authority has the sole and absolute discretion to require all Service Providers to submit proof of insurance coverage protecting against incidences involving minors, under either a General Liability policy or a separate Abuse and Molestation policy, in an amount satisfactory to the Authority's Risk Manager.

D. The Authority has the sole and absolute discretion to provide background check assistance to a Service Provider who can demonstrate, under criteria described in procedures adopted to implement this Policy, the requirements of this Policy or the procedures will pose an extreme financial hardship.

X. PROCEDURES

The President/CEO may provide for the development, administration and implementation of the procedures to be adopted in furtherance of this Policy ("Procedures").

XI. AMENDMENTS TO THE POLICY

This Policy may only be amended by the Board of Commissioners. The Procedures adopted to implement this Policy may be amended at any time at the discretion of the President/CEO, without the approval of the Board of Commissioners.

Prior History:

- Version 1: Approved by the BOC on 5/22/14 (Resolution No. 9135)
 - Version 2: Approved by the BOC on 10/30/14 (Resolution No. 9164)
 - Version 3: Approved by the BOC on 8/24/17 (Resolution No. 9371)
-