

**New Jersey Music Educators Association
Board of Directors**

**SEXUAL MISCONDUCT, MOLESTATION,
AND HARASSMENT POLICY
(October 2023)**

The New Jersey Music Educators Association (NJMEA) prohibits, and has a zero tolerance for, sexual abuse, misconduct, harassment, or molestation in the workplace or during any organization-related activity. Making direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization is also prohibited. NJMEA provides procedures for volunteers, employees, board members, or other victims of abuse or misconduct to report such improper/illegal acts. Any employee, volunteer, adjudicator, board member, or any other person who holds a position with the NJMEA or its component organizations who is suspected or believed to have committed sexual misconduct or molestation will be investigated. If the evidence is sufficient to warrant action against the individual accused of sexual misconduct or molestation, the NJMEA will act to discipline that individual up to and including termination of employment, removal from position of volunteer, disqualification from component board approval adjudication status, NJMEA board membership, or other action the Ethics Committee/Executive Board deems appropriate. Individuals can also be referred to the proper authorities for criminal prosecution if the behavior reaches the threshold for reporting abuse under the New Jersey Mandatory Reporter Law section 9:6-1 and 9:6-8.9.

**Section 1 – DEFINITIONS AND EXAMPLES OF SEXUAL ABUSE,
HARASSMENT, AND/OR MISCONDUCT**

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

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

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

Section 2 – REPORTING PROCEDURE

Any person who feels they have been a victim of sexual abuse or misconduct during an NJMEA sanctioned event should report the suspected abuse or misconduct to a member of the NJMEA Executive Board or directly to a member of the NJMEA Ethics Committee.

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

Section 3 – INVESTIGATION AND FOLLOW-UP

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

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

Section 4 – ANTI-RETALIATION AND FALSE ALLEGATIONS

NJMEA prohibits retaliation against any employee, volunteer, board member, or any other person who lodges a good faith complaint of abuse (sexual or other) or misconduct or who participates in any related investigation. To knowingly make false or malicious accusations of abuse can have serious consequences for those who are wrongly accused.

Section 5 – DELIBERATELY MAKING FALSE ALLEGATIONS AND INFORMATION

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

Section 6 – EMPLOYEE, WORKER, VOLUNTEER, ADJUDICATOR SCREENING AND SELECTION

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

Section 7 – REGULATIONS SPECIFIC TO ADJUDICATORS

To work or associate with minor/students at an NJMEA-sanctioned event in any capacity, all adjudicators that are not school-based must have had a background check within the last five years.

1. The NJMEA Executive Director will keep background screening data on file for adjudicators employed by NJMEA.
 - a. For protection of the NJMEA and the component, adjudicator screening records must be retained in case of litigation is brought against a previous adjudicator alleging sexual molestation/sexual abuse, no matter the county or state, or when the alleged crime took place.
2. Included as a part of each NJMEA component's Board Approved Adjudicator process, training regarding professional expectations specific to that component's sexual abuse, harassment, and sexual misconduct policies for approved-adjudicator candidates as well as for previously adjudicators who apply to renew their BAA status, will be presented in the manner approved by the component.
3. When minors/students are present, adjudicators must be accompanied by at least one other adult when fulfilling the services for which the adjudicator was retained.
4. It is the duty of adjudicators to report any suspicious activity or behavior immediately, including acts of abuse or sexual molestation, to the NJMEA-sanctioned event chair or on-site official.
 - a. To avoid possible prosecution, an adjudicator must follow up any report made to the event chair, or other person in the place of authority at the event site, to verify that the incident was reported to the New Jersey Department of Education.

Section 8 –SUPERVISION OF YOUTH RECOMMENDATIONS AND REQUIREMENTS

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

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

1. Avoid private one-on-one interactions between and adult and a minor/student.
 - a. When private interactions cannot be avoided, make another adult aware of the meeting and keep the door open.

- b. If a private meeting between an adult and a minor/student is necessary, make another adult aware of the meeting and keep the door to the office or other meeting space open and unlocked.
 - c. When the door cannot remain open in situations such as private lessons, auditions, solo performances, the door should be unlocked and there should be another adult in the room or there should be an unobstructed view in the room from the outside.
2. At NJMEA-sanctioned events, the ratio of 1 adult volunteer (an adult who has been screened with a background check within the last five years) to every 10 students (10:1 ratio) will be maintained unless a member school is required by its school district to provide a higher number of chaperones per student than the 10:1 ratio specified here.
3. While at an NJMEA-sanctioned event site, all minors/students must remain supervised at the ratio required by NJMEA and within the area assigned them by site officials.

Section 9 – TRAINING NJMEA ASSOCIATED PERSONNEL

Training related to the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy is required of the NJMEA staff, NJMEA board members, volunteers, adjudicators, or any person who has been hired or who volunteers to work with/around minors/students at an NJMEA sanctioned event.

1. The NJMEA President will be responsible for training of the members of the NJMEA board on the points of the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy that apply to them however the President deems appropriate.
 - a. The NJMEA President will include a report on this training as a part of the President’s Report at the May meeting of the board each year.
2. The Executive Director will provide for the training of the employees of NJMEA on the points of the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy that apply to them however the Executive Director deems appropriate.
 - a. The NJMEA Executive Director will include a report on this training as a part of the President’s Report at the May meeting of the board each year.
3. Each component will be responsible for the training of their staff, committee members, volunteers, and adjudicators each year regarding the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy however each component deems appropriate.
 - a. Each component will offer training regarding the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy each year to their membership who have not previously been trained in whatever each component deems appropriate.
 - b. Each component representative to the NJMEA board will present a report each year on the state-wide training regarding the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy as a part of their May component report.
 - c. It will be the responsibility of the representative(s) (director(s)) from host schools to provide training regarding the NJMEA Sexual Misconduct, Molestation, Abuse, and Harassment Policy for their adult volunteers who supervise minors/students at an NJMEA-sanctioned event in the manner that school representatives deem appropriate.

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