

Youth Protection WORKSHEET- Used for RYLA Leadership Training activities
ABUSE, SEXUAL ABUSE, BULLYING, DISCRIMINATION
(YES, EVEN ON ZOOM)

Duty to Report: 13-3620.

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense .. that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature

.... For the purposes of this subsection, "person" means:

3. The parent, stepparent or guardian of the minor.

5. Any other person who has responsibility for the care or treatment of the minor.

D. Reports shall be made immediately either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.

2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.

3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

1. Definitions.

a. Minor—a person under the age of 18

b. Abuse, Child Abuse

i. Criminal offenses. ARS 8-201; 13-3623

c. Reportable offense—sex offenses

i. Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.

ii. Definitions—

1. "Oral sexual contact" means oral contact with the penis, vulva or anus.

2. "Position of trust" means a person who is or was any of the following:

a. The minor's parent, stepparent, adoptive parent, legal guardian or foster parent. This includes any person who is engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.

b. The minor's teacher.

c. The minor's coach or instructor, whether the coach or instructor is an employee or volunteer

3. "Sexual contact" means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.

4. "Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

13-3019. Surreptitious photographing, videotaping, filming or digitally recording or viewing; exemptions; classification; definitions

A. It is unlawful for any person to knowingly photograph, videotape, film, digitally record or by any other means secretly view, with or without a device, another person without that person's consent under either of the following circumstances:

- 1. In a restroom, bathroom, locker room, bedroom or other location where the person has a reasonable expectation of privacy and the person is urinating, defecating, dressing, undressing, nude or involved in sexual intercourse or sexual contact.**
- 2. In a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public.**

B. It is unlawful to disclose, display, distribute or publish a photograph, videotape, film or digital recording made in violation of subsection A of this section without the consent or knowledge of the person depicted.

D. A violation of subsection A or B of this section is a class 5 felony.

8-309. Unlawful use of an electronic communication device by a minor; classification; definitions

A. It is unlawful for a juvenile to intentionally or knowingly use an electronic communication device to transmit or display a visual depiction of a minor that depicts explicit sexual material.

B. It is unlawful for a juvenile to intentionally or knowingly possess a visual depiction of a minor that depicts explicit sexual material and that was transmitted to the juvenile through the use of an electronic communication device.

C. It is not a violation of subsection B of this section if all of the following apply:

- 1. The juvenile did not solicit the visual depiction.**
- 2. The juvenile took reasonable steps to destroy or eliminate the visual depiction or report the visual depiction to the juvenile's parent, guardian, school official or law enforcement official.**

D. A violation of subsection A of this section is a petty offense if the juvenile transmits or displays the visual depiction to one other person. A violation of subsection A of this section is a class 3 misdemeanor if the juvenile transmits or displays the visual depiction to more than one other person.

E. A violation of subsection B of this section is a petty offense.

F. Any violation of this section that occurs after adjudication for a prior violation of this section or after completion of a diversion program as a result of a referral or petition charging a violation of this section is a class 2 misdemeanor.

G. For the purposes of this section:

- 1. "Electronic communication device" has the same meaning prescribed in section 13-3560.**
- 2. "Explicit sexual material" means material that depicts human genitalia or that depicts nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse as defined in section 13-3501.**
- 3. "Visual depiction" has the same meaning prescribed in section 13-3551.**

13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed has been served or commuted.

13-1410. Molestation of a child; classification

A. A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.

B. Molestation of a child is a class 2 felony that is punishable pursuant to section 13-705.

Bullying

Situation where there is an imbalance of power and where 1 or more individuals harass or intimidate another person and it:

- has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property,
- is sufficiently severe, persistent or pervasive that the action, behavior, or threat creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm,
- occurs when there is a real or perceived imbalance of power or strength, or
- may constitute a violation of law.

Bullying can be manifested through written, verbal, physical, or emotional means and may occur in a variety of forms including, but not limited to

- verbal, written/printed or graphic exposure to derogatory comments, extortion, exploitation, name calling, or rumor spreading either directly through another person or group or through cyberbullying,
- exposure to social exclusion or ostracism,
- physical contact including but not limited to pushing, hitting, kicking, shoving, or spitting, and
- damage to or theft of personal property.

Harassment/Discrimination/Sexual Harassment

- Harassment/Discrimination is based on a person's race, color, religion, sex, age (40+), national origin and/or disability. It is not a general "s/he doesn't like me/is mean to me/is a real jerk" unless it is tied to one of the protected categories—usually demonstrated by showing favoritism to a person who is not one of the protected categories or targeting members of the protected categories less favorably. It can be shown by words, actions, physical attacks, threats, financial decisions, work decisions not involving finances, pictures, cartoons, jokes, etc. and can be demonstrated by the creation of a hostile work environment, even if no financial damage can be shown.
- Sexual harassment is similar to harassment in general (and sex is a protected category under discrimination) but includes requiring a person to submit to sexual advances in return for better work/financial opportunities or to avoid negative work/financial outcomes. It also includes creating a hostile work environment through unwanted touching, sexual contact/assaults, comments, cartoons, pictures, jokes, etc., even if there is no financial or work related consequences for not submitting to the unwanted sexual advances.
- Although there is often an imbalance of power associated with discrimination and/or sexual harassment, that is not required.
- Failure of supervisors to act swiftly and appropriately to end discrimination/harassment/sexual harassment between employees/students is also a violation of the laws against harassment/discrimination and sexual harassment.

If there are any issues at all or if there are any questions, contact Candyce Pardee, District Youth Services Protection Officer: 520-678-3108. candyce.beumler.pardee@gmail.com.