

F.50 Child Protection Policy

Date

8/20

The University of Southern Indiana (“University”) is committed to taking appropriate measures to ensure the safety and well-being of children/minors [under Indiana law, a child is anyone who is **not yet 18** years of age], participating in University-related activities and to report instances of suspected or known child abuse or neglect as required by law.

Scope

This Policy applies to

- All employees and volunteers of the University or University-affiliated organizations, regardless of the funding source.
- Organizations unrelated to the University that utilize University owned and leased facilities for programs which involve children (see Organizations Unrelated to the University below).
- The reporting requirements of this Policy apply to all students who interact with children as part of their academic program or work-related duties, whether on or off University owned or leased property.
- Visitors and guests with respect to conduct requirements.

Policy Statement

The University is committed to protecting the safety and well-being of children who are on University owned or leased property, and/or who participate in University sponsored child-related programs and activities, both on and off campus, including but not limited to:

- childcare
- sport camps
- academic enrichment activities
- community outreach activities
- research studies
- student organizations

The participation of children in these activities requires an increased level of care, and the University requires all students, employees and volunteers to conduct themselves appropriately in the presence of children on campus and/or in University--related programs and activities.

Duty to Report

- Indiana law (IC 31-33-5-1) states that **any person** who has reason to believe that a child is a victim of child abuse or neglect has an affirmative duty to make an oral report to the Indiana Department of Child Services; Child Protective Services (CPS) at **1--800--800--5556** or to their local law enforcement officials. Failure to report may result in criminal charges.
- In addition to notifying CPS or local law enforcement, state law and University policy also requires that administrators, faculty, staff, students, volunteers, and other University personnel report any suspected or known child abuse or neglect to the University Director of Public Safety or his/her designee (“University Director of Public Safety”).
- The University Director of Public Safety has the obligation to report any suspected abuse to CPS, which will investigate.

Background Checks

All University employees are subject to Human Resources Department procedures regarding criminal background and sex offender registry checks.

All employees and volunteers must have a sex offender registry check completed prior to each event.

No University sponsored child--related program may permit the participation in the program of any university employee, student, or volunteer whose criminal background and/or sex offender registry check includes a record of sexually based offenses or crimes against children/minors. If criminal background includes a record of other offenses, programs should consult the Director of Public Safety or his designee) to determine if those offenses should preclude participation.

Program administrators, or their designee, must compile the names, date of birth, valid phone number and employee ID numbers of all employees, including student workers and volunteers prior to the event. These names and date of birth should be submitted to Public Safety at least 10 business days prior to the program. Public Safety will generate an event ID for these persons to be picked up and distributed by the program administrator or their designee prior to the event. All employees and volunteers must present a valid government--issued photo identification to be checked at the event to receive their badge. Any person that has not been screened prior to the event will need to report to Public Safety to be screened and issued a badge. Persons without a valid government issued identification may not be allowed to participate in the event.

Organizations Unrelated to the University

Organizations unrelated to the University that utilize University owned and leased facilities for programs which involve children/minors must conduct criminal background checks, to include sexual offender checks using appropriate data sources, on each of their employees, volunteers and representatives who participate in the programs and implement their own supervision, conduct, and reporting requirements for those programs. These standards of supervision, conduct and reporting must be no less thorough than the standards imposed by the University for child--related activities it sponsors. All background checks must be completed and a list of these names must be forwarded to public safety 10 business days before the day the program begins. Public Safety will generate an event ID for these persons to be picked up and distributed by an organization representative prior to the event. If any background check uncovers a criminal conviction or information concerning child abuse, the organization must exclude that person from participating in the program. Any person that has not been screened prior to the event will need to report to Public Safety to be screened and issued an event id. Persons without a valid government issued identification may not be allowed to participate in the event.

Contracts with Organizations Unrelated to the University

Terms and conditions of contractual agreements with parties unrelated to the University concerning use of University facilities for programs involving children/minors must include a requirement that the unrelated party conduct background checks and implement their own supervision, conduct, and reporting requirements for those programs. These standards of supervision, conduct and reporting must be no less thorough than the standards imposed by the University for child related activities it sponsors. When appropriate, such contracts will also include an indemnification provision in which the University is held harmless for the inappropriate or unlawful acts or omissions of any individual participating in a program.

Supervision

Authorized adult supervision is required for all children/minors not registered for University credit courses who are participating in a University sponsored program, whether on or off campus, or an activity conducted by organizations unrelated to the University on University owned or leased property. It is recommended that two or more authorized adult supervisors be present at activities involving children/minors. In the event this is not possible, at a minimum, one authorized adult and another adult are required for all such activities. Unsupervised one--on--one contact with children/minors is prohibited. When staying overnight, no child/minor is permitted to sleep in the room of an adult other than the child's/minor's parent or guardian.

All individuals, to whom this Policy applies, must make every reasonable effort to ensure the safety of children/minors participating in programs covered by this Policy, including removal of children/minors from dangerous or potentially dangerous situations, irrespective of any other limitation or requirement. University sponsored programs that include or serve children/minors shall have in place (and must enforce) policies that address the following areas, if they are applicable to the program:

- Transportation – including the transportation of children/minors at the beginning and end of the program, to and from the program, and within the program, whether by parents, guardians, staff or others. University programs must also comply with University policies regarding drivers and vehicles.
- Plans for weather emergencies, if the program is not inside a University owned or leased structure where such plans are in place.
- Appropriate levels of access to and supervision of children/minors.
- Appropriate physical contact and communication by program participants, with children/minors based on the age of the children/minor and the nature of the programs.
- Appropriate forms including permission forms, medical contact information and liability waivers. Forms should be safeguarded and readily available.
- First aid treatment.

University sponsored programs including overnight stays or use of University owned or leased residences by children/minor shall have the following additional policies in place:

Identification to be worn by staff members and other participants if appropriate.

- Curfews.
- Code of conduct for participants.
- Substance--free housing and facilities.
- Residential supervision.

Conduct Requirements

University employees, students and volunteers must conduct themselves appropriately in the presence of children/minors. Child abuse, neglect and inappropriate conduct, including but not limited to the following, is prohibited:

- Engaging in any form of physical (e.g., striking, hitting, shaking, administering corporal punishment), verbal, or emotional abuse of a child/minor.
- Engaging in sexually inappropriate conduct of any kind toward or in the presence of a child/minor, including but not limited to:
 - sexual abuse of a child/minor
 - touching a child/minor in an inappropriate or illegal manner
 - making pornography or other sexually inappropriate materials in any form available to a child/minor or assisting a child/minor in gaining access to such materials.
 - Using inappropriate language or making sexually suggestive comments around children/minors

- Engaging in the use of alcohol or illegal drugs, or being under the influence of alcohol or illegal drugs during programs or activities for children/minors.
- Enabling, facilitating, or failing to appropriately address a child's/minor's use of alcohol or illegal/ non--prescribed drugs.
- *Neglecting the duty of care for a child/minor under the adult's supervision, including but not limited to:
 - failing to protect children's/minor's health and safety
 - failing to ensure the use of appropriate protective equipment (for example, in laboratory or athletic participation)
 - leaving children/minors unsupervised, absent highly unusual circumstances where the health and safety of an adult or child/minor is at risk
 - using inappropriate language (e.g., curse words or words discriminatory in nature) in the presence of children/minors.

The conduct requirements listed in bullet points one through four above also apply to registered University students under the age of eighteen years.

*Bullet point five may also apply to the extent that its provisions are reasonable and appropriate when considering the student's age.

Reporting Procedures

- When child abuse or neglect is suspected by an individual, or a child/minor is believed to be in immediate danger, that individual **must report it immediately** to CPS (Indiana Child Abuse Hotline (1--800--800--5556)) and/or law enforcement (911). Suspected child abuse or neglect that has occurred off--campus should be reported to local law enforcement officials and/or CPS.
- Suspected cases of child abuse or neglect that occurred on University of Southern Indiana property, as part of a University of Southern Indiana program, or involves a University of Southern Indiana employee, student, or volunteer are also **required** by Indiana state law to be reported to a designated agent at the University. The designated agent for the University is the Director of Public Safety or his/her designee. Therefore, any suspected cases of child abuse or neglect that occurred on University of Southern Indiana property, as part of a University of Southern Indiana program, or involves a University of Southern Indiana employee, student, or volunteer must be reported to the University Director of Public Safety / (812) 464--1845).
- Individuals who receive a report of child abuse or neglect, or who reasonably believe such abuse has occurred, must immediately report the abuse to local law enforcement and/or CPS and to the University Director of Public Safety, if the incident (s) occurred on University of Southern Indiana property, as part of a University of Southern Indiana program, or involves a University of Southern Indiana employee, student, or volunteer
- Individuals must report observed or alleged **inappropriate conduct** to the University Director of Public Safety or Human Resources. These offices will review the allegation(s) of inappropriate conduct.
- All employees and students who interact with children/minors as part of their work--related duties or academic program, and visitors to the University who have contact with children/minors, must be familiar with and abide by this Policy.

Retaliation

Retaliatory action against anyone acting in good faith who has reported inappropriate conduct/child abuse or neglect in accordance with this Policy, or who has been involved in reporting, cooperating in an investigation, or responding to inappropriate conduct/child abuse or neglect, is a violation of this Policy. Retaliatory acts may include, but are not limited to:

- employment actions affecting salary, promotion, job duties, work schedules and/or work locations;
- actions negatively impacting a student's academic record or progress;
- any action affecting the campus environment, including harassment and intimidation.

Individuals are required to report all allegations of retaliation under this Policy to the Executive Director of Human Relations.

Training Requirements

All University employees, students and volunteers, and University--affiliated organizations must complete University--approved training concerning this Policy.

Responsibility

The administrator/ fiscal agent in charge of a University sponsored program shall be responsible for compliance with this Policy. Program--specific responsibilities and steps to be taken are found in Appendix 1.

University sponsored programs that include children/minors, and units responsible for University facilities that are used by programs involving children/minors, must maintain an up--to--date list of those programs. Such list should include each program's dates, times, locations, attendance (age range and number of participants), and a program contact, so that in the event of an emergency, consideration may be given to the possible presence of children/minors, and the appropriate course of action to address their health and safety. At least ten business) days prior to the start of a new program, the responsible University unit is required to submit this information to the Public Safety.

This Policy supplements and does not supersede any other legal requirements, for example, childcare or teacher licensure.

Sanctions

Programs in violation of this Policy may be denied permission to continue operation at the University.

Any violations of University policies by an individual will be dealt with in accordance with applicable

University policies and procedures, which may include, but are not limited to, immediate suspension pending an investigation or disciplinary actions up to and including termination from the program or University. Other legal action may be pursued by the University.

Definitions:

Authorized adult: University employees who are at least eighteen years of age and who are assigned to teach or otherwise perform work in a University sponsored program as part of their official job duties or a representative of a group that has obtained permission to use campus facilities from a University department or employee authorized to grant such permission.

Child/minor: A "child" under this definition generally means a person who is not yet 18 years of age or who is not an emancipated minor.

Child abuse or neglect: Physical, emotional, or verbal mistreatment of a child/minor, and/or engaging in sexual activity with a child/minor. Included are one or more physical acts which cause physical injury to a child/minor; acts likely to result in the emotional trauma of a child/minor; verbal threats of physical violence; and any behavior which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child/minor and/or adult, including touching by the child/minor and/or adult with or without clothing.

Inappropriate conduct: Actions or omissions which do not rise to the level of child abuse, but are otherwise prohibited under this Policy (see conduct requirements).

University Sponsored Program: The term “University sponsored program” includes ongoing or planned events that are designed by the University for children/minors such as camps, lessons, workshops, clubs, teams, projects, practices, tours, or open--houses.

The term “program” does not include:

1. Single performances or events open to the general public that are not designed for children/minors (such as varsity athletic competitions, plays, concerts).
2. Regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above (including new student orientation).
3. The placement of students, for academic credit and/or clinical or student teaching requirements, with external entities. Rather, when schools and/or departments place students at external entities for such purposes, students must be informed of their obligation to comply with the external entity’s own policies and procedures, including those regarding background checks and working with children/minors.

NOTE: This definition may not capture every circumstance in which children/minors are present on campus, and the application of this policy may depend upon the facts in a particular circumstance.

Appendix 1: Individual and Program Specific Responsibility

All members of the University community, including visitors, vendors and guests must comply with the Conduct Requirements in this Policy.

University employees, students who interact with children/minors as part of their work--related duties or academic program, vendors, visitors and guests using University owned or leased property

- Must engage in appropriate conduct when working with children/minors.
- Must remove a child/minor from dangerous or potentially dangerous situations immediately.
- Must report suspected child abuse and neglect to CPS, and/or law enforcement and University Director of Public Safety immediately. When working in an off--campus location, suspected child abuse and neglect must be reported to law enforcement officials and/or CPS and University Director of Public Safety.

Individuals engaged in managing or supervising University sponsored programs where children/minors are present

- Must implement procedures related to the duty of care including:
 - appropriate supervision at all times
 - protection of children’s/minor’s health and safety
 - appropriate use of protective equipment.
- Must report suspected child abuse to CPS and/or law enforcement and to University Director of Public Safety immediately.
- And, campus units that are required to maintain state licenses (e.g., child care center) must keep such licenses current and prominently displayed.

Administrator/Fiscal Agent in Charge of the Program must

- Communicate the requirements of this Policy when approving use of University space for University sponsored programs that include children/minors.
- Address instances of inappropriate conduct effectively and immediately.
- Report suspected child abuse and neglect to CPS and/or law enforcement and to University Director of Public Safety immediately.

- Communicate the requirements of this Policy to all staff.

University Director of Public Safety and his/her designee must

- Report suspected abuse and neglect to CPS and/or law enforcement.