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Effective Date: **July 1, 2015**

Revised: **February 1, 2017**

**POLICY**

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**SAFETY, STUDENT LIFE**

# **Protection of Minors Policy**

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RESPONSIBLE OFFICE

**Human Resources**

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## **I. Purpose**

Boston University is committed to maintaining a safe environment for all members of the University community. Minor children visiting University facilities or participating in University sponsored programs and activities require particular vigilance in order to protect their safety and well-being. This Policy and accompanying Procedures will guide the conduct of University students, faculty, staff, and volunteers, as well as external individuals and organizations, who operate programs using University facilities that involve interaction with minors.

## **II. Who This Policy Applies To**

Any member of the Boston University community who sponsors, operates or participates in a program either on or off campus that includes direct contact with minors (either monitored or unmonitored) is responsible for acting in accordance with the provisions of this Policy and the accompanying Procedures. These Policy and Procedures also govern the owners, operators, employees, and agents of Third Party Programs.

### III. Terms Used

*Several of the Defined Terms are derived from materials published by the Massachusetts Department of Children & Families and the Massachusetts Department of Education.*

**Abuse** means the non-accidental commission of any act by a caretaker upon a Minor which causes or creates a substantial risk of physical or emotional injury; or any act by a caretaker involving a Minor that constitutes a sexual offense under the laws of the Commonwealth; or any sexual contact between a caretaker and a Minor under the care of that individual.

**Campus** means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.

**Direct and Unmonitored Contact with Minors** means contact with a Minor when no other criminal and sex offender background check cleared employee or volunteer is present. A person having only the potential for incidental unsupervised contact with a Minor in commonly used areas, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with Minors. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other employees) that are accessible to Minors.

**Direct and Monitored Contact with Minors** means contact with a Minor when there is a criminal and sex offender background check cleared employee or volunteer present.

**Emotional Injury** means an impairment to or disorder of the intellectual or psychological capacity of a Minor as evidenced by observable and substantial reduction in the Minor's ability to function within a normal range of performance and behavior.

**Matriculated Student** – a student is considered matriculated upon the first day of classes or if he or she participates in any University operated and supervised activity occurring prior to the first official day of class. Boston University Academy (BUA) students will be treated as matriculated students under this Policy.

**Minor** means any person under the age of 18 who is not a matriculated Boston University or Boston University Academy student and who is unaccompanied by a parent or legal guardian. A person under the age of 18 who is participating in any Boston University Institutional Review Board-approved research activity is not a Minor under this Policy.

**Minors Program Coordinator** means the individual within each Boston University school, college, unit, or department sponsoring, operating, or participating in an on- or off-campus program involving minors who is primarily responsible for coordinating that department's obligations under this Policy.

**Neglect** means failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care.

**Physical Injury** means death, fracture of bone, a subdural hematoma, burns, impairment of any organ, any other nontrivial injury, soft tissue swelling or skin bruising, addiction to a drug, or failure to thrive.

**Procedures** means the procedures promulgated pursuant to this Policy and reviewed and updated as necessary, that set forth the specific responsibilities of members of the BU community and Third Parties operating programs or activities involving Minors.

**Third Party Program(s)** means non-University organizations and entities that lease, license, or otherwise use any BU property in order to operate programs or activities involving Minors.

**University Activities** means services, programs, or activities that Boston University

operates or sponsors, or in which University students, faculty, or staff engage in through their University roles and through which they will have Direct and Unmonitored or Monitored Contact with Minors. Examples of University Activities include:

- residential and non-residential programs operated by the University on Campus;
- off-Campus programs operated or formally facilitated by the University; and
- programs which the University does not operate, sponsor, or formally facilitate but in which University students, faculty, or staff participate in their capacity as students, faculty, or staff.

University Activities do not include programs or activities that University students, faculty, or staff engage in on their own time and that are not related to their University role or status.

## IV. Policy and Procedures

### A. Overview

**The following outlines the expectations of members of the BU community who work with minors.**

### Responsibilities of Operators of University Activities

Each school, college, or administrative unit of the University is responsible for ensuring that University faculty, staff, students, and volunteers who participate in programs that include Minors comply with all applicable aspects of this Policy and accompanying Procedures.

<u>Reporting</u>	<ul style="list-style-type: none"><li>• Immediately reporting instances of known or suspected abuse or neglect of a Minor to appropriate University and Massachusetts officials in accordance with this Policy and accompanying Procedures</li></ul>
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Criminal and Sex Offender  
Background Checks

Training

Waivers

Minors Program Coordinator

Information/Documentation

- Ensuring that a cleared criminal and sex offender background check status has been received prior to permitting any member of the BU community to participate in University Activities that include Minors
- Ensuring that members of the BU community who participate in programs or activities that include Minors receive training (either on-line or Policy/document review)
- Obtaining waivers of liability from parents/guardians of all Minor participants that specifically release Boston University, unless exemption obtained from Risk Management
- Appoint the Minors Program Coordinator primarily responsible for coordinating the school, college, or administrative unit's obligations under this Policy (Minors Program Coordinator)
- Provide the name and contact information for the Minors Program Coordinator to Human Resources prior to commencing any University Activity
- Submitting information as requested by the University on programs that include Minors
- Maintaining documentation of compliance with the requirements of this Policy and Procedures and any applicable Federal or State Laws

Compliance with Federal and State Laws	<ul style="list-style-type: none"> <li>• Complying with any federal or state requirements applicable to services, programs and activities involving Minors, including, but not limited to, the Massachusetts Minimum Standards for Recreational Camps for Children, 105 CMR 430.00, the Massachusetts Mandated Reporter law, M.G.L. c. 119, § 51A, and the Massachusetts Department of Early Education and Care regulations</li> </ul>
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## Responsibilities of Third-Party Program Operators

Owners/operators of Third Party Programs are responsible for ensuring that their employees, agents, and volunteers comply with all applicable aspects of this Policy and accompanying Procedures.

<u>Reporting</u>	<ul style="list-style-type: none"> <li>• Immediately reporting instances of known or suspected abuse or neglect of a Minor to appropriate University and Massachusetts officials in accordance with this Policy and accompanying Procedures</li> </ul>
Criminal and Sex Offender <u>Background Checks</u>	<ul style="list-style-type: none"> <li>• Ensuring cleared criminal and sex offender background check status has been received prior to permitting any employee, agent or volunteer to participate in a program that includes Minors</li> </ul>
<u>Training</u>	<ul style="list-style-type: none"> <li>• Ensuring that any employee, agent or volunteer that participates in programs involving Minors receives training (either on-line or Policy/document review)</li> </ul>

<p>Contract With University / Required Elements</p>	<ul style="list-style-type: none"> <li>• Entering into a contract with the University prior to operating a Third Party Program</li> <li>• Obtaining waivers of liability from parents/guardians of all Minor participants that specifically release Boston University, unless exemption obtained from Risk Management</li> <li>• Carrying appropriate insurance that meets requirements designated by the University's Office of Risk Management</li> <li>• Maintaining documentation of compliance with requirements of this Policy and accompanying Procedures and applicable Federal and State Laws</li> </ul>
<p>Compliance With Federal and State Laws</p>	<ul style="list-style-type: none"> <li>• Complying with additional federal or state requirements applicable to services, programs, and activities involving Minors, including, but not limited to, the Massachusetts Minimum Standards for Recreational Camps for Children, 105 CMR 430.00, and the Massachusetts Mandated Reporter law, M.G.L. c. 119, § 51A.</li> </ul>

## Other Interactions with Minors

University faculty, staff, students, and volunteers on Campus are exempt from training and background check requirements only in circumstances described below.

<p>University Classes and Typical Academic Settings (University and Boston University Academy Students Under Age of 18)</p>	<ul style="list-style-type: none"> <li>• No training or background checks required by University</li> <li>• Required to immediately report instances of known or suspected abuse or neglect of a Minor to appropriate University or the Department of Children and Families in accordance with this Policy and accompanying Procedures</li> </ul>
<p>Programs or Activities Sponsored by Non-University Organizations or Off-Campus Entities</p>	<ul style="list-style-type: none"> <li>• No training or background checks required by University</li> <li>• Familiarize and follow policies and legal obligations concerning Minors of non-University organizations and off-campus entities</li> </ul>

## B. Specific Policy Requirements

### 1. Training

The University’s general training requirements are outlined below. Specific University requirements and procedures for conducting training are set forth in the accompanying Procedures.

#### University Activities

All University students, faculty, staff, and volunteers who participate in University Activities must complete a training program prior to being permitted to participate. The elements of such training must include:

- University Recommended Guidelines for Interacting with Minors;



- Warning signs for child abuse or neglect; and
- A review of the process for reporting potential harm to Minors, including obligations of mandated reporters.

### **Third Party Programs**

Owners/operators of Third Party Program(s) involving Minors are required to provide training covering, at a minimum, the above-listed elements to all their owners/operators, employees, volunteers, and agents.

## **2. Background Checks**

The University's general requirements for conducting background checks are described below. Specific University requirements and procedures for conducting background checks are set forth in the accompanying Procedures.

### **University Activities**

Each school, college, or administrative unit operating a University Activity is responsible for ensuring compliance with the University's requirements concerning criminal and sexual offender background checks, as set forth in the Procedures. No University faculty, staff, student, or volunteer who is required to undergo a background check should participate in a program/activity until a cleared status has been received by the operator of the program.

### **Third Party Programs**

Owners/operators of Third Party Programs involving Minors must conduct criminal and sexual offender background checks of their owners/operators, employees, volunteers, and agents in compliance with University standards, as set forth in this Policy and the Procedures.

No owner/operator, employee, volunteer, or agent of a Third Party Program who is required by this Policy or the Procedures, or applicable law, to undergo a background check should participate in a program/activity until a cleared status has been received by the owner/operator of the Third Party Program.

## **3. Reporting and Addressing Potential Harm to Minors**

Any University faculty, staff, student, or volunteer participating in a University Activity and any owner/operator, employee, agent, or volunteer of a Third-Party Program who knows, suspects, or receives information indicating that a Minor participating in such program or activity has been abused or neglected, or who has other concerns about the safety of Minors MUST report such suspected abuse or neglect in accordance with accompanying Procedures. See [PoM Appendix B: Reporting Materials](#).

Boston University's [Confidential Reporting Policy](#) protects individuals from retaliation for reports made in good faith.

## 4. Appointing Minors Program Coordinator

Any Boston University school, college, unit, or department that sponsors, operates, or participates in a University Activity will identify a Minors Program Coordinator who will be responsible for coordinating that department's obligations under this Policy. The name and contact information for the Minors Program Coordinator must be provided to Human Resources before that school, college, unit, or department can sponsor, operate or participate in such a program.

## 5. Violations of the Policy

Violations of this Policy and the accompanying Procedures may result in suspension, termination, other corrective action, and, where appropriate, exclusion from Campus. The University may also take necessary interim actions before determining whether a violation has occurred.

The University may terminate relationships with Third Party Program operators or take other appropriate actions, including contract termination or non-renewal, based on violations of the Policy or Procedures.

# V. Responsible Parties

## 1. Human Resources is responsible for the following aspects of this Policy and the Procedures

- Answering questions about the interpretation or application of the Policy and the

Procedures;

- Maintaining list of Minors Program Coordinators;
- Conducting criminal and sex offender [background checks](#) (or authorizing school/college/department administrators to do so); and
- Developing and updating online training that is available to all members of the BU community who participate in programs or activities that include Minors;

2. Risk Management is responsible for the following aspects of this Policy and the Procedures:

- Reviewing requests for exemptions from liability waiver and background check requirements; and
- Answering questions regarding Third-Party Program Operators.

3. Each school, college or unit that operates, sponsors, or formally facilitates University Activities is responsible for the following aspects of this Policy and the Procedures:

- Identifying an individual (Minors Program Coordinator) to HR who will be primarily responsible for meeting that school, college or unit's obligations;
- Ensuring that a cleared criminal and sex offender [background check](#) status has been received prior to permitting any member of the BU community to participate in University Activities that include Minors;
- Ensuring that every member of the BU community who participate in programs or activities that include Minors certifies that he or she has completed [training](#) (either Policy/document review or online training) and will immediately report instances of known or suspected abuse or neglect of a Minor;
- Obtaining waivers of liability from parents/guardians of all Minor participants unless exempted by Risk Management; and
- Ensuring that appropriate contracts are in place with any Third-Party Program Operators.

**Questions about the interpretation or application of this Policy or the Procedures should be raised with [Boston University Human Resources](#), which shall update or modify the Procedures as necessary.**

**Questions about Third Party requirements should be raised with the Boston University [Office of Risk Management](#).**

The Policy may be modified by Human Resources when necessary to reflect changes in the

law or external regulations relating to the protection of minors. With the concurrence of the Vice President for Administrative Services, the implementing Procedures may be changed as best practices develop for policy implementation.

# Appendices

- [Appendix A, Training Materials](#)
- [Appendix B, Reporting Materials](#)
- [Appendix C, Sample Third-Party Program Contract Addendum](#)
- [Appendix D, Parental Acknowledgement, Consent, and Release from Liability](#)

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END OF POLICY TEXT

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## Additional Resources Regarding This Policy

### Related BU Policies and Procedures

- [Protection of Minors Procedures](#)
- [Policy on Minors in Laboratories](#)

### BU Websites and Information

- [Protection of Minors Website](#)
  - [Background Checks](#) for populations working with minors
  - [Minors Policy Training](#)
  - [Reporting on Minors Health, Safety, Abuse, or Neglect](#)
- [Administrative Policy Review Questions and Answers](#)
- [Protection of Minors Sharepoint Site](#) (internal BU website)

## Forms and Resources

- Background Checks
  - [BU Ordering Form](#)
- Certification of Training
  - [Word version - Certification of Training, Protection of Minors](#)
  - [PDF version - Certificate of Training, Protection of Minors](#)
- [POM Policy - Appendix A, Training Materials](#)
- [POM Policy - Appendix B, Reporting Materials](#)
- [POM Policy - Appendix C, Sample Third-Party Program Contract Addendum](#)
- [POM Policy - Appendix D, Parental Acknowledgement, Consent, and Release from Liability](#)
- [Minors Protection Coordinators Toolkit](#) - Note that this document is only available to the BU Community and requires a Kerberos login and passcode

## Training

- See the [Boston University Protection of Minors Website](#) for more information on [Training](#) and to access training materials

## History

- BU Today article about the Protection of Minors initiative, [click here](#).

Categories: Protection of Minors, Safe Environments and Workplace Safety, Safety, Safety and Safe Environments, Student Life, University Policies Affecting Student Life  
Keywords: abuse, abuse and neglect, boy, child abuse, child neglect, child sexual abuse, children, girl, minors abuse, minors sexual abuse, mistreat, molest, neglect, organize, prevent, sexual abuse, teenager, youth