



# Protection of Minors

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Vanderbilt University  
**Policies and Procedures**

*Effective Date: 4-1-2013*

# Policy<sup>1</sup>

Vanderbilt University is dedicated to the welfare and safety of Minors who visit Vanderbilt's campus, who participate in Vanderbilt's Programs, or who are entrusted to Vanderbilt's care. To promote the protection of Minors, this policy 1) describes the requirements of administrators, faculty, staff, students, volunteers and others who interact with Minors and 2) informs all members of the university community of their obligation to report any instances of known or suspected abuse or neglect of Minors.

## Procedure

### I. DEFINITIONS

- A. **Child Abuse** exists when there is endangerment of a Minor's physical or mental health due to injury by act or omission, including acts of sexual abuse. For more information on child abuse and child neglect, see Appendix A, "Code of Conduct for Interacting with Minors and Identifying Child Abuse."
- B. **Minor** is a person under the age of eighteen (18).
- C. **Program** includes, but is not limited to, a planned and/or regular event that includes Minors such as a camp, laboratory experience or internship, club, workshop, project, lesson, team, practice, or tour. The enrollment of Vanderbilt students who are under the age of eighteen (18) and the employment of persons under the age of eighteen (18) do not constitute Programs covered by this Policy.
- D. **Program Director** is the individual who manages or coordinates the Program.

### II. SCOPE

#### A. Minors Participating in a Vanderbilt Program

Regardless of their physical locations, Vanderbilt University Programs, including but not limited to athletic camps, academic camps, Vanderbilt Programs for Talented Youth, and student organizations that involve Minors, fall within the scope of this policy. All Vanderbilt Programs that involve Minors—whether they are limited to daily activities or involve the housing of Minors in residence halls—fall within the scope of this policy.

#### B. Minors Receiving Health Care Services

Minors who are receiving health care services are afforded a variety of protections under Vanderbilt University Medical Center's Policies and also under applicable requirements of entities external to Vanderbilt. This policy is intended to complement, and not contravene, any decisions made pursuant to

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<sup>1</sup> Many elements of Vanderbilt's policy were derived from Duke University's "Policy for Minors in Duke University Programs" and the University of Southern California's policy "Protecting Minors." We are grateful to these institutions for their leadership in the development of protection of minors policies.

standards of care related specifically to a Minor's role as a patient in any Vanderbilt health care program.

### **C. Minors Participating in a Third Party Program on Vanderbilt's Campus**

Third party and external organizations that provide Programs that involve Minors on Vanderbilt's campus fall within the scope of this policy. All Programs that involve Minors on Vanderbilt's campus—whether they are limited to daily activities or involve the housing of Minors in residence halls—fall within the scope of this policy.

### **D. Minors Not Participating in a Vanderbilt or a Third Party Program**

Vanderbilt, as a research university, is generally not a proper environment for Minors who are not directly accompanied by a parent or guardian unless they are registered in a Program planned for Minors and adequately supervised by adults who have the appropriate training and credentials. Accordingly,

- Vanderbilt students who have a Minor relative, friend or other guest visit them on campus for extended periods of time (e.g., overnight) must register the visitor at least 24 hours in advance of the stay by completing the guest registration form on the Anchor Link page of the appropriate residence hall or house. The student must provide documentation that the Minor's parent or guardian approves the visit.
- Vanderbilt students may not babysit Minors in their campus housing, including but not limited to dormitory rooms and Greek housing. This prohibition applies even if the student is not being paid for babysitting.
- Pursuant to other University policies and/or Federal and/or State laws and regulations, Minors should not be present in certain facilities and environments. If a parent or guardian brings his or her Minor child to work, the parent or guardian is responsible for the Minor's welfare and must ensure that the Minor child does not visit such restricted facilities or environments.
- Minors must not be left unsupervised on Vanderbilt's campus. It is the responsibility of those who bring minors to campus (including Vanderbilt Program Directors or those individuals designated by third party programs) to ensure appropriate and continuous supervision.

### **E. Exceptions to Activities that Involve Minors**

This policy and its requirements (program registration, execute written agreement, background checks, training) do not apply to:

- Single performances or events open to the general public not targeted toward children.
- Social functions that may be attended by Minors who are accompanied by their parents/guardians.

## **III. PROCESS**

The Office of Risk and Insurance Management is responsible for administering the Protection of Minors Policy. This office will develop and publish guidelines for the implementation of the policy consistent with Vanderbilt's mission and best practices in this domain.

### **A. Program Registration**

The Program Director or Director's designee of the Vanderbilt or the third party Program shall register the Program with the Office of Risk and Insurance Management with sufficient advance notice to meet the requirements and intentions of this policy.

### **B. Execute Written Agreement(s)**

For all Vanderbilt Programs that involve Minors, the parent or guardian shall receive, review, and sign a university participation agreement before his or her Minor child can participate in the Program.

The Program Director or Director's designee of a Vanderbilt or Third Party Program shall contact the Office of Risk and Insurance Management for a copy(ies) of the agreement(s) appropriate for the Program.

### **C. Background Checks**

A background check shall be required of each adult prior to his or her interaction or participation with Minors in Programs covered by this policy. This includes but is not limited to third party or non-Vanderbilt personnel who work with, instruct, or otherwise engage with Minors on Vanderbilt's campus, as well as Vanderbilt administrators, faculty, staff, students, and volunteers who work with, instruct, or otherwise engage with Minors.

Background checks that are defined by and acceptable to the University must be conducted and the results evaluated prior to the adult beginning to work with, instruct, or otherwise engage with Minors. Individual Programs or units may require more frequent updates. Following the completion of an initial background check, there is an affirmative duty for all faculty and staff to notify Vanderbilt University of new arrests and the disposition of any outstanding charges within three business days of such occurrences, and to cooperate in providing information necessary to evaluate the circumstances of the arrest and charges. There is also an affirmative duty for faculty and staff to report within three business days any adverse information resulting from subsequent background checks obtained at any practice site and to cooperate in providing information necessary for evaluating the circumstances of the adverse information. Likewise, faculty and staff members have a duty to disclose within three business days any protective orders related to a criminal charge.

It is the responsibility of the Program Director or Director's designee of the Program to ensure that each participating adult has submitted the background request information and has subsequently received clearance to participate. The Office of Risk and Insurance Management will maintain a catalog of individuals who have been cleared to participate.

A decision not to allow an individual to participate in a Program covered by this Policy based on the background check will be made by Office of Risk and Insurance Management after consultation where applicable with the Vice Provost for Faculty, Associate Vice Chancellor for Health Affairs/Senior Associate Dean for Faculty Affairs, Office of General Counsel, Office of Human Resources, Dean of Students, or appropriate school Dean. Any decision to deny participation in a program involving minors must be consistent with applicable university policies on the use of background checks.

### **D. Training**

Vanderbilt University requires that each adult shall complete training before he or she participates or engages with Minors in a Vanderbilt Program or a Program that takes place on Vanderbilt's campus. The training shall be completed annually and will be documented with the adult signing a statement indicating his or her understanding and receipt of Vanderbilt University policies and procedures.

The training shall include but is not limited to: Vanderbilt University's policies regarding interactions with Minors, behavioral signs that Minor victims may exhibit, sexual abuse and sexual harassment, inappropriate behavior with Minors, reporting requirements and procedures, and other topics as appropriate.

Training resources may be obtained from the Office of Risk and Insurance Management at <https://www4.vanderbilt.edu/riskmanagement/index.php> or by calling 936-0660.

#### **IV. REPORTING REQUIREMENTS**

Every member of the University community (not limited to individuals who interact with minors) is required by law to report known or suspected instances of the abuse of, neglect of or inappropriate interactions with minors. Members making a report in good faith will be protected from criminal and civil liability for making the report. It is important to understand that every member is required to report any type of suspected abuse, neglect or inadequate care rather than just child sexual abuse.

Two reports, one external and one internal, must be made:

##### **External Report**

Tennessee law requires every person to make a report when they suspect sexual or physical abuse or neglect of a minor. Failure to report is a Class A misdemeanor. The required report may be made to the State of Tennessee Child Abuse Hotline at 1-877-237-0004, online at <https://reportabuse.state.tn.us/> or to a Tennessee sheriff's office or police department, including VUPD at 615-322-2745. If the situation is a life threatening emergency, contact 911.

##### **Internal Report**

Every member of the University community has a further obligation to report known or suspected abuse or neglect of a Minor on campus or in a Vanderbilt program immediately to Vanderbilt University. The preferred method is to immediately contact the Director of Minors Programs in the Office of Risk and Insurance Management at 615 936-0660. Alternatively, known or suspected abuse or neglect of a Minor on campus or in a Vanderbilt program shall be reported to the University and Medical Center hotline at 1-866-783-2287 or website at <https://www.tnwgrc.com/Vanderbilt>.

## **Appendix A**

### **Code of Conduct for Interacting with Minors and Identifying Child Abuse**

This document provides

- guidance on your conduct in order to prevent child abuse.
- guidance on how to identify child abuse.

### **Code of Conduct for Interacting with Minors**

You are required by Tennessee law and Vanderbilt University policy to report actual or suspected abuse or other improper conduct involving a Minor. You also are also required to comply with the following code of conduct when interacting with Minors.

- Do not spend time alone, either on or off campus, with a Minor away from others. If one-on-one interaction is required, meet in open, well lit rooms or spaces with windows observable by other adults from the Program.
- Do not engage in any sexual actions, make sexual comments, tell sexual jokes, or share or view sexually explicit material with or within the vicinity of Minors.
- Do not touch Minors in a manner that a reasonable person could interpret as inappropriate.
- Do not shower, bathe, or undress with or in the presence of a Minor.
- Do not engage in any abusive conduct of any kind toward, or in the presence of, a Minor, including but not limited to verbal abuse, hitting, punching, poking, or restraining, except as required to protect a Minor or others from harm. All incidents involving such conduct, whether or not required to protect a Minor or others from harm, must be documented and disclosed promptly to the Program Director and the Minor's parent/guardian.
- Be aware of the impact of your words and language on Minors.
- Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor's welfare.
- Do not meet with Minors outside of established times for Program activities. Any exceptions require parental authorization and must include more than one adult from the Program.
- Do not engage or converse with Minors through email, text messages, social networking websites, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communications is consistent with the mission of the Program and the university.
- When transporting Minors in a Program, more than one adult from the Program must be present in the vehicle, except when multiple Minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles if possible.
- Do not tell children "this is just between the two of us" or use similar language that encourages Minors to keep secrets from their parent/guardians.

### **Identifying Child Abuse**

Different forms of child abuse include physical abuse, neglect, sexual abuse, and emotional abuse.

#### Physical Abuse

Physical abuse exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions.

Physical abuse may be detected by signs such as:

- Injuries such as burns, marks, and scalds.
- Bruising which is repeated and on parts of the body where accidental injury would be unlikely to occur.
- Untreated injuries.

### Neglect

Neglect may be detected by signs such as:

- A Minor failing to attain age-appropriate development. Neglect may be a long term problem, so in addition to awareness of a lack of care, it is important to notice physical and behavioral signs.
- A Minor being left alone and unsupervised.
- A Minor's basic physical needs (food, shelter, clothing) not being met.

### Sexual Abuse

Sexual abuse is any sexual act between an adult and a Minor or between two Minors when one exerts power over the other.

Warning signs differ by the age of the Minor. You should be aware of the following possible warning signs:

- Sexual behavior or language that is not appropriate for the child's age.
- Overly compliant behavior.
- Withdrawal or depression.
- Unexplained anger.
- Refusal to be left alone.
- Finding reasons not to go home.
- Finding reasons to avoid being with a specific person that the Minor used to spend time with.
- Self-mutilation.
- Failing grades or a change in school behavior.
- Bed-wetting or bowel-movement accidents in children who have previously outgrown it.

### Emotional Abuse

Emotional abuse means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

Emotional abuse includes:

- Persistent lack of love or affection.
- Shouting, taunting, or making negative remarks directed at the Minor.