

BOSTON UNIVERSITY

PROTECTION OF MINORS POLICY

I. PURPOSE OF THIS POLICY

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 IN THIS POLICY¹

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 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 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.

¹ Several of the Defined Terms are derived from materials published by the Massachusetts Department of Children & Families and the Massachusetts Department of Education.

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.	
Reporting	<ul style="list-style-type: none"> 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
Criminal Background Checks	<ul style="list-style-type: none"> Ensuring that a cleared criminal background check status has been received prior to permitting any member of the BU community to participate in University Activities that include Minors
Training	<ul style="list-style-type: none"> 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)
Waivers	<ul style="list-style-type: none"> Obtaining waivers of liability from parents/guardians of all Minor participants that specifically release Boston University, unless exemption obtained from Risk Management
Minors Program Coordinator	<ul style="list-style-type: none"> 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
Information/Documentation	<ul style="list-style-type: none"> 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"> 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

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.

Reporting	<ul style="list-style-type: none"> • 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
Criminal Background Checks	<ul style="list-style-type: none"> • Ensuring cleared criminal background check status has been received prior to permitting any employee, agent or volunteer to participate in a program that includes Minors
Training	<ul style="list-style-type: none"> • Ensuring that any employee, agent or volunteer that participates in programs involving Minors receives training (either on-line or Policy/document review)
Contract With University / Required Elements	<ul style="list-style-type: none"> • Entering into a contract with the University prior to operating a Third Party Program • Obtaining waivers of liability from parents/guardians of all Minor participants that specifically release Boston University, unless exemption obtained from Risk Management • Carrying appropriate insurance that meets requirements designated by the University's Office of Risk Management • Maintaining documentation of compliance with requirements of this Policy and accompanying Procedures and applicable Federal and State Laws
Compliance With Federal and State Laws	<ul style="list-style-type: none"> • 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.

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.

University Classes & Typical Academic Settings (University and Boston University Academy Students Under Age of 18)	<ul style="list-style-type: none"> • No training or background checks required by University • 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
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	accordance with this Policy and accompanying Procedures
Programs or Activities Sponsored by Non-University Organizations or Off-Campus Entities	<ul style="list-style-type: none"> • No training or background checks required by University • Familiarize and follow policies and legal obligations concerning Minors of non-University organizations and off-campus entities

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 [add link to POM Reporting web site here].

Boston University's Confidential Reporting Policy protects individuals from retaliation for reports made in good faith. See <https://secure.ethicspoint.com/domain/media/en/gui/8779/index.html> for more information.

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 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 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 on-line 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. See www.bu.edu/hr

Questions about Third Party requirements should be raised with the Boston University Office of Risk Management. See <http://www.bu.edu/cfo/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.

VI. RELATED POLICIES AND REFERENCES

Protection of Minors Procedures

VII. HISTORY

Effective Date:

Revision Date:

BOSTON UNIVERSITY

PROTECTION OF MINORS **PROCEDURES**

These Procedures accompany the University's Protection of Minors Policy, and are intended as more detailed guidance and support for members of the BU community who sponsor, operate, or participate in programs which include contact with Minors. The Procedures are reviewed and updated periodically by Human Resources, Risk Management, and other administrative units, as necessary. They establish expectations for interactions with Minors, and apply to programs and activities that take place both on and off Campus. These Procedures also apply to owners, operators, employees, agents, and volunteers of Third Party Programs. Terms used in these Procedures are defined in the Protection of Minors Policy.

A. TRAINING

Members of the Boston University community who participate in programs or activities that include Minors are expected to receive training in the following areas:

- University Recommended Guidelines for Interacting with Minors
- Warning signs for child abuse or neglect
- A review of the process for reporting potential harm to Minors, including obligations of mandated reporters

All University students, faculty, staff, and volunteers in University Activities, including services, programs, and activities occurring on and off Campus, and owners, operators, employees, agents, and volunteers of Third Party Programs should receive such training prior to being permitted to participate in programs that include Minors.

Two levels of training are available: (1) online and (2) policy/document review. The appropriate level of training will vary depending on the type of program, and the level of interaction with the Minor(s). Program Operators are responsible for determining which type of training to provide, and for ensuring the appropriate training is delivered (Human Resources is available to work with Program Operators).

Minimum Training Recommendations:

Type of Service, Program or Activity	Minimum Training Recommended and Timing Examples
<i>Residential or non-residential services, programs or activities operated by the University on University property</i> Examples – campus childcare programs, child development programs, orientation programs, summer school programs for high school students, overnight camps operated by the institution on campus, internships, and student or other programs that bring Minors to Campus.	<i>Online Training</i> <i>Content:</i> Information about working with Minors and a test of the participants' knowledge of this material. <i>Certification:</i> Upon completion of the session, participants should sign a training certification form (available in the Appendix A of these Procedures.) Program Operators should maintain a record of completion of training. <i>Timing:</i> Upon hire, first-involvement in activities involving Minors, or a change of engagement in activities involving Minors (for example, if an activity/program involving Minors was formerly non-residential, but becomes residential).
<i>Services, programs or activities operated or formally facilitated by the University off of University property</i>	<i>Online Training</i>

<p>Examples: outreach or community service programs, projects and activities that involve working with Minors required for academic credit.</p>	<p><i>Content:</i> Information about working with Minors and a test of the participants’ knowledge of the material.</p> <p><i>Certification:</i> Upon completion of the session, participants should sign a training certification form (available in the Appendix A of these Procedures). Program Operators should maintain a copy of the certification.</p> <p>Timing: Upon hire or first-involvement in activities involving Minors</p>
<p><i>Services, programs or activities not operated by the University but in which members of the University community participate in their capacity as students, faculty, or staff</i></p> <p>Examples: volunteer activities of students, student club activities, activities to support student research projects.</p>	<p>Policy/Document Review</p> <p><i>Content:</i> Review materials on the BU Safety website (Guidelines for Interacting with Minors, Warning Signs of Child Abuse/Neglect, and Reporting Suspected Abuse).</p> <p><i>Certification:</i> Upon completion of the materials review, participants should sign a training certification form (available in the Appendix A of these Procedures). Program Operators should maintain a copy of the certification.</p> <p><i>Timing:</i> Upon hire or first-involvement in activities involving Minors.</p>
<p>Third Party services, programs or activities</p> <p>For example – summer or other programs to whom the University leases, licenses, or otherwise provides access to the Campus.</p>	<p>Policy/Document Review</p> <p><i>Content:</i> All owners, operators, employees, agents, and volunteers who will have Direct and Unmonitored or Monitored Contact with Minors should review materials on the BU Safety Website (Guidelines for Interacting with Minors, Warning Signs of Child Abuse/Neglect, and Reporting Suspected Abuse on the Protection of Minors).</p> <p><i>Certification:</i> Upon completion of review of the materials on the BU Safety website, participants should sign a training certification form and Third Party Program Operators should maintain a copy of the certification (see the Third Party Program Contract Addendum in Appendix C).</p> <p><i>Timing:</i> Upon hire or first-involvement in activities involving Minors.</p>
<p>Minor visitors to campus who are not part of formal services, program, activities or who are accompanied by their parents or teachers.</p> <p>For example, Minors who attend campus events or visit an “open” campus.</p>	<p><i>None</i></p>

B. CRIMINAL AND SEX OFFENDER BACKGROUND CHECKS

Criminal and sex offender background checks are required for any member of the Boston University community who will have direct contact with Minors as part of participation in a service, program, or activity involving Minors unless an exemption is obtained from Risk Management. This includes:

- University students, faculty, staff, and volunteers
- Owners, operators, employees, agents, and volunteers of Third Party Programs
- Programs and activities occurring on and off Campus

Human Resources administers the processing of criminal and sex offender background checks. Certain Program Operators may be authorized by Human Resources to process these background checks directly. **Program Operators** are responsible for 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.

Background checks must be conducted by the University, or other external source approved by the University, address locator for seven years, a search of federal and state/county databases for criminal history for the past seven years, and a sex offender registry check. If a background check reveals adverse information or unfavorable results, the University's Chief Human Resources Officer will make a final determination regarding participation in the activity.

Once a satisfactory background check has been received, members of the BU community who participate in University Activities that include Minors must promptly disclose any new felony or misdemeanor conviction(s) to Human Resources. University faculty and staff who have a break in service of more than six (6) months, unless it is an approved leave of absence, and students who withdraw, are suspended or dismissed, or take leaves of absence of more than six (6) months, must undergo a new background check if they reengage in University Activities that include Minors. Except where required by law, the results of criminal and sex offender background checks are kept confidential by the University.

Criminal and sex offender background checks are required for the following populations, if they will have direct and unmonitored contact with Minors (contact with Minors when there is no background check cleared employee or volunteer present):

<i>Category</i>	<i>Frequency of Background Check</i>
Boston University Student - Full-time or part-time matriculated	Every 3 years
Boston University Student - Part-time non-degree	Annually
Faculty/Staff Full-time	Every 3 years
Faculty/Staff Part-time	Annually
Volunteers (excluding BU faculty, staff and students)	Annually

Programs (such as summer camps and others) that are required by law to conduct criminal and/or sexual offender background checks on a more frequent or different basis may have obligations that supersede this Policy.

Third-Party Programs

Owners/operators of Third Party Programs must conduct criminal and sex offender background checks of owners, operators, employees, agents, and volunteers who will participate in programs that include Minors. A certification that background checks have been completed will be required. No Third Party Program owner, operator, employee, agent, or volunteer may participate in a program/activity until a cleared status has been received by the Third Party Program operator. The University may request any additional information from Third Party Programs it deems necessary to meet the requirements of the Policy and these Procedures.

C. REPORTING SUSPECTED ABUSE OR NEGLECT OF MINORS

1. Reporting Obligations

Any member of the Boston University community must immediately report any instance of known or suspected abuse or neglect of a Minor to BUPD and the Minors Program Coordinator, or, if none, the appropriate University official.

In addition, members of the BU community who are considered mandated reporters under Massachusetts law must also report to the Massachusetts Department of Children and Families (DCF) and University officials any known or suspected mental/physical abuse or neglect of a Minor they have come into contact with through their professional role. Mandated reporters under Massachusetts law include but are not limited to:

- Physicians
- Psychologists
- Clinical social workers
- Medical interns
- Dentists
- Teachers
- Counselors
- Police officers
- Allied mental health and licensed human services professionals
- Early childhood education and childcare staff
- Clergy members

Additional information concerning mandated reporters and their respective reporting requirements may be found [here](#).

Questions about who is a mandated reporter under Massachusetts laws should be directed to the Minors Program Coordinator or, if none, the supervisor, program director, dean, or vice president responsible for the University Activity or Third Party Program. Human Resources is also available to provide advice and can be reached at (617) 353-2380.

2. Reporting Suspected Abuse or Neglect of a Minor

a. Notify BUPD.

Immediately contact the Boston University Police Department (BUPD) at (617) 353-2121 or dial 911 if off campus. Remain with the Minor until he or she is safe. A member of BUPD team is available 24 hours a day to respond. The BUPD will coordinate with other areas within and outside the University to investigate the alleged abuse or neglect, and notify parents or guardians, if appropriate. All actions will be handled in a manner that safeguards minors, protects the interests of victims and reporters, and meets relevant legal requirements.

Mandated reporters must also report directly to the DCF by calling the local DCF office (weekdays, from 9:00 a.m. to 5:00 p.m.) or the Child-At-Risk Hotline at (800) 792-5200 (evenings and weekends) and as additionally required by that agency.

b. Notify Appropriate University Official.

Promptly notify the Minors Program Coordinator or, if none, the program supervisor, program director, dean, or vice president responsible for the area the program falls under when it is safe and appropriate to do so.

c. Submit Protection of Minors Safety Report Form.

Submit a **Minor Safety Concern Report Form (Appendix B)** to the Boston University Police Department, or call (617) 353-2121. A member of BUPD team is available 24 hours a day to respond.

d. Questions.

Questions about obligations or what to do in an uncomfortable situation may be discussed with your [Human Resources Consultant \(HRC\)](#) or call Human Resources at (617) 353-2380.

e. Confidential Reporting.

Boston University's Confidential Reporting Policy protects individuals from retaliation for good faith reports about unlawful or other types of misconduct. See <https://secure.ethicspoint.com/domain/media/en/gui/8779/index.html> for more information.

D. Compliance With Laws

There are several Massachusetts and local laws that apply to services, activities, and programs involving Minors. Ensuring compliance is the responsibility of the sponsoring school, unit, or Third Party Program. Questions concerning the applicability of these laws or regulations to a particular service, program, or activity may be directed to the University's Risk Management Office and Office of General Counsel.

- Massachusetts Department of Public Health's "Minimum Sanitation and Safety Standards for Recreational Camps for Children" at 105 CMR 430.000. For more information, see <http://www.mass.gov/eohhs/docs/dph/regs/105cmr430.pdf>
- Massachusetts Mandated Reporter Law, at M.G.L. c. 119, § 51A. For more information, see <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section51a>
- Department of Early Education and Care (EEC) regulations at 606 CMR 7.00

E. Liability Release

Prior to the start of each University Activity, University schools, colleges, and administrative units will require the parents/guardians of participating Minors to execute the *Boston University Parental Acknowledgment, Consent, and Release From Liability* form attached as Appendix D to these Procedures, unless an exemption is obtained from Risk Management.

Third Party Programs will also require the parents/guardians of Minor participants to execute the form attached as Appendix D or an alternative waiver form provided such form contains substantially all of the same terms as those included in the University's form at Appendix D, including, but not limited to, specifically releasing the Trustees of Boston University from any and all liability arising out of the operation of the Third Party Program.

F. THIRD PARTY PROGRAMS

Owners/operators of Third-Party Programs are responsible for:

- Ensuring any employee, agent, or volunteer that participates in programs involving Minors receives training;
- Ensuring that cleared criminal background checks are secured prior to permitting any employee, agent or volunteer to participate in a program that includes Minors;
- Reporting known or suspected abuse or neglect of a Minor to BUPD and University officials, as outlined in Section C(2) (and to DCF, for mandated reporters)
- Ensuring compliance with federal and state laws, including 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.;
- Entering into a contract with the University prior to operating program involving Minors;
- Obtaining waivers of liability from parents/guardians of all Minor participants as provided in Section E, above (Appendix D);
- Carrying appropriate insurance that meets requirements designated by the University's Office of Risk Management.

Departments with questions or concerns regarding the development or review of a Third Party Contract, Addendum, or Liability Waiver should work with General Counsel and/or Risk Management.

APPENDIX A

PROTECTION OF MINORS TRAINING MATERIALS

University Recommended Guidelines for Interacting with Minors

Appropriate Behavior and Boundaries with Minors:

- All program/activity staff should avoid being alone with a minor, particularly in areas that are not part of the regular daily operation of the program/activity, such as vehicles and/or isolated areas or rooms on campus.
- If a meeting with a minor must take place in an office, keep the door open and have another staff member in the room whenever possible.
- Avoid being alone with a child in a dorm room or a staff member's room, with the exception of undergraduate students hosting minors for programs sponsored by the Admissions Office.
- Avoid showering or changing clothes around minors, or in an area that is accessible to children.
- Avoid any physical contact with minors that could be misinterpreted: an occasional pat on the back, or a touch on the arm to get one's attention is acceptable; back rubs, massages, tickling, rough-house play, and caressing or intimate touching is inappropriate and unacceptable.
- Do not take photographs of children for personal use.
- If staff is given photographs of children, do not post them on social networking sites or publish them in any other form. Families must give written consent to a program/activity operator before any photographs of their child can be used or published publically.

Communication with Minors:

- If it is necessary to take a minor aside for a private conversation relating to behavior or some other issue s/he wants to discuss, do so in full view of other people, or in the presence of a second adult.
- During conversation, do not disclose confidential information about yourself or seek to learn confidential information about the minor (particularly about sex, sexual orientation, and physical or emotional intimacy).
- Use words with care: never berate, harass, intimidate, degrade, or belittle a child.
- Issue praise appropriately, and avoid excessive praise or criticism of any minor.
- Do not tell sexually-oriented or off-color jokes to or in the presence of minors.
- Remember that young children interpret information in concrete ways and they typically do not understand idioms or abstract language. Using concrete language will help to avoid any misinterpretations or confusion on the part of the minor

Warning Signs for Child Abuse or Neglect²

There are often certain recognizable physical and behavioral indicators of child abuse or neglect. The following signs, by themselves, may not be conclusive evidence of a problem, but serve as indicators of the possibility that a problem exists.

Signs of Physical Abuse

- Bruising, welts or burns that cannot be sufficiently explained; particularly bruises on the face, lips, and mouth of infants or on several surface planes at the same time
- Withdrawn, fearful or extreme behavior
- Clusters of bruises, welts or burns, indicating repeated contact with a hand or instrument
- Burns that are insufficiently explained; for example, cigarette burns
- Injuries on children where children don't usually get injured (e.g., the torso, back, neck, buttocks, or thighs)

Signs of Sexual Abuse

- Difficulty walking or sitting
- Pain or itching in the genital area
- Torn, stained or bloody underclothing
- Frequent complaints of stomachaches or headaches

² These materials taken from *Warning Signs of Child Abuse or Neglect*; The Official Website of the Executive Office of Health and Human Services (EOHHS) – Health and Human Services;

<http://www.mass.gov/eohhs/gov/departments/DCF/child-abuse-neglect/warning-signs.html>; accessed March 12, 2014

- Venereal disease
- Bruises or bleeding in external genitalia
- Feeling threatened by physical contact
- Inappropriate sex play or premature understanding of sex
- Frequent urinary or yeast infections

Signs of Emotional Injury

- Speech disorders
- Inability to play as most children do
- Sleeping problems
- Anti-social behavior or behavioral extremes
- Delays in emotional and intellectual growth

Signs of Neglect

- Lack of medical or dental care
- Chronically dirty or unbathed
- Lack of adequate school attendance
- Lack of supervision; for example young children left unattended or with other children too young to protect or care for them
- Lack of proper nutrition
- Lack of adequate shelter
- Self-destructive feelings or behavior
- Alcohol or drug abuse

Each case of child abuse or neglect is individual. The child who has been hurt is always the victim. If you believe a child may be the victim of abuse or neglect, contact the Boston University Police Department at (617) 353-2121 or the Child-at-Risk Hotline at (800) 792-5200.



Protection of Minors
Certification of Training

I have read and understand the Boston University Policy regarding Protection of Minors and completed the training below. I agree to comply with the Boston University Protection of Minors Policy and Procedures and, if applicable, with my obligations as a Mandated Reporter under Massachusetts law.

If I know of or suspect abuse or neglect of a Minor, I agree to immediately notify the Boston University Police Department and the Minors Program Coordinator for my program or, if none, the program supervisor or director, dean, or vice president responsible for my program.

Program Participation	Services, Programs or Activities	Training Level	Training Completed
<input type="checkbox"/>	<i>Residential services, programs or activities operated by the University on Campus</i>	Online Training	<input type="checkbox"/>
<input type="checkbox"/>	<i>Non-Residential services, programs or activities operated by the University on Campus</i>	Online Training	<input type="checkbox"/>
<input type="checkbox"/>	<i>Services programs or activities operated or formally facilitated by the University off-Campus</i>	Online Training	<input type="checkbox"/>
<input type="checkbox"/>	<i>Services, programs or activities not operated by the University but in which members of the University community participate in their capacity as students, faculty or staff</i>	Policy/Document Review	<input type="checkbox"/>
<input type="checkbox"/>	<i>Third Party services, programs or activities</i>	Policy/Document Review	<input type="checkbox"/>
<input type="checkbox"/>	<i>Minor visitors to campus who are not part of formal services, activities or programs or are accompanied by their parents or teachers</i>	None required	

Signature

Date

Printed Name

Program/College/Activity Area

Upon completion, please submit this form to your direct supervisor.

APPENDIX B

PROTECTION OF MINORS REPORTING MATERIALS

BOSTON UNIVERSITY
MINOR SAFETY CONCERN REPORT FORM

Location of incident: on campus off campus

Type of concern (potential or observed):

abuse or neglect harm to self harm to others other safety concern

When should this report form be used?

This form should be completed when someone knows, suspects, or receives information that the health or safety of a minor, defined under Massachusetts law as an individual under the age of 18, may be at risk. Concerns may include a specific incident that occurred on/off campus, a suspicion of abuse or neglect, or a suspicion that a minor may be a threat to himself/herself or to others.

Who is required to report concerns of child safety?

- Any University faculty, staff, student, or volunteer participating in a University Activity
- Any owner/operator, employee, volunteer, or agent of a Third-Party Program
- Mandated reporters, under M.G.L. c. 119, § 51A
- Campus Security Authorities, under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Title IX Coordinator and Deputy Coordinators

Members of the BU community with concerns regarding child safety should direct their concerns to the Boston University Police Department at (617) 353-2121. Anyone may contact Department of Children & Families directly using the Child-at-Risk Hotline any time of the day or night at (800) 792-5200.

What if a victim requests confidentiality?

All instances involving a threat to the health or safety of a minor must be reported, regardless of the desire of the minor.

What should you do if you feel a minor is in immediate danger?

If you fear an immediate threat to the minor, contact BUPD immediately at 617-353-2121.

What happens with the information I provide?

The report will be submitted to the [Boston University Police Department](#) for review and the appropriate parties will be notified.

<i>(optional)</i> REPORTER'S INFORMATION (the reporter and minor can be different people):	
Reporter's name (if different than minor involved):	Date of Report:
Reporter's Affiliation to BU (student, faculty, staff):	Reporter's Contact Information: <u>Telephone:</u>

	<u>Email:</u>
MINOR'S INFORMATION (if reporter and minor are different people)	
Minor's name	Minor's Program or Activity:
Minor's Contact Information (if available):	
<u>Telephone:</u>	<u>Email:</u>
PARENT/GUARDIAN INFORMATION:	
Parent/Guardian's Contact Information (if available):	
<u>Telephone:</u>	<u>Email:</u>
OTHER PARTIES INVOLVED	
Name(s) (if known):	Affiliation(s) to BU (student, faculty, staff, unaffiliated):
INCIDENT INFORMATION	
Date of Incident:	Time of Incident:
Location of Incident:	Brief Description of Incident:
OTHER REPORTS	

Have you or has anyone else reported this incident to another department or office (for example: Massachusetts Department of Children and Families, local police, Sexual Assault Response and Prevention Center, Dean of Students, Residence Life, or Human Resources)?

Yes No

If yes, please list department/office or agencies notified: _____

Please return this form to:

Boston University Police Department

32 Harry Agganis Way

Boston, MA 02115

Website: <http://www.bu.edu/safety>

Email: <mailto:bupolice@bu.edu>

Phone: (617) 353-2121

Fax: (617) 353-5534

This form can also be found and submitted online at <http://www.bu.edu/safety/protecting-minors/>

APPENDIX C

SAMPLE THIRD PARTY PROGRAM CONTRACT ADDENDUM

BOSTON UNIVERSITY
PROTECTION OF MINORS CONTRACT ADDENDUM

This Addendum (the “Addendum”), dated _____, 20__ (the “Effective Date”), modifies the terms of _____ (the “Agreement”), dated _____, 20__, by and between Trustees of Boston University (“University”) and _____ (“Program”).

In consideration of the mutual promises and covenants contained in this Agreement, the parties hereto agree as follows:

1. Conflicting Terms. Wherever the terms of this Addendum and the Agreement (including any online terms and conditions which may apply to the Agreement) conflict, the provisions of this Addendum will govern and the Agreement shall be construed accordingly. Silence does not constitute a conflict.
2. Policy and Procedures. Program acknowledges receipt of University’s Protection of Minors Policy and Procedures (the “Policy”).
3. Certifications. By signing below, the Program certifies as to the following:
 - a. The Program’s background check requirements for Program owners, operators, employees, agents, and volunteers comply with the University’s Policy and applicable Massachusetts laws;
 - b. The Program has conducted training required by the Policy and applicable Massachusetts laws;
 - c. The Program will report known or suspected abuse or neglect of a minor in accordance with University reporting protocols; and
 - d. The Program complies with applicable laws and regulations concerning minors (the “Law”), including, without limitation, the Massachusetts Department of Public Health regulations set forth at 105 CMR 430.000, the Massachusetts Mandated Reporter Law (M.G.L. c. 119, s. 51A).
4. Releases. Prior to the start of the Program, the Program will ask participants’ parents or guardians to execute a release in the form attached as Exhibit A. The Program is responsible for collecting and returning the releases to the University school, college, or administrative unit coordinating the Program prior to the first day of the Program. An individual may not participate in the Program unless and until the Program has collected a release and submitted it to the University.
5. Violations. In the event that Program violates or is suspected of violating the Policy or the Law, University may terminate the Agreement with immediate effect.
6. Indemnity. In addition to any indemnification obligations under the Agreement, Program shall indemnify, defend, protect, and hold harmless University, its departments, partners, officers, directors, shareholders, board members, representatives, agents, consultants, employees, affiliates, subsidiaries, and their respective successors and assigns (each an “Indemnitee” and collectively, the “Indemnitees”) from and against all claims, losses, liabilities, damages, lawsuits, actions, proceedings, arbitrations, taxes, penalties, or interest, associated auditing and legal expenses, and other costs incurred by Indemnitee(s) (including reasonable attorneys’ fees and costs of suit) (“Indemnified Claims”) arising from Program’s breach of any representation, warranty, obligation, or covenant of the Addendum or negligence or willful misconduct resulting in bodily injury or property damage to Program, Indemnitee(s) or any third party.
7. Insurance. In addition to any requirements for insurance under the Agreement, Program shall take out and maintain, during the life of the Agreement, General Liability insurance coverage that includes coverage for acts of sexual abuse or molestation committed by its owners, operators, employees, agents, or volunteers providing for a limit of at least \$1 million per occurrence and \$2 million policy aggregate. All insurance required of the Program

shall be written on “occurrence” form policies with companies acceptable to the University. As evidence of such insurance, Certificates of Insurance shall be delivered to the University at least fourteen (14) days prior to the first day of the Program. Such certificates shall show any special coverage provisions required and shall provide for 30 days’ notice of cancellation, material change or intent not to renew. Certificates should be addressed to the University’s Office of Risk Management.

IN WITNESS WHEREOF, the parties have executed this Addendum under seal as of the Effective Date.

PROGRAM

TRUSTEES OF BOSTON UNIVERSITY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit A

**BOSTON UNIVERSITY PARENTAL ACKNOWLEDGMENT, CONSENT, AND
RELEASE FROM LIABILITY**

(See Appendix D)

APPENDIX D

**BOSTON UNIVERSITY
PARENTAL ACKNOWLEDGMENT, CONSENT AND RELEASE FROM
LIABILITY**

BOSTON UNIVERSITY
PARENTAL ACKNOWLEDGMENT, CONSENT AND RELEASE FROM LIABILITY

For Participation in [**NAME OF SERVICE, PROGRAM, OR ACTIVITY**]

Name of Child: _____

1. I hereby consent to the participation of the child named above in all activities of the [**Name of Boston University Program**] (“the Program.”), to be held at [**name of building/location**]. [**OPTIONAL FOR THIRD PARTY PROGRAMS**] I understand that the Program is not run by Boston University.

2. I understand, recognize and acknowledge that this Program involves activities, such as [**insert list of activities**] that may involve the risk of accident, death, illness, physical or mental injuries, and property damage. It is my responsibility to ask questions about any aspect of the Program activities that has not been explained to my satisfaction. I hereby voluntarily assume any and all risks, including injury to person and property, related to my child’s participation in the Program.

3. In consideration of the University allowing my child to participate in the Program, I, on behalf of myself, my child, and anyone claiming on behalf of me or my child hereby FOREVER RELEASE Trustees of Boston University (the “University”) and its departments, officers, directors, board members, representatives, agents, and employees from any and all claims, demands, causes of action, judgment, damages, expenses and costs (including attorneys’ fees), including but not limited to claims of negligence, on account of personal injury, bodily injury, property damage, death or accident of any kind sustained by my child that arises out of or is related in any way to his/her participation in the Program which I may now or hereafter have and which the above-named minor has or hereafter may acquire, either before or after reaching majority.

4. In signing this Parental Consent and Release from Liability, I hereby acknowledge that I have read this entire document, that I understand its terms, that I have signed it knowingly and voluntarily, and that I intend it to bind me, my minor child, and anyone claiming on behalf of me or my child.

5. I further acknowledge that I am the parent or legal guardian of the minor identified above, with legal authority to sign this document.

PARENT OR GUARDIAN:

Signature

Name (Printed) & Relationship to Student

Street Address

City/State

Telephone

Dated: _____

Protection of Minors Policy & Procedures
Administrative Policy Review
Questions & Answers

Q: Does every Admissions tour guide and every undergraduate who hosts a high school student/potential BU students need to undergo a background check?

A: Admissions may request an exception to the Policy (through Risk Management) for BU students who host high school students in the dorms as part of their visit to campus. Admissions tour guides do not need to have a background check. Admissions *staff* currently undergo a background check upon hire.

Q: Is it the University's intent that students, faculty, staff, and volunteers may be suspended, terminated or have other corrective action taken for violations of the Policy and accompanying Procedures? Has a matched list of violations and sanctions been established?

A: Yes, it is the University's intent that students, faculty, staff and volunteers may be suspended, terminated or have other corrective action taken for violations of the Policy and Procedures. Because the University sponsors so many different types of activities that involve Minors, the appropriate sanctions will be based on the specific nature of the violation; there is no matched list of violations and sanctions. As with other University Policies, each Dean or VP will be responsible for assessing the nature of the violation and making a decision about the appropriate consequence, in consultation with the Provost's Office or Human Resources, depending on who is involved.

Q: Has the University considered that the number of background checks required will increase as a result of this new Policy and Procedures?

A: Yes. In the past few years, background checks have been already been institutionalized in many programs across campus. While they do require some additional administrative work on the part of Program Operators, leadership feels this is a prudent step to take wherever possible to minimize risk.

Q: Does this Policy apply when high school students do an "internship" within a research laboratory (either for a week during school vacation, or during the summer)?

A: Yes. Staff and Faculty who sponsor research lab programs should be familiar with the University's Policy, and ensure that background checks are secured for staff/faculty working with unaccompanied Minors in this capacity.

Q: Is an incoming student under the age of 18 participating in a University operated pre-semester activity (such as FYSOP or pre-season Athletics) considered a Minor under this Policy?

A: No.

Q: Are exceptions to the Policy permitted?

A: Yes, exceptions to the requirements to conduct criminal and sex offender background checks, or to secure waivers of liability, may be requested through the office of Risk Management. There are no exceptions for immediately reporting instances of known or suspected abuse or neglect of a Minor.

Q: Where will materials on the Policy and Procedures reside?

A: The Policy and Procedures will reside on the Boston University "Safety" website (www.bu.edu/safety). Compliance Services will also develop and maintain a SharePoint site that HR, Risk Management and Minors

Program Coordinators will have access to in order to post forms, the inventory of programs, checklists and other materials.

Q: Are contract organizations such as ARAMARK and Dining Services considered “Third Party Programs” for purposes of this Policy?

A: No; only third parties that specifically operate programs or activities for Minors fall under this Policy. It is up to the third party contractor to enforce the requirements that their staff have criminal and sex offender background checks before being allowed to work with Minors.

Q: Is there a period of time in which a Third Party Program needs to be on campus to fall under this Policy? If the home state of these third parties do not require criminal and sex offender background checks, will the third party be required to comply with the Policy?

A: Regardless of the duration of program or activity, third parties that use Boston University facilities to operate programs for Minors are required to comply with the University’s Policy with respect to protecting Minors.

Q: Are third party providers expected to provide documentation of compliance with this Policy to Boston University?

A: No, Boston University will not be collecting documentation of third party compliance; collecting and maintaining this documentation is the responsibility of the third party. Contracts with third parties should include a “Protection of Minors” Addendum (a sample is provided in the Procedures) which stipulates that the third party program complies with Boston University’s Policy.