



OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

POLICY

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Title: Protection of Minors

Policy Statement

The University seeks to maintain an environment that is safe for those who work, study, or participate in programs at the University. The University is concerned with the safety and well-being of all campus visitors, especially those visitors who are minors. This policy is intended to set forth requirements for University officials responsible for programs involving minors so as to protect the safety of this population.

Reason for the Policy

The purpose for this policy is to enhance the safety of the campus and to protect minors who are present on campus and/or participating in covered programs.

Applicability of the Policy

This policy applies to all members of the University community and to external organizations/individuals who work in covered programs, or who offer events in association with UVM or on UVM owned or operated grounds and facilities, and who are responsible for the care, custody, and control of minors.

Definitions

Affiliate Organization: An Affiliate Organization is any organization that fits the definition specified in UVM's [Affiliated Organizations Policy](#).

Care, Custody, and Control: Supervisory responsibility for one or more minors as well as the knowledge of the general location of each minor at any given point throughout a covered program.

Chaperone: An individual, such as a teacher during an academic program who is not a UVM employee (faculty or staff), student, volunteer, or a parent/guardian, but has responsibility for the care, custody, and control of one or more minors.

Covered Program: Either an external or internal event involving minors. Types of programs include:

- **Internal Event:** An activity, program or event that meets the following criteria:
 - A. Must be originated and developed by a University academic or administrative unit or University recognized group or organization.

- B. Must be planned by a University academic or administrative unit or University recognized group or organization.
 - C. Must be managed (on-site execution) by a University academic or administrative unit or University recognized group or organization.
 - D. The primary purpose of the event must be aligned with the primary purpose of the unit, group, or organization.
- External Event: Any event that does not meet the criteria for an internal event will be considered an external event. Events originated or developed by an organization that has been granted recognition as an [Affiliate Organization](#) and does not otherwise meet the criteria of an internal event are considered external events.

Activities, meetings, or events in which an employee or a recognized organization elects to pay some or all the financial costs (i.e., facility rental, catering, production, etc.) to help support a program coming to the University does not make the event an Internal Event. Covered Programs include, but are not limited to, workshops, athletic/music/academic camps or lessons, conferences, 4H or other Extension programs, programs offered at or through a UVM Laboratory, Admissions and Enrollment Management programs involving minors and similar activities.

Minor: A person under the age of 18 who is not enrolled or accepted for enrollment in credit-granting courses at the University. If a minor is both enrolled in a credit-granting course at the University and is also enrolled in a covered program under this policy, the requirements of this Policy apply to the minor while engaged in the covered program.

Recognized Group or Organization: A student, faculty or staff group, organization, or club recognized by the University as set forth in the [University Group and Organization Recognition Policy](#).

Senior-Most University Official: The University official (such as a Vice President, Vice Provost, Dean, Chief Officer or equivalent) whose unit plans, manages, and executes an activity involving minors or associates with an External Event sponsor whose activities will involve minors.

UVM Program Sponsor: For internal events, a Dean or Director to whom execution of the requirements of this policy have been delegated by the senior-most university official of the unit holding the event. If responsibility has not been delegated, the UVM Program Sponsor is the senior-most university official.

Procedures

Exceptions

This policy does not apply to general events held on the University campus where minors may be in attendance with, and supervised by, parents, guardians, chaperones, or other responsible adults who are non-affiliates of the University. If a parent, guardian, chaperone, or other responsible adult who is not affiliated with the University is present, they are responsible for the care, custody, and control of the minor. Examples include, but are not limited to, sporting events, tours or visits to campus, music and theatre performances, and externally chaperoned field trips.

This policy does not apply when employees bring their own children to work. Generally, bringing your own child to work in lieu of childcare is not allowed. Employees should consult with their manager/supervisor in these situations. Parents/guardians are solely responsible for the care, control, and custody of their child(ren) and the University is not responsible for the safety or supervision of children in the workplace or in academic programs. Minors are allowed in University laboratories only in strict accordance with University Policy on [Minors in Laboratories](#).

This policy does not apply where minors are enrolled in courses as students of the University.

Background Checks

Criminal background checks must be consistent with legal requirements and generally accepted practices. At a minimum, the background check should include address history, county and federal criminal court record of felonies and misdemeanors for all locations in the address history report, and a national criminal check that includes multi-jurisdictional criminal data, OFAC, national security sources, and sex offender registry data. Background check requirements for internal and external events are specified below.

Adult to Child Supervision Ratios

UVM uses the American Camp Association standards to determine adult: child ratios. Current ratios are:

- 5 years & younger: 1:5 for overnight and 1:6 for day
- 6 - 8 years: 1:6 for overnight and 1:8 for day
- 9 - 14 years: 1:8 for overnight and 1:10 for day
- 15 - 18 years: 1:10 for overnight and 1:12 for day

Requirements for Internal Events Involving Minors

Ensuring adherence to this policy is ultimately the responsibility of the senior-most University official whose unit is holding an internal event involving minors. This senior-most University official may, however, delegate responsibility for the execution of these requirements to a UVM program sponsor. For the purposes of this policy, when not delegated, the senior-most University official is the UVM program sponsor.

The UVM program sponsor must take the following steps:

- a. ***Reserve Space:*** If the internal event requires a space reservation, request and reserve space in accordance with the [Facilities and Grounds Use for Events and Activities Policy](#). The space reservation system has a mandatory question related to programs involving minors.
- b. ***Program Registration:*** As soon as possible, but no later than six (6) weeks prior to the start of the internal event, register through the UVM Department of Risk Management by completing a [Registration Form for Programs and Activities Involving Minors](#). Risk Management will work with the UVM program sponsor to review safety controls, participation agreements for minors and parents/legal guardians, releases for medical treatment, and other risk management issues that may apply.
- c. ***Contract Review:*** If utilizing any external vendors for goods or services, request review and approval of all contracts in accordance with the [Procurement or Lease of Goods and Services Policy](#).
- d. ***Written Notifications:*** In consultation with Risk Management, establish appropriate procedures for advising parents/legal guardians in writing about the specific activities of the internal event, including associated risks, emergency notification procedures, and contact information where parents/legal guardians, event staff, and others can use for questions or concerns. Parents/legal

guardians must be advised of these procedures in writing before a minor participates in an internal event.

The UVM program sponsor is responsible for obtaining written permission and signed releases from parents/legal guardians before allowing a minor to participate in the internal event. A sample parent/legal guardian information and release form is provided in the Forms section of this policy. By way of example, a program brochure or similar document may be used to convey this information to parents/legal guardians.

- e. Background Checks: Ensure that all employees (faculty, staff), volunteers, affiliates, and students (including any graduate students) participating in the internal event who are either (1) responsible for the care, custody, and control of at least one minor, or who, by the nature of the program, (2) will have physical contact with at least one minor (i.e., dance, physical therapy) have completed a criminal background check. If a background check cannot be completed on an individual in accordance with UVM's [Background Check Policy](#), the individual is prohibited from assuming care, custody, and control of minor(s) and the UVM program sponsor must make alternative arrangements. Results of required background checks must be received prior to the start of the internal covered program. Under no circumstances are individuals authorized to assume care, custody, and control of the minor(s) without the University having received satisfactory results of a background check.

Care, custody, and control cannot be transferred to anyone other than a parent/legal guardian unless authorized by the program sponsor. Individuals may only be authorized to provide care, custody, and control if they have completed a background check and protection of minors training as specified herein. Under no circumstances is an individual authorized to assume the care, custody, and control of minor(s) until they have satisfactorily completed a background check and completed required training.

Criminal background checks are not required for those who are not responsible for the care, custody, and control as defined in this policy, will have very limited involvement in the program, and will not spend any time alone with minors in the program. Examples include guest speakers and presenters.

The forms and instructions for obtaining a background check for UVM faculty, staff, students, and volunteers can be found on the Human Resource Services [Background Checks & Information form](#). A criminal background check must include motor vehicle moving violations for individuals who will be transporting minors.

The UVM program sponsor must also immediately advise the senior-most University official, Human Resource Services, and the Office of the General Counsel if it comes to the attention of the sponsor that any individual involved in a covered program has been arrested for a criminal offense (or convicted of such, if the program sponsor learns of a conviction after the commencement of a covered program).

The determination of whether a person with a criminal conviction history will be allowed to participate in a covered program involving minors will be evaluated by the senior-most university official, in consultation with Human Resource Services and the Office of General Counsel. Factors to be considered will include, but are not necessarily limited to, the nature and seriousness of the conduct, how recently the conviction occurred, and whether the conduct is related to the duties and responsibilities of the individual involved in the program.

Records relating to background checks shall be maintained according to UVM's Record Retention Schedule.

Timing of Background Checks: The UVM program sponsor must contact UVM Human Resource Services between four (4) and six (6) weeks before the internal event starts to coordinate the timely completion of required background checks. If the individual is not involved with a covered program for a period of 6 months or more (either through a break in employment or the program), the background check must be repeated. If the individual has had continuous employment or continuous involvement in the program, the background check must be repeated once every five (5) years.

- f. Training: The UVM program sponsor must provide, or arrange for the provision of, training for all individuals who will be involved in the internal event that involves minors. While background checks are only required for those with care, custody, and control of the minor(s), training is required for anyone who will have access to minors participating in the internal event. The training must include:
1. Review of University policies applicable to covered programs;
 2. Appropriate behavioral expectations of those working with minors, including but not limited to physical contact with minors, age-appropriate safety rules related to the activities of the internal event, rules regarding supervision including supervision in restrooms and changing areas and supervision ratios (specified above).
 3. Behavioral signs that a minor may be a victim of abuse or neglect;
 4. Reporting requirements for suspicion that a minor may be a victim of abuse or neglect;
 5. Consequences for failing to follow the requirements for appropriate interaction with minors and for reporting suspected abuse or neglect;
 6. Description of protocols in case of an injured minor and/or emergency response planning;
 7. Any other training required by the nature of the internal event.

Training for UVM personnel, including student workers and volunteers, is available through the University's liability insurance carrier. Additional resources are available on UVM's [Protection of Minors website](#).

Timing of Training: Training must be completed prior to the start of the internal event which involves minors. Training for those who are responsible for the care, custody, and control of minors must be repeated at least once every five (5) years.

Records relating to training completion shall be maintained by the UVM Program Sponsor according to UVM's [Record Retention Schedule](#).

External Events

External Events shall be facilitated by University Event Services (UES) in accordance with the [Facilities and Grounds Use for Events and Activities Policy](#). UES maintains a facility use agreement template for external events involving minors. Using this template, UES, in consultation with the Office of General Counsel, will execute this agreement for all external events involving minors. This agreement must, minimally, require the External Event Sponsor to:

- a. Provide the same supervision ratios as specified above for supervision of minors involved in the external event;
- b. Conduct criminal background checks for all individuals who are responsible for the care, custody, and control of minors involved in the program;
- c. Contact University Event Services to initiate appropriate review and determination of whether the individual will be allowed to be involved in the program at UVM if a criminal background check yields a conviction;
- d. Provide protection of minors training for all individuals who will be involved in the external event;
- e. Maintain background check and training records in accordance with federal and state law and make such records available for inspection by UVM upon request.

The external contracting party is solely responsible for compliance with the terms of the Facilities and Grounds Use for Events and Activities Agreement. External contracting parties who do not comply may have their events cancelled, with or without financial penalty, or be restricted from using University grounds and facilities in the future.

Human Subjects Research Involving Minors

Academic or research programs involving minors are subject to the review and approval of the Institutional Review Board (IRB) of the University. All human subjects research protocols are reviewed and approved by the Institutional Review Board (IRB). The principal issue that arises in applying this policy in the context of human subjects research involving minors is related to reporting requirements for suspected abuse or neglect.

The obligations associated with the goal of protecting minors from abuse or neglect and obligations associated with confidentiality in research may at times be in tension. The IRB has addressed this issue under Section 12 of the IRB policies which can be found [here](#).

Online Interactions with Minors

Unless it pertains to official matters related to a covered program, private telephonic or electronic communication between UVM staff or volunteers and those minors who are participating or who have participated in a covered program is prohibited. This includes, but is not limited to, social media interactions, instant messaging, texting, emailing, video chat, and cloud-based gaming platforms.

Requirements for Reporting Suspected Abuse or Neglect

Under Vermont law, certain individuals are required to report suspected child abuse to the Vermont Department for Children and Families. In addition, UVM requires any employee or volunteer who has reasonable cause to believe that a minor involved in a program described by this policy is currently being abused or neglected or has otherwise been abused or neglected while participating in a UVM program or activity, to contact the Vermont Department for Children and Families and University Police Services.

The requirements and procedures are found in the University Operating Procedure [Minors; Reporting Abuse or Neglect of and Crimes](#).

Requirements for Reporting of Crimes

Certain University officials (“UVM Reporters”) are required by federal law to report any suspected sexual assault or other crime that occurs on University property to Police Services. Additionally, such University officials are required by federal law to report any and all allegations of discrimination, harassment, and sexual misconduct involving a member of the University community, including participants in a covered program, to the Office of Equal Opportunity. These reporting obligations include, but are not limited to, crimes as to which the victim is a minor.

The requirements and procedures are found in the University Operating Procedure [Designation and Responsibilities of UVM Reporters Procedure](#).

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
University Event Services	(802) 656-5665

Department of Risk Management	(802) 656-3242
Human Resource Services	(802) 656-3150
Office of Equal Opportunity/Title IX Coordinator	(802) 656-3368
Institutional Review Board (IRB)	www.uvm.edu/rpo/contact-us
Police Services	For an emergency call 911 (802) 656-3473

Forms/Flowcharts/Diagrams

- [Background Check Forms and Information](#)
- [Parent Information and Release of Liability Form \(pdf\)](#)
- [Reporting Form for Campus Security Authorities](#)

Related Documents/Policies

- [Campus Safety and Security: Clery Act Policy](#)
- [Campus Safety and Security Report \("Clery Report"\)](#)
- [Designation and Responsibilities of UVM Reporters Procedure](#)
- [Facilities and Grounds Use for Events and Activities Policy](#)
- [Minors in Laboratories Policy](#)
- [Minors; Reporting Abuse or Neglect of and Crimes](#)
- [Protecting Minors from Abuse Training Instructions](#)
- [Record Retention Schedule](#)

Regulatory References/Citations

- None

Training/Education

Training/education related to this policy is as follows:

Training Topic:	Protecting Children Learning Program		
Training Audience:	All individuals who will be involved in an Internal Event and who will have access to minors in the program	Delivered By:	United Educators
Method of Delivery:	On-Line*: www.edurisksolutions.org/learn-to-protect-children/ *New users need to register before completing the training.	Frequency:	Prior to the staff or volunteer being allowed to participate in the Internal Event which involves minors. Re-training for those that supervise or regularly interact with minors must be repeated at least once every three years.

About This Policy

Responsible Official:	Chief Safety and Compliance Officer	Approval Authority:	President
Policy Number:	V. 3.26.1	Effective Date:	November 14, 2023
Revision History:	<ul style="list-style-type: none">• V. 2.24.1/ V. 6.0.2.1 approved June 18, 2013.• V. 3.15.1/ V. 5.31.1 effective March 1, 2017. Responsible official officially changed from the Vice President for University Relations and Administration to the Vice President for Operations and Public Safety (VPOPS) on October 1, 2019. Title of VPOPS changed to Chief Safety and Compliance Officer July 2022.• V. 3.26.1 effective November 14, 2023. Name changed from Protecting Minors to Protection of Minors.		

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