



Minors on Campus: Clery Act, Title IX and Risk Management Implications

10th Annual NACCOP Conference

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Coach Foster

Coach Foster is your institution's men's soccer coach and runs several camps in the summer on campus. Campers have the option to come for just the day or can be boarded overnight in an on-campus residence hall. Children aged 7-12 may participate in camp, but children must be aged 10-12 to be housed. Coach Foster is a 12-month employee, but runs the camp through their LLC, *The Kickers*. Foster advertises and collects money for the program and signs a contract with the college for space on fields and in residence halls. Foster has three employees, whom he has hired and paid through the LLC, who also instruct in the camp. The college's trademarked logo is used in advertising materials even though the camp is run through *The Kickers* sports program. All residential campers are provided with a University ID card so they may access their residential space and the University's dining hall.

Camper Sam Smith



Camper Sam Smith, age 10, reports to Coach Tim, one of the employees of the camp, that while showering last night in Wright Hall that “something happened.” He goes on to tell Coach Tim that another resident of Wright Hall “rubbed” his “bottom.” He says he doesn’t think it was another camper because he was much older. (Since the residence hall is also used to house other campus programs, Coach Tim is not sure who the perpetrator could be.) Coach Tim tells Coach Foster. Coach Foster interviews Sam and tells him it was likely just “horseplay” and to “play hard today at camp and forget about it.” Coach Foster then tells Coach Tim that he has “managed” the issue and that it was just a misunderstanding between campers. Coach Tim feels relieved and doesn’t think any further about it.

What has just happened?!



Did Coach Foster handle the situation correctly? What legal implications exist???

Is Coach Foster a CSA? RE? Mandatory Reporter???????

Considerations include the following...

- Report to CSA of sexual assault-fondling?
 - Requirement to assess for TWN?
 - DCL entry?
- Report to Responsible Employee/Official with authority for purposes of Title IX?
 - Do we have jurisdiction to be responsive under Title IX?
- State law responsibilities of report regarding abuse of minor. Need to contact CPS or other agency?
- Foreseeability of harm to other campers? Perpetrator not identified or apprehended? No report generated??????? Parental notification?

Overview of the Problem

- Minors as traditional college students
- Dual enrollment/high school
- Summer camps
- Trio
- Children of students on campus
- Workshops/noncredit courses
- Exhibits/Performances/Sporting events
- Faculty/Grad Student/Family housing
- Headstart programs
- Publicly accessible spaces
 - Campus gym
 - Campus pool
 - Campus fields
 - Campus residence halls
 - Campus library

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Do you know?

**How many minors do
you have on campus
at any given time?**



Questions to Ask Yourselfes

- Who is “in charge” of minors on campus?
- What safety protocols do you have in place for the protection of minors on campus?
- What vetting is conducted for college/university employees working directly with minors on campus? And how often is it conducted?
 - Does this differ from athletics to faculty-run programs? i.e., are there consistent processes across campus?
 - What about programs that you don’t control, but are housed on your campus using your facilities?
 - How do you know if/when you control a program? In Coach Foster’s case, he is a 12-month employee but running the program under his LLC. What does this mean for compliance? Liability? Risk?
 - Are there enhanced protocols for spaces where children change clothing, toilet, shower, or sleep?

Let's Start with Clery!



Three Part Test for Capturing and Counting a Crime Statistic

1. Clery Crime

2. Reported to a
Campus Security
Authority

3. Reported to have
occurred in Clery
Reportable Geography

Camper Sam Smith



Camper Sam Smith, age 10, reports to Coach Tim, one of the employees of the camp, that while showering last night in Wright Hall that “something happened.” He goes on to tell Coach Tim that another resident of Wright Hall “rubbed” his “bottom.” He says he doesn’t think it was another camper because he was much older. (Since the residence hall is also used to house other campus programs, Coach Tim is not sure who the perpetrator could be.) Coach Tim tells Coach Foster. Coach Foster interviews Sam and tells him it was likely just “horseplay” and to “play hard today at camp and forget about it.” Coach Foster then tells Coach Tim that he has “managed” the issue and that it was just a misunderstanding between campers. Coach Tim feels relieved and doesn’t think any further about it.

Let's Start with Clery!



Three Part Test for Capturing and Counting a Crime Statistic



Clery Concerns Itself with....



The What

The Where

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

§ 106.30(A) - SEXUAL HARASSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- 1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;*
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;*
- 3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).*

Title IX Jurisdiction - Person



At the time of filing a formal complaint...the complainant must be participating in or attempting to participate in the education program or activity.” (§106.30(a))



The recipient exercised substantial control over over both the respondent and the context in which the sexual harassment occurs.

Title IX Jurisdiction – Context of Educational Programs or Activities

Locations, events or circumstances in which the institution has control over the respondent AND context

Or

Any building owned or controlled by a student organization that is officially recognized

And

Occurred in the United States

Title IX Concerns Itself with....



The What

The Who

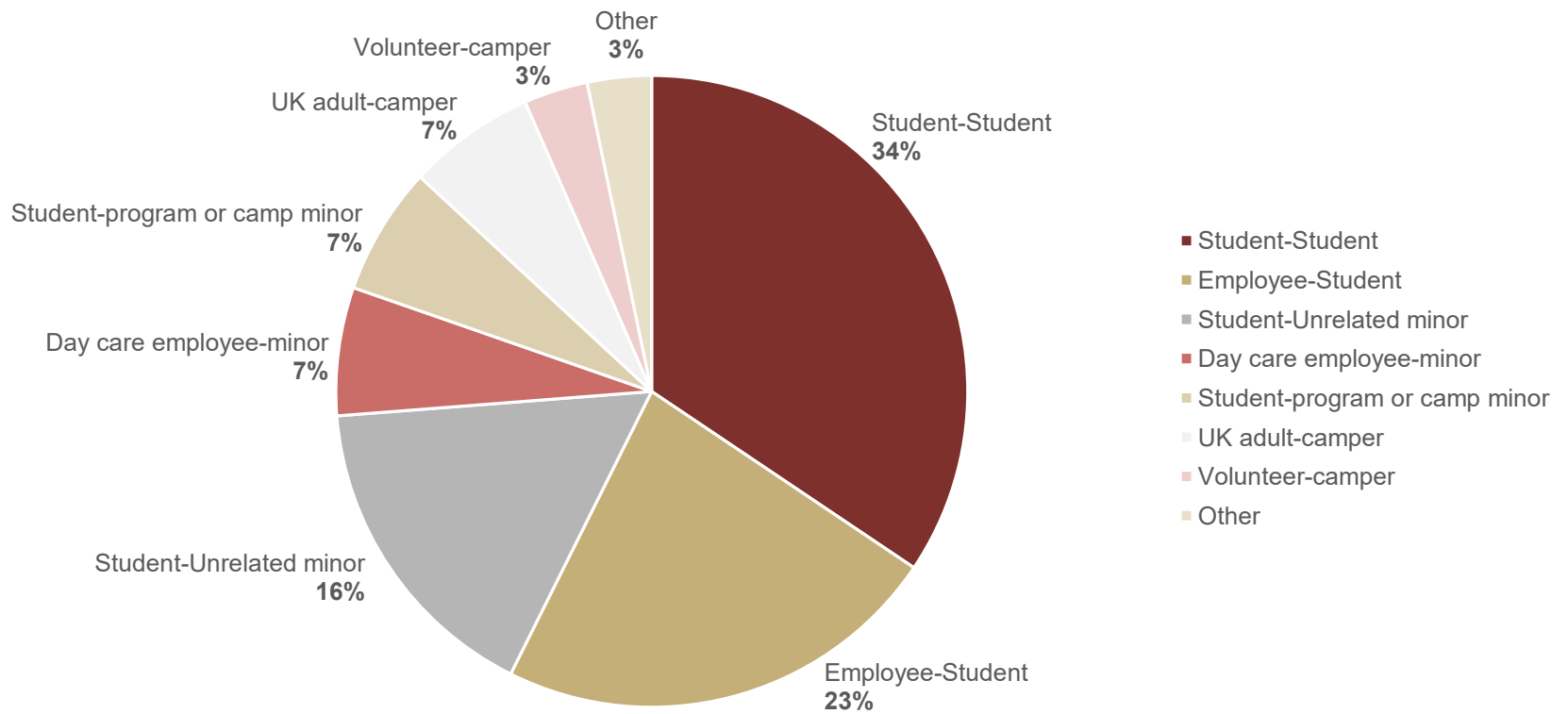
Protecting Minors on Campus From Sexual Misconduct

(UE checklist series)



- Surveying the Legal and Physical Landscape
- Sexual Misconduct Policies and Investigations
- Reporting and Addressing Suspected Misconduct
- Screening Employees and Volunteers
- Managing Campus Contractors and Student Educators
- Behavioral Standards for Interacting With Minors
- What Supervisors Should Know
- Training to Prevent Misconduct

UE Claims, 2013-2022



Written Policies and Procedures



- Are they clearly written and easily understandable?
- Are they accessible?
- Do they clearly identify:
 - Campus Security Authorities (CSAs) by role?
 - Title IX Coordinator(s), including name(s) and contact information?
 - “Responsible employees” (or similar term) under Title IX, by role?
 - “Mandatory reporters” under state law, by role?

Policies and Procedures (cont'd)



- Do they:
 - Explain the duties of each of those positions, including WHAT they need to report and to WHOM?
 - Outline the potential consequences of failing to report (both within your institution and under criminal law)?
 - Describe the type of conduct your institution prohibits and provide specific examples?
- How are your policies and procedures published, promoted and disseminated?

Screening (Employees, Volunteers, Students)



- Screening = background checks, applications/interviews, reference checks
- Work with legal counsel
- Standardize screening processes across campus
- Complete screening process before applicant begins work

Screening (cont'd)



- Background checks: Necessary but not sufficient
- Other important tools
 - Applications
 - Interviews
 - Reference checks
- Red flags
 - Anything that raises suspicion requires follow up
 - Consider what merits automatic (vs. discretionary) disqualification
- Establishing and following a thorough process likely results in some bad actors removing themselves from process (or avoiding your institution)

Training and Education



- Format (e.g., online vs. in-person)?
 - No single “right” answer
 - Relevant factors include institutional culture, number of people to be trained, level of direct access to minors
- Refresher training frequency?
- Document training and who attended/completed it

Training and Education (cont'd)



- Training CSAs, Responsible Employees, Mandatory Reporters
 - Review your policy so they understand WHAT they need to report and to WHOM
 - Review potential consequences of failing to report (institutional and criminal)
 - How to respond when anonymity/confidentiality requested
 - Clarify:
 - Make no judgments about truth of allegations
 - Don't attempt own investigation

Training and Education (cont'd)



- Training employees/volunteers/students working with minors
 - Review requirements of your policies/procedures; provide copies or links
 - Review reporting rules
 - Cover your standards of conduct, including (but not limited to):
 - One-on-one access to minors (e.g., prohibition or restrictions?)
 - Specific rules about physical contact (e.g., do you forbid hugging, tickling, wrestling?)
 - Electronic communication with minors (including email, text, social media friending)
 - Driving minors in vehicle
 - Inappropriate conversation topics with minors
 - Meeting with minors outside established program hours/activities

Training and Education (cont'd)



- Bystander Training
 - Knowledge of common warning signs in behavior of others (both perpetrators and victims)
 - One option: “Shine A Light” video
- Add’l Student Training (especially first years)
 - Orientation (before and after arrival on campus)
 - Cover your policy/state law regarding sexual contact with minors, including potential consequences for violation
 - Remind students some classmates may be under 18
 - Same principles apply to nonstudents (e.g., residence hall visitors) under 18



Q&A Session

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Other UE Resources (members only)



- **Protecting Children Course Collection for Higher Ed** <https://www.ue.org/risk-management/online-courses/collections/protecting-children-higher-ed/>
 - Boundary Training for Educators
 - Identifying and Reporting Sexual Misconduct
 - Hiring Staff Who Work with Minors
- **Webinar, Protecting Minors on Campus** <https://www.ue.org/risk-management/sexual-assault-and-misconduct/protecting-minors-on-campus-webinar/>
- **Checklist: Camps on Campus** <https://www.ue.org/risk-management/student-activities-and-organizations/camps-on-campus/>

Other UE Resources (available to all)



- **“Shine A Light” video** <https://www.youtube.com/watch?v=ii6GFUM5xg8>
- **Podcast, Assess Your Youth Protection Program** <https://www.ue.org/risk-management/sexual-assault-and-misconduct/assess-your-youth-protection-program/>
- **Podcast, Volunteer Management to Protect Minors From Sexual Misconduct** <https://www.ue.org/risk-management/sexual-assault-and-misconduct/protecting-minors-on-campus-webinar/> (featuring speakers from Cornell)
- **Member Spotlight, How the University of Oregon Ensures Compliance With Protection of Minors Policy** <https://www.ue.org/risk-management/sexual-assault-and-misconduct/university-of-oregon-protection-of-minors-policy/>
- **Insights, Minors as Visitors in Campus Housing** <https://www.ue.org/risk-management/compliance/minors-as-visitors-in-campus-housing/>

Higher Education Protection Network (HEPNet)

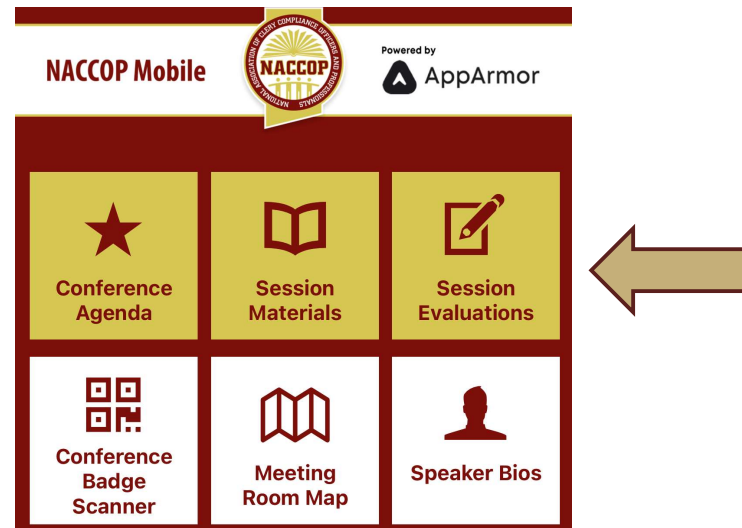


- <https://www.higheredprotection.org>
- Focuses on helping higher education institutions protect children and youth on campus or involved in campus programs
- Webinars, chat rooms, advice about best practices, links to research and other resources
- 2023 annual conference in October (University of Georgia)
 - Nonmembers can attend



Session Evaluation

1. Select the “Session Evaluations” button in the NACCOP Mobile App



2. Or, visit <https://www.surveymonkey.com/r/NACCOP2023> to evaluate this session.



Checklist Series

Protecting Minors on Campus From Sexual Misconduct

Educators are responsible for the well-being of minors on their campuses. United Educators (UE) developed this series of checklists to provide tips and best practices for establishing a comprehensive risk management program to protect children from sexual misconduct at colleges and universities.

Protecting Minors on Campus From Sexual Misconduct includes:

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Surveying the Legal and Physical Landscape

Understanding how a college interacts with children and the laws that apply to these interactions is an important first step for protecting children from sexual misconduct. As a property owner, an institution may be liable for injuries to minors on its premises. A college may also be liable for what occurs in programs it “sponsors” (organizes, supervises, or endorses) off-campus. To manage the relationship between minors and the institution, consider the following steps.

A. The Legal Landscape

Actions Needed

1. Has an attorney been consulted to determine, for all states and countries in which your institution operates:

- The definition of “minor”? Yes
 No

- Relevant laws pertaining to minors, such as those addressing:
 - Reporting suspected abuse and sexual misconduct to government officials? Yes
 No

 - Screening of employees and volunteers working directly with children? Yes
 No

 - Training of employees and volunteers working directly with children? Yes
 No

 - Disciplinary and other actions an institution must take if it determines sexual misconduct has occurred? Yes
 No

B. Identifying Minors on Campus and Participating in Institution Programs

1. Has your institution surveyed each of its departments to identify:

- Which off-campus institution-sponsored activities involve minors, such as study abroad programs or camps? Yes
 No

Actions Needed

- Which on-campus situations involve minors, such as:
 - Prospective students, siblings, or friends of current students who visit campus? Yes No
 - Children of faculty or staff who live on campus? Yes No
 - Children or friends who accompany employees to campus? Yes No
 - Day care centers? Yes No
 - Day and overnight camps or conferences? Yes No
 - Athletic programs, including use of facilities such as pools, playgrounds, or locker rooms? Yes No
 - Academic enrichment programs? Yes No
 - Tutoring or community service activities? Yes No
 - Research studies? Yes No
 - Special events such as field trips, community service projects, or graduation ceremonies? Yes No
- The number of minors involved in each activity or situation? Yes No
- The duration of the activity or situation, such as whether it is recurring or permanent? Yes No
- The name and contact information of the employee(s) or representative(s) overseeing the particular activity? [See Appendix A for a sample survey.](#) Yes No

C. Ongoing Survey and Management of Minors

1. To monitor and manage the presence of minors, does your institution:

- Require that institution-sponsored programs in which faculty, staff, volunteers, students, or contractors work directly with minors do the following prior to starting the program:
 - Register with the office enforcing the institution’s child protection policies? This office is often housed in Human Resources or with the college’s Title IX coordinator. Yes
 No
[See Appendix B for a sample registration form.](#)

- Identify all staff, faculty, volunteers, students, and contractors who work directly with minors? Yes
 No

- Screen all staff, faculty, volunteers, students, and contractors identified in accordance with the institution’s policies? Yes
 No

- Receive training on institution policies protecting minors? Yes
 No

- Prioritize its child protection efforts by focusing on activities that involve the largest number of minors or occur overnight, all day, or for a long period of time? Yes
 No

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE’s risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

Resources

[Gallagher Higher Education Practice: Managing the Risks of Minors on Campus](#)

[University of Souther California \(USC\): Protecting Minors Policy](#)

Appendix A

Survey of Campus and Off-Campus College-Sponsored Activities Involving Minors¹

Our institution is committed to protecting the health and safety of minors on our campus and off-campus in institution-sponsored programs. All of us within the community share this obligation. To ensure that we offer an environment in which individuals of all ages can live, learn, and work safely, we have undertaken a comprehensive survey of institution practices affecting minors involved in activities occurring on campus. To manage this process most effectively, we ask that your department or unit appoint a liaison to complete the following survey and provide information about any programs involving youth. Please send contact information for your unit's designated liaison to _____ (the project manager).

As a reminder, if you have a concern about any potentially inappropriate situations involving minors, please contact _____ (insert name of the appropriate official(s) such as campus police or local police for off-campus activities) immediately at _____ (insert contact information).

Name and brief description of the program involving minors:

Name of the director overseeing the program:

Location where the program occurs:

How many times during the past year did the program occur and what were the dates?

Hours of the program:

Number of minors participating in the program:

Age range of the minors participating:

Number of staff, volunteers, and contractors facilitating the program:

Describe the screening of staff, volunteers, and contractors facilitating the program:

What training was given to staff, volunteers, and contractors who facilitated the program? *(Please attach documents or materials that were used in this training including any policies or codes of conduct that apply to interactions with children.)*

What would you do to improve the safety of minors participating in this program?

¹ is based upon a survey used by the University of California at Los Angeles.

Appendix B

Registration of College Programs and Activities Involving Minors

Department Name: _____

Department Head Name: _____

Office Extension: _____

Email Address: _____

Description of Activity/Program and Minors' Participation:

Dates of Activity/Program: _____

Age Range of Minors Participating: _____

Will Minors Stay Overnight? Yes No

Estimated Number of Minors Participating: _____

Position Title of Those Who Will Supervise or Accompany Minors: _____

Ratio of Supervisors to Minors: _____

Signatures

Department Head: _____

Vice President/Dean: _____

Please send the completed and signed form to the Office of Human Resources at least 30 days prior to the first scheduled date of participation by minors.

Sexual Misconduct Policies and Investigations

Sexual misconduct against minors, whether perpetrated by college employees, volunteers, contractors, or students, is a form of discrimination covered by Title IX, the federal statute prohibiting discrimination on the basis of sex at educational institutions receiving federal funds.

Title IX requires that institutions implement a nondiscrimination policy and select a Title IX coordinator and investigator. By meeting the following requirements, an institution is taking important steps toward effectively preventing and responding to sexual misconduct.

A. Nondiscrimination Policy

Actions Needed

1. Does your institution have a written policy that:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| • States that the institution does not discriminate on the basis of sex in its education programs and activities? | <input type="radio"/> Yes
<input type="radio"/> No |
| • States that it is required by Title IX not to discriminate in such a manner? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Establishes that sexual assault includes sexual misconduct involving minors and that each is a type of sex discrimination? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Defines and prohibits sexual assault (which is a form of sexual violence) and sexual harassment (which includes sexual violence)? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Includes examples of conduct prohibited by the policy? | <input type="radio"/> Yes
<input type="radio"/> No |
| • States that questions about Title IX can be directed to the Title IX coordinator or to OCR? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Includes the Title IX coordinator's name or title, office address, telephone number, and email address? | <input type="radio"/> Yes
<input type="radio"/> No |
| • States the responsibilities of each Title IX coordinator (if there are multiple)? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Includes an alternate person to handle complaints in case a designated handler is the alleged perpetrator? | <input type="radio"/> Yes
<input type="radio"/> No |
| • Applies to sexual assault or sexual misconduct involving minors that occurs outside a school program, if the conduct negatively affects a victim's school experience or the overall school environment? | <input type="radio"/> Yes
<input type="radio"/> No |

2. Is the written policy disseminated to:

- Students? Yes
 No

- Administrators, faculty or teachers, and other employees? Yes
 No

- Applicants for admission? Yes
 No

- Applicants for employment? Yes
 No

3. Is your institution's policy available:

- On the school website? Yes
 No

- In hard copy at multiple campus locations? Yes
 No

- In both printed and electronic publications, including student handbooks, codes of conduct, and catalogs? Yes
 No

4. If separate nondiscrimination policies exist, are they cross referenced and linked on the institution's website or intranet?

- Yes
 No

B. Title IX Coordinator

1. Has your college designated at least one Title IX coordinator?

- Yes
 No

2. If you have multiple Title IX coordinators, do you make clear that one person is the senior coordinator and others have deputy or supporting roles?

- Yes
 No

3. Have you ensured that your Title IX coordinator's regular job duties do not create a conflict of interest (for example, individuals who decide student or employee discipline cases may have a conflict)?

- Yes
 No

4. Does your Title IX coordinator(s) have training in, or experience with:

- Warning signs of sexual misconduct, including strategies used by perpetrators and behaviors exhibited by child victims? Yes
 No

- Your institution's child protection policies? Yes
 No

- Federal and state child protection-related laws such as mandatory reporting laws? Yes
 No

- Federal and state nondiscrimination laws? Yes
 No

- Your institution's nondiscrimination policy? Yes
 No

5. Does your Title IX coordinator(s):

- Investigate or oversee the investigation of all incidents of alleged sexual misconduct or other inappropriate behavior involving minors? Yes No

- Ensure that consistent standards and practices apply to all such investigations? Yes No

- Identify and address patterns or systemic problems? Yes No

- Make it clear that they are available to meet with those who believe sexual misconduct or other inappropriate behavior involving a minor has occurred? Yes No

- Assist campus security or law enforcement as needed? Yes No

- Review or oversee college activities involving minors to ensure compliance with institution policies? Yes No

- Keep a confidential log of complaints to help identify students, employees, contractors, or volunteers who are the subject of multiple complaints of sexual assault or misconduct? Yes No

C. Investigators

- 1. Has your institution selected at least one individual to investigate every complaint or reasonable suspicion of sexual misconduct involving minors?** Yes No

- 2. If an investigator is not available or has a conflict of interest, can your institution arrange for an alternate investigator?** Yes No

- 3. To ensure that your institution has selected and trained the most appropriate individuals to conduct investigations, are your investigators:**
 - Fair, trusted, and independent? Yes No

 - Objective, with no stake in the outcome of the investigation? Yes No

 - Impartial, with no supervisory authority over any party? Yes No

 - Trained or experienced in investigating allegations of sexual misconduct involving minors and the institution’s grievance procedures? Yes No

4. Is the investigator knowledgeable about:

- Title IX? Yes
 No

- State and federal nondiscrimination and child protection laws? Yes
 No

- The institution’s child protection policies? Yes
 No

- The Campus SaVE Act? Yes
 No

- Overlap between Title IX, Title VII, and other applicable laws or regulations? Yes
 No

- Services and resources available to minors affected by sexual violence? Yes
 No

- The rights of unionized employees under collective bargaining agreements? Yes
 No

5. Is the investigator skilled in:

- Discussing difficult topics such as sexual practices and intimate physical details without judgment or awkwardness? Yes
 No

- Communicating with all types of minors and levels of employees? Yes
 No

- Fairly investigating allegations regardless of a person’s prominence, such as a well-known student or high profile employee? Yes
 No

- Testifying competently in legal proceedings? Yes
 No

6. If the institution does not have a qualified internal investigator, does it contract with an external investigator who has the qualities listed above? Yes
 No

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE’s risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

Reporting and Addressing Suspected Misconduct

To ensure a safe campus environment, institution officials must be notified about potential sexual misconduct involving minors that occurs in connection with institution activities. Timely reporting of suspected abuse will help an institution fulfill its legal obligations and reduce its liability exposure by enabling it to respond reasonably to a campus risk. States require all or certain employees of educational institutions to report suspected child abuse and neglect. Some states go further and require any person who suspects child abuse or neglect to make such reports.

A. Policies

Actions Needed

1. Does your institution have a written policy that:

- Defines:
 - Minors or children, such as individuals under 18 years old? Yes No
 - Behavior that constitutes “sexual abuse” or “misconduct?” Yes No
 - Scope of application, such as all on-campus activities and college-sponsored activities off campus? For sample language, please see the policies in the [Resources](#) section. Yes No
- Requires all faculty, staff, students, volunteers and others affiliated with the college to report suspected sexual misconduct involving minors as soon as possible to:
 - State-designated authorities? Yes No
 - Institution officials trained to receive such reports, such as the Title IX coordinator or campus police? Yes No
- Provides contact information, such as a telephone number, for the:
 - Institutional and state departments or representatives charged with receiving reports of suspected sexual misconduct, or other forms of child abuse or neglect? Yes No
 - Institutional department or person that can field questions about reporting obligations? Yes No
- Explains any differences between the state’s mandatory reporting laws and the institution’s reporting policy? Yes No

- States that a failure by any member of the college community to provide a timely report of suspected misconduct involving minors may result in discipline up to and including termination or removal from the program? Yes No

- Prohibits retaliation against anyone making a good faith report? Yes No

B. Addressing Reports

To encourage reporting, an institution should articulate how it will respond to reports received. Studies show that reporters are more likely to come forward with information when they believe information will be taken seriously and acted upon.

1. Once a report is received, does your institution:

- Have a written policy to address notifying:
 - Parents or guardians of the alleged victim? Yes No

- The Title IX coordinator? Yes No

- Campus police? Yes No

- The college's legal counsel? Yes No

- The person or department overseeing the activity where the complaint arose? Yes No

- The college's head of compliance? Yes No

- Local police? Yes No

- State or local child protection authorities? Yes No

- The institution's liability insurance carrier? Yes No

- Investigate the report? Yes No

- Take immediate steps to prevent further harm to the alleged victim or other minors such as removing the alleged abuser from the program or activity or limiting that individual's contact with minors pending resolution of the matter? Yes No

- Resolve the report so that minors, victims, and the accused are treated fairly and impartially by the institution's process? Yes No

Resources

[Georgetown University: Protection of Minors Policy](#)

[University of Notre Dame: Protection of Children Policy](#)

[University of Connecticut: Protection of Minors and Reporting of Child Abuse and Neglect Policy](#)

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE's risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

Screening Employees and Volunteers

Establishing practices for screening applicants for volunteer or paid positions with access to children helps ensure that suitable individuals fill these roles. In fact, many states require screening of adults working with children in a paid or unpaid capacity. Generally, screening levels should increase in accordance with the employee or volunteer's level of access to children. While all employees or volunteers with access to children should receive some screening, the following recommendations are focused on college employees or volunteers with *regular or unsupervised access to children*.

A. Legal Issues

Actions Needed

Has your institution worked with its attorney to:

- Comply with any laws requiring screening of employees and volunteers working with children? Yes No
- Understand any laws, collective bargaining agreements, or institution policies that affect the ability to conduct background checks and potentially disqualify applicants? Yes No
- Follow the federal Fair Credit Reporting Act and state credit reporting laws in conducting checks? Yes No
- Develop a process for documenting its screening practices? Yes No

B. Screen Before Placement

1. Does your institution complete all screening procedures before hiring or placing an applicant in a position with access to children?
If you answered "yes," please skip the next question. Yes No
2. If applicants start work before the screening process is complete, do you:
 - Prohibit the applicants from being alone with a child by having another adult present at all times pending completion of the screening? Yes No
 - Document the institution's explicit right to terminate the employee or remove the volunteer if the screening reveals adverse information? Yes No

C. Background Checks

1. **When conducting a background check prior to granting employees or volunteers access to minors, does your institution:**
 - Check federal, state, and county criminal records in all jurisdictions where the applicant has lived during the past seven years (often cited as an industry standard) or the amount of time permitted under state law? Yes
 No
 - Conduct a sex offender registry check using the U.S. Department of Justice’s [national sex offender registry](#), a free resource? Yes
 No
 - Verify residence history for the past seven years or the amount of time permitted under state law? Yes
 No
 - Search the applicant’s name and other identifying information on the Internet using a common search engine such as Google? Yes
 No

2. **Does your institution:**
 - Periodically (for example, every two to three years) recheck the criminal backgrounds of employees and volunteers who have regular or unsupervised access to children? Yes
 No
 - Direct employees and volunteers to notify the institution if they are convicted of an offense, if permissible under state law? Yes
 No

D. Application

1. **Does your institution’s written application for paid and volunteer positions:**
 - Ask applicants about (if legally permissible):
 - Prior criminal convictions? Yes
 No
 - Pending criminal charges? Yes
 No
 - Disciplinary action by professional licensing organizations? Yes
 No
 - Removal from any paid or unpaid position arising from allegations of misconduct? Yes
 No
 - Places of residence? Yes
 No
 - Suitable references, such as employers, schools, and volunteer or charitable organizations? Family members of the applicant are not suitable. Yes
 No

- Granting authorization to:
 - Conduct a criminal background check? Yes
 No
 - Contact any individuals or organizations listed on the application to verify and release information? Yes
 No
- Waiving any legal action arising from the checking or giving of references? Yes
 No
- Notify applicants that their employment or placement is conditional upon the satisfactory completion of background and reference checks?
For a sample application, please see [Appendix A](#). Yes
 No

E. Reference Checks

1. When checking references for paid and volunteer positions with access to children, does your institution:

- Follow the same procedures whether the position is paid or unpaid? Yes
 No
- Check with the reference by telephone unless the person asks to answer the questions in writing? Yes
 No
- Use open-ended questions to probe the applicant’s suitability to work with children, such as:
 - How would you describe the applicant’s personal characteristics, such as maturity, decisiveness, and assertiveness? Yes
 No
 - Have you observed the applicant working with children?
What were your impressions? Yes
 No
 - Do you have any concerns about the applicant working directly with or supervising children? Yes
 No
 - To your knowledge, has it ever been alleged that the applicant engaged in improper conduct with children? Yes
 No
 - Are you aware of any conditions or problems that may interfere with the applicant’s ability to serve in the position? Yes
 No
- Create a written record of reference checks that includes any notes showing the questions asked and the answers given. Yes
 No

F. Interviews

- When conducting personal interviews, does your institution ask questions similar to the following to determine whether the individual has difficulty in developing adult relationships or exhibits an excessive interest in developing personal relationships with children? For example:**

 - Why are you interested in working with children? Yes
 No
 - How would you describe yourself? Yes
 No
 - Why do you enjoy working with children? Yes
 No
 - What about this position appeals to you? Yes
 No
 - How would you respond to a situation involving potential sexual misconduct or abuse of the children you interact with? Yes
 No
- During the interview, does your institution discuss its policies on child safety and emphasize that it has zero tolerance for sexual misconduct?**

 Yes
 No

G. Red Flags and Disqualification Criteria

Red Flags

- Does your institution consider the following information about an applicant a “red flag” or suspicious:**

 - Unexplained gaps in the applicant’s personal or employment history? Yes
 No
 - Unstable employment or residence history; frequent changes of residence or transfers? Yes
 No
 - Failure to list contact information for supervisors at previous jobs or volunteer positions? Yes
 No
 - Other incomplete or inaccurate information? Yes
 No
 - Excessive interest in developing one-on-one relationships with children? Yes
 No
 - Difficulty in maintaining meaningful adult relationships or low self-esteem? Yes
 No

2. When a red flag appears, does your institution review information gained from other screening practices, such as the application, criminal background check, or personal interview, to verify or reduce the concern? Yes No
-
3. When concern over a red flag is not reduced by the information gathered from other screening practices, does your institution decline the applicant for a position with access to children? Yes No

Automatic Disqualification

1. Does your institution automatically disqualify candidates if they:
- Fail to complete the screening process? Yes No

 - Have a history of sexual misconduct with children? Yes No

 - Have a conviction for any crime involving children in which the underlying facts demonstrated misconduct or abuse? Yes No

 - Have a history of violence? Yes No

 - Were terminated for cause because of misconduct with a child? Yes No

 - Provide false information during the screening process? Yes No

Discretionary Disqualification

1. When deciding whether to disqualify a candidate for other types of misconduct or adverse information discovered during the screening process, does your institution:
- Review the:
 - Relationship between the prior misconduct and the services the applicant will provide? Yes No

 - Applicant’s employment or volunteer history before and after the misconduct? Yes No

 - Applicant’s efforts and success at rehabilitation? Yes No

 - Circumstances or factors indicating whether the misconduct is likely to be repeated? Yes No

 - Nature, severity, number, and consequences of incidents of misconduct? Yes No

 - Circumstances surrounding each incident, including contributing societal or environmental conditions? Yes No

- Age of applicant at time of the incident? Yes
 No

- Amount of time elapsed since the incident? Yes
 No

- Consult with professionals, such as legal counsel or a Human Resources expert, before making a decision to disqualify? Yes
 No

H. Probationary Periods

1. For newly placed employees or volunteers with access to minors, has your institution considered a three- to six-month probationary period? Yes
 No

2. If yes, does your institution document employee and volunteer compliance with child safety rules during the probationary period? Yes
 No

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE's risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

Appendix A

Sample Volunteer Application Form

This sample application demonstrates many points raised in the checklist. However, it is not designed to comply with your state's laws. This application provides general information, and institutions should not use or rely on it without seeking the advice of an attorney.

[Institution name] takes seriously its obligation to provide a safe environment for everyone involved in youth activities. [Institution name] will conduct a records check of volunteer applicants and periodic follow-up checks of continuing volunteers with [applicable state and federal entities] to help ensure a safe environment for the youth participants. Information obtained may disqualify you.

Full Name _____

Address _____

Phone Number _____

Driver's License Number _____

Date of Birth _____

* Social Security Number _____

Male

Female

I am applying to be a volunteer and acknowledge and understand that, through this application, my record will be checked.

1. Have you been a full-time resident in [state name] during the past 7 years?

Yes

No

If "no" to above, list other address(es), including county and state, of residence(s) during the past 7 years:

If you have not lived in [state name] during the past 7 years, please list 3 people (not relatives) who can comment on your work with youth:

Name _____

Relationship to You _____

Phone _____

Address _____

Name _____

Relationship to You _____

Phone _____

Address _____

Name _____

Relationship to You _____

Phone _____

Address _____

2. Has your driver's license been suspended or revoked within the last 10 years?

Yes

No

3. Have you been convicted of a crime involving a minor (including a deferred imposition of sentence)?

Yes

No

4. Have you used or been known by any other names, e.g., maiden name, previous marriage, or legally changed name?

Yes

No

If "yes," what names have you used?

I acknowledge and agree that I or [institution name] may terminate the volunteer agreement at any time. I certify to the best of my knowledge that these responses are true and complete. I hereby authorize [institution name] to conduct a police and court investigation of my background.

Signature _____

Date _____

* The Privacy Act of 1974 (5U.S.C.552A) requires that an agency provide the following notice to each individual whom it asks to supply a Social Security number: 1. The authority for requesting and using your Social Security number here is found in 20 U.S.C. section 1232g. 2. Disclosure of the Social Security number is voluntary; however, failure to provide the number may result in denial of the application. 3. The Social Security number will be used for any and all necessary and usual identification and reference purposes associated with your application and continuation as a volunteer in a (insert institution's name) program.

Managing Campus Contractors and Student Educators

Contractors and student educators frequently interact with or have access minors on campus. This creates risks that must be regularly assessed and managed.

Higher education institutions commonly contract with outside parties to provide or receive services. For example, a vendor may provide security services to an institution, or a local organization may rent a college's facilities. Contractors may have access to children and pose a risk for sexual misconduct in campus-based or affiliated programs. Complete the [managing contractors checklist](#) below to manage this risk.

Many colleges offer internships, practicums, and community service programs providing opportunities for students to work directly and indirectly with children. While these programs present invaluable work experience, there are also risks. To best manage the risk of sexual misconduct by a student educator, an institution should consider the practices in [managing student educators checklist](#) below.

A. Managing Contractors

The following practices are recommended for contractors with regular or unsupervised access to minors. But compliance may not be possible in every situation. For example, a contractor may not be able to purchase insurance covering sexual misconduct. When these requirements cannot be met, an institution should:

- Assess the risk, understanding that the longer the contract duration, the greater the risk and the need to meet these recommendations.
- Determine whether additional mitigating actions can be taken to reduce the risk. For examples of actions that could be taken, see the “mitigating actions” section on [the third page of this checklist](#).
- Decide whether the institution is comfortable assuming the risk.

Identifying Contractors With Access

1. **Has your institution educated the departments or individuals charged with reviewing campus contracts, such as General Counsel, Risk Management, or Procurement, about the need to identify activities that involve minors?**
 Yes
 No

Actions Needed

2. Does your institution require individuals or departments charged with reviewing campus contracts to:

- Notify the office enforcing the institution’s child protection policies of situations in which contractors will have access to children? Yes
 No

- Provide details about the program or activity involving minors to the office enforcing the institution’s child protection policies? Yes
 No

Contract Requirements

1. When a contractor or its representatives will have regular or unsupervised access to minors, does your institution’s written contract state that:

- The contractor, and each of its representatives, employees, and volunteers, as appropriate, must:
 - Comply with the institution and the state’s background check requirements? Yes
 No

 - Receive a copy of the institution’s child protection-related policies, such as those addressing reporting suspected misconduct, nondiscrimination, and code of conduct for interacting with minors? Yes
 No

 - Comply with the institution’s child protection-related policies as referenced in the contract? Yes
 No

 - Acknowledge that they have received and read the institution’s relevant child protection policies? (See [Appendix](#) for a sample acknowledgement form). Yes
 No

 - Complete any institution-required training on protecting children? Yes
 No

 - Any violation or suspected violation of the institution’s child protection-related policies is grounds for terminating the contract and may trigger certain penalties? Yes
 No

Indemnification Requirements

- 1. Does the contract contain language addressing how the institution and the contractor will share responsibility for claims or losses arising out of the contract, also known as an indemnification, risk allocation, hold harmless, or release of liability clause? (Please skip the next two questions if you answered “no.”) Yes
 No

- 2. Has your institution consulted with its general counsel to draft or review the indemnification provision? Appropriate indemnification language varies by jurisdiction. Yes
 No

- 3. Does the indemnity provision prevent the institution from being responsible for the contractor’s negligent or intentional actions arising out of sexual misconduct involving a minor? Yes
 No

Insurance Requirements

1. **When any individual associated with the contractor, such as an employee or volunteer will have regular or unsupervised access to minors, does your institution’s written contract state that:**
 - The contractor will carry primary and excess insurance coverage for:
 - Acts of sexual abuse or molestation committed by its representatives, employees, or volunteers? Yes No
 - An amount of at least \$1 million per occurrence with a \$2 million aggregate amount for the policy period? Yes No
 - The contractor will provide the institution a certificate of insurance demonstrating its sexual abuse and molestation coverage? Yes No
 - The contractor will provide the institution a copy of its insurance policy demonstrating there is sexual abuse and molestation coverage? Yes No
 - The college will be named as an additional insured on the contractor’s general liability policy or, if written as a separate coverage, on the sexual abuse and molestation policy? Yes No

Mitigating Actions

1. **If a contractor cannot meet the above contract, indemnity, or insurance requirements, has your institution considered other mitigating actions such as:**
 - Imposing more stringent behavior requirements on the contractor, its representatives, employees, or volunteers, such as prohibiting unsupervised access to minors by requiring two or more individuals when in the presence of minors? (The contractor should be able to reasonably enforce any behavior requirements imposed.) Yes No
 - Imposing more stringent background check and screening requirements on the contractor, its representatives, employees, or volunteers? Yes No
 - Paying for the contractor’s sexual misconduct liability insurance coverage? Yes No
 - Requiring the contractor, its representatives, employees, or volunteers to undergo sexual misconduct awareness training? Yes No

B. Managing Student Educators

Screening

1. **When screening student educators, does your institution:**
 - Comply with all state and federal laws addressing screening requirements for student educators? Yes No

- Require that student educators are screened using the same or similar standards as those used for employees working regularly or unsupervised with minors? Yes No

- Require that student educators adhere to a code of conduct that is the same or similar to the standards required for its employees working regularly or unsupervised with minors? Yes No

- 2. **Does your institution clarify to student educators how they will be supervised and evaluated during the program? For example, student educators should understand to what extent they will be supervised and evaluated by the host school and your college.** Yes No

Affiliation Agreements

1. **Does your institution have a written affiliation agreement with the host school or district addressing:**
 - The objectives and responsibilities of the student educators participating in the program? Yes No

 - Who will orient student educators about the host school's policies, procedures, and facilities? Yes No

 - Whether the student educator is an employee, agent, or representative of the host institution or your institution? Yes No

 - The reasons for which a student educator may be removed or dismissed from the program? Yes No

 - The party responsible for claims or losses that may arise out of the activities of the program (through an indemnification or hold harmless clause)? Yes No

 - Which parties' insurance would cover losses or claims that may arise out of the activities of the program? Yes No

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE's risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

Resources

- [Improving Contracting on Campus: Allocating Risks Between Parties](#)
- [University of Alabama: Child Protection Addendum to Contract](#)
- [Gallagher Higher Education Practice: Managing the Risks of Minors on Campus](#)

Sample Acknowledgement of Compliance With the Institution’s Child Protection Policies

By signing my name below, I agree, certify, and acknowledge the following:

- That I have been provided with a copy of [institution name’s] policies for reporting suspected child abuse and misconduct and nondiscrimination policy [include a web link to the policies].
- That I have read the above policies, which include the procedures for reporting suspected or observed child abuse or neglect.
- That I have completed [institution name’s] training program for protecting children in [program name].
- That I fully understand the requirements of [institution name’s] child protection policies as well as my responsibilities under it.
- That I agree to abide by and comply with the [institution name] child protection policies at all applicable times.
- That I understand that these may be changed, withdrawn, added to, or interpreted at any time at the institution’s discretion and without prior notice to me.
- That [institution name] will not tolerate abuse or neglect of children, and I agree to comply in spirit and in action with this position.

Signature _____ Date _____

Printed Signature _____ Date of Birth _____

***Below should also be completed by the parent or guardian of anyone age 18 or younger:**

By my signature, I certify that I have read and understand the policy. My signature also confirms that I do not know of any reason why my child should not interact with other children. My child does not demonstrate any signs of being a potential risk to children.

Parent/Guardian Signature _____ Date _____

Printed Signature _____

Behavioral Standards for Interacting With Minors

Pedophiles and other adults seeking an improper relationship look for opportunities to be alone with children. Some may groom victims by testing their ability to keep secrets and their response to increasing physical contact. Establishing clear behavioral and supervisory standards for adults interacting with minors can reduce opportunities for misconduct and address inappropriate behavior early. An institution should consider the following guidelines for employees, volunteers, contractors, and other adults interacting with minors on campus or in connection with an institution-sponsored program.

A. Preventing One-on-One Access to Minors

Actions Needed

1. For institution-sponsored or on-campus programs involving minors, does your institution:

- Meet or exceed the minimum requirements under state law for staff-to-child ratios? Yes No
- Discourage employees, volunteers, and contractors from one-on-one contact with minors? For example, some institutions require the presence of at least two adults during activities where minors are present. Yes No
- Prohibit employees, volunteers, and contractors from:
 - Taking a child without another adult to private areas, such as bathrooms, locker rooms, storage closets, athletic training rooms, hotel rooms, or personal vehicles? Yes No
 - Having direct electronic contact with minors without another employee, volunteer, or contractor included in the communication? Yes No
 - Sleeping in the same room overnight with minors unless the minors' parents or guardians are also present? Yes No
 - Driving children in a car unless specifically authorized in writing by the minor's parent or legal guardian? Yes No
 - Taking a minor into the educator's home, unless the minor's parents or guardians are present? Yes No
- Require adult employees, volunteers, and contractors to:
 - Inform a program supervisor before moving children out of the program area or to a different location on or off campus? Yes No

• Use separate bathrooms, locker rooms, and showers from minors or if separate facilities are not available, schedule separate usage times? Yes No

• Release minors only to an authorized parent, legal guardian, or other adult specifically authorized by the custodial parent or guardian and only after confirming their identification? Yes No

B. Interacting With Minors

1. Does your institution prohibit adult employees, volunteers, and contractors from:

• Striking, hitting, engaging in abusive conduct, or administering corporal punishment to minors or in their presence? Yes No

• Massaging, kissing, tickling, or wrestling with minors? Yes No

• Touching minors in an illegal manner or in a manner that a person could reasonably interpret as inappropriate? Generally, touching should be in the open and for a clear educational, developmental, or health-related purpose. Yes No

• Providing minors with alcohol or illegal drugs? Yes No

• Being under the influence of alcohol or illegal drugs while supervising minors? Yes No

• Making sexual materials, in any form, available to minors or helping minors gain access to such materials? Yes No

• Using vulgar language or engaging in sexual talk with minors? Yes No

• Undressing or showering with minors? Yes No

• Taking pictures of minors in the program unless their parent or legal guardian has signed a waiver allowing use of photography for program-related purposes? Yes No

• Sharing gossip or inappropriate personal information, such as dating or relationship history, with minors? Yes No

• Giving their home or cell phone number to minors without receiving permission from their parent or guardian? Yes No

• Meeting with minors outside of established times for program activities? Yes No

• Communicating with minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media unless there is an educational or programmatic purpose for the communication? Yes No

- Giving gifts over a nominal value to minors? Yes
 No

- Dressing provocatively or inappropriately? Yes
 No

C. Supervising Interactions Between Minors and Employees, Volunteers, and Contractors

1. To enforce the institution’s behavioral standards for interacting with minors, does your institution:

- Require that supervisors:
 - Receive training on the institution’s child safety practices or policies? Regardless of length of service, monitor all employee, volunteer, or contractor interactions with children? Yes
 No

 - Make periodic unannounced visits at activities involving minors to observe whether behavioral standards are being followed? Yes
 No

 - Document specific observations about how those under their supervision interact with children? Yes
 No

 - Correct and provide prompt feedback to employees, volunteers, or contractors regarding their adherence to child safety practices and policies? Yes
 No

 - Stop any activity with a child that appears suspicious? Yes
 No

 - Discontinue an adult’s participation in activities or programs involving minors, if inappropriate behavior is suspected or alleged? Yes
 No

 - Require that employees, volunteers, and contractors report suspected violations of child safety practices and policies? Yes
 No

 - Train relevant members of the campus community about how to report suspected violations of the college’s child safety practices and policies? Yes
 No

 - Encourage parents or legal guardians of minors to report any suspected violations of the college’s child safety practices and policies? Yes
 No

By **Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting**. Alyssa oversees the development of UE’s risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.

What Supervisors Should Know

Supervisors of employees who work with minors are often uniquely poised to prevent child sexual misconduct. School policies often identify supervisors as recipients of misconduct reports, and their employees may work directly or indirectly with children. For these reasons, supervisors of employees who have regular or unsupervised access to minors should understand institutions' reporting practices and potential warning signs for child sexual misconduct.

A. Screening Employees and Volunteers

Actions Needed

1. When interviewing job candidates, do you ask questions to determine whether the individual has difficulty in developing adult relationships or exhibits an excessive interest in developing personal relationships with children such as:

• Why are you interested in working with children? Yes No

• How would you describe yourself? Yes No

• Why do you enjoy working with children? Yes No

• What about this position appeals to you? Yes No

• How would you respond to a situation involving potential sexual misconduct or abuse of the children you interact with? Yes No

2. During the interview, do you discuss your institution's policies on child safety and emphasize that it has zero tolerance for sexual misconduct? Yes No

3. Do you consider the following information about an applicant a red flag or suspicious:

• Unexplained gaps in the applicant's personal or employment history? Yes No

• Unstable employment or residence history, resignations, or frequent changes of residence or transfers? Yes No

• Failure to list contact information for supervisors at previous jobs or volunteer positions? Yes No

- Other incomplete or inaccurate information? Yes
 No

- Excessive interest in working with specific age groups or developing one-on-one relationships with children? Yes
 No

- Difficulty in maintaining meaningful adult relationships or low self-esteem? Yes
 No

- 4. If you are not the hiring manager, do you submit red flags to the hiring manager for further investigation? Yes
 No

B. Behavioral Standards for Interacting With Minors

1. When supervising employees, volunteers, or contractors who work with minors, do you:
 - Make periodic unannounced visits at activities involving minors to observe whether behavioral standards are being followed? Yes
 No

 - Document specific observations about how those under your supervision interact with children? Yes
 No

 - Correct and provide prompt feedback to employees, volunteers, or contractors regarding their adherence to child safety practices and policies? Yes
 No

 - Stop any activity with a child that appears suspicious? Yes
 No

 - Discontinue an adult’s participation in activities or programs involving minors if inappropriate behavior is suspected or alleged? Yes
 No

2. Do you consider the following behaviors from an adult a red flag or suspicious:
 - Excessive interaction with a particular student that goes beyond the requirements of an educator’s position? Yes
 No

 - Violation of rules and policies on interactions with children or teens? Yes
 No

 - Excessively touching or hugging a student? Yes
 No

 - Flirtatious behavior, telling sexy jokes, or sharing secrets with a student? Yes
 No

 - Sexual comments about a student? Yes
 No

 - Consistently crossing boundaries, such as offering car rides to students? Yes
 No

C. Reporting and Addressing Suspected Misconduct

1. If you suspect an employee, volunteer, or contractor you supervise has perpetrated sexual misconduct against a minor, do you:

- Follow your institution’s reporting policy, which may include informing:
 - The Title IX coordinator? Yes No

 - Campus police? Yes No

 - The institution’s legal counsel? Yes No

 - The institution’s head of compliance? Yes No

 - The institution’s protection of minors officer? Yes No
- Follow any applicable state or local laws, which may include informing:
 - The police? Yes No

 - State or local child protection authorities? Yes No

 - Take immediate steps to prevent further harm to the alleged victim or other minors, such as removing the alleged abuser from the program or activity or limiting that individual’s contact with minors pending resolution of the matter? Yes No

By **Melanie Bennett, Esq., ARM-E, Senior Risk Management Counsel**. In her role on UE’s Risk Research team, Melanie dives into timely topics affecting education. Her areas of expertise include pandemic response, protecting minors, enterprise risk management (ERM), and technology accessibility. Prior to joining UE, she interned at the U.S. Department of Education’s Office for Civil Rights.

Training to Prevent Misconduct

Training members of the campus community about sexual misconduct involving children is critical for preventing its occurrence and reducing an institution’s liability. Increasingly, state and federal regulations mandate that institutions train on sexual misconduct and harassment. The Campus Sexual Violence Elimination (“SaVE”) Act, which is part of the Reauthorization of the Violence Against Women Act of 2013 (“VAWA”), advises that training should “promote awareness of rape, acquaintance rape, and domestic violence, dating violence, sexual assault, and stalking.” Colleges should consider the following recommendations for identifying and adequately training those who are likely to make or receive reports of potential misconduct.

A. Employees, Volunteers, Students, and Contractors

Actions Needed

1. Before employees, volunteers, students, and contractors with direct access to children in on-campus or institution-sponsored programs can work directly with minors, does your institution mandate training on:

- The institution’s child-protection-related policies, including its:
 - Nondiscrimination policy, which identifies the institution’s Title IX coordinator and prohibits sexual assault and other forms of discrimination on the basis of sex? Yes No
 - Reporting obligations for “responsible employees,” including: the person to whom misconduct must be reported, information to include in reports (such as names, dates, locations, and all other known relevant information), consequences for failing to report, and the procedure for responding to student requests for confidentiality? Yes No
 - Behavioral standards for interacting with minors, such as limiting one-on-one access to children and other guidelines for maintaining healthy boundaries in adult-child relationships? Yes No
 - The jurisdiction’s [state] definitions of mandatory reporters, sexual assault, and stalking? Yes No
- Practical information for identifying, preventing, receiving reports, and reporting sexual misconduct involving minors, including same-sex misconduct, such as:
 - Bystander attitudes that may allow misconduct to continue? Yes No
 - Safe and positive options that a bystander can take to prevent harm or intervene when there is a risk of sexual assault or stalking against another person? Yes No

Actions Needed

<ul style="list-style-type: none"> The potential for victimization by responders, and its effect on students? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Appropriate ways to respond to a student who may have experienced sexual violence, including use of nonjudgmental language? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> The impact of trauma on child victims? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Federal requirements to advise children who reveal incidents of sexual violence about the: <ul style="list-style-type: none"> Employee's obligation to report incidents to the Title IX coordinator? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Child's option to request confidentiality? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Support services available to the child? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Child's right to file both a Title IX complaint with the school and report a crime to campus or local police? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> The prevalence of sexual misconduct involving minors in educational settings? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Consequences of engaging in sexual misconduct including termination, dismissal, expulsion, and criminal sanctions? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Strategies used by perpetrators, such as: <ul style="list-style-type: none"> Gaining access to children through youth-focused activities and organizations? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Selecting children who have low self-esteem, are weak academically, or come from troubled families? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Indoctrinating children through a system of rewards and recognition, or blackmailing children by placing them in compromising situations with alcohol or drugs? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Seeking opportunities to be alone with children, going on overnight trips, or having children change clothing? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Warning signs in child victims, such as: <ul style="list-style-type: none"> Not wanting to be around a particular adult? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Sexual language, play, or drawings that are not age appropriate? 	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> Significant personality or behavioral changes? 	<input type="radio"/> Yes <input type="radio"/> No

B. Supervisors

1. For supervisors of employees, volunteers, students, and contractors with direct access to children in on-campus programs or institution-sponsored programs, does your institution mandate periodic training on its policies for:

- Hiring and screening employees and volunteers? Yes
 No

- Enforcing behavioral standards for interacting with minors? Yes
 No

- Communicating to the public and other important constituents in the event of a child sexual misconduct scandal? Yes
 No

C. Children and Parents

1. For the parents and children participating in on-campus or institution-sponsored programs, does your institution train or provide information on:

- The college’s relevant child-protection policies? Yes
 No

- Whom to contact at the institution to report suspected misconduct or a situation where a child feels uncomfortable about a particular adult? Yes
 No

D. Greater Campus Community

1. For all members of the campus community, does your institution offer annual training or provide information about:

- The institution’s nondiscrimination policy? Yes
 No

- The institution’s policy for reporting and addressing suspected misconduct, focusing on the types of behavior to report and how to make a report? Yes
 No

E. Training Strategies

1. To train these different groups, has your institution considered:

- Offering an online training course?
For example, UE members have unlimited access to online courses for faculty, staff, and students including, “Identifying and Reporting Sexual Misconduct” and “Hiring Staff Who Work With Minors.” Yes
 No

- Offering an online training video?
For example, Shine a Light is a 10-minute video for employees. Yes
 No

- In-person training by an in-house expert or an outside consultant? To reach more people, consider offering multiple sessions throughout the year. Yes
 No

Actions Needed

<ul style="list-style-type: none">• Developing a webpage with links to institution child-protection policies, resources, FAQs on reporting requirements and warning signs, and contact information for questions or reports of suspected misconduct?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• Mandating completion of new hire orientation before allowing new employees, volunteers, or student teachers to work directly with minors?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• Annually disseminating a memo from a high-ranking administrator, such as the president, reminding the campus community about its duty to protect children and highlighting relevant institution child-protection policies?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• Conducting group discussions with employees, volunteers, and students about how they would handle hypothetical situations involving minors (this type of training is also known as “boundary training”) such as:<ul style="list-style-type: none">• Should staff ever provide minors with their home or cell phone number or a personal email address?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• What is the institution’s policy on giving and receiving physical affection from minors?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• How should staff intervene if a minor or another staff member tells jokes of a sexual nature?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• When is it appropriate for staff to give gifts to or receive gifts from minors?	<input type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none">• Including information in promotional and orientation materials for institution-sponsored programs involving minors with links to institution policies or information about how to report?	<input type="radio"/> Yes <input type="radio"/> No

By Alyssa Keehan, Esq., CPCU, ARM, Director of Risk Management Research & Consulting. Alyssa oversees the development of UE’s risk management content and consulting initiatives, ensuring reliable and trustworthy guidance for our members. Her areas of expertise include campus sexual misconduct, Title IX, threat assessment, campus security, contracts, and risk transfer. She previously handled UE liability claims and held positions in the fields of education and insurance.



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