

## PROTECTION OF MINORS POLICY

Effective 1/1/2015

### I. PURPOSE

In order to comply with recently enacted state legislation, Mercyhurst University has developed this policy. Mercyhurst University (“University”) is committed to the safety of all individuals within its community. The University has particular concern for those who are more vulnerable, including minor children, who require special attention and protection. This Policy establishes guidelines for those in, and external to, the University community who may work or interact with

development, including those resulting from persistent or severe emotional mistreatment; and (4) Neglect: A severe or persistent failure to provide for a child's physical, emotional, or basic needs, including the failure to make reasonable efforts to prevent the infliction of abuse upon a person under age 18.

Direct volunteer contact - Providing care, supervision, guidance, or control; and routine interaction with minors.

**Person responsible for the child's welfare** – A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. Any person who has direct or regular contact with a child through any program, activity or service sponsored by the school.

**Matriculated student** –

the course of employment and is supervised or managed by a person with responsibility for a child's welfare or who has direct contact with children is also a mandatory reporter.

**Approved Training/Education Program** – A training or education program approved by the institution for the purpose of training mandatory reporters on the signs of child abuse.

Program Sponsor – The University department, unit or affiliate, employee, or third party entity that operates a program or activity involving minors.

Area Representative – An individual within each functional area of the University who is designated to answer questions about this policy and its application.

Criminal History Clearances – The following laws comprise the clearances which will be used to determine whether an individual can participate in activities or programs involving minors, whether it is University-sponsored or affiliated or a non-University program or activity:

Act 33 – Pennsylvania Department of Public Welfare Child Abuse History Clearance

Act 34 –



Non-University organizations and entities that operate programs or activities on campus involving minors must obtain criminal history clearances of their employees, volunteers, and representatives that meet University standards. The University may request any additional information or impose additional conditions it deems necessary to meet the requirements of this Policy including, but not limited to, requiring such organizations or entities to maintain specified insurance coverage.

Independent contractors and vendors that are on campus or at other University locations where contact with minors is routine must adhere to the University's policy on criminal history clearances. The University may request any additional information or impose additional conditions to meet the requirements of this Policy including, but not limited to, requiring such contractors or vendors to maintain specified insurance coverage.

Specific requirements and procedures for criminal history clearances appear in Appendix B.

## VI. REPORTING POTENTIAL CRIMES INVOLVING MINORS

In a situation of suspected child abuse, all University administrators, faculty, coaches, staff, student workers, contractors, and/or volunteers who are in clearance required positions and/or have direct contact with children, are considered mandated reporters for purposes of this Policy. Everyone who is deemed a mandated reporter pursuant to this Policy shall be trained as a mandated reporter consistent with Pennsylvania law.

All mandated reporters shall make an immediate report of suspected child abuse or cause a report to be made if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.

The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.

A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

The minor is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.

## Reporting Procedure

Mandated reporters must immediately make an oral report of suspected child abuse to the Pennsylvania Department of Human Services (DHS) by either calling ChildLine at 1-800-932-0313 or by submitting an electronic report via the DHS ChildLine website. If an oral report is made, a written report shall also be made within 48 hours to DHS or to the county agency assigned to the case, as prescribed by DHS.

The following information shall be included in the written reports, if available:

1. The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
2. Where the suspected abuse occurred.
3. The age and sex of the subjects of the report.
4. The nature and extent of the suspected child abuse including any evidence of prior

## Responsibility to report potential crimes involving minors

In addition to the reporting procedure for individuals designated as Mandated Reporters under this policy, as outlined above, all persons have a responsibility to report to the Mercyhurst University Police & Safety Department any suspicion or belief that a minor:

Is being abused (including sexual abuse);

Is being neglected; or

Is otherwise in need of assistance.

In situations involving possible abuse (including sexual abuse) of minors who are students at University, involved in University Programs, or visitors to any University facility or location, individuals should immediately contact:

The Mercyhurst University Police & Safety Department at 814-824-2000; or

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## Protection for good faith reports

Any individual who makes a report in good faith to law enforcement in accordance with this Policy will not be subject to adverse action by MU.

## Responsibility to report

All individuals with knowledge of possible abuse of minors have an obligation to report. Failure to report may result in disciplinary action, up to and including termination of employment, in addition to any legal consequences imposed by law enforcement agencies.

## Questions

Any questions regarding reporting under this provision should be directed to 00001 1( provi2 (d t) 0) 0sc q 0.p

The Program Sponsor will be responsible for registration of the program and compliance with the Policy, including the assurance that all program participants have fulfilled the requirements of the Policy, including the attainment of necessary background clearances and completion of the certification form in Appendix C. For non-University programs, a University Program Sponsor will be identified during the contract process. Typically, this will be a University employee from Conference & Facility Services. For vendors and other contractors, the program sponsor will be the University employee engaging the services of the company/individual.

#### VIII. ENFORCEMENT

Sanctions for violations of this Policy will depend on the circumstances and the nature of the violation, but may include the full range of available University sanctions applicable to the individual including, but not limited to, suspension, dismissal, termination, exclusion from campus, and/or notification to law enforcement agencies and/or child welfare agencies. The University may also take appropriate interim actions before determining whether a violation has



## Appendix A

### General Guidelines for Working with Minors

Those associated with programs or activities involving minors should observe the following "dos" and "don'ts" in order to provide a safe and positive experience for program participants, encourage parental confidence, and avoid mistaken allegations.<sup>3</sup>

#### DO:

Maintain the highest standards of personal behavior at all times when interacting with minors

Whenever possible, try to have another adult present when working with minors in an unsupervised setting. Conduct necessary one-on-one interactions with minors in a public environment where interactions can be observed

Listen to and interact with minors and provide appropriate praise and positive reinforcement

Treat all minors in a group consistently and fairly, and with respect and dignity

Be friendly with minors within the context of the formal program or activity while maintaining appropriate personal-space boundaries

Maintain discipline and discourage inappropriate behavior by minors, consulting with supervisors if assistance is needed with misbehaving youth

Be aware of how your actions and intentions might be perceived and could be misinterpreted

Provide open door counseling for any sessions with minors or conduct such sessions in an area that allows for private conversation while remaining in the view of others

Consult with other adult supervisors or colleagues when uncertain about a situation

Use good judgment about verbal, electronic or other forms of social media communications

DON'T:



The underlying event(s) that occurred;

The time elapsed since the finding;

The individual's employment history and/or other evidence of his or her activities in the intervening time since the finding; and

Other relevant information.

A prior arrest or conviction shall not automatically disqualify an individual from participating in a program or activity, but shall be considered using the criteria identified above. Mercyhurst University reserves the rights to terminate employment, volunteer positions, or third-party contracts based on the findings of the criminal background check(s) after an assessment of the findings in relationship to the position held and the nature of the work being performed. All reviews will be conducted in compliance with the Fair Credit Reporting Act.

For University-sponsored or -affiliated programs or activities, only valid Act 33, 34, and 73 criminal history clearances will be accepted for purposes of this Policy.

Criminal history clearances for Mercyhurst University faculty, staff, students, and volunteers who participate in University-sponsored or -affiliated programs or activities involving minors must be renewed every 60 months. Any faculty, staff, student or volunteer who is required by this Policy to have a criminal history clearance is under a continuing obligation to disclose immediately any new felony or misdemeanor conviction to his/her supervisor and Human Resources within 72 hours. An individualized assessment will be conducted as outlined earlier in this section.

The Human Resources Department will oversee the review of criminal history clearances for Mercyhurst University faculty, staff, students, and volunteers, and in consultation with appropriate departmental representative(s), will make determinations in cases where criminal history clearances reveal adverse information that is relevant to one's participation in a program or activity covered by this Policy.

Except where required by law, criminal history clearances of University faculty, staff, students, and volunteers will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Any record of information returned as a result of the criminal history clearance will be maintained separately from an individual's personnel, student or volunteer file.

Non-University organizations and entities that operate programs or activities on campus involving minors must ensure that criminal history clearances are obtained for their employees, volunteers, and representatives that meet Mercyhurst University standards as defined by their contract/agreement with the University. The University may exclude any external program employee, volunteer or representative who does not obtain criminal history clearances that are satisfactory to the University. Non-University organizations and entities must also submit a Certification of compliance with the criminal history clearance rules described herein. The University may request any additional information or impose additional conditions it deems necessary to meet the requirements of this Policy including, but not limited to, maintaining specified insurance coverage. Individuals required to obtain a criminal history clearance under

this Policy who are not University employees or students (whether involved in a University program or activity or one operated by a non-University entity) must obtain criminal history clearances prior to the start of a program or activity involving minors and must renew the criminal history clearances every 60 months.

Independent contractors and vendors that are on campus or at other University locations where

## Appendix C

### Certification

I hereby certify that I have read and understand the foregoing Protection of Minors Policy and its accompanying Appendices. I have had an opportunity to raise any questions I have about this information and have done so, if necessary.

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