

# Policy for the Protection of Children

## Policy Statement

Any program, activity, or service conducted by or at the College that involves one or more children, when such children are not accompanied and/or supervised by their parents/guardians, must meet the requirements found within these Policies and Procedures unless it meets an exemption.

All College employees must report any actual or suspected abuse, neglect, or injury to any children taking part in any program, activity, or service conducted by or at the College.

In addition, any outside group or third party seeking to host any program, event, or activity using College Facilities must meet all requirements set forth in this Policy and Procedure under the heading "Third Party Requirements for Programs with Children" at least thirty (30) days' prior to the scheduled use of College Facilities.

It is a violation of this policy to provide any false or misleading information required under this policy and/or its implementing procedures, subject to disciplinary action.

## Purpose

This Policy establishes requirements designed to provide a safe environment for Children when on College Facilities or while participating in College-sponsored activities and to facilitate the report of known or suspected abuse or neglect of, or injury to, any Child.

## Definitions

**College Facilities.** Facilities owned by, or under the control of, the College, including, but not limited to, facilities under the control of the College pursuant to a lease or license.

**Child.** A person under the age of eighteen (18) who is not enrolled or accepted for enrollment in credit-granting courses at the College.

**Program.** Any program, activity or service conducted by or at the College that involves one or more Children, when such Children will not be supervised by their parents/guardians. This includes, but is not limited to, workshops, sport camps, academic camps, conferences, pre-enrollment visits, and similar activities. It does not include College events to which Children are brought and solely supervised by their parents/guardians or elementary or secondary school teachers, including, but not limited to field trips or attendance as a spectator at play, film, or intercollegiate athletic game.

## Policy Owner

Vice President of Administration and Finance

## Related Documents

[Holy Cross Sexual Misconduct Policy](#)

Report by a Campus Security Authority  
Background Check Policy

## Procedures

### I. Definitions

**Authorized Adult.** Any individual, age 18 and older, paid or unpaid, who interacts with, supervise and/or have *direct contact* with children in a Program. *Direct Contact* means to provide instruction, care, supervision, guidance to, or oversight and/or control over children through a Program.

**College Facilities.** Facilities owned by, or under the control of, the College, including, but not limited to, facilities under the control of the College pursuant to a lease or license.

**Child.** A person under the age of eighteen (18) who is not enrolled or accepted for enrollment in credit-granting courses at the College.

**Program.** Any program, activity or service conducted by or at the College that involves one or more Children, when such Children will not be supervised by their parents/guardians. It does not include College events to which Children are brought and solely supervised by their parents/guardians or elementary or secondary school teachers who have completed background checks, including, but not limited to field trips or attendance as a spectator at play, film, or intercollegiate athletic game.

**Program Director.** The College employee who has primary and direct responsibility and authority for the creation and day-to-day operation of the Program, including oversight of Program operations, supportive services, business affairs, health matters, food, staff supervision and transportation. The Program Director is an Authorized Adult.

### II. MANDATORY REPORTING REQUIREMENTS.

**All Authorized Adults have the following reporting obligations:**

A. **All Authorized Adults must immediately report to the Department of Public Safety any instance in which they know or have reason to believe a Child covered under this Policy is or has experienced child abuse or neglect, including abuse or neglect by someone outside of the College community to the Department of Public Safety.** The term “child abuse or neglect” means any physical, mental, emotional or sexual abuse or neglect (including malnutrition) of a child under the age of 18 through an action or failure to act and as defined in M.G.L. c. 119, §51A. Possession of actual evidence is not a prerequisite for an obligation to report. You should not, to solicit information from the child and/or from the person suspected of the abuse or neglect.

For further information regarding reporting as a mandated reporter, please see <http://www.mass.gov/eohhs/docs/dcf/can-mandated-reporters-guide.pdf>.

**B. Reporting Injury or Fatality.** In the event of an injury to a Child, all employees and Authorized Adults must immediately report any injuries beyond those requiring basic first aid to the Chief Risk Officer.

**C. Unaccompanied Children on College Facilities.** All members of the College community are encouraged to report the presence of unaccompanied Children on College Facilities, as well as any inappropriate conduct involving a Child and an accompanying adult to the Department of Public Safety (508) 793-2222.

**D. Campus Security Authority.** Any employee designated as Program Director for a Program is a "Campus Security Authority" under the College's Policy on "Campus Security Authorities" as defined in the annual security report. Campus Security Authorities must report all crimes to Public Safety at (508) 793-2222.

Anyone with questions with regard to reporting obligations hereunder is encouraged to contact the General Counsel at (508) 793-3759.

### III. PROGRAM APPROVAL

All Programs involving Children must be pre-approved by a Vice President, Provost, Dean or Department Head. The Program Director must register a Program at least 90 days in advance of the Program through the Department of Risk Management.

### IV. PROGRAM DIRECTORS, AUTHORIZED ADULTS, AND OTHER INDIVIDUALS WITH ACCESS

Each Program must have one Program Director who bears the ultimate responsibility and authority for the Program. The Program Director must identify, screen, train, and maintain at all times the appropriate number of Authorized Adults, as required under the following ratio requirements:

AGE OF CHILD	NUMBER OF STAFF REQD	RESIDENTIAL (OVERNIGHT)	DAY-ONLY PARTICIPANTS	ADDITIONAL STAFF
<b>5 yrs. or younger</b>	2	No residential programs for children under 10.	Up to 12	One Authorized Adult for every 1 - 6 additional minors. For example:  13 - 18 minors = 3 Authorized Adults.  19 - 24 minors = 4 Authorized Adults

<b>6 – 8 years</b>	2	No residential programs for children under 10.	Up to 16	One Authorized Adult for every 1 - 8 additional minors. For example:  17 - 24 minors = 3 Authorized Adults.  25 - 32 minors = 4 Authorized Adults
<b>9 – 14 years</b>	2	Up to 16	Up to 20	One Authorized Adult for every 1 - 8 additional residential minors. (17 - 24 residential minors = 3 Authorized Adults)  One Authorized Adult for every 1 - 10 additional day-only participants. (21 - 31 day participants = 3 Authorized Adults.)
<b>15 – 18 years</b>	2	Up to 20	Up to 24	One Authorized Adult for every 1 - 10 additional residential minors. (21 - 30 residential minors = 3 Authorized Adults.)  One Authorized Adult for every 1- 12 additional day-only participants. (25 - 36 day participants = 3 Authorized Adults)

#### A. Screening Requirements

1. The Program Director must ensure that all Authorized Adults who may have Direct Contact with any Child have a current background check on record with the College, which includes the following elements:
  - a. Completed Authorized Adult Background Check / Registration Form
  - b. Verification of residence history for the past seven years

- c. Federal, state and county criminal records in all jurisdictions where the Authorized Adult has lived during the past seven years
  - d. A sex offender registry check using the [U.S. Department of Justice's national sex offender registry](#) (free)
  - e. A sex offender registry information check from the Massachusetts Sex Offenders Registry Board
  - f. A search of the applicant's name and other identifying information on the Internet using a common search engine such as Google
2. Background checks must be performed prior to the start of the program and then every two years.
  3. The cost for completion of all background checks (over and above any background check normally conducted by the College upon an employee's hire) must be borne by the Program and should be budgeted in advance.
  4. No individual may be approved as an Authorized Adult if the background check reveals conduct that bears adversely upon his/her ability to provide for the safety and well-being of Children (as determined in compliance with applicable law).
  5. All Authorized Adults are required to notify Public Safety of their arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction. This includes any arrests or convictions that occur either between the date of disclosure for a College run background check and the date work begins, or the date of issuance of the publicly-available background checks, and the date work begins. Upon receipt of such notice, Public Safety will immediately consult with the Chief Risk Officer or General Counsel.

#### **B. Training Requirements for Program Directors and Authorized Adults**

The Program Director must provide/arrange for and Authorized Adults must receive the following training prior to working with any Children:

1. Program-Specific Information, which includes:
  - a. Information about the Program
  - b. Information on the age and interests of the Children
  - c. Authorized Adults' Code of Conduct, as defined in Section V.D.
  - d. Information on the Program's *Internal Operating Procedures*, as defined in Section V.E.
  - e. Medical information of any participants that may impact their participation in the program
2. Training Specific to Working with Children, including:

- a. Training on the nature of child abuse; signs and symptoms of child abuse; laws, policies and procedures to report child abuse allegations; and strategies for protecting children from potential abuse. (All Authorized Adults who are paid must be informed that they are mandatory reporters under Massachusetts General Laws, chapter 119, section 51A.)
- b. Information on the **Mandatory Reporting Requirements**, found in Section II of this Policy and Procedure.
- c. Title IX training on prohibited discrimination, harassment and retaliation.
- d. Campus Security Authority training.

### **C. Certification Requirements**

All Authorized Adults must acknowledge that they have read and will comply with the College's Policy for the Protection of Children, will comply with behavioral guidelines and that they understand these reporting obligations in the Authorized Adult Agreement.

### **D. Direct Contact**

The Program Director is solely responsible for ensuring that all individuals who might have *direct contact* with Children involved in their Program are appropriately screened, trained, and certified. The term "*direct contact*" means any position with the possibility of care, supervision, guidance or control of any Child and/or routine interaction with any Child and other positions that are safety sensitive, such as a Program Director's family member who may be present during the Program, and other College employees who may have access to Children, including those with card access to residence halls where any Child will stay.

## **V. CREATING AN AGE-APPROPRIATE PROGRAM**

At least 90 days in advance of the Program, the Program Director must develop the Program and all Program materials. This includes, but is not necessarily limited to, the following:

### **A. An Age-Appropriate Curriculum and Schedule of Events**

### **B. Programmatic Information for Parents and Children, which includes:**

1. Program materials that accurately explain the nature of the Program activities and, as applicable, the academic, mental, and physical requirements of the participating Children.
2. A registration form that must be collected from all children, which includes, but need not be limited to: (a) the Child's name, birth date, age, parent(s) or guardian(s)' names and contact information, (b) a question seeking information on parent or guardian's marital status and custody, (c) the names and phone numbers of two additional emergency contacts who could arrive to the Program within thirty (30) minutes, (d) the list of individuals permitted to transport the Child home from Program; and (e) signed waiver/assumption of risk from all Children and parents/guardians prior to allowing any participation in the Program.

3. An Assumption of Risk for participants' parents that specifies the nature of the activities within your Program and any risks it might present.
4. A Medical Treatment Authorization Form that states:
  - a. College / College employees cannot administer any medication, even over-the-counter medications, to any Children.
  - b. Individuals seeking an accommodation to this (or any other College) policy must go through the Office of Disability Services.

**C. A Code of Conduct for participants, that is disseminated to parents/guardians and Children and which includes, at a minimum:**

1. A statement that Children are subject to discipline, up to and including removal from, or suspension of participation in, the Program, without refund, for any violation of the Code of Conduct or any other College or Program rule. Significant violations must be addressed by the Program Director, on a case-by-case basis, as deemed most appropriate in light of all considerations.
2. A statement that Children may not transport other Children. (Note: This does not address whether Children are permitted to transport Children to or from home and camps, which is a parental/guardian decision.)
3. Rules and procedures governing when and under what circumstances Children may leave College property during the program.
4. A statement prohibiting the inappropriate use of cameras, imaging, and digital devices including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
5. If the Program is a residential program, the rules must also include, at a minimum:
  - a. An age-appropriate curfew time for Children;
  - b. A statement that children will be separated by floor based on gender.
  - c. Guests of participants (other than a parent/legal guardian and other program participants) are restricted to visitation in the building lobby and/or floor lounges, only during approved hours specified by the Program, and only with prior written permission of the parent/guardian.
  - d. A statement that Children may not enter another Child's bedroom without prior invitation of the Child.
  - e. A communications to parents or legal guardians of Children to report any suspected violations of the College's child safety practices and policies.

**D. A Code of Conduct for Authorized Adults that explicitly prohibit the following:**

1. Having one-on-one contact with any Child/Children in an unmonitored/unobservable area. There must be two or more Authorized Adults present during activities where Children are present. "One-on-one contact" is defined as *personal, unsupervised*

*interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.*

2. Entering or taking a Child to private areas such as a Child's room, bathroom facility, locker room or similar area without another Authorized Adult in attendance, consistent with the prohibition on having One-on-One contact with Children.
3. Using the same accommodation as any Child other than a Child with such Child's parent(s) or guardian(s).
4. Communicating with any Child on cell phone at any time if parents are not also included in every message.
5. Communicating with any Child in any manner or media (e.g., email, text messages, social networking websites, internet chat rooms, or other forms of social media) unless there is an educational or programmatic purpose for communication and then another Authorized Adult must be included in the communication.
6. Meeting with any Child outside of established times for Program activities.
7. Sharing gossip or inappropriate personal information, such as dating or relationship history with any Child.
8. Failing to inform a Program supervisor before moving any Child out of the program area or to a different location on or off College Facilities.
9. Using the same bathroom, locker room, and/or shower as any Child (except if separate facilities are not available, scheduled and separate use times)
10. Giving Children any gifts or money other than items provided by the Program to all participants.
11. Engaging in abusive conduct of any kind toward, or in the presence of, a Child, including, but not limited to, humiliation or verbal abuse
12. Striking, hitting, spanking, administering corporal punishment to, denial of food or shelter as a form of punishment, or any punishment for soiling, wetting or not using the toilet. (Discipline and guidance should be consistent and based upon an understanding of the individual needs and development of the Child with the goal of maximizing their growth and development).
13. Inappropriately touching of any Child.
14. Driving a Child in a car alone or with other Children.
15. Providing alcohol, illegal drugs, or controlled substances (including marijuana) to any Child.
16. Providing prescription drugs or any medication to any Child unless specifically authorized by the College and in writing by the parent or legal guardian as being required for the Child's care or the Child's emergency treatment.
17. Being under the influence of alcohol or illegal drugs, including marijuana, while interacting with any Child.



18. Making sexual materials in any form available to any Child or assist them in any way in gaining access to such materials.
19. Using vulgar language or engaging in sexual talk with any Child.
20. Taking any picture or making any recording of a Child in the Program unless that Child's parent or legal guardian has signed the waiver allowing use of photography and then solely for authorized Program purposes.
21. Releasing a Child to anyone other than an authorized parent, legal guardian, or other adult specifically authorized by the custodial parents or guardian only after confirming their identification.
22. Failing to comply with all relevant College policies and local, state and federal laws.

**E. Internal Operating Procedures, that include the following:**

- 1. A statement that all requests for accommodations will be referred to the Office of Disability Services.**
- 2. Information on the Reporting Requirements found in Section II of this Policy and Procedure.**
- 3. The following Safety Requirements:**
  - a. A policy that prohibits any high-risk activities, including but not limited to, horseback riding, hiking, scuba diving, rock climbing, firearms, archery, watercraft, canoeing and aquatic events unless such events are conducted under the supervision of an Authorized who has evidence of appropriate training, certification and experience in each activity as determined by the Chief Risk Officer.
  - b. A Transportation Plan that requires
    - i. All Authorized Adults who will transport Children for any reason at any time become "Certified Drivers" through the College's Transportation Program.
    - ii. The identification and notification to parents/guardians about designated drop-off and pick-up locations for Children.
  - c. A statement that programs involving Children under the age of 10 will not be permitted to stay overnight.
  - d. A contingency plan as to how to cover the gap in the event an Authorized Adult is unable to participate or is asked to leave.
  - e. A procedure to take attendance throughout the day and report missing Children.
  - f. A process by which the Program Director, or designee, will obtain and authenticate parental/guardian permission to leave the Program early.

- g. A process by which the Program will collect and submit to Public Safety a registration list which includes the Child's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.
  - h. A procedure whereby all incidents involving injury or damage or allegations of inappropriate behavior of any employee or Authorized Adult are reported to the Chief Risk Officer. The Chief Risk Officer upon notification of allegations, will contact the College's liability insurance carrier, as appropriate.
- 4. The following Supervisory Procedures:**
- a. A procedure whereby the Program Director will make periodic unannounced visits at activities involving Children to observe whether behavioral standard are being followed.
  - b. A review procedure whereby the Program Director will document specific observations about how those under their supervision interact with Children and provide prompt feedback to employees, volunteers, or contractors regarding their adherence to child safety practices and policies.
  - c. A disciplinary procedure for Authorized Adults, which includes the requirement that if an allegation of inappropriate conduct has been made against an Authorized Adult participating in a program, s/he shall discontinue any further participation in programs and activities covered by this Policy until such allegation has been satisfactorily resolved.
  - d. A requirement that if a Child discloses and/or an Authorized Adult has reason to suspect that the Child has been subject to any other type of inappropriate conduct during a program, they must inform the Program Director immediately, unless the Authorized Adult believes that the Program Director (Department Manager/Director for non-Program activities) may be involved in the allegations of assault or abuse, in which case they should contact Public Safety immediately.
  - e. A statement that Authorized Adults must make all reasonable efforts to protect children participating in programs and activities covered by this Policy, including removal of Children from suspicious, dangerous or potentially dangerous situations, irrespective of any other limitation or requirement. If a situation is felt to present immediate danger to a Child, Public Safety should be called as soon as possible.
- 5. The following Lab/Theatre Safety Requirements, if the Program takes place in a Science Laboratory or includes theatre design and production:**
- a. The Program Director includes within the Assumption of Risk the specific risks associated with the Program, including specific hazards to which they may be exposed.
  - b. The requirement that all participating Children must complete the requisite safety training, as required by the Director of Laboratory and Studio Safety, or designee.

- c. The participating Children agree to comply with the specific requirements concerning Personal Protective Equipment (“PPE”).
- d. The Program Director is required to ensure that Authorized Adults maintain direct supervision at all times of Children taking part in Programs in these environments.

**6. The following Inspection Procedure:**

- a. A procedure where, prior to the start of the Program, the Program Director
  - i. Inspects all facilities, buildings, equipment, tools and other items that will be used during the Program and/or by Children. The specific equipment and tools to be used will depend upon the nature of the Program.
  - ii. Identifies any damages, risks, attractive nuisances or any other conditions that might present a risk to Children, Authorized Adults or others on premises. This includes, but is not limited to tripping hazards, construction work, overgrown shrubbery, inadequate security, unsafe conditions, damaged equipment and defective equipment. Contact Facilities for assistance in eliminating such risks.
  - iii. Contacts Facilities or local building inspectors, as necessary and appropriate, to inspect any temporary structures, such as tents, etc., and maintain all documentation.

**7. The following Emergency Operations Procedures:**

- a. A statement that all Authorized Adults must be familiar with the College’s Emergency Management Plan.
- b. A statement that all Authorized Adults remain responsible for the care of Children in their Program during an emergency.
- c. The Program Director or designee must develop additional emergency procedures tailored to the unique risks in the Program (e.g., heat stroke for athletic Programs held during the summer).
- d. These procedures will include the requirement that all emergency situations be reported immediately to the Department of Public Safety or 9-1-1, if off-campus.
- e. These procedures shall establish a procedure for the notification of the Child's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the Children in the program.

- 8. A Communications Policy** that states “The Vice President for Communication is responsible for the coordination of any media inquiries regarding this policy and any Programs with Children. Anyone who receives a request for information regarding a

Program with Children must contact the Vice President for Communications, who will consult, guide and coordinate the appropriate response.”

**F. If applicable, procedures that meet the Massachusetts State Camp Regulations.**

If the Program is a Camp, as defined under the Massachusetts State Camp Regulations, it must also include the applicable state regulations. For information on these regulations, please see: <http://www.mass.gov/edu/birth-grade-12/early-education-and-care/licensing/recreational-summer-camps.html>.

**VI. THIRD PARTY REQUIREMENTS**

No outside group or third party (including, but not limited to, organizations or individuals for which a rental fee may have been waived) will be allowed to bring Children under the age of 18 onto College Facilities unless the following requirements are met:

1. All outside groups and third parties seeking to use College shall submit the request to the Chief Risk Officer for approval to use College Facilities.
2. All outside groups and third parties are required to execute The [PROPERTY USE AGREEMENT FOR PROGRAMS WITH CHILDREN](#) in advance of their use of College Facilities.
3. Programs involving Children under the age of 10 are not be permitted to stay overnight.
4. Receipt of acceptable certificates of insurance for the outside group or third party’s insurance as required by the agreement, together with a copy of the insurance policy for sexual abuse and molestation coverage.
5. If the outside group or third party is not adequately insured, contact the Chief Risk Officer for information on sponsoring that group’s insurance program to enable that program to take part.

**VII. EXCEPTIONS**

This Policy does not apply to the following:

1. College events in which children are brought and solely supervised by their parents/guardians or elementary or secondary school teachers, including, but not limited to field trips or attendance as a spectator at play, film, or intercollegiate athletic game;
2. Undergraduate, summer, or continuing education academic programs to which minors students are admitted and enrolled for academic credit; and
3. Formal pre-enrollment visits, including overnight stays, by prospective College students, including prospective student athletes.

Additional exceptions to this procedure must be approved by a College committee comprised of a representative from Public Safety and Risk Management, with consultation with the General Counsel, which will meet with the Program Director, identify any risks in the Program,

determine whether there are any steps that might be taken to eliminate or reduce those risks and then evaluate whether, in light of all considerations, it is in the best interest of the College to grant an exception.

#### **VIII. RECORD RETENTION AND AUDIT**

All Program Directors will provide copies of all relevant documentation to the Department of Risk Management and Contracts ("Department"). The Department will maintain this documentation for ten (10) years. The Department will conduct periodic audits to ensure compliance with this Program.