

Protection of Minors Policy

University of Massachusetts Boston

I. Purpose and Scope

The University of Massachusetts Boston is committed to the health, safety, and well-being of minors involved in programs on campus. The Protection of Minors Policy at the University of Massachusetts Boston establishes the responsibilities of Program Directors/Staff supervising minors when on the University campus or while participating in University activities off campus. This Policy applies to University activities involving minors and programs for minors planned collaboratively with non-University organizations that operate in University facilities.

This Policy establishes:

- Minimum standards of conduct for interacting with minors attending Programs;
- Procedures for reporting and responding to suspicions of abuse or neglect of minors;
- Guidelines for the operation of Programs that involve minors;
- Minimum training requirements for Program Director/Staff who oversee Programs that involve minors; and
- Background screening requirements for those who interact with minors in Programs.

II. Definitions

A. **Minor** is any person under the age of 18 but, as such term is used in this Policy, excludes those enrolled at the University of Massachusetts Boston as matriculated students, special status students or non-degree students.

B. **Program Director** shall refer to an adult who is authorized to supervise programs involving minors. All UMass Boston students, employees, independent contractors or volunteers acting as Program Director must be in compliance with the requirements of the provisions of this Policy, Section V. University Programs Involving Minors. Although a parent or legal guardian may supervise their own minor children and their guests who are minors while visiting the campus or using campus facilities, a parent or legal guardian may not act as a Program Director in a Program (including one in which their child participates) unless they are in compliance with the requirements outlined below under “University Programs Involving Minors.”

C. **Program Staff** includes all students, employees, and volunteers engaged in providing the Program.

D. **Program** shall include any approved organized activity or event, including small group or informal activities, that are designed to include participants who are Minors, offered by an academic or administrative unit of the University (including recognized student organizations and Athletics), whether on- or off-campus, or by non-University organizations using campus facilities. Programs shall include workshops, year-round academic programs, group visits, summer camps, and summer youth programs.

III. Exempt Programs and Activities

The following programs and activities are exempt from this Policy unless otherwise noted:

- A. Events Open to the Public - Performances or events open to the general public (such as athletic competitions, plays, concerts, lectures, graduations, etc.);
- B. University Visits - Tours for prospective students, such as those organized by the Office of Undergraduate Admissions and athletic recruitment covered by National Collegiate Athletic Association (NCAA);
- C. Parents/Guardians in Attendance - Events or activities where parents or guardians are required to accompany Minors, or events or activities such as field trips to the campus where personnel from the sponsoring agency or education program are required to accompany Minors;
- D. Community Outreach Activities - Community outreach activities, that students (including student-athletes) participate in through their respective organization. See Appendix B for details on this exemption.
- E. Research - Research protocols involving Minors as human subjects, which are subject to the requirements specified by the relevant Institutional Review Board (IRB)
- F. Overnight Stays - Visits by Minors, including overnight stays in University housing facilities by prospective student-athletes, siblings of enrolled students when hosted by enrolled UMass Boston students. See UMB Student Code of Conduct.

IV. Presence of Minors on Campus

The University reserves the right to condition, restrict or deny access to University facilities by Minors at its discretion. All Minors, including those participating in Programs, shall be subject to all University regulations while on campus and may be asked to leave the campus if unable to comply.

V. University Programs Involving Minors

Unless they are Exempt Programs or Activities, all University Programs involving the participation of Minors must comply with the following terms and conditions, as well as any other applicable requirements of federal, state or local laws or regulations.

A. Responsibilities of the Program Director

The Program Director or designee of all Programs in which Minors will participate, whether located on- or off-campus shall submit the program registration form. The responsibilities for auditing compliance, review of policy and reporting will reside with the Director of Environmental Health and Safety or designee.

The Program Director has the responsibility to:

- Confirm that all Program Staff engaged in Programs have submitted background checks as described in this Policy;
- Confirm all vendors and other agents have submitted background checks as described in this Policy;
- Contact the Director of Environmental Health and Safety to determine whether a Program meets the definition of a Camp under the Mass Department of Public Health regulations for recreational camps for children (105 CMR 430);
- Complete, properly submit copies, and retain original required forms;
- Follow the established procedure for notification of parents or legal guardians of all participants in the event of an emergency, and obtain and keep accessible contact information for participants' parents or legal guardians, as well as emergency contacts in the event the parents or legal guardians are unavailable. All parents or legal guardians of participating Minors shall be provided with contact information in order to reach participants while the Program is in session;
- Obtain from all participants' parents or legal guardians:
 - (i) authorization to permit transportation of Program participants to University Health Services or local hospitals as deemed necessary;
 - (ii) authorization for emergency medical treatment in the event the parents or legal guardians or their designated emergency contact are not available;
 - (iii) disclosure of any allergies or other medical condition or physical limitation that might impact participation in the Program;
 - (iv) healthcare forms required by University Health Services
- Establish a plan based on best practices for adequate and appropriate supervision in light of the number and average age of participants, the Program activity, the age and experience of the supervisors and whether overnight accommodations are involved. See MA Department of Public Health recommendations for staff- to-participant ratios: <http://www.mass.gov/eohhs/docs/dph/regs/105cmr430.pdf>
- Coordinate through UMass Conference Services all campus overnight accommodations for a Program when University is not in session;
- Establish a procedure for the pick-up and drop-off of participants, specifying times and locations, and instructing that no participant shall be released to any person other than their parent or legal guardian without specific written authorization from such parent or legal guardian. Any Program providing for the transportation of participants by Program Staff after drop-off by the parent or legal guardian to the campus or other sites must have a valid driver's license, a copy of which will be maintained by the responsible

unit. Under no circumstances shall Program Staff be permitted to be alone with a Minor in a car or other vehicle.

B. Background Checks

Program Directors and Program Staff shall be subject to an annual background check prior to their participation in a University Program Involving Minors. Such background checks shall include at a minimum iCORI and SORI. The checks will be completed by a vendor contracted by the University of Massachusetts Boston and the Human Resources Department.

C. Requirements for Program Staff Participation

No person shall serve as a Program Director or participate as Program Staff in any University Program, unless and until the following requirements have been met:

- Completion of a successful background check;
- Completion of a training program prior to involvement in the Program and on a three-year cycle thereafter. Training will focus on the protection of Minors from abuse, and include at a minimum the following topics:
 - University policies regarding interactions with Minors;
 - Background screening requirements;
 - Examples of appropriate and inappropriate behavior with Minors, as outlined in Prohibited Conduct;
 - Behavioral signs that a Minor may be a victim of abuse or neglect;
 - Reporting requirements and procedures for suspicion that a Minor may be a victim of abuse or neglect.
 - Campus emergency procedures, including participation in UMass Boston emergency alert system

VI. Non-University Programs Involving Minors

Non-University organizations that use University facilities to operate programs involving Minors shall be required to coordinate with the Campus Center and Event Services Office and/or the Athletics Department as appropriate. Space use exceptions involving Minors shall be directed to the Vice Chancellor for Administration and Finance or designee. Prior to operating a Program on campus, Non-University organizations operating Programs must have a signed agreement that includes:

1. Specific facilities to be used, the dates and hours of permitted access; and
2. An Indemnification clause where the Non-University organization agrees to defend, indemnify and hold the University harmless against any and all claims, liability, losses, third party claims, damages, costs or expenses arising out of or resulting from the actions of the Non-University organization, its Personnel, and any failure to conform to the requirements of this Policy; and
3. A Certificate of Insurance listing UMass Boston as an additional insured partner; and

4. An Agreement that its employees, volunteers and other agents (“Personnel”) acting under the agreement have passed legally required background checks, including CORI and SORI and shall at minimum ensure that all Personnel who, as part of their duties, may come in contact with Minors have completed a SORI check and a standard access CORI. In the event that any Personnel are from out of state, it shall also use its local jurisdiction’s equivalent to ensure compliance with the above minimum requirements; and
5. An affirmation that its Personnel complies with section VIII (Prohibited Conduct) of this Protection of Minors Policy.

VII. University Programs and Partnerships with Non-University Groups

The University understands that on occasion a university department will plan events/activities in partnership with non-university organizations involving minors. University Partnership programs involving Minors must adhere to the following:

1. University department and staff must adhere to all applicable policies as outlined under Section V of this policy, including program registration, program director and program staff requirements, emergency procedures and background checks;
2. A space use agreement, signed by the department, that includes the specific facilities to be used, the dates and hours of permitted access;
3. A space agreement, signed by the partnering organization which includes:
 - a. an Indemnification clause where the Non-University organization agrees to defend, indemnify and hold the University harmless against any and all claims, liability, losses, third part claims, damages, costs or expenses arising out of or resulting from the actions of the Non-University organization, its Personnel, and any failure to conform to the requirements of this Policy;
 - b. Certificate of Insurance listing UMass Boston as an additional insured partner;
 - c. agreement by the partnering organization that its employees, volunteers and other agents (“Personnel”) acting under the agreement have passed legally required background checks, including CORI and SORI and shall at minimum ensure that all personnel who, as part of their duties, may come in contact with Minors have completed a SORI check and a standard access CORI. In the event that any Personnel are from out of state, it shall also use its local jurisdiction’s equivalent to ensure compliance with the above minimum requirements;
 - d. an affirmation that personnel comply with Section VIII (Prohibited Conduct) of this Protection of Minors policy.

VIII. Prohibited Conduct

Program Directors and Program Staff should avoid unobserved or unsupervised one-on-one contact with a Minor:

- **Be Mindful of Boundaries:** When interacting with Minors, members of the UMass Boston community should be aware of the vulnerability of Minors and themselves in

such interactions and be particularly aware of the importance of maintaining appropriate physical, emotional, and sexual boundaries in such interactions. Members of the UMass Boston community must not engage in any covert or overt sexual behaviors with Minors, including seductive speech, gestures, depictions, or physical contact that exploits, abuses, or harasses.

- **Physical Contact:** Physical contact with Minors can be misconstrued both by the recipient and by those who observe it, and should occur only when nonsexual and otherwise appropriate, and never in private. Members of the UMass Boston community must before touching another person, especially a Minor, be aware of how physical touch can be perceived or received, and show prudent discretion in determining whether physical contact would be an appropriate expression of greeting, care, concern, instruction, or celebration. Acceptable forms of physical contact with a Minor includes high fives, handshakes, fist bumps, pats on the back or shoulders and side hugs. Types of physical contact to be avoided include tickling, rough-housing, wrestling, piggyback rides, any type of massage, and any form of unwanted affection.
- **Discipline:** Although at times limit-setting with Minors may be necessary for safety reasons, members of the UMass Boston community are prohibited at all times from physically disciplining a Minor. Similarly, speech, gestures, or other behaviors that are bullying, demanding, belittling, hurtful, or meant to embarrass or make a gratuitous reference to the Minor's physical development or appearance are never appropriate.
- **One-on-One Interactions:** One-on-One meetings with a Minor should be avoided, but if necessary should be held in a public area, in a room where the interaction can be (or is being) observed, or in a room with the door left open. In addition, a supervisor or another member of the UMass Boston community should be notified about the meeting at the same time as the interaction or as soon as is reasonably practicable thereafter.
- **Gifts:** Members of the UMass Boston community should not accept gifts from or give gifts to Minors without the knowledge of their parents or guardians.

No Program or Exempt Program for Minors shall involve any of the following:

- Corporal punishment, inappropriate touching;
- Hazing or bullying of any kind;
- Presence or consumption of tobacco, alcohol, or illegal or prohibited drugs;
- Presence or use of or sexually explicit literature or other media of any kind;
- Presence or use of firearms or weapons of any kind;
- Inappropriate use of cameras, audio or video equipment, or computers;
- Any private communication not pertaining to Program matters from Program Director/Staff to Minors by email, text messaging or social media; or
- Transportation of Minors by Program Director/Staff except in conformance with a transportation plan.

IX. Reporting Inappropriate Activity

All persons serving as Program Director, whether voluntary or paid employees serving as Program Staff in Programs are mandated reporters under Massachusetts law and must report to the Department of Children and Families (DCF) all instances where they have reasonable cause to believe a child is suffering physically or emotionally from abuse, including sexual abuse, or neglect. All such employees may notify DCF directly, however, in order to confirm that all requirements of the statute have been met, such employees will notify UMBPD who shall then become responsible for notifying DCF. While not mandated reporters per Massachusetts law, volunteers serving as Program Staff in Programs are required by this Policy to notify UMBPD who will then notify Office of Diversity, Equity, and Inclusion (ODEI) and DCF.

X. Retaliation

Retaliatory acts against members of the University community who make good faith reports of inappropriate activities under this Policy and/or who cooperate in the investigation and handling of such reports, regardless of whether a violation of this policy has occurred, will not be tolerated. Any member of the University community who believes that he or she is the subject of retaliation or reprisal under this policy should contact the ODEI. The University will promptly investigate all reports of alleged retaliation or reprisal.

XI. Sanctions for Violation of Policy

Failure to comply with the provisions of this Policy and any related campus procedures may result in cancellation of a Program or event and/or discipline in accordance with campus and University policies. Knowingly making a false report under this Policy, or knowingly providing false or intentionally misleading information during an investigation, may also result or discipline in accordance with campus and University policies.