



PROTECTION OF MINORS POLICY	
Approved By:	Executive Council
Responsible Officer:	Director, Risk Management & Compliance
Contact Number for Questions / Interpretations:	765-677-2175
Responsible Office:	Office of Risk Management & Compliance
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Policy Search Terms / Alternate Names:	Minors, Mandatory Reporting, Abuse, Neglect, Child, Mandated Reporter
Related Policies:	Community Lifestyle Standards, Policy on Computer Usage, Recording Device/Camera Phone Policy, Consensual Relationships, Anti-Harassment Policy, Personal Appearance Policy, Standards of Conduct, Workplace Violence, Responding to Government Investigations, Transportation Policy, and Drug-Free Workplace/Compliance Policies
References:	IC 31-33; ORC Title XXI, Chapter 2151 et seq.; KRS Title LI, Chapter 620 et seq.; 325 ILCS 5/
Who Should Know This Policy:	Faculty, staff, students, volunteers, and third-party entities working with or around minors in the course of their duties to the University.

I. POLICY STATEMENT

Indiana Wesleyan University (“IWU” or “University”) recognizes a fundamental obligation to protect minors (children under 18 years of age) in its care. Accordingly, the University has adopted certain safeguards intended to better protect minors engaged in IWU Programs and reporting procedures in cases of suspected abuse and/or neglect.

All faculty, staff, students, volunteers, and third-party entities (collectively “IWU Associates”) are expected to know and comply with the provisions of this Policy.

II. DEFINITIONS

Authorized Adult - An “Authorized Adult” is any individual over 18 years of age who has successfully passed a comprehensive background check through IWU Human Resources, has signed the *Acknowledgement of Mandated Reporter Status and Standards of Conduct with Minors*, and has the consent of the respective Program’s leadership to provide supervision of minors during the Program. An Authorized Adult will typically be an IWU Associate, but on some occasions, it may also be a minor’s parent / legal guardian or coach.

Child Abuse and Neglect – The term “Child Abuse and Neglect” generally refers to the maltreatment of a child under the age of 18 by any person responsible for the child’s welfare at the time of the alleged abuse, or any person who came to know the child through an official capacity or position of trust. Child abuse can be physical, sexual, emotional, and/or neglect:

Physical abuse is non-accidental physical injury (ranging from minor bruises to severe fractures or death) as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand, stick, strap, or other object), burning, or otherwise harming a child, that is inflicted by a parent, caregiver, or other person who has responsibility for the child. Such injury is considered abuse regardless of whether the caregiver intended to hurt the child. Physical discipline, such as spanking or paddling, is not considered abuse as long as it is reasonable and causes no bodily injury to the child.

Sexual abuse includes activities such as the fondling of genitals, penetration, incest, rape, sodomy, indecent exposure, showing or providing sexually explicit images, transmission of a sexual disease, and exploitation through prostitution or the production of pornographic materials.

Emotional abuse (or psychological abuse) is a pattern of behavior that impairs a child’s emotional development or sense of self- worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or

guidance. Emotional abuse is often difficult to prove, and therefore, child protective services may not be able to intervene without evidence of harm or mental injury to the child. Emotional abuse is almost always present when other types of maltreatment are identified.

Neglect is the failure of a caregiver to provide for a child's basic needs, including:

- Physical (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision);
- Medical (e.g., failure to provide necessary medical or mental health treatment);
- Educational (e.g., failure to educate a child or attend to special education needs); and,
- Emotional (e.g., inattention to a child's emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs).

Child / Minor – An individual under eighteen (18) years of age.

IWU Associates – Collectively, all Indiana Wesleyan University faculty, staff, students, volunteers, and third-party entities. All IWU Associates are mandated reporters under this Policy. IWU Associates may only become Authorized Adults by successfully passing an HR-initiated background screen, by signing the *Acknowledgement of Mandated Reporter Status and Standards of Conduct with Minors*, and by receiving the Program leader's consent.

Mandated Reporter – A “Mandated Reporter” is an IWU Associate required to report all suspected abuse and neglect of minors. All IWU Associates are mandated reporters under this Policy.

Program – The term “Program” includes ongoing or planned events that are designed to include minors such as camps, lessons, workshops, clubs, teams, projects, practices, choirs, bands, tours, open-houses, laboratories, recruiting activities, and clinical settings.

The term “Program” does not include: 1) single performance or events open to the general public that are not targeted toward children (e.g. IWU intercollegiate competitions, plays, concerts), and 2) regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above.

III. REQUIREMENTS

A. DUTY TO REPORT

All IWU Associates are considered “mandated reporters”, meaning the instant abuse or neglect of a child is suspected, the IWU Associate is required to follow the Reporting Procedures below.

1. The duty to report includes, but is not limited to, the requirement that IWU Associates report any suspected abuse that they witness occurring on University premises or at a University-sponsored Program or event, regardless of location.
2. The duty to report includes both minors who are currently enrolled at the University or accepted for enrollment, and minors who are not enrolled or accepted for enrollment as students at the University but who participate in a University program or activity designed to include minors or who otherwise become known to IWU Associates in their respective capacities.

B. REPORTING PROCEDURES – Utilize the 4 steps in the table below to report suspected abuse and neglect:

Step 1	Step 2	Step 3 – Immediately Report the Abuse		Step 4 – Notify IWU Campus Police
If life threatening, dial 911	If NOT life threatening, immediately gather as much Reporting Information as possible (see following section).	Indiana	Dept. of Child Services: 1-800-800-5556	1-765-677-4911
		Ohio	Office of Families and Children: 1-855-642-4453	
		Kentucky	Child Protection Hotline: 1-877-597-2331	
		Illinois	Dept. of Child and Family Services: 1-800-252-2873	
		Other Location	Contact local law enforcement	

C. REPORTING INFORMATION

When calling to report suspected child abuse and neglect, it is important to have as much factual information in front of you as possible to enable a prompt investigation; however, the lack of information available should not deter immediate reporting.

- Name, age, gender, and current location of each minor affected
- Address of minor(s) affected
- Name of parent(s) or person(s) having custody
- Exact location, date, and time of the alleged abuse and/or neglect
- Name, address, phone number, and relation to the child of the person(s) allegedly responsible for the abuse and/or neglect
- Name of person making the report and where s/he can be reached (NOTE: anonymous reporting is available in most states)
- Nature and extent of any injuries, abuse and/or neglect, including any evidence of prior injuries, abuse, and/or neglect
- Any other information that might be helpful to those investigating.

D. DUTY TO COOPERATE

All IWU Associates shall cooperate with investigations of alleged child abuse/neglect, including agency-initiated, law enforcement-initiated, and/or internal investigations. All IWU Associates shall also cooperate with investigations of alleged violations of this Policy and any applicable campus procedures.

E. RETALIATION WILL NOT BE TOLERATED

Retaliatory acts against IWU Associates who make good faith reports or complaints under this policy, and/or who cooperate in the investigation and handling of such complaints, even if it is found that no violation of the policy has occurred, will not be tolerated. Any IWU Associate who believes that he or she is the subject of retaliation or reprisal should contact the Human Resources Department and/or the Office of Risk Management and Compliance. The University will promptly investigate all complaints of alleged retaliation or reprisal.

IV. UNIVERSITY PROGRAM SAFEGUARDS

A. DUTY TO SUBMIT TO BACKGROUND CHECKS

1. Criminal Background Checks

- a) All IWU Associates who are responsible for the supervision or care of minors, or whose duties would require close contact with minors who are not enrolled or accepted for enrollment at IWU, must undergo a comprehensive background check through the HR Department, unless a *current* background check is on file with the HR Department. For purposes of this policy, "current" background check is defined as a background check that was successfully passed within two (2) years of the Program start date, which includes at a minimum, the screening results from the National Criminal Database, the National Sex Offender Registry, a Social Security Number ("SSN") trace and validation, and seven (7) years of Criminal Felony and Misdemeanor checks from all counties (as revealed by the SSN trace).
- b) Background checks that reveal convictions will be reviewed by Risk Management, Human Resources, and the Chief Financial Officer, in consultation with the Program leader, to determine Program eligibility.
- c) In rare and extenuating circumstances (e.g. the need for numerous volunteers with short lead time due to an emergency) an alternative to background checks may be allowed with Office of Risk Management and Compliance consent. At a minimum, the alternative method must include the following:
 - i. Recording the names and contact information for the individuals prior to the Program start date;
 - ii. Requiring individuals to show a valid photo ID prior to the Program start date; and,
 - iii. Verifying the names have been checked against the online sex offender registry and disqualifying anyone who is listed in the registry.
- d) Campus officials should consider the duration of the event, whether or not overnight accommodations are involved, and how recently the individual was last required to submit to a background check before allowing an exception to the background check requirement.

2. Motor Vehicle Checks

IWU Associates that will be driving minors, in accordance with the Conduct Requirements of this Policy, are required to submit to a Motor Vehicle Records check through IWU's Transportation Office. An Authorized Adult utilizing his/her personal vehicle assumes all auto insurance liability.

B. RISK MITIGATION PRACTICES

Program leaders will ensure that the following risk mitigation practices are adhered to within their Programs:

1. Every adult scheduled to supervise or provide care for Minors in a Program will have successfully passed a background check and will have completed the *Acknowledgment of Mandated Reporter Status and Standards of Conduct with Minors*;
2. Every Authorized Adult complies with the Policy's Conduct Requirements;
3. Every Minor must be provided with reasonable and appropriate supervision by an Authorized Adult while that Minor is on campus or at a University-sponsored event/activity, regardless of location;
4. Every Program at which Minors are present must have a minimum Authorized Adult to Minor ratio as follows:

a)

Minor Age Group	Number of Required Authorized Adults	Number of Overnight Minor Participants	Number of Day-Only Minor Participants
Ages 6-8	1	6	8
Ages 9-13	1	8	10
Ages 14-18	1	10	12

- b) The choral activities of IWU's Division of Music which involve the regular practices and rehearsals of choirs of more than 12 day-only participants are exempt from the above ratios; however, such activities shall comply with all other requirements of this Policy.
 - c) Classroom teaching, as part of the Upward Bound summer program, is exempt from the above ratios; however, such activities shall comply with all other requirements of this Policy.
 - d) For purposes of complying with the staff to participant ratios at overnight camps for junior high and high school athletic teams, the coaches who accompany their teams shall be counted as Authorized Adults.
5. Every Program should establish security and emergency measures for Minors, including, but not limited to:
- a) Drop off and pick up procedures, including the requirement that every Minor is to be checked-in on a daily basis, and that Minors under 13 years of age must be checked out with the signature of a parent or guardian;
 - b) The requirement that Authorized Adults may not release a Minor under the age of 13 to anyone other than a custodial parent or legal guardian without written authorization from the parent/guardian that his/her child may be released to that individual;
 - c) The collection of emergency contact information from the Minor's parent or guardian;
 - d) Communication of how parents or guardians may reach their Minor in the event of an emergency;
 - e) Containment of Minors in specified space during free time, mealtimes, or before the Program begins;
 - f) Inclement weather plans;
 - g) Where to go if lost; and,
 - h) Steps to take in the event of an emergency on campus (e.g., fire, tornado, etc.), including shelter-in-place locations within each facility used by the Program.
6. Restroom supervision for Minors under the age of 13: Authorized Adults will make sure the restroom is not occupied by suspicious or unknown individuals before allowing Minors to use the facilities. An Authorized Adult will stand outside the doorway while Minors are using the restroom. If Authorized Adults must assist younger children, doors to the facility must remain open.

C. USE OF RELEASE FORMS

1. All IWU-sponsored Programs involving minors will utilize a release form to mitigate liability risks to the University and Program staff. The Office of Risk Management and Compliance will customize the release based upon the unique elements of each Program and will incorporate consent for medical treatment clauses into the document.
2. A Program that desires to use the image or likeness, voice, testimony, story, biographical information, and/or intellectual property of a minor in any format for any purpose must have a *Personal Media Release* completed

on each minor. The *Personal Media Release* form is found on the Family Page under University Relations, Marketing.

3. Program staff should keep in mind that the signature of a parent/guardian is required on all release forms for minors.

D. CONDUCT REQUIREMENTS

In order to work with minors, any individual desiring Authorized Adult status must successfully pass the comprehensive background screening and sign an *Acknowledgement of Mandated Reporter Status and Standards of Conduct with Minors*. Both this Policy and the *Acknowledgement* form prohibit the following:

1. Engaging in any form of **physical abuse** of a child (e.g., punching, beating, kicking, biting, shaking, throwing, stabbing, choking, burning, or hitting with any object).
2. Engaging in any form of **sexual abuse** of a child (e.g., fondling a child's genitals, penetration of any type, incest, rape, indecent exposure, transmission of a sexual disease, exploitation through prostitution or the production of pornographic materials, and making pornographic or sexually explicit materials available to a minor).
3. Engaging in **emotional / psychological abuse** of a child (e.g., constant criticism, threats, or rejection, and withholding love, support, or guidance).
4. **Neglecting** the duty of care for a child under the adult's supervision, including but not limited to:
 - a) failing to protect children's health and safety (e.g., exposure to unreasonable risk of injury or extreme weather);
 - b) failing to ensure the use of appropriate protective equipment (e.g., in laboratory or athletic participation);
 - c) failing to meet children's basic needs (i.e., food, clothing, shelter); and,
 - d) leaving children consistently unsupervised.
5. Leaving a Minor in the care of a person that is not an Authorized Adult or in an area that is off-limits to Minors.
6. Engaging in the use of alcohol or illegal drugs, or being under the influence of alcohol or illegal drugs during programs or activities for children.
7. Enabling, facilitating, or failing to appropriately address a child's use of alcohol or illegal/non-prescribed drugs.
8. Picking up or dropping off children from their homes (except the driver's child or children) before, during, or after the program or activity.
9. Having one-on-one contact with Minors outside the presence of others. It is expected that activities where Minors are present will involve two or more Authorized Adults. Individual musical instruction under the auspices of the IWU Division of Music is specifically exempted from this requirement; however, individual musical instruction should only occur in practice rooms or studios that have doors with windows.
10. Participating in a sleepover under the auspices of the Program, unless (1) one of the Minor's parents or legal guardians is present or (2) one of the Minor's parents or legal guardians has given consent and there is at least one other Authorized Adult present at all times.
11. Sharing a bed or sleeping bag with a Minor.
12. Being alone with a Minor in the Authorized Adult's living quarters.
13. Showering, bathing, or undressing with or in the presence of Minors.
14. Taking any photographs, images, or videos of Minors or posting photographs or videos on a digital, electronic, hosted media, web-based service or any other medium without first obtaining a model release in this regard from the Minor's parent or legal guardian. At no time is it appropriate for an IWU Associate or other Minor to take pictures, video, or any other image of a Minor in a bathroom, locker room, dressing/changing room, or swimming facility, even with a parental/guardian model release. Any exception to the swimming facility rule must be approved in advance by the Office of Risk Management and Compliance.
15. Failing to report abuse, harassment or exploitation of Minors by other Minors participating in the Program.
16. Failing to report abuse, harassment or exploitation of Minors by any adult.

V. SANCTIONS FOR VIOLATION OF POLICY

Failure to comply with the provisions of this policy and any related campus procedures may result in cancellation of an event and/or discipline in accordance with applicable University handbook policies, up to and including termination of employment, termination of contract, dismissal from the University, issuance of No-Trespass Notices, and/or disqualification for participation in future volunteer activities. Knowingly making a false report or complaint under this policy, or knowingly providing false or intentionally misleading information during an investigation, may also result in disciplinary action up to and including termination of employment and/or dismissal from the University. IWU Associates should also be mindful that failing to report child abuse and neglect, as well as knowingly making a false report are considered crimes in most states.

