

## **THE FRANKLIN COLLEGE POLICY ON THE PROTECTION OF MINORS**

### **I. Purpose**

Franklin College (“College”) strives to create a welcoming and safe environment for all individuals visiting College property or participating in College programs. This Policy on the Protection of Minors (“Policy”) reinforces this expectation by establishing standards, requirements, and procedures that specifically focus on protecting the safety of individuals who are less than eighteen (18) years of age (“minors”) from abuse and neglect by a parent, guardian, caregiver, or staff of programs sponsored by or hosted by the College.

Compliance with this Policy shall be a responsibility of all College faculty, staff, volunteers, interns and students as well as outside third parties (including contractors) who are authorized to use College facilities or property (collectively, “College Community” or “College Community Members”).

### **II. Applicability**

This Policy applies to the protection of minors participating in programs sponsored by the College or held on College property, with the exception of students who are enrolled or matriculated at the College (“Enrolled students”). Enrolled students who are minors are covered by College policies applicable to students and applicable State laws involving the protection of minors, and are not subject to the remaining requirements of this Policy.

Section IV of this Policy (“Reporting Suspected Child Abuse/Neglect”) applies to the protection of all minors (including enrolled or matriculated students) while present on College property.

All contracts for the services of independent contractors (including solo contractors) who will have Direct Contact with minors as part of a program or activity sponsored by a College department or conducted on College property by any approved third-party must include a provision that requires compliance with all of the provisions of this Policy.

### **III. Policy Communication**

This Policy shall be published on the most applicable portion of the College’s publicly accessible web site. The existence of this Policy shall also be communicated annually by the President to all members of the College Community.

### **IV. Reporting Suspected Child Abuse/Neglect**

#### **A. Duty to Report**

Both as a matter of College policy and Indiana State law, any member of the College Community or third party contractor who reasonably suspects that a minor has been abused or neglected by a parent, guardian, caregiver, or staff member has an absolute obligation to report that suspicion to the appropriate Department of Child Services (“DCS”). The Johnson County (Indiana) DCS is the appropriate contact for incidents occurring on the College’s campus, regardless of the residence of the minor involved.

## B. Reporting Method

Reports of abuse and neglect can be made to the Indiana Department of Child Services in the Johnson County DCS as follows:

- Monday-Friday, 8-5, excluding holidays, call 317-738-0301
- After hours and on weekends and holidays, call 911 and ask for the on-call worker.

In addition to notifying the Johnson County DCS, the reporting party also must notify Franklin College Security at 317-738-8888.

For instances involving alleged sexual misconduct, harassment or assault, the College's Title IX Coordinator at 317-738-8890.

For instances involving any other forms of alleged inappropriate behavior or misconduct, Franklin College Security call 317-738-8888.

*If you encounter a situation in which a minor is at immediate risk of harm or the victim of a criminal act, please contact the Police Department immediately by Dialing 9-1-1. The College Security Office and/or Police Department will make a final determination as to whether a matter merits further investigation, and College Community Members must not attempt to make such judgments independently of law enforcement. Reporting an incident to College officials does not relieve the obligation of a College Community Member to also make a report directly to law enforcement in the event a minor is at immediate risk.*

## C. Protection of Reporting Party

Indiana law provides that anyone who makes a report in good faith or who participates in an investigation by DCS will be protected from any criminal or civil liability that might arise from the individual's report or participation. Furthermore, College policy prohibits retaliation against anyone who makes a good faith report of abuse or neglect with regard to the terms and conditions of College employment or educational activities.

## V. Requirements and Standards for Programs Serving Minors

### A. Registration and Approval of Covered Programs

In order for a College program or activity to be permitted to serve minors or for any outside third-party individual or organization to conduct a program that includes minors on College property ("**Covered Programs**"), **the programs must be registered and approved** by the College's Vice President for Business and Finance. Covered Programs include both daytime and overnight/residential activities such as athletic camps, science camps, academic camps, enrichment programs, and similar activities involving the participation of minors.

Covered Programs exclude externally-sponsored field trips or visits that bring minors to campus (e.g., campus student recruitment tours, library visits, athletic events) and programs exclusively for College enrolled or matriculated students.

No College department may offer programs that serve minors and no third party may utilize College property to offer programs that serve minors without first obtaining approval under this Policy and continuously complying with all of the Policy standards and requirements.

*Any Covered Program that is determined to have not complied with any provision of the College's Policy on the Protection of Minors is subject to immediate discontinuation of the Covered Program's operation and/or use of College property at the discretion of the College and may also be banned from future use of College facilities.*

## **B. Mandatory Background Checks**

**A criminal background check must be completed** for all individuals eighteen (18) years of age or older who work with, instruct, or otherwise come into Direct Contact with minors in a Covered Program ("Program Staff"), even if these individuals are volunteers. "Direct Contact" is defined as care, guidance, control, or supervision of minors in group or one-to-one settings or the potential for routine or significant one-to-one interaction with minors. This requirement applies to all College faculty, staff, students, or volunteers who will serve as Program Staff and have Direct Contact with minors and to all individuals employed by, contracted by, or volunteering for external entities operating a Covered Program who have Direct Contact with minors.

Program Staff also includes individuals who support Covered Programs and have Direct Contact with minors. These criminal checks must be completed prior to a Program Staff member having any contact with minors as part of a Covered Program. A criminal background check completed within the twelve (12) months prior to the start of the Covered Program will satisfy this requirement. In addition, all Covered Programs must collect and submit an **annual notice of disclosure form** from Program Staff and must conduct an annual check of the state and national sex offender registries for all Program Staff.

### **1. Subsequent Background Checks**

Program Staff generally must have subsequent background checks at least annually. There are two exceptions under which a Program Staff member may have subsequent background checks every five (5) years rather than annually. (i) The first exception applies to Program Staff who are also College employees or students and who are continuously employed by or enrolled in the College without any break in their employment or enrollment that lasts one hundred twenty (120) days or more. (ii) The second exception is for Program Staff members continuously employed by or volunteering for third-party entities who do not have a break in employment or volunteer service that lasts one hundred twenty (120) days or more.

### **2. Conducting Background Checks**

College Departments must satisfy these background check requirements by using the standard background check process operated by the College's Office of Human Resources. Covered Programs operated by an outside third-party entity must satisfy this requirement using a qualified background check vendor that is a member of the National Association of Professional Background Screeners. Background checks must include the following minimum elements:

Initial Background Check	Subsequent Annual Background Checks
Nationwide federal courts criminal convictions	<ul style="list-style-type: none"> <li>• Every 5 years for continuously employed, enrolled, or engaged Program Staff</li> <li>• Annually for Program Staff with a break in employment, enrollment, or service of 120 days or more</li> </ul>
National and state sex offender registry	National and state sex offender registry
Criminal convictions in all states and counties where a Program Staff member has previously lived or worked	Criminal convictions in all states and counties where a Program Staff member has previously lived or worked since the prior check <ul style="list-style-type: none"> <li>• Every 5 years for continuously employed, enrolled, or engaged Program Staff</li> <li>• Annually for Program Staff with a break in employment, enrollment, or service of 120 days or more</li> </ul>
A residential history check to confirm that a Program Staff member has truthfully disclosed all prior cities and counties of residence	<i>Not required</i>
If the proposed Program Staff member's responsibilities include transporting minors participating in the Covered Program, then a mandatory driver's license check	If the proposed Program Staff member's responsibilities include transporting minors participating in the Covered Program, then a mandatory driver's license check <ul style="list-style-type: none"> <li>• Every 5 years for continuously employed, enrolled, or engaged Program Staff</li> <li>• Annually for Program Staff with a break in employment, enrollment, or service of 120 days or more</li> </ul>

The cost of required background checks is borne by the Covered Program.

If proposed Program Staff are found to have prior criminal convictions, the Manager of Human Resources must contact the Vice President of Business and Finance and the Provost and Dean of the College for assistance in reviewing these situations.

For programs operated by outside third-party entities, the responsibility for vetting Program Staff is the responsibility of those entities. If the outside entity has questions or concerns about the results of any proposed Program Staff member's background check, it should consult its own human resources professionals or legal counsel for advice as appropriate. Outside third-party entities are required to sign a Facilities License Agreement containing terms that require compliance with this Policy. The College does not have a role or responsibility in reviewing or interpreting background check results for outside entities.

*Notwithstanding the College's role and responsibility, or lack thereof, to review background check results, any proposed Program Staff member whose background check reveals prior criminal convictions that involve a sex offense, crimes against children, or a serious violent crime involving assault or injury to others shall **not** be a Program Staff Member in a Covered Program. Proposed Program Staff whose duties include driving and whose background checks reveal serious driving-related convictions shall **not** be permitted to drive minors as part of their duties.*

### **C. Program Staff Training Requirements**

Each Covered Program must assure that all Program Staff are appropriately trained on policies and issues relevant to the protection of minors. This training must occur at least annually and must occur prior to any initial interactions with minors. The management of a Covered Program may enhance and/or modify the College's training requirements to meet specific needs of the applicable program, but such training must include the following minimum components:

- The College's Policy on the Protection of Minors;
- Sexual abuse and sexual harassment;
- Detection of abuse and neglect through behavioral signs of abuse or neglect that minor victims may exhibit;
- Protecting minors from abusive emotional and physical treatment by adults or peers.

### **D. Personal Conduct Expectations**

Program Staff are expected to meet the following standards of conduct at all times to avoid harm or potential harm to minors or, regardless of intent, to avoid having their actions construed as any type of inappropriate behavior:

- Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material (or assist in any way to provide access to such material via any medium) with or around minors.
- If possible, do not be alone with a single minor. In general, it is expected that activities where minors are present will involve two or more adults. If one-on-one interaction is absolutely required, meet in open, well-illuminated spaces or rooms with windows observable by other adults unless the one-on-one interaction is expressly authorized by the Program Director, a Dean, a Department chair, or unless the interaction involves a health care provider providing health care services.
- Do not meet with minors outside of established times for activities. Any exceptions to this provision should require prior written authorization from a parent/guardian of the involved minor and must include more than one Program Staff member.
- Do not invite individual minors to your home. Any exceptions should require prior written authorization by both the Program Director and a parent/guardian of the involved minor.
- Do not engage or allow minors to engage you in romantic or sexual conversations, or related matters, unless required in the role of resident advisors, counselors, or health care providers.
- Do not engage or communicate with minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communication is consistent with the purpose of the Covered Program.
- Do not touch minors in a manner that a reasonable person could interpret as inappropriate. Touching should generally only be in the open and in response to the minor's needs, for a purpose that is consistent with the mission of the covered program, and/or for a clear educational, developmental, or health related (e.g.,

treatment of an injury) purpose. Any resistance or objection from the minor should be respected.

- Do not engage in abusive conduct of any kind toward, or in the presence of, a minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining. If restraint is necessary to protect a minor or other minors from harm, all incidents must be promptly documented and disclosed to the Program Director and the minor's parent/guardian.
- Do not use, possess or be under the influence of alcohol or illegal drugs while on duty or when responsible for a minor's welfare.
- When transporting minors as part of the activities associated with a Covered Program, more than one member of the Program Staff should be present in the vehicle, at all times during the transportation. Avoid using personal vehicles if possible.
- Do not possess or use any type of weapon or explosive device while in the presence of minors participating in a Covered Program.

## **VI. Reporting Violations of this Policy**

Any suspected violation of the provisions of this Policy should be immediately reported to Franklin College Security [317-738-8888](tel:317-738-8888), who will consult with any other relevant College officials or offices (e.g., Title IX Coordinator, Response Team or College Security Office). In the case of an emergency situation, by calling 911.

Violations of this Policy may result in disciplinary action for any College employee, whether paid or volunteer, up to and including termination of employment.

Violations of this Policy also may result in discontinuation of the program or banning of the program from use of College facilities.

## **VII. Additional Recommendations for Covered Programs**

Covered Programs are strongly urged to consider implementing their own policies and training mechanisms that address the applicable "Pre-Camp Training Topics" identified by the American Camp Association. Additionally, Covered Programs are encouraged to have policies to address instances of severe weather, swimming safety, lifeguard supervision, travel off premises, or other applicable situations where minors' safety or security could potentially be threatened. Training for Program Staff in cardiopulmonary resuscitation (CPR), First Aid, and automated external defibrillator (AED) use is also strongly recommended.

## **VIII. Supplemental Forms and Procedures**

The College shall publish on its publicly accessible website, and update as appropriate, the following information and materials to facilitate the Policy on the Protection of Minors; this information shall also be made available in printed form to any Covered Program on request:

1. Procedures by which the College shall administer the Policy on the Protection of Minors.
2. Appropriate forms for use in requesting approval for a Covered Program.
3. Other information and materials to assist College Departments and Covered Programs in complying with the provisions of this Policy