

HOWARD UNIVERSITY POLICY

Policy Number:	Series 400: Governance, Risk and Compliance
Policy Title:	400-014 (INTERIM) PROTECTION OF MINORS POLICY
Responsible Officer:	Vice President of Clinical Affairs
Responsible Offices:	Office of the Vice President of Clinical Affairs Office of University Compliance
Effective Date:	May 4, 2020

I. POLICY STATEMENT

Howard University (“the University”) is committed to the safety of all individuals in its community. The University has particular concern for those who are potentially vulnerable, including minor children, who require special attention and protection. This Policy establishes guidelines for those in the University community who may work or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

II. RATIONALE

The University has established a *Protection of Minors Policy* to protect those under 18 years of age who participate in programs and activities associated with the University and to provide guidance to University students, faculty and staff who are involved with such programs and activities.

III. ENTITIES AFFECTED BY THIS POLICY

This Policy applies to all campuses of Howard University and Howard University Hospital. It provides guidelines that apply broadly to interactions between minors and University students, faculty, staff, and volunteers¹ in University-run or -affiliated programs or activities. This Policy also establishes requirements for non-University organizations and entities that operate programs or activities involving minors on campus, and University agreements with such organizations and entities shall reflect those requirements. All Howard University students, faculty and staff are responsible for understanding and complying with this Policy. Appendices to this Policy set forth specific requirements and procedures and may be updated from time to time.

¹ Those who are not members of the University’s faculty, staff or student body but who volunteer to assist the University or University faculty, staff or students with University-run or -affiliated programs involving minors may be subject to some or all of the requirements of this Policy. Those engaging volunteers should contact the Office of Human Resources to discuss their situation and how the Policy requirements apply.

IV. DEFINITIONS

Abuse or Neglect of Minors for purposes of this Policy means infliction of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a person under age 18.

Sexual Abuse includes engaging in or attempting to engage in a sexual act or sexual contact with a minor, causing or attempting to cause a minor to engage in sexually explicit conduct, or exposing the minor to sexually explicit conduct.

Neglect includes the failure to make reasonable efforts to prevent the infliction of abuse upon a person under age 18.²

Campus for purposes of this Policy means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.

Minor for purposes of this Policy means any person under the age of 18. Howard University undergraduate students who are under the age of 18 are treated by this Policy similarly to all other students for purposes of their interactions with minors in University-run or -affiliated programs or activities and are subject to the requirements that apply to other students.

University-Run or -Affiliated Programs and Activities means programs or activities that Howard University operates or sponsors or in which University students, faculty or staff engage through their University roles. This term does not include programs or activities in which one may engage that are unrelated to one's status as a member of the University's faculty, staff, or student body.

V. Guidelines and Responsibilities

When participating in University-run or -affiliated programs and activities, students, faculty and staff must:

- Always be vigilant in protecting the well-being and safety of minors with whom they interact on campus or elsewhere.
- Review the informational material about *Best Practices for Interacting with Minors* in **Appendix A** and *Signs of Child Abuse and Neglect* in **Appendix B**.
- Watch for signs of minor abuse or neglect and promptly report suspected instances of abuse or neglect, or violations of this Policy or law, as provided in Sections VIII (A) and (B) below.
- Before engaging in any University-run or -affiliated program or activity involving contact with minors: meet the requirements of this Policy relating to training (Section VI) and criminal background checks (Section VII); meet any additional requirements

² The term "neglected child," as defined under District of Columbia law, encompasses various forms of failure (by parents, guardians, or other custodians) to provide for the needs of a child or to protect the child from harm or danger. See D.C. Code Ann. Sec. 16-2301.

that relate to the specific program or activity; and determine whether they are a mandated reporter under District of Columbia law [Section VIII (B)].

University faculty and others on campus who only interact in classes or other normal academic settings with Howard University undergraduate students under the age of 18 are not obligated to undergo the training or background checks required by this Policy. Anyone covered by this Policy who knows or suspects that an undergraduate student under the age of 18 has been abused or neglected must, however, make reports as required by Section VIII (A) and (B) below.

Non-University organizations and entities that operate programs or activities involving minors on campus must be aware of, and comply with, this Policy.

To the extent University faculty, staff or students are participating in programs or activities run by a non-University organization or entity off campus, they should familiarize themselves with, and follow, the policies of the organization relating to interactions with minors and understand their legal obligations with respect to working with minors in the program setting.

VI. TRAINING FOR THOSE PARTICIPATING IN PROGRAMS AND ACTIVITIES

University students, faculty and staff who participate in University-run or -affiliated programs or activities involving minors must complete appropriate training. At a minimum, training must include:

- Basic warning signs of abuse or neglect of minors.
- Guidelines for protecting minors from emotional and physical abuse and neglect.
- Requirements and procedures for reporting incidents of suspected abuse or neglect or improper conduct.

Training may be expanded depending upon the program or activity and the person's role in the program or activity.

Non-University organizations and entities that wish to operate programs or activities involving minors on campus must provide documentation to the University indicating that all individuals who will be interacting with minors (and anyone who supervises such individuals) have received training that meets or exceeds the minimum requirements of this section.

VII. CRIMINAL BACKGROUND CHECKS

Certain categories of individuals will be required to clear a criminal background check prior to participation in University-run or -affiliated activities involving minors. The categories of individuals who must undergo background checks are listed in **Appendix C**.

If a criminal background check reveals adverse information or unfavorable results, the University will conduct an individualized assessment using criteria designed to identify potential risk to minors. Except where required by law, criminal background checks of

University faculty, staff and students that are conducted pursuant to this Policy will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Records of background checks will be maintained separately from an individual's personnel or student file.

Non-University organizations and entities that operate programs or activities on campus involving minors must conduct criminal background checks of their employees, volunteers, and representatives that meet University standards. The University may request any additional information it deems necessary to meet the requirements of this Policy.

Specific requirements and procedures for background checks appear in **Appendix C** and are developed in coordination with the Office of Human Resources.

VIII. PROCEDURES

A. Reporting Potential Harm to Minors

Emergencies. In case of an emergency, one should immediately call the University's Department of Public Safety (DPS) at 202-806-7777 or the Metropolitan Police Department at 911.

All Other Reports of Known or Suspected Abuse or Neglect of Minors.³ Anyone participating in a University-run or affiliated program or activity involving minors or a non-University program or activity operating on campus involving minors who knows, suspects, or receives information indicating that a minor has been abused or neglected, or who has other concerns about the safety of minors **MUST** inform the Vice President of Clinical Affairs.

The Vice President of Clinical Affairs, with support from other appropriate offices as necessary, will help determine appropriate next steps.

In addition, one should promptly notify their supervisor, program director, dean, or vice president, when it is safe and appropriate to do so.

Anyone who knows or suspects abuse or neglect of minors may also notify the Metropolitan Police Department of the District of Columbia (MPD) and/or the District of Columbia Child and Family Services Agency (CFSA), as described below in Section VIII (B) of this Policy.

³ Those who encounter minors through a Howard University School of Law legal clinic may be subject to different obligations and should consult with their clinical director if they have suspicions or concerns about mistreatment of a minor.

Also, conduct that constitutes abuse of a minor may also constitute conduct prohibited under Howard University's Title IX Policy on Sexual and Gender-Based Harassment and Violence and Other forms of Interpersonal Violence, particularly conduct defined under that policy as Sexual Assault and Sexual Exploitation. Please see the Title IX Policy for full definitions of prohibited conduct and any reporting obligations under that policy.

No one making a good faith report of suspected abuse or neglect of a minor will be retaliated against.

B. Reporting: Additional Obligations for Mandated Reporters

In addition to the reporting obligations described in Section VIII (A) that the University imposes on those participating in programs involving minors; certain individuals are mandated reporters who have additional obligations under District of Columbia law.

Mandated Reporters and Their Legal Obligations. District of Columbia law designates individuals in certain occupations and professions as mandated reporters. Mandated reporters must report known or suspected mental or physical abuse or neglect of a child known to them in their professional or official capacity to either the DC Metropolitan Police Department (MPD) at 911 or the Child and Family Services Agency (CFSA). The CFSA hotline, at (202) 671-7233, is available 24 hours a day, seven days a week. DC law also requires mandated reporters to complete the Mandated Reporter Training offered by the CFSA, which is available at <http://dc.mandatedreporter.org/>.

Mandated Reporters Under DC Law. Mandated reporters include physicians, psychologists, medical examiners, dentists, chiropractors, nurses, law-enforcement officers, school officials, teachers, athletic coaches, social service workers, daycare workers, mental health professionals, and others.⁴ University faculty, staff or students who are working with minors in their professional or official capacity and who have questions about whether they may be considered mandated reporters under DC law should contact their supervisor, program director, dean or vice president. The Office of General Counsel is also available to provide advice.

Even those who are not mandated reporters may report known or reasonably suspected child abuse to MPD, CFSA, or both.

C. Addressing Reports of Neglect or Abuse

1. Whenever the University receives a report of alleged abuse or neglect of a minor in a University-run or -affiliated program or activity:
 - i. The person receiving the report shall immediately notify the Vice President of Clinical Affairs and General Counsel.
 - ii. The Vice President of Clinical Affairs, in consultation with DPS, the Office of the General Counsel, and appropriate senior University leadership shall:

⁴ Pursuant to D.C. Code § 4-1321.02(b): “Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, human trafficking counselor as defined in § 14-311(2), domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11).”

- a) Take immediate steps to prevent further harm to the alleged victim or other minors, including, where appropriate, removing the alleged abuser from the program or activity or limiting his or her contact with minors pending resolution of the matter.
 - b) Determine whether DPS, the MPD, CFSA, or both have already been notified and, if not, whether such notification is required or appropriate given the circumstances.
 - c) If the parents or guardians of the alleged victim have not been notified and are not the alleged abusers, notify the parents or guardians of the minor involved.
 - d) Investigate the report and resolve the matter in a way that safeguards minors, protects the interests of victims and reporters, affords fundamental fairness to the accused, and meets relevant legal requirements.
 - e) Facilitate the University's cooperation with any investigation conducted by MPD, CFSA, or other governmental agency.
2. Whenever a report alleges that someone involved in a non-University program or activity on campus who is not a member of the University faculty, staff or student body has abused or neglected a minor, the person receiving the report shall immediately notify the Vice President of Clinical Affairs, even if they believe they had already been notified. The Vice President of Clinical Affairs, in consultation with DPS, the Office of the General Counsel, and appropriate senior University leadership shall coordinate with the non-University organization or entity as necessary.

IX. INTERIM POLICIES

This Policy is issued as an interim policy which, consistent with the University's *Policy on Policies*, will remain in effect for up to six (6) months, by which time it is expected that a final policy will be adopted.

X. SANCTIONS

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 suspension, dismissal, termination, and, where appropriate, exclusion from campus. The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against non-University entities that violate this Policy.

XI. WEBSITE ADDRESS AND OTHER RESOURCES

Questions about the interpretation or application of this Policy should be raised with the Vice President of Clinical Affairs who shall update or modify the Policy as necessary and administer and oversee the implementation of the Policy in a manner that best achieves its goals. The Policy may be modified upon the recommendation of the Vice President of Clinical Affairs, concurrence of the University Policy Council, and approval of the President to reflect changes in the law, standards relating to the protection of minors, University processes, or as otherwise necessary.

This Policy can be found on the Howard University Policy website:

<https://www.howard.edu/secretary/policy/>

Mandated Reporters must complete the Mandated Reporter Training, which is available at <http://dc.mandatedreporter.org/>

Related policies:

[400-005 Title IX Policy on Prohibited Sexual and Gender-Based Harassment and Violence and Other Forms of Interpersonal Violence](#)

[200-004 Clery Act Disclosure Policy](#)

XII. APPENDICES:

Appendix A Best Practices for Interacting with Minors

Appendix B Signs of Child Abuse and Neglect

Appendix C Specific Requirements and Procedures for Background Checks

APPENDIX A: Best Practices for Interacting with Minors

Those associated with programs or activities involving minors should observe the following "dos" and "don'ts" in order to maintain a safe and positive experience for program participants, encourage parental confidence, and avoid mistaken allegations.¹

DO:

- Maintain the highest standards of personal behavior at all times when interacting with minors.
- Whenever possible, try to have another adult present when you are working with minors in an unsupervised setting. Conduct necessary one-on-one interactions with minors in a public environment where you 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 boundaries.
- Maintain discipline and discourage inappropriate behavior by minors, consulting with your supervisors if you need help with misbehaving youth.
- Be aware of how your actions and intentions might be perceived and could be misinterpreted.
- Consult with other adult supervisors or colleagues when you feel uncertain about a situation.

DON'T:

- Don't spend significant time alone with one minor away from the group or conduct private interactions with minors in enclosed spaces or behind closed doors.
- Don't engage in inappropriate touching or have any physical contact with a minor in private locations.
- Don't use inappropriate language, tell risqué jokes, or make sexually suggestive comments around minors, even if minors themselves are doing so.
- Don't give personal gifts to, or do special favors for, a minor or do things that may be seen as favoring one minor over others.
- Don't share information with minors about your private life or have informal or purely social contact with minor program participants outside of program activities.
- Don't strike or hit a minor or use corporal punishment or other punishment involving physical pain or discomfort.
- Don't relate to minors as if they were peers, conduct private correspondence or take on the role of "confidant" (outside of a professional counseling relationship).
- Don't date or become romantically or sexually involved with a minor. Don't show pornography to minors or involve minors in pornographic activities.
- Don't email, text, or engage with minors through social networking media unless there is an important educational or programmatic reason to do so and you are communicating consistently to all minors in the program.
- Don't provide alcohol or drugs to minors or use them in the presence of minors.

¹ These guidelines are not meant to inhibit medical, psychiatric or other professional interactions with minors where professional standards apply.



APPENDIX B Signs of Child Abuse and Neglect

Nationally and in the District of Columbia, most reports and substantiations of child maltreatment are neglect, followed by physical abuse and sexual abuse.

Neglect occurs when parents or caretakers do not provide proper supervision, control, subsistence, education as required by law, or other care necessary for healthy development. By itself, lack of financial means to provide for a child is not neglect.

Physical signs may include:

- Poor hygiene.
- Inappropriate or ill-fitting clothing.
- Being left alone or with people unable to provide proper supervision.
- Obvious lack of necessary medical treatment.

Behavioral signs may include:

- Chronic hunger or sleepiness.
- Delayed language development.
- Clinging behavior or development of indiscriminate attachments.
- Frequent complaints of feeling unwell.
- Frequent tardiness or absence from school.

Physical abuse is non-accidental injury of a child by a parent or caretaker.

Physical signs may include:

- Bruises, welts, or swelling.
- Sprains or broken bones.
- Burns.
- Lacerations or abrasions.
- Bite marks.
- Unexplained or repeated injuries.

Behavioral signs may include:

- Attempts to hide injuries.
- Difficulty sitting or walking.
- Wariness of physical contact with adults.
- Reluctance to go home.
- Depression or self-mutilation.
- Fear of parent(s) or caregiver(s).

Sexual abuse is exploitation of a child for the sexual gratification of an adult or older child.

Physical signs may include:

- Difficulty walking or sitting.
- Torn, stained, or bloody clothing.
- Genital pain or itching.
- Sexually transmitted diseases.
- Pregnancy.

Behavioral signs may include:

- Precocious sexual knowledge or behavior.
- Extremes—hostile and aggressive or fearful and withdrawn.
- Self-mutilation.
- Substance abuse.
- Running away.



To report child abuse and neglect in the District, call 202-671-SAFE.

APPENDIX C: Criminal Background Checks for Those Interacting with Minors

The following categories of adults are required to undergo a criminal background check prior to their participation in University activities or programs involving minors:

- Directors and supervisors of programs involving minors, including those who are responsible for supervising those who interact with minors;
- Those who stay overnight with minors as part of their job responsibilities in a program or activity involving minors; and
- Those who regularly spend time alone with minors as part of their job responsibilities or role in a program involving minors.

The Offices of Human Resources (OHR) will oversee the processing of criminal background checks. OHR will publish procedures by which University-run and affiliated programs and activities involving minors can request criminal background checks.

Background checks shall consist of the following: social security validation and trace; a search of federal and state or county databases for criminal history; and a national sex offender registry check.

If a background check reveals adverse information or unfavorable results, an individualized assessment will be conducted, taking into account the following:

- the nature of the finding;
- the job for which the applicant is being considered;
- the underlying event(s) that occurred;
- the time elapsed since the finding;
- the applicant's employment history and other evidence of his or her activities in the intervening time since the finding; and
- other relevant information.

A prior conviction shall not automatically disqualify an applicant from a program or activity, but shall be considered using the criteria identified above.

For University-sponsored or affiliated programs or activities, only a background check conducted by Howard University or an external source approved by Howard University will be accepted for purposes of this policy.

Background checks for Howard University employees and students who participate in University-sponsored or affiliated programs or activities involving minors must be renewed after one (1) year. Any employee or student who is required by this Policy to have a background check is under a continuing obligation, as long as he/she continues to participate in programs or activities involving minors, to disclose immediately any new felony or misdemeanor conviction to the [Responsible Officer]. Employees who have a break in service of more than twelve (12) months, and students who withdraw, are suspended or dismissed, or who take leaves of absence of more than one (1) semester, will be required to undergo a new background check if they reengage in University programs or activities involving minors and would otherwise be required

to undergo a background check pursuant to this policy.

OHR will oversee the review of background checks for Howard University faculty, staff, students, and volunteers, in consultation with appropriate departmental representatives and the Office of General Counsel. The [Responsible Officer] or the appropriate University Vice President, with the advice of the Office of General Counsel, will make determinations in cases where criminal background checks for faculty 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 background checks of University faculty, staff and students will be used only for purposes consistent with this Policy and will otherwise be kept confidential. The record of information returned as a result of the background check will be maintained separately from an individual's personnel or student file.

Non-University organizations and entities that operate programs or activities on campus involving minors must conduct criminal background checks of their employees, volunteers, and representatives that meet Howard University standards. If any background check conducted by a non- University program returns a conviction or other adverse information, the external program must inform their Howard University contact person in writing. The University may exclude any external program employee, volunteer, or representative who does not successfully pass a background check.

Non-University organizations and entities must also submit a certification of compliance with the background check rules described herein, including that they have conducted background checks as set forth in this Policy and that they have disclosed all convictions revealed by background checks, prior to the start of any program or activity involving minors on campus. The University may request any additional information it deems necessary to meet the requirements of this Policy.

Individuals required to have a background check 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 complete an initial background check within sixty (60) days prior to the start of a program or activity involving minors and must renew the background check after one year.