

# **Simmons University Minors on Campus Policy Policy Effective January 1, 2020**

## **I. Purpose**

Simmons University is committed to the safety and well-being of all members of the University community, as well as visitors to our campus. Our visitors include Minors, who participate in both University-sponsored programs as well as Third-Party Sponsored Programs held in our campus facilities. This Policy provides guidance to meet the objective of fostering a safe environment for Minors. In addition to complying with this Policy, members of the Simmons community are also expected to adhere to obligations imposed by applicable state and federal law.

This Policy sets:

- Minimum standards of conduct for interacting with Minors;
- Guidelines for the operation of programs involving Minors;
- Background check requirements for those Simmons employees interacting with Minors;
- Training requirements for Simmons community members who oversee programs involving Minors;
- Expectations for Third-Party Sponsored Programs who bring Minors on campus; and
- Procedures for reporting, and responding to, suspicions of neglect or abuse of Minors.

## **II. Definitions**

- A. **Minor:** Any person under the age of 18, other than those individuals expressly exempted from this Policy by the language of the Policy. For purposes of this Policy, it shall exclude minors enrolled at Simmons as students.
- B. **Responsible Adult:** Individual, paid or unpaid, over the age of 18 who is responsible for instructing, supervising, managing, chaperoning, or otherwise interacting directly with Minors in connection with a Program, as defined below. This includes faculty, staff, students, volunteers, employees, or contractors of the University or Third-Party Sponsored Programs.
- C. **Mandated Reporter:** Massachusetts law designates individuals in certain occupations and professions as mandated reporters. Mandated reporters are required, by law, to immediately report any instance of suspected abuse or neglect of a Minor to the Massachusetts Department of Children & Families (DCF). Mandated reporters are those professionals whose work involves regular contact with children, including, without limitation, instructors, professors, coaches, educational administrators, police officers, health and counseling center employees, physicians, psychiatrists, psychologists, nurses, social workers, and clergy.

- D. **Program:** Any organized activity or event that is sponsored, offered, or otherwise facilitated by the University or a Third-Party Program Sponsor, which is intended for the enrollment and participation of Minors.
- E. **Program Administrator:** An individual Simmons employee (faculty or staff member) who organizes and coordinates the operation of a University Sponsored Program on the Simmons campus.
- F. **Simmons Sponsor:** An individual Simmons employee who is the primary point of contact for a Third-Party Sponsored Program and authorizes the use of Simmons facilities by a non-University organization for such Program. This individual will be responsible for sharing the necessary information under this Policy with the Third-Party Program Sponsor.
- G. **Third-Party Sponsored Program:** A Program for Minors that a non-University organization hosts, organizes, and operates in University facilities or on the University campus. A **Third-Party Program Sponsor** is the main point of contact for the non-University organization and is responsible for compliance with this Policy.
- H. **University Sponsored Program:** A Program for Minors that is sponsored, hosted, organized, and operated by a University department, unit, or organization and held on the University campus. A University Sponsored Program must have a **Program Administrator** who is responsible for the Program's compliance with this Policy.

### III. **Scope of Policy**

#### A. **Who is covered?**

This Policy covers all members of the University community, including: all faculty, staff, and students; those employed by others but working on the Simmons campus; visitors to campus; volunteers at Simmons; and any third-party organizations operating programs for Minors on the Simmons campus.

#### B. **What programs are covered by this policy?**

Any University-sponsored program that is specifically for Minor children or in which Minor children participate, as well as programs for Minors that are sponsored by outside organizations but held on the Simmons campus and/or using our campus space or facilities.

#### C. **What programs or persons are not covered by this policy?**

- i. Minors who are enrolled as Simmons students.
- ii. Institutional review board (IRB)-approved research involving minors.
- iii. Simmons students who are hosting prospective Simmons students for campus visits and/or overnights, including prospective student-athletes.
- iv. Minors working for the University as employees or interns.
- v. Events on campus that are open to the general public, which Minors attend, but for whom the University is not accepting the care, custody, or control. In these

situations, Simmons expects parents or guardians to provide supervision over the Minors on campus unless the Minors are involved in a covered Program.

#### **IV. Policy Obligations**

In order to ensure the safety of Minors participating in activities that are held at or sponsored by Simmons, Programs must meet the following requirements:

##### **A. Reporting Child Abuse or Neglect**

- i. Emergency Situations  
Immediately call the Boston Police (911) or Simmons Public Safety (x1111).
- ii. Other Situations  
Any member of the Simmons community that knows, suspects, or receives information indicating that a Minor has been abused or neglected, is expected to inform DCF at 800-792-5200. In addition, Simmons employees should promptly notify the senior leader (Dean, VP, or SVP) to whom his or her unit reports, as well as the Office of the General Counsel.
- iii. Additional Obligations for Mandated Reporters
  - a. Massachusetts law designates individuals in certain occupations and professions as mandated reporters (see Definition section for list), who have a legal obligation to report suspected child abuse and neglect.
  - b. Mandated reporters who, in their professional capacity, have reasonable cause to believe that a child is suffering physical or emotional injury should report it immediately to DCF. Within 48 hours of making a verbal report to DCF, a mandated reporter must also file a written report with DCF detailing the suspected abuse or neglect
- iv. Non-retaliation  
Retaliation or discrimination against any employee who makes a report of child abuse or neglect in good faith, or cooperates in the investigation of such, is prohibited, regardless of findings. Any claim of retaliation will be investigated and may result in disciplinary action against the individual who has engaged in the retaliation or discrimination.

##### **B. Criminal Background Checks**

- i. Responsible Adults who will have direct unsupervised contact with Minors enrolled in Programs must have mandatory criminal and sex offender background checks prior to participating and/or having any involvement in any Program. No exceptions will be considered.
- ii. For University Sponsored Programs, such background checks will be administered by Human Resources. More information on the Simmons University Background Check Policy can be found here:  
<https://internal.simmons.edu/~media/Simmons/About/HR/Documents/Background-Check-Verification-and-CORI-Policy.ashx?la=en>.

- iii. For Third-Party Sponsored Programs, the background checks are the responsibility of the Third-Party Sponsor and must be completed no fewer than three business days prior to the start of the Program.

### **C. Training**

- i. All members of the Simmons community who participate in University Sponsored Programs that include Minors must receive training prior to organizing, attending or participating in such Program.
- ii. At a minimum, this training must include a review of this Policy;
- iii. Third-Party Sponsored Programs are required to provide trainings to the employees, volunteers, and agents who will be operating the Program on the Simmons campus. Third Party Sponsors may develop their own training program, but it must cover, at a minimum, a review of this Policy.

### **D. Participation Agreements**

All Minors participating in University Sponsored Programs must have their parent/guardian execute a University participation agreement and waiver of liability (see Exhibit A) prior to the start of the Program. No Minor will be allowed to participate in a University Sponsored Program until this form has been executed and provided to the Program Administrator.

### **E. Simmons Sponsored Programs**

A Program Administrator for a particular University Sponsored Program will be responsible for the following:

- i. Ensuring that all Responsible Adults have undergone a criminal background check prior to participating in a University Sponsored Program.
- ii. Ensuring completion of appropriate training for members of the Simmons community prior to participating in a University Sponsored Program.
- iii. Obtaining participation agreements and waivers of liability from the parents/guardians of all Minors who participate in the University Sponsored Program.
- iv. Ensuring adequate supervision of Minors while they are on the University campus and/or participating in the University Sponsored Program.
- v. Following the Guidelines for Interacting with Minors (see Section V herein), and requiring that Simmons employees involved with the University Sponsored Program also follow the Guidelines.

### **F. Third-Party Sponsored Programs**

- i. For all Programs for Minors that a non-University organization hosts, organizes, or operates in University facilities or on the University campus, there must be a contract in place governing the use of the University space. In order to comply with this Policy, the contract must, at a minimum:
  - a. Include a provision that the Third Party Sponsor understands and accepts responsibility for adhering to this Policy, including the background check requirements; and

- b. Require insurance coverage specific to the Program being offered at Simmons, including child molestation coverage in addition to the standard insurance coverage.
- ii. The Simmons Sponsor (the primary Simmons contact for non-University organizations hosting events at Simmons) will ensure the Third Party Sponsor receives a copy of this Policy and that a contract with the Third Party Sponsoring organization is in place before a Program begins.
- iii. Third-Party Sponsors must ensure adequate supervision of Minors while they are on the University campus.
- iv. Third-Party Programs must comply with any additional federal or state requirements applicable to services, programs, and activities involving Minors.

#### **G. Sanctions**

- i. Simmons expects all members of the University community to adhere to and act in accordance with this Policy. Failure to comply may lead to disciplinary action up to termination, suspension, and/or revocation of the opportunity to access or use University facilities.
- ii. Violations of this Policy by students may be handled under the Student Code of Conduct or other applicable University policies.
- iii. Failure by a Third Party Sponsor to adhere to this Policy shall constitute a breach of the Conference or Facilities Use Agreement and will result in termination of the organization's ability to access or use University facilities both now and in the future.

#### **V. Guidelines for Interacting with Minors**

Simmons University expects that individuals will treat all Minors with who are using our campus with respect, dignity and fairness. In addition, individuals interacting with Minors on the Simmons campus must follow these Guidelines.

**Contact:** Physical contact with Minors must be non-sexual at all times and otherwise appropriate. Avoid physical contact with Minors that could be misinterpreted by either the Minor or anyone who observes it. A high five or pat on the back may be acceptable; but a pat on a Minor's buttocks is not. Tickling, pinching, rough-housing, neck or shoulder massages, or any touching that may be considered intimate in nature is prohibited and is inappropriate. This list is illustrative, not exhaustive.

All those who interact with Minors on the Simmons campus shall conduct themselves with the awareness that they are interacting with a Minor, and not an adult who can give consent. Anyone with a question about what is or is not appropriate contact should seek advice.

**One-on-one interactions:** Adults are urged to avoid being alone with a Minor, particularly in areas on campus that are isolated. If one-on-one contact is unavoidable, such interactions should be held in a public area or a room where the interaction can be observed by others. Closed-door meetings are prohibited. Discussions in parked or moving cars are prohibited. Meetings off campus with a Minor are prohibited.

**Communications:** One-on-one communication with Minors should also be avoided, this includes communication via telephone, mail, email, text, social media, or any other means. Any communications with Minors are to include as a party to the communication a second adult or the parent or guardian of the Minor. When Simmons community members communicate with Minors as part of their work, such communication is to be done via the faculty or staff member's Simmons email address.

**Discipline:** Limit-setting with Minors may be necessary and appropriate to keep them safe. However, physical discipline of a Minor is never allowed. Further, speech, gestures, or other behavior that bullies, demeans, embarrasses, or is disrespectful toward a Minor is never appropriate.

**Alcohol and Drug Use:** The possession and/or use of illegal drugs and the use of tobacco, marijuana, or alcohol products is prohibited when interacting with Minors. Simmons community members are prohibited from providing alcohol, drugs, tobacco products, any form of marijuana, vaping products, e-cigarettes, or other such items to Minors.

*If you have questions about this Policy, please contact the Office of the General Counsel.*