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# *URMIA Journal 2014* - Six Lessons Learned in Managing the Risk of Minors on Campus

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**Children are the world's most valuable resource and its best hope for the future.**

—John F. Kennedy, 35th President of the United States

# *URMIA JOURNAL* 2014 - Six Lessons Learned in Managing the Risk of Minors on Campus

| *Candace Collins JD, Richard Dangel Ph.D., and Aaron Lundberg LMSW, Praesidium, Inc.*

**Reviewer Comments:**
"This remains a very important topic for colleges and universities and the article provides very practical advice."
*- Jeannine Bailes, University of Alabama at Birmingham*

## Introduction

Some statistics indicate that one in four girls and one in six boys are sexually abused before the age of 18.[1] Ten percent of students may be exposed to sexual misconduct before completing high school,[2] and there has been a significant increase in peer-to-peer sexual abuse in recent years.[3] And while most parents warn their children about "stranger danger," the majority of the time the offender isn't a stranger at all, but rather someone known by the child or family.[4]

Over the past decade or so, most major youth-serving organizations, including the YMCA, Boys and Girls Clubs, and Big Brothers Big Sisters, have made significant progress in keeping minors in their programs safe from sexual abuse by employees, volunteers, and other program participants. Churches, schools, camps, childcare programs, and social service agencies have made similar strides. But in the aftermath of the 2011 Jerry Sandusky child sexual abuse scandal that rocked the higher education community, colleges and universities across the nation began realizing that they were not fully aware of just how big and dangerous a risk they were embracing in offering programs for minors. In the wake of this realization, universities across the nation have been hard at work to evaluate, develop, and implement system-wide changes. And through this work, many universities discovered that seemingly simple questions such as, "How many minors do we serve on campus? In which programs are we serving minors? What safeguards do we have in place to protect minors?" are not so easily answered.

Many universities began by attempting to quantify their exposure but quickly realized they lacked a process to identify and track all youth-serving programs and were unable to determine the actual number of minors served.

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Those universities that were able to get an estimate were surprised—even shocked—to realize that they actually served far more minors than university students. Between summer camps, recreation events, childcare, laboratory research, mentoring programs, 4-H, campus tours, and community outreach, the numbers kept growing.

Many universities also realized they had several similar programs operating in very dissimilar ways. For example: two camps, one an athletic camp and the other a recreation center camp, both served similar groups of minors yet used completely different policies, procedures, employee and volunteer screening methods, and youth supervision standards. Likewise, universities found that community outreach programs varied within and across departments, and many programs that served minors were unaware that they were required to comply with state licensing standards related to staffing ratios and employee and volunteer screening, selection, and training requirements.

Today, university awareness of this risk has increased tremendously and most have begun systematically addressing the exposure. These authors have worked with numerous universities—large and small, state and private—to help them assess and manage this exposure, and together we've learned six important lessons.

### Lesson 1: Universities Embrace a Myriad of Risks, Each Competing for Attention and Resources

Universities face a myriad of challenges today. The explosion of massive open online courses (MOOC), competition for funding, skyrocketing student loans, national rankings, student dating violence, and increased federal regulation and oversight are only a few. The risks associated with serving minors on campus must compete for attention and resources.

Nevertheless, the need to manage this risk is a pressing issue. Instead of a short-term response, universities should think about an overarching cultural shift. This means that a successful rollout and implementation of a minors on campus initiative requires a long-term investment from diverse leadership. Not everyone will be equally interested or committed, which is why universities should build a team of influential stakeholders early on and appoint an individual torch bearer to maintain momentum.

One example of a struggle we hear about often involves athletic departments and some level of push back on screening and training. These departments are often large, serve lots of minors, generate lots of money, and carry significant political power on campus. But imagine the ramifications of an entire department refusing to comply with an institutional position, choosing instead to act on its own authority. To avoid an entire department or group of faculty members resisting new policies and procedures, it is important to ensure that the interests of all groups are represented in the implementation process by including representatives from key departments in the decision making.

### Lesson 2: Universities Strive to Develop the Fewest Policies that Reasonably Manage the Most Risks

The first step we see universities taking is developing a campus-wide policy that meets industry standards and regulations. Some universities have individual policies for individual issues such as background checks, training, interactions with minors, and reporting. The challenge is how to create a broad enough policy that has teeth and also realistically applies to all programs.

While each university must find its own balanced approach that fits within its campus culture, we recommend that universities develop two types of policies to address minors: campus-wide policies and program-specific policies. Campus-wide policies are designed to create a minimum standard for all university programs that serve minors. These policies apply broadly and may cover a significant percentage of the exposures the university faces. The more risks that can be managed with the fewer policies, the better. At the same time, program-specific policies are designed to manage the specific risks of various program types and to ensure that similar programs operate in similar, consistent ways.

What difference does it make? Imagine university policies that prohibit meeting alone with one minor, or transporting minors. That sounds easy enough and may greatly reduce the risk of child sexual abuse. In fact, these policies may work well for everyone who runs campus tours and swim lessons. But what about a crew camp that travels to a local boating club for practice, a science summer camp that takes museum field trips, or a music lesson that needs to be one-on-one? A one-size-fits-all, universal policy doesn't always work for every program that serves minors.

#### *Campus-Wide Policies*

There are recognized industry standards and regulations that apply broadly to everyone in all programs at a university. Campus-wide policies strive for balance on the level of detail, but err on the side of broad inclusion. They are designed to address global issues that apply to anyone who works with or around minors, including screening, training, and reporting, and they include a zero-tolerance statement.

##### *Screening*

One of the most well-established standards among youth-serving organizations is background checks. The screening process is the first line of defense in limiting access to minors, and, in implementing new policies, most universities immediately start thinking about their background check process.

But effective screening requires more than just background checks. While completing a background check is the industry standard these days, only a very small percentage of offenders have a criminal record. We recommend that universities include additional safeguards, such as standardized applications, face-to-face interviews, reference checks, and an overall screening process specifically designed to assess for abuse-risk behavior.

The campus-wide policy should address key screening procedures that apply to anyone who works with or around minors. This includes not just faculty, staff, student employees, and interns, but also volunteers and chaperones.

### *Training*

Industry standards also indicate that anyone who works with or around minors should complete some level of abuse prevention training. The campus-wide policy sets forth these abuse prevention training requirements. Again, this includes more than just employees—volunteers must also be trained. The next section outlines in greater detail what this training encompasses; however, from a policy perspective, universities should stipulate training be completed before individuals may work with minors—or very soon after they start—and be annually refreshed. In addition, a variety of methods to maintain awareness throughout the year should be implemented.

### *Reporting*

Universities need to create centralized reporting procedures to ensure responses are prompt and effective. Many universities have already started this process by centralizing mandatory reporting procedures for suspicions and allegations of abuse. This type of reporting is vital to ensure prompt and appropriate responses, which can potentially decrease the consequences of abuse. Equally important to address in a centralized reporting policy are procedures for reporting suspicious or inappropriate behavior and policy violations and procedures for reporting minor-to-minor sexual behaviors.

Implementing a campus-wide reporting procedure for unacceptable behaviors that may not rise to the level of abuse helps universities identify problem individuals and address issues before an allegation of abuse is made. A reporting procedure for minor-to-minor behaviors further aids in the process of determining whether a child is simply having a bad day or is exhibiting behavior that may exceed the level of services provided by the program.

Including all three of these reporting procedures in the campus-wide policy provides universities with an opportunity to continually assess the need for additional safety measures and training.

### *Zero Tolerance*

In an effort to set the right tone and culture, the system-wide policy ideally includes a zero-tolerance statement prohibiting abuse. Including a code of conduct is another way to provide a broad description of behaviors that are always prohibited when working with minors. These may include a prohibition on drugs, alcohol, and pornography in the presence of minors or during program operation.

## ***Program-Specific Policies***

Program-specific policies help maintain consistency across similar programs by addressing varying risks that may exist in different types of programs. Note that a university does not need 5,000 sets of policies to address 5,000 individual programs. Rather, it may group programs together (day camps, student teachers, community outreach, overnight events, international programs, etc.) and implement consistent, program-specific guidelines that address more detailed issues such as interactions, boundaries, and high-risk activities.

### *Interactions and Boundaries*

Whether it's an offender grooming a child or behavior leading to a false allegation of abuse, poorly defined boundaries usually contribute to high-risk situations. To an outsider, both interactions may look the same. Without clear guidelines, individuals may interact with minors based on their own perceptions and personal comfort level. Specific policies set the bandwidth of acceptable behavior so that everyone in the program knows what constitutes a reportable offense. Not all policy violations constitute abuse, but putting everyone on the same page makes the reporting process less personal and refocuses the attention on safety.

Within each program type, develop guidelines for appropriate and inappropriate interactions between adult and minor participants. Consider addressing physical affection, verbal interactions, and whether and under what circumstances employees and volunteers may have contact outside of the program, communicate electronically or through social media, or give gifts to minors.

*High-Risk Activities*

Different programs have different activities and risks that are uniquely associated with abuse and false allegations. For instance, tutoring and mentoring programs may involve situations with more privacy and one-on-one interactions than other programs. Alternatively, a day camp may include an off-site activity or field trip with potential for interactions with the general public and uncontrolled environmental factors. Other high-risk situations include bathroom and locker room activities, transportation, activities associated with water and swimming, overnight activities, and activities with mixed age groups. Develop guidelines for managing these high-risk activities as they relate to programs.

## Lesson 3: Universities Struggle to Determine Who Should Be Background Checked and Trained

Universities have known for some time that they have an obligation to complete background checks on some individuals. However, because not all individuals on campus have the same level of access to minors in university programs, we receive a lot of questions about how to determine who should be background checked and trained. Universities typically want to know how the screening and training process differs for different types of individuals: faculty who rarely interact with minors, employees who provide direct supervision for minors in a program, janitors, volunteers, contractors, etc. These decisions naturally present challenges. Cost may be a significant factor, and multiple stakeholders with differing opinions may be involved in the decision making.

Unfortunately, there is not one answer that fits every university and every situation. However, there are a few guidelines a university can follow. First, follow all state and federal regulations. Second, the key is to let access to minors—not just title, employment, or contract status—guide the decisions.

### *State and National Laws*

Several state and federal laws may govern who at a university should be background checked, trained, and who is a mandatory reporter. Be aware of these laws and any licensing regulations that may affect a program.

### *Assessing Access*

Assess access to minors by evaluating how each individual or group of individuals may interact with minors based on frequency, duration, level of supervision, and nature of the relationship.

- How frequently does the individual work around or interact with minors? Is it a one-time event or every day?
- What is the duration of the individual's interactions? Is it a one-time, one-hour event or an entire summer?
- Are the individual's interactions always supervised by another adult, or are they one-on-one with minors?
- What is the nature of the relationship between the individual and the minors in the program? Does the individual merely supervise an area during a campus event that has minors, or are they getting to know individual minors and families while advising or tutoring?

Applying the above criteria may reveal surprising needs for additional screening and training. For example, a janitor at a recreation center may work around minors every day—sometimes when they are dressing and showering. A student teacher may work with minors for the duration of a school year. A professor in a lab may have unsupervised access in isolated or restricted areas of campus. All of these situations require more than just cursory thought on the issue of background checks and training.

When in doubt, err on the side of caution and increase the level of screening and training.

## Lesson 4: Universities Must Rely on a Multifaceted Approach to Deliver the Right Training to the Right People at the Right Time

Training on abuse prevention has become industry standard and is federally mandated in some instances. Some training must be generic enough that it is useful for anyone who interacts with minors, while other training must be program-, job-, or role-specific. For example, everyone who interacts with minors needs to know how to identify warning signs of offenders, high-risk behaviors, and proper reporting procedures. This knowledge base requires training in a variety of formats to reinforce key points.

However, universities face unique challenges due to the large number of individuals involved in programming and the roles they play at different times of year. Therefore, an effective training delivery system must ensure that the right training gets to the right people at the right time. The training must include preventative content and program-specific information that is timely, easy to use, and holds everyone accountable.

### *Right Content*

Not all abuse prevention training is created equal. Some programs primarily focus on identifying signs and symptoms that a child has been abused or how to report abuse. Though these topics are important, these types of training programs fail to teach how to prevent abuse. The right training incorporates preventative, not just reactive, measures. Preventative training establishes a culture of awareness and involvement at all levels.

### *Program-Specific*

Universities operate all kinds of programs, many of which have unique risks. The training for these programs should be specific to these risks, whether it's a day camp, aquatic program, tutoring, overnight trip, or summer coaching. One training is unlikely to fit all program types.

### *Timely*

The training must be delivered in such a way that individuals can access it prior to their interactions with minors, or very soon after. Training after an incident may help with future knowledge, but it doesn't address events that have already occurred.

### *Ease of Use*

Everyone is busy, and technological glitches are no fun. To maximize the training experience, individuals must be able to easily enroll, schedule, and complete training courses.

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### *Accountability*

Individuals must be accountable for their training requirements. This means that universities need the ability to track who has completed what training and when.

To create a strong learning culture, consider using a blended training delivery system, with both online and in-person components. For instance, leadership may benefit more from in-person training. These individuals may include campus leaders, deans, department chairs, program directors, and assistant directors. Employees, interns, and volunteers may benefit more from online training. The ease and convenience of online training allows these users to complete training during a time that works best for them. Campus-wide policies and general information are often communicated through online training modules. Supplemental information for program types can be delivered online or in-person. Supervisors should also consider incorporating in-person training components to reinforce knowledge retention and maintain awareness.

## Lesson 5: Universities Need to Contractually Manage Relationships with Vendors Who Serve or Who Have Access to Minors on Campus

Contractors often have access to or serve minors in a variety of capacities, and universities need to ensure these individuals are operating with at least minimum safeguards. Universities also need assurances that contractors are not registered sex offenders. This means that how universities deal with contractors, vendors, facility rentals, and other situations involving third-party contracts is equally important in preventing sexual abuse of minors and minimizing organizational risk. We have found that many universities struggle to find the right balance in their relationships with contractors. For instance, they don't want the wrong people involved with programs on campus or minors running around campus with zero supervision, but they also don't want to negate the risk-shifting benefits of a contractual arrangement. To address these concerns, consider using a four-by-four approach: identify four types of ownership and address four key issues.

Programs that serve minors typically fall into four ownership categories, most of which involve an outside entity: (1) the university solely owns and operates the program; (2) the university jointly operates the program with another organization; (3) the university contracts with another organization to provide the program; or (4) another organization uses the university's facilities to operate its program independently from (and having no affiliation with) the university.

When universities do not solely own or operate programs, other individuals (often with no university affiliation) may interact with minors. It's not uncommon for parents and participants to associate the university's name with a particular program that serves minors even when the university doesn't actually operate, sponsor, or host the event, whether it's a summer camp run by a coach operating under his own limited liability company or a local book club hosted by community sponsors. Before signing a contract or facility use agreement, universities must address the following four issues with all necessary internal departments (risk management, contracts and procurement, office of general counsel, etc.): (1) screening; (2) training; (3) supervision; (4) insurance coverage.

### *Screening*

Universities may know the background check requirements for their employees and volunteers, but what about the outside organization and its employees and volunteers? How are these individuals who interact with minors screened? At a minimum, ensure that the individuals who supervise and are responsible for minors submit to a national background check and a national sex offender registry search.

### *Training*

How are individuals who interact with minors trained by the contractor? The university will want to ensure that everyone interacting with minors receives abuse prevention training similar to that described above and knows the applicable policies and procedures.

### *Supervision*

What are the contractor's policies and procedures governing supervision of minors and high-risk areas? Ideally, the agreement should include a provision requiring the contracting organization to have its own supervision requirements pertaining to minors and specify that failure to do so may result in termination of the agreement. Some of the key supervision areas that the contractor should address include:

- Adult-to-minor ratios
- Supervision of bathroom and changing activities
- Supervision of activities associated with water use (pools, showers, bathing areas, swimming, etc.)
- Supervision of overnight activities
- Supervision during transition and free times

### *Insurance Coverage*

Which entity is going to cover the risk of loss and the cost of defense if necessary? In addition to the standard indemnity provision, request that the other organization provide a defense in the event of an incident and agree to name the university as an additional insured on its sexual abuse and molestation coverage. Recent ISO form changes affecting the availability of additional insured coverage place greater significance on the terms contained in third-party contracts, further highlighting the need for legal counsel's involvement in the process.

## Lesson 6: International Programs That Serve Minors Bring Unique Risks

Not all university programs that involve minors operate domestically. Some operate internationally or bring international minors to domestic university programs. Behavioral norms may differ, language barriers may impair communication, and living arrangements may introduce risks. Also, minors sometimes do things away from home that they might not otherwise do, and the university may own all of these challenges.

To overcome these challenges, universities must require well-defined policies, training, and education for everyone; strict monitoring and supervision; and clear procedures for and awareness of reporting channels. Take a closer look at any partner organizations or host families to determine the policies and procedures under which they operate.

## Conclusion

It may seem as though abuse of a minor could never happen on your campus—and we hope that it never does. But

one incident of abuse is one too many. Implementing large scale change takes work, and we hope these lessons and recommendations will help universities face current challenges and continue moving forward with a safer environment for everyone.

Universities cannot rely on screening, policies, training, reporting mechanisms, and other safeguards in isolation. It takes a system-wide approach. More importantly, post-2011, the entire higher education community started a conversation about minors on campus. And while this conversation may change over time, we hope that it never stops. The protection of minors and institutional reputations depend on the continued evolution of this discussion.

**About the Authors -** *Note that author biographies are from the original article publication date.*

*Candace Collins* works with a variety of clients to assess risk, investigate incidents, and train organizations in abuse prevention. Prior to joining Praesidium, Ms. Collins practiced law for more than 10 years, focusing on insurance and corporate defense. She also served as an assistant attorney general for the State of Texas, with an emphasis in consumer protection, long-term care facilities, and group homes. She graduated cum laude from Texas A&M University with a degree in business management and obtained a juris doctorate from Texas Wesleyan University School of Law.

*Dr. Richard Dangel* holds advanced degrees from The University of Kansas and The University of Michigan. He is a doctoral level licensed child psychologist with more than 25 years of experience in abuse risk management, quality assurance, and program evaluation. Dr. Dangel has been a tenured full professor at The University of Texas at Arlington, published three books and dozens of scientific articles, and delivered more than 1,500 papers and workshops around the world.

In addition to his work at Praesidium, Dr. Dangel has served on the Editorial Board of the *Journal of Child Sexual Abuse*, National Research Advisory Boards of the YMCA of the USA and Father Flanagan's Boys' Town, and on the boards of numerous philanthropic organizations. He has also served as a consultant to Chartis, Lexington, Lloyd's of London, The Redwoods Group, Willis, and Church Pension Group advising underwriters and claims managers about managing and underwriting abuse risk coverage in organizations. Dr. Dangel has written curriculum for more than 30 specialized online training courses on the subject of abuse prevention in organizations.

As Praesidium's chief operating officer and vice president of account services, *Aaron Lundberg*, LMSW, works with administrators and executive directors of large scale human service organizations across the United States to develop, implement, and monitor abuse prevention policies and training programs. In addition to his work with clients, Mr. Lundberg leads Praesidium's team of account managers.

Mr. Lundberg specializes in the study and prevention of sexual abuse in organizational settings. With a bachelor's degree in psychology from Texas Tech University and a master's degree in social work from the University of Texas at Arlington, he has conducted extensive research in the etiology, scope, and prevention of abuse in residential treatment centers. Since joining Praesidium in 2001, Mr. Lundberg has assessed, analyzed, and consulted on multiple cases of sexual abuse within a wide range of organizations. He has trained thousands of direct care workers, supervisors, administrators, and parents in preventing the sexual abuse of children and vulnerable adults.

**Endnotes**

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