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	Date December 2, 2019

PURPOSE

This Policy provides guidance to all members of the Vermont State Colleges System (“VSCS”) community on how to protect minors from abuse, including sexual abuse, and neglect and provides information on mandatory reporting of child abuse and neglect under Vermont law.

SCOPE

This Policy applies to all VSCS community members, including faculty, staff, full-time and part time employees, students, volunteers, trustees, officers, contractors, third party vendors, and visitors to VSCS’s Member Institutions. It covers the protection of all Minors present on VSCS property, as well as those participating in VSCS sponsored programs and activities at locations not owned or controlled by the VSCS.

STATEMENT OF POLICY

“Sexual assault” and “sexual misconduct” are defined in VSC Policy 3A1 Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

B. Reporting Suspected Abuse

Mandated Reporters who have reasonable cause to suspect abuse or neglect of a minor are legally required to make a report to the Family Services Division (“FSD”) the Department for Children and Families within 24 hours of the time the mandated reporter received or observed information regarding the suspected abuse or neglect.

To make a report

Call FSD at 1800-649-5285 (24 hours a day, 7 days a week).

If a Minor is in immediate danger, dial 911 or call local law enforcement first

Then call (he)-36Mc 0 Tw c84 0Tc 0.068 Tw 3.52 0 0 Td ()Tj Tw 3.52 03caus5T6 (S)-8 (er)-311 (

E. Background Checks

Pursuant to VSCS Policy 208: Criminal Background Checks, criminal background checks are required on all new full-time employees and certain part-time employees to protect vulnerable persons and others who work, enroll in, or attend programs through the VSCS. To the extent permitted by law, criminal background checks shall be conducted on all persons to whom an offer of full-time employment has been made. In addition, criminal background checks shall be conducted on all persons, including student employees, to whom an offer of part-time employment has been made where the terms and conditions of employment contemplate regular access to residence halls, day care centers, and other programs in which Minors are known to congregate. When there is insufficient time in which to obtain a fingerprint supported background check, the Member Institutions are permitted to use an online service to perform an expedited background check, without fingerprints, at the institution's expense, when such time-sensitive background checks need to be performed on persons, such as camp counselors and volunteers, who either work directly with Minors or who will be working in areas around Minors or in activities involving Minors. See VSC Policy 208; Criminal Background Checks for additional information.

F. Chancellor

The Chancellor's

ADDITIONAL RESOURCES

**Appendix A to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect**

Title 33: Human Services

Chapter 49: Child Welfare Services

Sub-chapter 2: Reporting Abuse of Children

also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

(2) "Assessment" means a response to a report of child abuse or neglect that focuses on the identification of the strengths and support needs of the child and the family and any services they may require to improve or restore their well-being and to reduce the risk of future harm. The child and family assessment does not result in a formal determination as to whether the reported abuse or neglect has occurred.

(3) "Child" means an individual under the age of majority.

(4) "Child Protection Registry" means a record of all investigations that have resulted in a substantiated report on or after January 1, 1992.

(5) "Emotional maltreatment" means a pattern of malicious behavior which results in impaired psychological growth and development.

(6) "Harm" can occur by:

(A) Physical injury or emotional maltreatment.

(B) Failure to supply the child with adequate food, clothing, shelter, or health care. As used in this subchapter, "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under State law. Notwithstanding that a child might be found to be without proper parental care under chapters 51 and 53 of this title, a parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

(C) Abandonment of the child.

(7) "Investigation" means a response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred.

(8) "Member of the clergy" means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person performing official duties on behalf of a church or religious body that are recognized as the

duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner.

(9) "Multidisciplinary team" means a group of professionals, paraprofessionals, and other appropriate individuals impaneled by the Commissioner under this chapter for the purpose of assisting in the identification an-25.9 (h:(t-)34 (ead)-4 - o)-24o

(16) "Substantiated report" means that the Commissioner or the Commissioner's designee has determined after investigation that a report is based upon accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected.

(17) "Serious physical injury" means, by other than accidental means:

(A) physical injury that creates any of the following:

(i) a substantial risk of death;

(ii) a substantial loss or impairment of the function of any bodily member or organ;

(iii) a substantial impairment of health; or

(iv) substantial disfigurement; or

(B) strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1985, No. 211 (Adj. Sess.), §§ 1, 2; 1989, No. 295 (Adj. Sess.), §§ 1, 2; 1991, No. 141 (Adj. Sess.), § 1; 1995, No. 145 (Adj. Sess.), § 5; 2001, No. 135 (Adj. Sess.), § 15, eff. June 13, 2002; 2003, No. 43, § 2, eff. May 27, 2003; 2003, No. 66, § 136a; 2007, No. 77, § 1, eff. June 7, 2007; 2007, No. 168 (Adj. Sess.), § 2; 2007, No. 172 (Adj. Sess.), § 18; 2013, No. 131 (Adj. Sess.), § 76, eff. May 20, 2014; 2015, No. 60, § 3.)

§ 4913. Reporting child abuse and neglect; remedial action

(a) A mandated reporter is any:

(1) health care provider, including any:

(D) hospital administrator in any hospital in this State;

(E) registered nurse;

(F) licensed practical nurse;

(G) medical examiner;

(H) emergency medical personnel as defined in 24 V.S.A. § 2651(6);

(I) dentist;

(J) psychologist; and

(K) pharmacist;

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

(A) school superintendent;

(B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;

(C) school teacher;

(D) student teacher;

(E) school librarian;

(F) school principal; and

(G) school guidance counselor;

(3) child care worker;

(4) mental health professional;

- (5) social worker;
- (6) probation officer;
- (7) employee, contractor, and grantee of the Agency of Human Services who have contact with clients;
- (8) police officer;
- (9) camp owner;
- (10) camp administrator;
- (11) camp counselor; or
- (12) member of the clergy.

(b) As used in subsection (a) of this section, "camp" includes any residential or nonresidential recreational program.

(c) Any m the 5.0.1 (7 EMC /P <</MCID 13 >>B (rg))5 -7.06 -1.32.94 -1.2 (4-8.405ID 13 >>B)38 (o)1 (ec

(B) is engaged in an ongoing working relationship with the child or family who is the subject of the report.

(3) Any information disclosed under subdivision (2) of this subsection shall not be disseminated by the mandated reporter requesting the information. A person who intentionally violates the confidentiality provisions of this section shall be fined not more than \$2,000.00.

(4) In providing information under subdivision (2) of this subsection, the Department may withhold:

(A) information that could compromise the safety of the reporter or the child or family who is the subject of the report; or

(B) specific details that could cause the child to experience significant mental or emotional stress.

(e) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.

(f)

(1) Any person other than a person suspected of child abuse, who in good faith makes a report to the Department shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report.

(2) An employer or supervisor shall not discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee because that employee filed a good faith report in accordance with the provisions of this subchapter. Any person making a report under this subchapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of his or her making a report.

(g) The name of and any identifying information about either the person making the report or any person mentioned in the report shall be confidential unless:

(1) the person making the report specifically allows disclosure;

- (2) a Human Services Board proceeding or a judicial proceeding results therefrom;
- (3) a court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the Department to make the name of the reporter available; or
- (4) a review has been requested pursuant to section 4916a of this title, and the Department has determined that identifying information can be provided without compromising the safety of the reporter or the persons mentioned in the report.

(h)

- (1) A person who violates subsection (c) of this section shall be fined not more than \$500.00.
- (2) A person who violates subsection (c) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.
- (3) This section shall not be construed to prohibit a prosecution under any other provision of law.

(i) Except as provided in subsection (j) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(j) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

- (1) made to a member of the clergy acting in his or her capacity as spiritual advisor;
- (2) intended by the parties to be confidential at the time the communication is made;
- (3) intended by the communicant to be an act of contrition or a matter of conscience; and
- (4) required to be confidential by religious law, doctrine, or tenet.

(k) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection (j) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection (j) of this section.

(Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1983, No. 169 (Adj. Sess.), § 1; 1985, No. 208 (Adj. Sess.), § 19, eff. June 30, 1986; 1989, No. 295 (Adj. Sess.), § 3; 1993,

**Appendix B to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect**

Training Materials

Contact your Director of Human Resources to request assignments of the following available course modules to oneself or

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2. EverFi

Online course module Protecting Youth: Abuse and Neglect Pr

_____ ; recognizing the signs of child abuse and neglect and understanding reporting requirements

Available Resources

1. c1ny Td [(e12679 0.00) Child Abuse and Families (DCF)

Online training for mandated reporters:

<https://dcf.vermont.gov/dcf-blog/online-training-mandated-reporters-now-available>

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Sarah Potter, Chief Human Resources Officer
Sarah.Potter@vsc.edu
(802) 2799622

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Angie Albeck, Associate Dean of Students (Policy
311/Title IX Coordinator
Angela.Albeck@ccv.edu
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Additional designated contacts by region at
[Contacts – Title IX – Vermont State Colleges \(vsc.edu\)](https://www.vsc.edu/contacts)

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Appendix D to VSC Policy 316:
Protection of Minors and Mandatory Reporting of Child Abuse and Neglect

GUIDELINES FOR INTERACTING WITH MINORS

Be Mindful of Boundaries: Children can be vulnerable. When interacting with minors, be particularly aware of the importance of maintaining appropriate physical and emotional boundaries. Members of the VSS community must not engage in any behavior, including speech, gestures, depictions, or physical contact that exploits, abuses, or harasses a minor.

Physical Contact: A Minor or bystander may misinterpret an individual's intentions when physical contact occurs between a member of the VSS community and a Minor. Therefore, physical contact should be limited in nature and should occur only when necessary or appropriate. Be aware of how physical touch with minors can be perceived or received and show prudent discretion in determining whether physical contact would be an appropriate expression of greeting, care, concern, instruction, or celebration.

Acceptable forms of physical contact with a Minor include high fives, handshakes, fist bumps, and pats on the back or shoulder.

Types of physical contact to be avoided include tickling, roughhousing, wrestling, piggyback rides, any type of massage, and any form of unwanted affection.

Discipline: Although at times limit setting with Minors may be necessary for safety reasons, physical discipline is not acceptable behavior in the VSS community. Similarly, speech, gestures or other behaviors that are bullying, demeaning, belittling, hurtful, meant to embarrass or make gratuitous reference to the minor's physical development or appearance are not appropriate.

One-on-one Interactions: One-on-one meetings with a Minor should be avoided, but if necessary, should be held in a public area, in a room where the interaction can be (or is being) observed, or in a room with the door left open. Practically speaking, VSS community members should make a reasonable effort to have another adult colleague present when meeting with a Minor. If a private, one-on-one meeting with a Minor cannot otherwise be avoided, a supervisor or another staff member should be notified about the meeting at the same time as the interaction or as soon as is reasonably practicable thereafter.

Drug and Alcohol Use; Other Prohibited Items: Consistent with VSCS policies, the possession and/or use of illegal drugs (including marijuana) and the use of tobacco products or alcohol is prohibited when interacting with minors. Members of the VSS community, including vendors, are prohibited from providing a minor with alcohol, drugs, tobacco products, inappropriate materials (including materials accessed digitally or virtually) or other such items.

Gifts: Members of the VSS community should not give gifts to minors or their parent/guardian independent of gifts provided through a VSS program but are permitted to accept gifts of nominal value (under \$25) from minors with the permission of their parent/guardian.

Communicating with Minors: Communication with minors is only allowed for the purpose of conducting VSS programs or otherwise furthering summer camp or vendor program