University of Vermont

OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

UNIVERSITY OPERATING PROCEDURE

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Title: Minors, Reporting Abuse or Neglect of and Crimes

Overview

The University strives to maintain a supportive and safe environment for those who work, study or participate in programs and activities at the University. As part of that commitment, the University seeks to create a secure environment for individuals under the age of majority ("minor(s)" or "child(ren)"). It is therefore essential that all persons who have responsibilities that involve interaction with children in a UVM program or activity abide by the requirements of this Procedure.

Vermont law requires that the professionals listed below report to the Vermont Department for Children and Families (DCF) any incident arising as to which there is reasonable cause to believe a minor has been abused (sexually or otherwise) or neglected. In addition, to protect optimally the safety of minors who are participating in UVM Programs and Activities, under this Procedure the University requires any employee who has reasonable cause to believe that a minor participating in a UVM Program or Activity is currently being abused or neglected, or has otherwise been abused or neglected while participating in a UVM Program or Activity to report the concern promptly as indicated in Section II. A. below.

If you know or suspect that a minor is a victim of abuse or neglect, you must act. In deciding whether or not to report an incident or situation of suspected abuse or neglect, you need not have proof that abuse or neglect has occurred. Any uncertainty in deciding whether to report suspected abuse or neglect should be resolved in favor of making a good faith report.

Vermont law provides that any concerned person who has reasonable cause to believe that a minor has been abused or neglected may report those concerns to DCF. Any person, other than a person suspected of child abuse, who makes a good faith report to DCF is immune from civil and criminal liability related to making the report. Furthermore, the University is prohibited under law from retaliating or taking adverse employment action against an individual who makes a good faith report of suspected abuse or neglect of a minor.

Applicability of the Procedure

This Operating Procedure applies to all employees of the University of Vermont, as well as contractors, consultants, temporary employees, and volunteers with responsibilities for academic, extracurricular, research, occupational training, or other programs and activities sponsored by or affiliated with the University.

Definitions

Abused or Neglected Child: An Abused or Neglected Child is a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of their parent or other person responsible for the child's welfare. An "abused or neglected child" 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. 33 V.S.A. § 4912(1).

Campus Security Authorities (CSAs)/Responsible Employees: Are individuals with legally required reporting responsibilities related to crimes that occur on University property, or otherwise in connection with University sponsored activities, as well as certain crimes that involve a member of the University community (e.g. faculty, staff, student, or affiliate), as detailed in the University's Designation and Responsibilities of UVM Reporters Procedure and the Discrimination, Harassment, and Sexual Misconduct Policy.

Individuals should contact the University's Clery Coordinator if they have any questions about whether they or another member of the campus community is a "CSA" or "Responsible Employee."

Child: See Minor.

Clergy: 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. 33 V.S.A. § 4912(8).

Minor: A person under 18 years of age.

Person responsible for a child's welfare: A Person responsible for a child's welfare includes the child's parent, guardian, foster parent, any other adult residing in the child's home who serves in a parental role, an employee of a public or private residential home, institution, or agency, or other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person. 33 V.S.A. § 4912(10).

Physical injury: Means death or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means. 33 V.S.A. § 4912(11)

Sexual abuse: Is defined for purposes of Vermont law (33 V.S.A. § 4912(15)) and this Policy as any act or acts by any person involving sexual molestation or exploitation of a child including, but not limited to:

- Incest;
- prostitution;
- rape;
- Sodomy;
- lewd and lascivious conduct involving a child;
- aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a

sexual conduct, sexual excitement or sadomasochistic abuse involving a child;
- viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged;
- human trafficking;
- sexual assault;
- voyeurism;
- luring a child; or
- obscenity.

UVM Program or Activity: refers to those programs and activities that are (i) held on campus or on off-campus property owned or leased by the University; (ii) in programs offered by third persons with University sponsorship or affiliation; or (iii) while engaged in a University-related activity off-campus.

UVM Reporters: as defined in Designation and Responsibilities of UVM Reporters UOP.

Procedures

I. Reporting Required by Law

A. Abuse or Neglect of a Minor

Under Vermont law (33 VSA § 4913), the professionals who have mandatory reporting obligations with respect to the possible abuse or neglect of a minor include:

- Health care providers, such as physicians, resident physicians, interns, surgeons, osteopaths, chiropractors, physician's assistants, hospital administrators, nurses, emergency medical personnel, medical examiners, dentists, psychologists, and pharmacists
- School district and intendent school employees, such as school superintendents, teachers and student teachers, school librarians, school principals, and school guidance counselors
- Child care workers
- Mental health professionals
- Social workers
- Employees, contractors, and grantees of the agency of human services who have contact with clients
- Probation officers and police officers
- Camp owners, camp administrators or counselors of both residential and non-residential camps
- Members of the clergy

The report must be made within 24 hours, and can be done by calling the DCF Child Abuse Hotline at 1-800-649-5285.

B. Crimes Against Minors on University Property

Certain University officials ("Campus Security Authorities") are required by a federal law known as the Clery Act to report to University Police Services any suspected sexual assault or other crime that occurs on University Property. Additionally, such University officials are required by federal law to report to the Office of Equal Opportunity any and all allegations of discrimination, harassment, and sexual misconduct involving a member of the University community. In this reporting capacity, University officials are referred to as "Responsible

Employees". These reporting obligations include, but are not limited to, crimes as to which the victim is a minor.
Campus Security Authorities and Responsible Employees include:

- Members of the University of Vermont Department of Police Services and contract security personnel;
- A supervisor, manager or higher level employee;
- A chair, director or dean of an academic unit;
- Full and part-time faculty members; and
- Any University official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings, coaches and coaching staff, advisors to recognized student organizations, and personnel with oversight responsibilities for student employees.

Campus Security Authorities and Responsible Employees must make a report to Police Services if and when they receive information that a crime in which the victim is a minor may have occurred on University Property. It does not matter whether the individuals involved in the possible crime as perpetrators or victims are members of the University community -- the incident must be reported even if no member of the University community was involved. Simultaneously, to the extent the incident at issue involves discrimination, harassment, or sexual misconduct, and one of the parties is a member of the University community, the CSA / Responsible Employee must also contact the Office of Equal Opportunity.

Contact information is as follows:

University Police Services: EMERGENCY: 911. Non-emergency: (802) 656-3473.

Office of Equal Opportunity: (802) 656-3368

II. Additional Reporting Required by the University

A. Abuse or Neglect of a Minor

The University requires any employee who has reasonable cause to believe that a minor participating in a UVM Program or Activity is currently being abused or neglected, or has otherwise been abused or neglected while participating in a UVM Program or Activity to advise their supervisor promptly (assuming that there is no reason to believe that the supervisor is involved in the possible abuse or neglect, in which case the employee makes the report to the supervisor's supervisor). If the employee is a mandatory reporter under Vermont law, the employee or the supervisor must notify DCF (only one report to DCF is required, and typically, the employee and the supervisor may make a report jointly). Supervisors also must promptly make a report to Police Services and to the Office of Equal Opportunity for incidents involving discrimination, harassment, or sexual misconduct.

Contact information is as follows:

University Police Services: EMERGENCY: 911; Non-emergency: (802) 656-3473

DCF Child Abuse Hotline: 1-800-649-5285

Office of Equal Opportunity: (802) 656-3368

B. Crimes against Minors on University Property

In addition to the reporting required of Campus Security Authorities described in Section I.B above, the University requires any UVM employee who has reasonable cause to believe that

a minor on University property has been, or is, the victim of a crime to advise their supervisor (assuming that there is no reason to believe that the supervisor is involved in the possible crime, in which case the employee makes the report to the supervisor's supervisor). Supervisors who are notified must make a report to Police Services and to the Office of Equal Opportunity for incidents involving discrimination, harassment, or sexual misconduct. It does not matter whether individuals believed to be involved in the crime as perpetrators or victims are members of the University community -- reporting must occur even if no member of the University community appears to be involved.

Contacts

Questions concerning the daily operational interpretation of this UOP should be directed to the following:	
Title(s)/Department(s):	**Contact Information:**
Chief Safety and Compliance Officer	(802) 656-8937 Michael.Schirling@uvm.edu
Clery Coordinator	(802) 656-3473
Title IX Coordinator	(802) 656-3368 titleix@uvm.edu

Forms/Flowcharts/Diagrams

- None

Related Documents/Policies

- Campus Safety and Security: Clery Act
- Designation and Responsibilities of UVM Reporters
- Discrimination, Harassment, and Sexual Misconduct Policy
- Protecting Minors Policy
- Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes

Training/Education

Training is available to all UVM Reporters. While attendance is not required, the University strongly encourages all UVM Reporters to complete training.

Training Topic:	UVM Reporter Training		
Training Audience:	UVM Reporters	**Delivered By:**	Clery Coordinator, Student Affairs, Title IX Coordinator and General Counsel
Method of Delivery:	In-Person	**Frequency:**	Annually

About This Procedure

Responsible Official:	Chief Safety and Compliance Officer	**Approval Authority:**	Chief Safety and Compliance Officer
Affiliated Policy Number(s):	V. 3.3.2, V. 3.15.1, V. 4.30.1	**Effective Date:**	August 30, 2016
Revision History:	• December 21,.2012 • September 26, 2019 • February 13, 2020 • May 17, 2020 • Responsible official officially changed from the Vice President Legal Affairs and General Counsel to the Vice President for Operations and Public Safety (VPOPS) on October 5, 2020. Title of VPOPS changed to Chief Safety and Compliance Officer in July 2022.		

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