Programs Involving Children
PS-01

About This Policy

Effective Dates:
04-30-2012

Last Updated:
10-07-2021

Responsible University Administrator:
Executive Vice President for University Academic Affairs

Policy Contact:
IU Office of Public Safety
iupic@iu.edu

Scope

1. This policy applies to:
   - All university employees, including all academic appointees (including student academic appointees), and permanent and part time staff
   - Students
   - Individuals volunteering on behalf of Indiana University (“university volunteers”)
   - All university units and
   - External organizations using Indiana University facilities for programs that are focused on children.

2. The program registration requirements set forth in this policy in Procedures Section B.4 do not apply to the following:
   - Units that have daily involvement with children as part of their primary mission, including pediatric medical departments, childcare facilities, undergraduate admissions, academic and athletic recruiting, and student teaching programs that are a degree requirement.
   - Research programs involving children that are approved through the Indiana University Institutional Review Board (IRB).

3. In all cases where a unit is not required to comply with this policy’s registration requirements, the unit is nonetheless required to comply with policy requirements regarding reporting, background checks, program-specific guidelines, any unit- or school-specific requirements, and any externally imposed requirements, such as state and federal laws and regulations, grant requirements, and/or licensure or accreditation standards.

4. If units with a registration exemption pursuant to Section B. above hold special events primarily focused on children, those events should still be registered. Any further unit exemptions require advance approval from Public Safety, which provides oversight to the PIC Program.

Policy Statement

Keys to Compliance

- Strict adherence to state law on reporting suspected child abuse
- Background checks
- Program-specific guidelines
- 14-day advance registration of PIC Programs
Identification of a unit-specific PIC liaison

1. Reporting and Notification Requirement
   a. Indiana state law states that any person who has reason to believe that a child is a victim of child abuse or neglect has an affirmative duty to make an oral report to the Department of Child Services (DCS) 1-800-800-5556 and/or to the Indiana University Police Department (IUPD) or local law enforcement. Failure to report may result in criminal charges against the individual with the duty to make the report.
   b. In addition to notifying DCS and/or local law enforcement, state law and the university also require that all academic appointees, staff, students, and university volunteers report to IUPD:
      1. Any suspected abuse or neglect of a minor that occurs on Indiana University property and/or as part of an Indiana University program that occurs in any location.
      2. Any alleged violation of the sexual misconduct provisions of UA-03, Discrimination, Harassment, and Sexual Misconduct, by or against university students who are under 18 at the time of the incident.
   c. IUPD has an independent obligation to report any suspected abuse or neglect to DCS, after which DCS makes its own determination regarding investigation.
   d. All current university employees, students, and university volunteers who work with children on behalf of the university, or who are otherwise in a PIC Position, are required to notify their supervisor or the principal administrator of their academic unit immediately of any criminal convictions, felony charges, or substantiated reports of child abuse or neglect. Upon receipt of such a report, the supervisor or principal administrator is required to consult immediately with Public Safety and Institutional Assurance (PSIA) regarding next steps.
   e. Students working in a PIC Position must notify their supervisor immediately of any pending Student Code of Conduct charges filed through the campus student conduct office if such charges relate to an alleged violation of the sexual misconduct provisions of UA-03, Discrimination, Harassment, and Sexual Misconduct, or involve violence or a threat of violence. Upon receipt of such a report, the supervisor is required to consult immediately with PSIA regarding next steps.

2. Unit Responsibilities
   a. The unit head of any unit that includes employment positions that work with children (PIC Positions) or that conducts a PIC Program is responsible for ensuring that the unit conducts the background checks required by this policy and that funding is in place for the required background checks. The unit is responsible for tracking whether its employees in PIC Positions and its employees, students, and university volunteers who participate in PIC Programs have an up-to-date background check.
   b. Units must identify an employee to serve as a PIC liaison to facilitate compliance with this policy. The unit supervisor or the selected PIC liaison will receive annual training on PIC compliance, coordinate with PSIA on implementation of policy requirements, and work with administrative offices to ensure that all university employees, students, and university volunteers working with children on behalf of the university have received the background check required by this policy.
   c. Each unit should maintain, for a minimum of two years, a list of PIC Programs conducted by the unit and/or in any university facilities for which the unit has responsibility and that are used by, or used to host, PIC Programs.
   d. Units must retain background check information for a minimum of two years from the end of a PIC Program.
   e. At least 14 days prior to the start of a PIC Program, the responsible university unit must register the program information with PSIA by filling out the online form located on One.IU or linked at protect.iu.edu. For PIC Programs conducted on university property by external organizations, the IU unit responsible for the facility and/or coordinating with the external organization must ensure that the program information is submitted online. Recurring PIC Programs must submit a new program registration form at least once each year. Note: This is a registration process, not an approval process; however, registration information may be used for audit purposes or by the school, campus, or unit responsible for the PIC Program.

3. Background Checks
a. All university academic appointees, staff, students, university volunteers, or other individuals who will work with children must have a criminal background check, which includes a sex offender registry check.

1. In the case of employees (including students who are academic appointees or permanent or part time staff), the background check must be conducted as part of the hiring process.

2. If an employee in a non-PIC Position moves to a PIC Position or intends to volunteer with a PIC Program, or if the job duties of an employee in a non-PIC Position are later expanded to include work with children or PIC Programs, a new criminal background check, which includes a sex offender registry check, is required before the employee is allowed to work or volunteer with children.

3. An employment background check for a PIC Position conducted pursuant to this section also constitutes compliance with section d. below for employees, including students who are also academic appointees or permanent or part time staff, who also volunteer in PIC Programs that are unrelated to their job duties.

4. The background check for students and university volunteers (whether academic appointees, staff, or individuals who have no formal affiliation with the university) must be conducted prior to the first occasion of participation in a PIC Program.

5. The unit must conduct updated background checks every five years; however, individual programs or units may require more frequent updates.

b. No PIC Program shall allow the participation in the program of any university employee, student, or university volunteer whose criminal background check and/or sex offender registry check includes a conviction or pending felony charge for a sexually-based crime, a crime of violence, or a crime against a child (or children).

1. An individual with a substantiated report of child abuse or neglect, even if no conviction resulted, or a record of other offenses will be evaluated on a case-by-case basis by the PIC Program, PSIA, and the Office of the Vice President and General Counsel (OVPGC), in consultation with the appropriate university offices, to determine if the individual’s record should preclude participation. Depending on the circumstances, the appropriate university office may include one or more of the following:
   • IU Human Resources in conjunction with campus HR
   • Campus academic affairs
   • Campus student affairs

c. For PIC Programs or individuals for whom complete background checks are infeasible (for example, host families in foreign countries), the unit should perform checks to the fullest extent feasible and adopt other measures to protect the welfare and safety of children, to prevent child abuse, and to facilitate the reporting of abuse.

d. A unit that, on occasion, conducts a PIC Program for which large numbers of university volunteers is essential, or has invited guest performers to participate as part of a program ("large, occasional events or performances"), may request in its online program registration to adopt specific measures and safeguards other than background checks for one-time volunteers or performers. A request for an exemption from the background check requirement must be approved in advance by PSIA, and PSIA will advise the university unit as to what alternative measures and safeguards are appropriate given the size and nature of the event.

1. Examples of large occasional events include Science Olympiad, children’s reading/activity days, weekend swim meets, etc.

2. Examples of guest performers include musical or theatrical performers hosted at, for example, campus-specific performance venues such as the IUB Jacobs School of Music, the Madam Walker Theater at IUPUI, the IU Southeast Ogle Center, WTIU/WFIU, etc.

3. The request must identify the alternative measures and safeguards being proposed for the PIC Program and must, at a minimum, include the following:
   • University volunteers and guest performers must be supervised by a background-checked individual.
   • University volunteers must work in public places and must not be alone with children.
• The university unit hosting the PIC Program must check each university volunteer’s and performer’s name against the national sex offender registry.

• Prior to the start of the PIC Program, the university unit hosting the PIC Program must compile, and must subsequently retain for a period of two years from the end of the Program, the names and addresses of any university volunteers and guest performers who do not have a current background check.
  • The university unit hosting the PIC Program must require university volunteers and guest performers to check in to work the Program. Any university volunteer or guest performer whose name is not on the list may not participate in the Program. Any university volunteer or guest performer not known to a host employee working the Program must present photo identification.

4. The request must disclose whether university volunteers, guest performers, or any other adult participating in the PIC Program (such as chaperones) are background-checked under the authority of an organization external to the university.

5. Approval of requests for alternative measures and safeguards is not guaranteed and will be made by PSIA, and PSIA may make further inquiry related to background check policies and procedures of a university unit or participating organization as part of its approval decision.

e. Indiana University units conducting PIC Programs must use the university-designated vendor to complete background checks for anyone in an employee relationship: academic appointee, staff, or part time employee. IU units conducting PIC Programs that require background checks for students (who are not also employees) or university volunteers may pay for the background checks using the university-designated vendor or require those students or volunteers to pay for their own check via university designated vendor’s self-pay portal. More information about the background checks procedures is available at https://protect.iu.edu/police-safety/policies/programs-children/background-checks.html.

f. Background checks required for PIC Programs that are conducted on university property by external organizations are set forth in Section D.4.

4. Program-Specific Guidelines

a. All PIC Programs shall have in place and shall provide via electronic means to all program staff and volunteers, and shall enforce, rules and procedures that address the following areas:

1. Appropriate levels of access to and supervision of children, including appropriate staffing ratios based on the university’s PIC guidance at Protect IU.

2. Appropriate physical contact and communication (including via text or social media) with children by Program personnel based on the age of children and the nature of Program activities.

3. Appropriate forms including permission forms, medical information, emergency contacts, and liability waivers. Forms should be safeguarded and readily available.
  • Certain PIC Programs may collect protected health information (PHI) about its participants. The PIC Program is responsible for following all standards related to the collection, dissemination, retention, and disposition of PHI.

4. An incident report process to document any issues and/or concerns that includes a way for a designated contact within the PIC Program to promptly review incident reports and refer them to IUPD or others as appropriate. The process must also include clear reporting guidelines and protocols that indicate:
  • If there is a crime in progress, call 911
  • If the incident constitutes a crime, use IU’s reporting form
  • Who should receive a report (e.g., the program director)
  • When such reports are referred to IUPD or others as appropriate (e.g., recurring or serious incidents)
  • Age-appropriate information to be provided to participants on how and to whom to report their concerns about the Program, Program personnel, and other participants.
NOTE: These incident reports are in addition to the reporting requirements in Section A of this policy.

5. First aid and medical treatment, as well as dispensing and/or storage of medication. Program personnel must have training appropriate to the PIC Program’s activities.

6. A statement that addresses respecting the privacy of Program participants, including changing clothes/taking showers, use of cameras/phones, and digital privacy.

7. A statement that photos and videos of Program participants will not be used in promotional materials or social media by a PIC Program or Program personnel unless the participant’s parent or guardian executes a release.

b. PIC Programs must also have in place the following rules and procedures if they are applicable to the particular program:

1. Transportation, including the transportation of children at the beginning and end of the Program, to and from the Program, and within the Program, whether by parents, guardians, Program personnel, third-party providers (charter bus, taxi or hired car service, Uber, Lyft, etc.) or others.
   • Except in the case of an emergency, no Program personnel should travel alone with a minor.
   • University PIC Programs must also comply with IU policies regarding drivers and vehicles.

2. Plans for weather emergencies, if the Program is not inside a university facility where such plans are in place.

c. All PIC Programs that include overnight stays or use of university residences by children shall have the following additional rules and procedures in place:

1. Identification to be worn by Program personnel and, if appropriate, participants.

2. Curfews.

3. Substance-free housing and facilities.

4. Residential supervision.

5. Code of conduct for Program participants
   • Also required for semester-long or summer-long PIC Programs, irrespective of whether the Program participants stay in university residences.

d. All PIC Programs must comply with any applicable laws, regulations, and policies, including Title IX, ADA, FERPA, and Clery Act. For questions regarding compliance, please contact PSIA.

5. PIC Programs by External Organizations Not Organized by the University

a. The Office of the Vice President and University Counsel (OVPGC) has created a Facilities Use Agreement template that may be used to enter into contractual agreements with external organizations regarding the use of IU facilities, including PIC Programs. OVPGC must review and approve the completed Facilities Use Agreement template and all other contractual agreements unless the PIC Program director or other Program personnel has an active delegated signature authority from the Treasurer of Indiana University (See Signature Authority and Delegation) and no material changes to the approved template agreement have been made.

b. The content and form of any contractual agreement other than the approved Facilities Use Agreement template must be independently approved by an attorney in OVPGC. A contract that does not include the following provisions will not be approved:
   • Compliance with this policy as an express term of the contract.
   • Express acknowledgement and agreement that compliance with this policy includes immediate notification by the external organization to PSIA in the event of any suspected child abuse or neglect, or other reports of crimes.
   • An indemnification provision in which Indiana University is held harmless for the acts or omissions of other Program participants and third-party employees or agents.
c. When IU students are participating in an external program or event or are working with an organization that focuses on children as a service-learning activity or as part of an IU club or unit, the IU unit shall ascertain whether the external entity has its own policy on background checks and, if so, will follow that policy. The external entity has no background check policy, the parties shall work cooperatively to decide if the background check provisions of this policy should apply to the IU student’s participation in the particular program, event, or work with the organization. For questions about the university’s role with a particular external organization or program, please contact PSIA.

d. External groups using IU facilities must complete required background checks for anyone working with children that at least include:
   - A minimum of 7 years of name and address history from a Social Security Number trace;
   - County criminal history;
   - A national criminal database;
   - A check of the Indiana state sex offender registry; and
   - A check of the national sex offender registry.

6. Other Requirements
   The activities contemplated by a particular PIC Program may have licensure requirements (e.g., childcare or teaching) or other standards (e.g., concussion protocols or the use of safety or training equipment) that are not covered by this policy.

Reason For Policy

Indiana University, as part of its educational mission, has many university programs that are focused on children. The university also allows external organizations to use university facilities for programs that focus on children. Ongoing or planned events that are designed to include children, whether conducted by the university or by an external organization, are referred to as programs involving children, or PIC Programs. This policy has three principles:

1. The protection and safety of children in these programs should be the highest priority of the university and of organizations administering PIC Programs.
2. The university and members of the university community must comply with federal and state law requirements regarding reporting of abuse and neglect of children.
3. The policy must be flexible to accommodate the wide variety of PIC Programs.

Procedure

1. Reporting Suspected Abuse or Neglect
   a. In an emergency, or if you see a crime in progress, always call 911 immediately.
   b. Anyone who has reason to believe that a child is a victim of abuse or neglect must report it immediately to the Department of Child Services (DCS) or local law enforcement (Indiana Code § 31-33-5). To comply with the state law, oral reports may be made to either:
      - The anonymous Indiana Child Abuse and Neglect Hotline. Dial 1-800-800-5556.
      - The IU Police Department on any campus, or the local community police. Dial 911, or dial the local IUPD campus number or local community police department number.

2. Internal Procedures Following a Report of Abuse or Neglect
   a. State law requires that suspected cases of abuse or neglect on university property or as part of a Indiana University program must also be reported to a designated agent at the institution (IC 31-33-5). The designated agent at Indiana University is the Superintendent of Public Safety.
b. When the Superintendent of Public Safety receives a report and conveys that report to DCS, the following individuals or offices should be also notified of the report and involved, when appropriate, in the internal evaluation:

- Campus police department
- Campus Provost/Chancellor
- Office of the Vice President and General Counsel
- If a staff or hourly employee is involved: IUHR, in consultation with campus Human Resources
- If a student involved: the campus student affairs office, as well as the head of the student's department or school
- If an academic appointee is involved: the campus academic affairs office and the appointee's dean
- Parents or guardians of the child, unless under the circumstances, they are the alleged abuser.

c. If the situation warrants, the alleged abuser may be immediately suspended from further participation in the PIC Program and may be suspended from employment (academic appointees or staff/part time employees) or school (students) pursuant to the applicable policies and procedures, pending an investigation. Academic appointees, staff or part time employees, or students may be subject to any other applicable disciplinary process as a result of the investigation.

d. The university shall cooperate with any external investigation conducted by the Department of Child Services (DCS) or law enforcement.

e. The Superintendent of Public Safety will assist responsible university offices with any internal investigation, including OVPGC, IUHR (if staff or part time employee), the chief student affairs official for the campus (if student), and the chief academic affairs official for the campus (if academic appointee), to determine if sanctions are warranted, up to and including dismissal. Legal prohibitions regarding physical presence on campus/trespassing may also be pursued. University and campus administrators shall follow the appropriate procedures in determining and issuing any sanction (university-wide and campus-specific academic policies, UHRS employee policies, Code of Student Rights, Responsibilities & Conduct). If the alleged abuser is one of the university officials identified herein, the Superintendent of Public Safety shall report and consult with the individual’s supervisor or, in any instance, the campus Provost/Chancellor, or the President, or the Board of Trustees if necessary.

f. If the alleged abuser is not a member of the Indiana University community but is present at IU through a third-party vendor or other external entity authorized to be on campus, that external entity will also be notified that the alleged abuser will no longer be permitted on university property.

g. Current university employees, students, and volunteers who work with children are required to immediately notify the university of any criminal convictions, felony charges, orders for protection, or substantiated reports of child abuse or neglect. Required notifications should be made immediately to an appropriate official at campus HR, campus academic affairs, campus student affairs, or to PSIA. A review of the situation will take place prior to the individual’s continuation of their work with children. Based on the circumstances and the nature of the allegation(s), and in the university’s sole discretion, an external entity conducting a PIC program on university property may also be prohibited from continuing the Program or use of the university’s facilities following such a report and may no longer be permitted on university property.

h. For any questions about reporting suspected abuse or neglect, as well as IU procedures, contact campus IUPD (contact information is included below).

3. Other Considerations:
   In addition to the other policy requirements, it is important for PIC Programs to thoroughly think through their program activities and ensure they are providing a safe environment for children and others through appropriate rules and procedures. Further guidance and examples in formulating rules and procedures for PIC Programs are available at: https://protect.iu.edu/police-safety/policies/programs-children/index.html

Definitions
**Child/Minor:** Any individual under the age of eighteen (18).

**Member of the Indiana University Community:** Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors.

**PIC Administrator:** The dean of a college or school or the dean’s designee, the chair of a department, the director of a program or division, or other administrator with primary responsibility for its curriculum.

**PIC Programs:** Ongoing or planned events that are designed to include children such as camps, fairs, lessons, workshops, clubs, teams, projects, practices, tours, or open-houses, research activities, recruiting activities, clinical settings, service learning.

The term “programs” does not include: 1) Single performances or events open to the general public that are not targeted toward children (such as varsity athletic competitions, plays, concerts). 2) Regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above.

**NOTE:** This definition may not capture certain circumstances in which minors are present on campus, and further consideration will be given as to whether they fall within the scope of the policy.

**NOTE:** This definition does not include the placement of students, for academic credit and/or clinical or student teaching requirements, with external entities. Rather, when schools and/or departments place students at external entities for such purposes, students must be informed of their obligation to comply with the external entity’s own policies and procedures, including those regarding background checks and working with minors.

**PIC Positions:** Positions that involve working with children. Human Resources or individual units may consider additional job-related aspects when designating a position as a PIC Position such as: building/office location, access to private information regarding children, and access to other vulnerable populations.

**University Employees:** All academic appointees (including student academic appointees), and permanent and part time staff. No-pay affiliate faculty members of the IU School of Medicine, individuals who are required to have a faculty appointment to meet the School’s accreditation requirements, are not university employees.

**University Property:** Buildings, grounds, and land that are owned by Indiana University or controlled by Indiana University via leases or other formal contractual arrangements to house ongoing IU operations.

**University Volunteers:** Individuals volunteering with a PIC Program on behalf of Indiana University. A university volunteer may be an IU academic appointee or staff member, an IU student, or an individual who has no current employment or enrollment affiliation with the university (such as a retiree, an alumnus or a member of the community).

**Sanctions**

Programs in violation of this policy may be denied permission to continue operation at Indiana University. In addition, IUPD, in consultation with other appropriate university personnel, has the authority to determine that any PIC Program may be shut down due to serious behavioral and/or safety concerns.

Any violations of university policies by an individual, including failure to report suspected child abuse or neglect in accordance with this policy, will be addressed in accordance with applicable university policies and procedures, which may include disciplinary actions up to and including termination from the university or suspension or expulsion from the university. Legal prohibitions regarding physical presence on campus/trespassing may also be pursued.

An academic appointee, staff/part time employee, student, or university volunteer may be suspended from participating in any PIC program during the pendency of an investigation of allegations of violation of this policy, the sexual misconduct provisions of **UA-03, Discrimination, Harassment, and Sexual Misconduct**, or behavior involving violence or threats of violence, irrespective of whether the allegations being investigated occurred as part of the individual’s participation in a PIC Program.

Suspected violations of law will be referred to law enforcement and may result in criminal penalties.
Additional Contacts

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<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
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<tbody>
<tr>
<td>Superintendent of Public Safety</td>
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History

This policy was established in 2012 as an interim policy, but in effect. A final and updated version was made effective in 2013. The policy was updated in April 2014 with additional resources and changes to background check procedures and again in July 2014 with minor revisions to the internal reporting procedures.
This policy was updated in August 2015 regarding research programs that are approved through the IU IRB process. This policy was reviewed and revised in 2017.

This policy was reviewed and revised on October 7, 2021.

Previous Versions:

Effective Dates: 08/14/2015 - 09/27/2021
Effective Dates: 08/14/2015 - 08/04/2017
Effective Dates: 07/24/2014 - 08/14/2015

Related Information

Programs Involving Children Additional Guidance
Child Abuse: Recognition and Reporting - Training Information
Sexual Abuse Prevention - Training Information
IC 31-33-5 Duty to Report Child Abuse or Neglect
IC 10-13-3 Criminal History Information
IC 11-8-8 Sex Offender Registration
IU Whistleblower Policy
IU Policy - Minors in Hazardous Work Areas
IU Policy - Background Checks for Employees
COPPA - Children's Online Privacy Protection Act

Related Forms

National Sex Offender Registry
Register Programs Involving Children