



# Safety and Protection of Minors

## POLICIES AND GUIDELINES

### **POLICY STATEMENT**

Harvard University is committed to providing a safe environment for everyone on its campuses and in its programs. This includes the thousands of minors who participate in programs and activities both on and off campus. Members of the Harvard community who interact with minors in any official capacity are expected to foster and maintain an appropriate and secure environment for minors.

### **REASON FOR POLICY**

Harvard engages in a wide range of academic, recreational, and service programs that involve minors. Program characteristics vary significantly and specific policies and procedures are most effective if tailored to the complexity and scale of each program. Through this Policy, the University explains its minimum standards and expectations. See also the Minors in Labs Policy.

This Policy establishes:

- Minimum standards of conduct for interacting with minors;
- Procedures for reporting, and responding to, suspicions of abuse or neglect of minors;
- Guidelines for the operation of programs that involve minors;
- Minimum training requirements for Harvard community members who oversee programs that involve minors; and
- Background screening requirements for Harvard community members who interact with minors in programs with particular characteristics.

### **ENTITIES/INDIVIDUALS COVERED BY THIS POLICY**

- All schools, departments, and other units of the University
- All members of the University community:
  - Faculty, including senior, junior, and visiting faculty
  - Other salaried and non-salaried academic appointees, including post-doctoral fellows, research fellows, and teaching assistants
  - Staff, including salaried exempt workers and hourly non-exempt workers
  - Students
  - Volunteers
- Non-Harvard organizations that operate programs for minors in Harvard facilities, covered by virtue of their facilities use agreements with the University
- Contractors, including independent contractors, external consultants, workers hired through an outside employment agency, and workers employed on campus through service vendors

## KEY DEFINITIONS

**Minor** – A Minor, as defined in this Policy, is any person under the age of 18. For the purposes of this Policy, it shall **exclude**:

- Minors enrolled at Harvard College or Harvard University's graduate and professional schools as full-time students; and
- Minors receiving medical or dental care from Harvard University Health Services (HUHS), a Harvard-affiliated teaching hospital, or the Harvard School of Dental Medicine.

**Program** – Any organized event or activity that includes participants who are Minors, offered by an academic or administrative unit of Harvard or recognized student organization, whether on or off campus, or by non-Harvard organizations using campus facilities. It shall **exclude**:

- Events or activities that are open to the general public, where parents/guardians are expected to provide supervision;
- Events or activities where parents/guardians are explicitly required to accompany Minors;
- Online courses;
- Official Harvard admissions-related activities for prospective students aged 16 and over, including alumni interviews, visits by candidates for admission, and visits by prospective students and student athletes. Harvard community members engaged in such admissions-related activities will, at minimum, be required to comply with the Guidelines for Interacting with Minors, included later in this Policy. Tub Sponsoring Offices will provide copies of the guidelines to relevant parties and determine whether additional procedures, such as training and screening, are required;
- Minors aged 16 or older holding regular employment positions at Harvard. Being paid does not automatically exempt a Minor from the Policy—e.g., paid internships. Hiring managers will, at minimum, be required to comply with the Guidelines for Interacting with Minors. Tub Sponsoring Offices will determine whether additional procedures, such as training and screening, are required; and
- Research protocols involving Minors as human subjects, which are subject to the requirements specified by the relevant Institutional Review Board.

**Program Administrator** – An individual designated as the primary contact for the Program. The Program Administrator must be a Harvard faculty or staff member or a Harvard student. Responsibilities of the Program Administrator shall include:

- Submitting the Program registration to the Youth Protection Portal;
- Completing Harvard's Minors training program;
- Confirming that the Program's Responsible Adults have been screened and that they have successfully completed the required training programs (the Program Administrator is also responsible for creating and facilitating Program-specific trainings, if applicable) and
- Distributing the Guidelines for Interacting with Minors to the Program's Responsible Adults and other adult participants.

**Responsible Adult** – An individual aged 18 and older, paid or unpaid, who participates in:

- A Program where the individual may have one-on-one contact with a Minor, or contact with a group of Minors without another adult present, in a non-public setting; or
- A Program that has a residential component, and the individual has access to the residence(s); or
- A Program that involves physical contact and/or disrobing; or
- Any athletics Program.

Matriculating Harvard students under 18 can be Responsible Adults.

No member of the Harvard community or contractor shall serve as a Responsible Adult in a Program unless and until such a person has:

- Completed Harvard's Minors training program; and
- Completed the background screening process outlined in this Policy.

**Tub Sponsoring Office** – Office designated by each school or central unit with responsibility for:

- Reviewing and approving Programs involving Minors via the Youth Protection Portal, including Programs offered by non-Harvard organizations using Tub facilities;
- Administering and supporting institutional training;
- Ensuring that all required screening has occurred, and that any person whose screening produces information that bears adversely upon his or her ability to provide for the safety and well-being of Minors is prohibited from having contact with Minors; and
- Monitoring compliance with the Minors Policy at the Tub level.

**Youth Protection Officer** – Individual appointed by the VP of HR with responsibility for:

- Maintaining the Minors Policy and biannually evaluating it for effectiveness;
- Providing advice to the community on Policy requirements;
- Developing and providing tools and online resources to assist Tubs in meeting Policy requirements (background screening, template documentation, training, abuse or neglect reporting, etc.); and
- Annually conducting a census of Programs, assessing Policy compliance and reporting results and any associated recommendations to the University Risk Management Council (URMC).

**Mandated Reporter** – Massachusetts law requires Mandated Reporters to immediately make an oral report to the Department of Children and Families (DCF) when, in their professional capacity, they have reasonable cause to believe that a child under the age of 18 is suffering from abuse and/or neglect. All members of the Harvard community and contractors/consultants who, while representing or serving Harvard or otherwise participating in a Harvard program, interact with Minors are considered Mandated Reporters.

## PROCEDURES

### MANDATORY REQUIREMENTS

#### Program Registration and Approval

- Program Administrators must register Programs in the Youth Protection Portal annually.
- Tub Sponsoring Offices must develop and implement a Program review and approval process, including escalation procedures for adjudication on Programs with a higher risk profile (e.g., residential/travel components). See Program Evaluation section of this Policy, under Recommended Practices.
- The Youth Protection Officer must, at least annually, conduct a census of Programs, assess Policy compliance, and report results and any associated recommendations to the URMC.
- Tub Sponsoring Offices are also responsible for ensuring that the Program complies with any other University policy or federal or state law. For example, if the Program is a recreational camp, it may be subject to the requirements of certain state regulations as set forth in the Massachusetts Department of Public Health's Regulatory Standards for Recreational Camps. Further information and guidance on recreational camps is provided in the Publications and Advisories section of the Office of the General Counsel website: <http://ogc.harvard.edu/pages/publications>.

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## Guidelines for Interacting with Minors

All members of the Harvard community, contractors, and volunteers who interact with Minors while participating in a Program must abide by these guidelines.

**Be Aware:** Members of the Harvard community must be aware of their responsibilities that accompany their interactions with Minors, including their responsibilities under the Harvard Policy for the Safety and Protection of Minors and, if the interaction is in connection with research, their responsibilities under the Statement of Policies and Procedures Governing the Use of Human Subjects in Research at Harvard University.

**Be Mindful of Boundaries:** When interacting with Minors, members of the Harvard community should be aware of the vulnerability of Minors and themselves in such interactions, and be particularly aware of the importance of maintaining appropriate physical, emotional, and sexual boundaries in such interactions. Members of the Harvard community must not engage in any covert or overt sexual behaviors with Minors, including seductive speech, gestures, depictions, or physical contact that exploits, abuses, or harasses.

**Physical Contact:** Physical contact with Minors can be misconstrued both by the recipient and by those who observe it, and should occur only when nonsexual and otherwise appropriate, and never in private. Members of the Harvard community must, before touching another person, especially a Minor, be aware of how physical touch 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, pats on the back or shoulder, and side hugs. Types of physical contact to be avoided include tickling, rough-housing, 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, members of the Harvard community are prohibited at all times from physically disciplining a Minor. Similarly, speech, gestures, or other behaviors that are bullying, demeaning, belittling, hurtful, or meant to embarrass or that make gratuitous reference to the Minor's physical development or appearance are never 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. In addition, a supervisor or another member of the Harvard community 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:** When interacting with Minors, the possession and/or use of illegal drugs and the use of tobacco products or alcohol is prohibited. Members of the Harvard community are prohibited from providing a Minor with alcohol, drugs, tobacco products, inappropriate videos, pornography, or other such items.

**Gifts:** Members of the Harvard community should not accept gifts from or give gifts to Minors without the knowledge of their parents or guardians.

**Communicating with Minors:** Communication with Minors is only allowed for the purpose of conducting Harvard business or otherwise furthering the Program-related objectives. The key safety concept is transparency. The following steps will reduce the risk of private or otherwise inappropriate communication:

- Communication that is outside the role of the professional or volunteer relationship (teacher, coach, host, etc.) is prohibited. Faculty, staff, and volunteers who use any form of electronic communications, including social media and text messaging, to communicate with Minors may only do so for activities involving Harvard business and, to the extent possible, should use a Harvard address or site. Before any online communications are sent, the Program must first inform the Minor's parent or guardian which adults may communicate through the use of such electronic tools. The preferred approach is to include the parent/guardian or another Harvard-affiliated adult in electronic communications with a Minor. If private communication best serves the Minor's needs, a copy of the exchange should be retained.
  - Never photograph, film, or otherwise record a Minor without the prior written consent of the Minor's parent or guardian.
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### **Background Screening**

- Those who qualify and wish to serve as a Responsible Adult, including current Harvard faculty, staff, and students, will receive a Working with Minors background screen to be successfully returned with no adverse results before the start of the Program. Responsible Adults staying overnight in dorms and/or working with Programs that are considered recreational camps will also receive the Massachusetts Criminal Offender Record Information (CORI) screen. If the Responsible Adult will be driving Minors, then a motor vehicle driving record search is also required.
- The Program Administrator is responsible for providing the names and contact information for all Responsible Adults involved in Programs in the Youth Protection Portal.
- No one other than a Responsible Adult shall be permitted to have unsupervised, one-on-one contact with a Minor in a non-public setting.
- The Tub Sponsoring Office is responsible for ensuring that all required screening has occurred, and that any person whose screening, after an individualized determination, produces information that bears adversely upon his or her ability to provide for the safety and well-being of Minors is prohibited from having contact with Minors.
- The Tub Sponsoring Office shall coordinate the screening process for members of the Harvard community with the Tub's Human Resources office, its background screening vendor, and/or other Tub offices as determined by the applicable Tub (e.g., the Tub's Student Dean's office). These offices should ensure that information produced in connection with the screening is handled in accordance with University employment and privacy policies, including the University's Background Screening Guidelines. The Tub Sponsoring Office is responsible for referring all screening results that bear adversely upon an individual's ability to provide for the safety and well-being of Minors to the Youth Protection Officer for advice and direction, in consultation with the Office of the General Counsel.
- Screening for contractors or other individuals employed or otherwise affiliated with non-Harvard organizations shall be handled by such non-Harvard organization. The non-Harvard organization must certify to Harvard in writing what screens were completed and that nothing in the background of the individual bears adversely upon his or her ability to provide for the safety and well-being of Minors.
- After the initial screening, the Tub Sponsoring Office shall screen Responsible Adults at least every three years.

- The Tub Sponsoring Office is responsible for monitoring compliance with the background screening requirement.
- The cost of background checks will be borne by the Program.

### **Training**

- Program Administrators and Responsible Adults are required to participate in a training program. The program will cover:
  - Harvard University policies regarding interactions with Minors;
  - Background screening requirements;
  - Examples of appropriate and inappropriate behavior with Minors, as outlined in the Guidelines for Interacting with Minors;
  - Behavioral signs that a Minor may be a victim of abuse or neglect; and
  - Reporting requirements and procedures for suspicion that a Minor may be a victim of abuse or neglect.
- The training program is a minimum requirement. The need for additional, Program-specific training will be determined by the Program Administrator and the Tub Sponsoring Office, as appropriate.
- Training of Program Administrators and Responsible Adults must take place prior to involvement in the Program, and refresher training will be required every three years.
- The Tub Sponsoring Office is responsible for registering Program Administrators and Responsible Adults for the training program and monitoring compliance with the training requirement. The Tub Sponsoring Office provides support for the training program, including maintenance of training records.

### **Reporting Abuse and Inappropriate Activity Involving Minors**

- All members of the Harvard community and contractors/consultants, who, while representing or serving Harvard or otherwise participating in a Harvard program, interact with Minors are required by this Policy to report any instances of suspected abuse or neglect of a Minor, as well as situations involving inappropriate activity with a Minor.
- While concerns and observations may initially be discussed with the Program Administrator and/or a supervisor, reports of suspected abuse and/or neglect shall be made to the Harvard University Police Department (HUPD) as soon as possible: Urgent: 617-495-1212 (Longwood 617-432-1212). Business: 617-495-1215.
- The Youth Protection Officer, HUPD, and the Program Administrator are available to provide support and advice to members of the Harvard community who suspect abuse or neglect of a Minor.
- The Youth Protection Officer shall provide a redacted summary of reports of suspected abuse and neglect and their disposition to the University Risk Management Council (URMC).
- Further details are located in Appendix A.

### **Non-Harvard Programs / Leased Facilities**

- Prior to permitting a non-Harvard organization to use Harvard facilities for Programs involving Minors, the non-Harvard organization must execute a license agreement that contains the terms and conditions set forth at the end of this Policy, in the section entitled "Leased Facilities," Appendix D.
- Programs sponsored by non-Harvard organizations must be registered in accordance with the requirements set forth above, and the Tub Sponsoring Office shall designate a Harvard faculty or staff member or Harvard student as the Program Administrator.

- Program Administrators for non-Harvard organizations using Harvard University facilities for Programs involving Minors shall ensure that the third parties are aware of and compliant with the requirements outlined in this Policy.

### **Policy Exceptions**

- Exceptions to this Policy must be approved in the Youth Protection Portal by the Tub Sponsoring Office and Youth Protection Officer.

## **RECOMMENDED PRACTICES**

### **Program Evaluation**

- All existing and planned Programs should evaluate the structure of the Program and the suitability of the environment in which the Program operates or will operate to determine whether all reasonable steps have been taken to provide for the safety and protection of Minors. In addition, the Program's capacity and associated plans to respond to emergency situations should be assessed. Sample risk factors to consider during this evaluation can be found at the end of this Policy, in the section entitled Program Evaluation / Risk Assessment, Appendix B.

### **Program Policies, Procedures, and Related Forms**

- Programs should develop specific Program policies and procedures. The extent of procedures and associated participation agreements, waivers, health declaration or medical treatment forms, emergency plans, grievance procedures, etc., will be commensurate with Program characteristics such as Program type, participant profile, duration, etc. All Programs must adopt a grievance procedure to handle complaints from Program participants and their parents or guardians promptly and equitably.
- Programs with a residential component should develop specific Program policies and procedures to promote the safety and well-being of participants. Items to consider can be found at the end of this Policy, in the section entitled Residential Programs – Recommended Policies and Procedures, Appendix C.
- Programs should assess any additional and specific training requirements for Program staff, e.g., first aid training or CPR certification.

### **Participant Registration**

- Program Administrators should consider obtaining as a minimum:
  - Emergency contact details; and
  - Participation agreement / waiver forms.
- Additional participant information may be warranted, such as medical treatment authorization or medical disclosure forms, depending on the specific characteristics and duration of the Program.

### **Emergency / Medical Planning**

- At a minimum, Program Administrators shall develop a plan for responding to emergency events, including communication to participants and parents/guardians, and shall understand how emergency situations at the Program level interface with Tub-level emergency plans.

### **Supervision – Counselor to Participant Ratio**

- The Massachusetts Department of Public Health's recommended staff-to-camper ratios should be used as a guide for determining an appropriate level of supervision of Minors.

- The Department's regulations require different ratios for varying ages. Generally, the ratios are:
  - One supervisory staff person for every five campers aged six or under; and
  - One supervisory staff person for every 10 campers over the age of six.
- The regulations include additional guidance on supervision for special needs camps, primitive camps, travel and trip camps, and specialized activities. See State Sanitary Code, Chapter IV, "Minimum Sanitation and Safety Standards for Recreational Camps for Children," at 105 CMR 430.000. For the complete regulations, visit: <http://www.mass.gov/eohhs/docs/dph/regs/105cmr430.pdf>.



## APPENDIX A

### Harvard University Reporting Abuse and Inappropriate Activity Involving Minors

This Policy sets out Harvard's expectations about reporting suspected abuse or neglect of Minors and other inappropriate activity involving Minors. It applies to all members of the Harvard community and contractors/consultants who, while representing or serving Harvard or otherwise participating in a Harvard program, interact with Minors.<sup>1</sup> The Policy contains these sections:

- Who must report
- What must be reported
- What information should be included in a report
- When a report should be made
- How to make a report
- What happens after a report is made

#### Who must report

All members of the Harvard community and contractors/consultants who, while representing or serving Harvard or otherwise participating in a Harvard program, interact with Minors are required by this Policy to report immediately any instances of suspected abuse or neglect of a Minor, including self-disclosed abuse or neglect, as well as situations involving inappropriate activity with a Minor.

Responsible Adults, as well as individuals holding certain positions referenced in Massachusetts G.L. c. 119, §51A,<sup>2</sup> should be aware that they may be considered Mandated Reporters under state law and required by law to report suspected abuse or neglect to the Massachusetts Department of Children and Families (DCF). Such reports may be made through the HUPD as described in the Policy, or directly to DCF<sup>3</sup> as described below under "How to make a report." If you are a Mandated Reporter under state law, the failure to make a required report may result in criminal penalties. Whether or not you are a statutory Mandated Reporter, filing a report in good faith protects the reporter from liability even if the report is deemed unfounded after investigation. The name of the reporter is not disclosed by DCF to the parents/guardians of a child who is the subject of the report. If you have questions about whether your position classifies you as a statutory Mandated Reporter, contact HUPD or the Office of the General Counsel (OGC). For convenience, a copy of the 51A report form is attached here: [www.mass.gov/eohhs/docs/dcf/can-reporting-form.pdf](http://www.mass.gov/eohhs/docs/dcf/can-reporting-form.pdf).

If you make a report directly to DCF, also notify HUPD that you have made the report.

Responsible Adults are also required pursuant to the Clery Act to report to HUPD any crimes that take place on or near campus, including crimes involving the abuse or neglect of children. The Clery Act is a federal law that requires colleges and universities to disclose annual information about campus crime.

<sup>1</sup> To the extent there is any conflict between the requirements of this Policy and any rules of professional conduct that apply to individuals who are acting in a professional capacity (e.g., lawyers (including law students) subject to the Massachusetts Rules of Professional Conduct), the professional conduct rules prevail.

<sup>2</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section51a>. A full statutory listing of Mandatory Reporters is located in Massachusetts G.L. c. 119, §21. See <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section21>.

<sup>3</sup> <http://www.mass.gov/eohhs/gov/departments/dcf/>.

### What must be reported

*Suspected abuse or neglect:* You must report any situation where you have reasonable cause to believe that a child is suffering physically or emotionally from abuse or neglect, whether the abuse or neglect has taken place on campus or off campus, and whether it involves a Harvard-affiliated individual or not. Child abuse is the deliberate emotional, physical, or sexual injury of a child by an adult or older child. Neglect is harm caused by withholding life's necessities: food, clothing, shelter, medical care, and education.

*Inappropriate activity:* You must also report any instance where you observe or believe there may be inappropriate treatment of a Minor while the Minor is on campus or, if a Harvard-affiliated individual is involved, whether on or off campus. Examples of inappropriate activity would include violations of the Guidelines for Interacting with Minors (use of tobacco products, drugs, or alcohol where children are present; physical boundary violations like tickling, rough-housing, wrestling, massage, or any form of unwanted affection; and speech, gestures, or other behaviors that are demeaning, belittling, hurtful, or meant to embarrass, or that make reference to the child's physical development or appearance).

### What information should be included in a report

When you contact HUPD and/or DCF with a report of suspected abuse or neglect or other inappropriate activity involving Minors, you should be prepared to provide as much of the following information as possible. Do not delay making the report in order to gather all of this information. Partial reports are encouraged.

- The names and addresses of the child and the child's parents or other person responsible for the child's care, if known
- The child's age and sex
- The nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect
- The circumstances under which the person reporting first became aware of the child's injuries, abuse, maltreatment, or neglect
- Whatever action, if any, was taken to treat, shelter, or otherwise assist the child
- The name of the person or persons making the report (required for statutory Mandated Reporters, but optional for non-Mandated Reporters)
- Any other information that the person reporting believes might be helpful in establishing the cause of the injuries
- The identity of the person or persons responsible for the neglect or injuries if suspected or known
- Other information required by DCF (if known): whether the child seems afraid to go home, names and ages of siblings, if they have similar injuries or signs of abuse or neglect, etc.

### When a report should be made

This Policy, as well as the state Mandated Reporter law, requires an immediate oral report to be made when the reporter has "*reasonable cause to believe*" that a child is being or has been abused in some way. The benefit of the doubt is given to the child.

Waiting for conclusive proof may put a child at further risk. Oral reports must be followed by the filing of a written report (51A) with DCF within 48 hours. Direct disclosures warrant an immediate call to HUPD or DCF. If the situation is an emergency (for example, the child does not want to go home), call HUPD for immediate assistance.

It will often be appropriate to discuss concerns about suspected abuse, neglect, or inappropriate activity with a supervisor, Program Administrator, or Responsible Adult, who can then assist in making the report to the HUPD and/or DCF as warranted.

### How to make a report

Reports may be made through several channels:

**HUPD:** Call Urgent: 617-495-1212 (Longwood 617-432-1212). Business: 617-495-1215. HUPD will act as the University's designated agent for purposes of filing a report of suspected abuse with DCF if HUPD determines that a report is warranted.

**Department of Children and Families:** During business hours call the area office associated with your campus (see Appendix B below for a list of DCF offices). Otherwise call the 24-hour Child at Risk hotline: 1-800-792-5200.

**Hotline:** Non-statutory Mandated Reporters can submit an anonymous report to Harvard's Compliance Hotline by phone at 1-877-694-2275, or online at [www.integrity-helpline.com/HarvardUniversity.jsp](http://www.integrity-helpline.com/HarvardUniversity.jsp). The hotline is a confidential, toll-free, 24-hour resource. Note, however, that if you are a statutory Mandated Reporter, your report must be made to HUPD or DCF, and you must identify yourself. Note also that the compliance hotline should not be used as an emergency reporting mechanism. For situations requiring emergency assistance, or where there is imminent danger to a child, contact HUPD immediately.

### What happens after a report is made

HUPD will assess the information and determine whether the matter should be reported to DCF. If so, HUPD will submit the 51A form to DCF and notify the original reporter after the form is filed.

If the situation does not constitute child abuse or neglect, but could be considered behavior that is inappropriate with or around children (see Guidelines for Interacting with Minors), HUPD will notify the reporter of that decision. HUPD will contact, or assist the reporter in contacting, the appropriate Harvard department(s) or personnel to address the situation.

If the original reporter remains concerned that abuse or neglect has occurred, he/she may (or in the case of a Mandated Reporter must) still file an oral report with DCF followed within 48 hours by a written 51A report.

Harvard University will not retaliate or discriminate against any person who, in good faith, submits a report of child abuse or neglect. For additional information, see the Harvard University Whistleblower Policy, which is located on the Office of the Provost website (<http://provost.harvard.edu/pages/policies>).

Massachusetts Department of Children and Families (DCF) regulations (110 CMR, Section 2.00) offer the following definitions of child abuse and neglect:

**Abuse:** The non-accidental commission of any act by a caretaker upon a child under age 18 which causes or creates a substantial risk of physical or emotional injury; or an act by a caretaker involving a child that constitutes a sexual offense under the laws of the Commonwealth; or any sexual contact between a caretaker and a child under the care of that individual. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting).

**Neglect:** Failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home or in-home setting).

**Emotional Injury:** An impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

**Physical Injury:** Death or fracture of a bone, subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or soft tissue swelling or skin bruising, depending on such factors as the child's age, circumstances under which the injury occurred, and the number and location of bruises; or addiction to drugs at birth; or failure to thrive.

## APPENDIX B

### Program Evaluation / Risk Assessment

Prior to launching a Program involving Minors, Program Administrators and Tub Sponsoring Offices should evaluate the structure of the Program and the suitability of the environment in which the Program will operate. They should assess whether all reasonable steps have been taken to provide for the safety and protection of Minors (for example, specialized staff training). They should also assess the Program's capacity and associated plans to respond to emergency situations. Every Program must have a grievance process to handle complaints from Program participants, their parents or guardians, and others promptly and equitably.

The evaluation process is helpful in determining the need for specific policies, procedures, and training. Important matters to consider during this evaluation include the following. This list, while lengthy, is not exhaustive.

#### People and Facilities

- Age range, competency, and maturity of participants
- Age range, competency, and maturity of supervisors, staff, and volunteers
- Ratio of adults to Minors
- Supervision of staff and volunteers
- Special needs / disabled / vulnerable Minors or adults
- Residential component (see "Residential Programs – Recommended Policies and Procedures" below)
- Suitability of facilities for proposed age group and activities
- Multiple mixed-age groups occupying same space

#### Program Structure and Activities

- Duration of Program
- Limitations on one-on-one interactions of Minors and adults
- Standards of dress / appropriate attire for participants and adults
- Activities involving locker rooms, disrobing, partial nudity
- Events taking place in/around water
- Off-campus field trips / transportation
- Unscheduled/free time
- Pickup/drop-off arrangements to promote safety and legal custody
- Grievance procedures for participants' families and others

#### Behavioral Expectations

- Authorized and unauthorized taking of photos/videos of Minors
- Expectations for electronic communications between adults and Minors
- Peer-on-peer Minor bullying
- Guidelines for physical contact between Minors and adults

- Alcohol, drugs, controlled substances, tobacco products, pornography
- Disciplinary procedures and guidelines

### **Health, Safety, and Welfare**

- Presence of, use of, or access to ladders, power tools, kilns, chemicals, or other dangerous machinery, substances, or locations; in the case of any of these and other safety issues, please consult the Minors in Labs Policy.
- Allergies and prescription drug issues
- Infectious diseases
- Impact of weather-related issues
- Response to emergencies, such as missing participant, weather, medical emergency, terrorist attack, and facility closure; relationship between Program emergency protocols and those of Tub Sponsoring Office
- Emergency contact information for parents/guardians, Program staff, Tub Sponsoring Office, and other resources

## APPENDIX C

### Residential Programs – Recommended Policies and Procedures

Programs with a residential component should develop specific Program policies and procedures to promote the safety and well-being of participants. Items to consider in the development of policies and procedures include the following:

- Curfews: define weekday and weekend curfews commensurate with the ages of the participants and enforcement mechanisms;
- Quiet hours: define weekday and weekend quiet hours commensurate with the ages of the participants;
- Overnight guests: define if and when they are permitted;
- Overnight absences: establish an approval process for overnight absences, including written permission from a parent or legal guardian;
- Residence supervision: determine how many supervisors should be on duty during the day and overnight, based on the number of Program participants residing on campus. Define roles and responsibilities for each time period and whether or not one-on-one contact is permitted;
- Restricted physical access: establish rules to restrict access to residence halls (e.g., locking windows and doors, keeping outside doors closed, not copying keys, etc.);
- Drugs and alcohol: forbid the use and possession of alcohol, illegal drugs, and drug paraphernalia;
- Gambling: forbid gambling on campus;
- Parties: if allowed, provide guidance on scope and supervision;
- Guidelines for Interacting with Minors: distribute guidelines to participants and parents or legal guardians. In addition to the specific Program rules, the guidelines can stipulate that participants must agree to:
  - Not inflict physical violence on others;
  - Not bully, intimidate, harass, or prank others;
  - Not share ID cards;
  - Respect the privacy, living space, and belongings of others;
  - Respect Harvard University's property;
  - Stay in the room that they have been assigned, unless granted permission to move; and
  - Keep their rooms clean and stay in compliance with any Program safety and security guidelines.
- Emergency contact information: distribute and post relevant emergency contact information for participants throughout the residence.
- Ensure that Program Administrators and overnight supervisors are listed in the Youth Protection Portal.
- Immunizations: establish processes to comply with Massachusetts and Harvard regulations regarding proof of immunization against communicable diseases for participants or staff who may be here on a visa of any kind.

## APPENDIX D

### Leased Facilities

License agreements for leased facilities must include the following components and conditions:

- A license period that limits the use of the premises for a specific time period
- Fee details and a payment plan
- Name(s) of leased premises
- The total number and age range of participants associated with the Program
- 24/7 contact information for the Program Administrator and, for residential Programs, overnight supervisors
- Agreement that the Licensee will provide Harvard University with a list of the names, genders, and emergency contact information for all participants
- Agreement that the Licensee will comply with applicable federal, state, and local laws, including the requirements for operating camps set forth in the Massachusetts Department of Public Health's "Minimum Sanitation and Safety Standards for Recreational Camps for Children"
- In addition to complying with any applicable laws and regulations, any Licensee that will use housing facilities will comply with any additional Harvard requirements regarding proof of immunization of those who will reside in such facilities
- Agreement that the Licensee will comply with the Harvard Minors Policy
- A clause releasing Harvard from any liability, including injuries and damage to property
- Agreement that the Licensee will maintain Commercial General Liability Insurance, Worker's Compensation Insurance, and Camper Accident and Health coverage if applicable. Licensee must submit certificates of required insurance to Harvard and name Harvard as an additional insured;
- Agreement that the Licensee will exercise due care in conducting operations on the premises, including adequate supervision over the participants
- A sample Program consent and release agreement that the Licensee will obtain from all Minor parents or guardians
- A certificate that will be signed by the Licensee confirming the following:
  - All parent or legal guardians have signed and submitted consent and release agreements
  - Licensee has performed background checks on Program staff members and volunteers
  - Licensee has trained Program staff members and volunteers about responsible interactions with Minors
  - Procedures are in place requiring the prevention and reporting of suspected child neglect and abuse
- A reserved right to terminate the contract in the case of any contract breach; a reserved right to review any documentation required of the Licensee, as outlined by the contract
- A standard use-of-name provision that requires third parties to make clear in their promotional materials that their Program is not a Harvard Program



**UPDATE NOTES**

April 7, 2017 – Version 2.0 effective