

# The University of Alabama in Huntsville

## Child Protection Policy

DRAFT

**Number** 01.04.01

**Division** Office of the President - Compliance

**Date**

**Purpose** The University of Alabama in Huntsville ("UAH") is committed to maintaining a supportive, welcoming, and safe educational environment, one that seeks to enhance the well-being of all members of its community. This commitment reflects the institution's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. Within that commitment, UAH places importance on creating a secure environment for children. To that end, UAH has adopted the following Child Protection Policy and procedures. In order to ensure the safety and well-being of children, individuals, including UAH faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children (collectively "UAH personnel"), must carefully review and abide by the following Policy regarding abuse.

**Policy** Code of Alabama Title 26, Chapter 14, Section 14 ("Reporting of Child Abuse or Neglect") provides the authority for this Policy.

In addition to the requirements of this policy, UAH personnel must adhere to obligations that may be imposed by applicable law or other University policy.

### **Scope**

This Policy applies to all faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children.

Except for the exclusions listed in the next paragraph, all activities or programs for and that include children are within the scope of this Policy. This includes, but is not limited to:

- Activities or programs for or that include children that the University operates on campus or in University facilities, including, but not limited to: overnight camps, instructional programs, day camps, academic camps, and sports camps.
- Activities or programs for or that include children that are operated, conducted, or organized by third parties that take place on campus or in University facilities, including, but not limited to, facility rentals to third-party organizations.
- Activities or programs for or that include children that the University operates that do not take place on campus, including, but not limited to, outreach and community service activities.
- Faculty or staff who bring children to campus as interns or volunteers outside of a structured activity or program for or that include children (e.g., to intern in a laboratory).
- Student organizations or any other University affiliated organization operating, facilitating, or sponsoring activities or programs for or that includes children.

This Policy does not apply to:

- Undergraduate and graduate academic programs in which individuals under the age of 18 are enrolled for academic credit or have been accepted for enrollment.
- Events on campus open to the general public that children also attend.
- Medical care given to children in a UAH patient-care setting.
- Children employed by the University.

These areas/programs are still subject to all other relevant UAH policies and procedures.

## Definitions

**Child** - Any individual under the age of 18 or an individual under 21 years old<sup>1</sup> who is incapable of self-care because of a mental or physical disability.

**Activities or Programs for or that include Children** - Any: (1) event, operation, or endeavor operated, conducted, or organized by any unit or organization that is supported by or affiliated with the University or occurring on University property, (2) that includes children, and (3) during which parents or guardians are not expected to be responsible for the care, custody, or control of the children. These include Third-Party Activities and Programs (defined below).

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<sup>1</sup> Children with Disabilities who have not earned an Alabama High School Diploma and who have not reached their twenty- first birthday by August 1 are entitled to special education and related services up to age 21. See *Rules of the Alabama State Board of Education Special Education Services, Chapter 290-8-9.04(3) (August 2015)*, <https://www.alsde.edu/sec/ses/Policy/AAC%20290-8-9%2011-4-2013.pdf>

**Program Director** – A Program Director is the individual on-site who is responsible for the day-to-day operations of the activity or program and who oversees Program Staff.

**Program Contact** - This individual represents the department, college, or student organization responsible for the direction or operation of the activities or programs. In the case of Third-Party Activities and Programs, this person serves as the liaison between UAH and the third-party personnel. The UAH Program Contact must be a full-time UAH employee and is responsible for registering the Third-Party Activities and Programs.

**Program Participant** – A Program Participant is a child who is attending an activity or program for or that includes children.

**Program Staff** – Program Staff consist of both paid and unpaid individuals who have direct contact with activity or program participants. This may be faculty, staff, students, student employees, graduate assistants, contractors, or volunteers. Program Staff are responsible for planning, teaching, coordinating, and carrying out activities and the supervision of participants in the activities or programs.

**Third-Party Activities and Programs** – Third-Party Activities and Programs are activities or programs for or including children that are offered by an individual or entity that is not affiliated with UAH and that have a participant group made up, in whole or in part, of individuals under the age of 18 or of individuals under 21 years old who are incapable of self-care because of a mental or physical disability. These programs complete all or part of their educational and/or business purpose on UAH property, and the third-party individual or entity assumes full responsibility for the supervision of the participants. These programs may or may not collect fees from participants.

**Volunteer** - Any individual working in an unpaid capacity in an activity or program for or including minors

## **Policy and Procedures**

This Policy applies to all UAH faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children. If any University personnel are planning a program or activity that involves children or may involve children in any capacity, please contact the Director of Compliance for review and assessment of specific program requirements. All activities or programs for or including children will be subject to this Policy and to the more detailed instructions outlined in the Guidebook for Activities or Programs with Child Participants. All individuals must sign and agree to abide by the requirements outlined in the Guidebook before working in activities or programs for or including children. All individuals and requested activities/programs are expected to comply with all relevant policies and directives to the satisfaction of UAH. Any behavior or contact between

Program Staff and Program Participants that violates approved program activities, established law, UAH's Child Protection Policy, or other relevant UAH policies is prohibited.

1. All activities or programs for or including children must submit an application and all requested documentation to the Director of Compliance for approval at least four weeks prior to the start date of the activity and/or program. An application submitted fewer than four weeks prior to the start of the requested activities or programs may not be approved. Activities or programs for or including children may not occur without appropriate UAH approval as outlined herein. Detailed information on required documentation is available in the Guidebook.
2. UAH departments sponsoring activities or programs for or including children must maintain an up-to-date listing of those programs. Such lists should include each program's dates, times, locations, attendance (including age range and number of participants), and the contact information for the UAH program sponsor and should include contact information for the Program Director where applicable.
3. Those working in activities or programs for or including children who witness child abuse or neglect, or have information that would lead a reasonable person to believe a child faces a substantial threat of such abuse or neglect, **must** follow reporting procedures established in this UAH Child Protection Policy.
4. Individuals working in activities or programs for or including children must successfully complete required background checks before working in such activities or programs. Detailed information on required background checks is available in the Guidebook.
5. All units must ensure that individuals working in activities or programs for or including children complete all required training as outlined in the Guidebook.
6. Children performing activities in laboratories or around research animals may have additional documentation, training requirements or restrictions imposed, depending on the specific nature of the hazards in the area.
7. Activities or programs for or including children may be subject to site visits coordinated by the Director of Compliance. Any suspected violation of approved

program guidelines or UAH policy will be subject to investigation by the appropriate University officials. Colleges, units, and individuals must cooperate with investigations when they occur.

8. Safety awareness information, specific to program activities, must be provided to all staff or volunteers. Appropriate safety awareness information may include training on first aid and CPR, weather safety, campus resources, and personal safety recommendations. More detailed information on training requirements and available materials is included in the Guidebook.
9. UAH expects parents or guardians to provide supervision for children who are on campus unless the child is engaged in an activity or program for or that includes children. Parents or guardians should not leave children unsupervised on University property.
10. Third-Party Activities and Programs must
  - a. Establish a contractual relationship with the University for the use of facilities and/or resources;
  - b. Provide evidence of insurance coverage in accordance with the requirements outlined by UAH's Office of Risk Management, unless the requirements are waived by the Office of Risk Management;
  - c. Be sponsored by or affiliated with a UAH department, college or recognized student organization and have a designated UAH Program Contact;
  - d. Designate an on-site Program Director, if not the UAH Program Contact;
  - e. Operate under the administrative purview of a UAH department;
  - f. Complete the same review and approval process as a UAH sponsored activity or program.
  - g. Successfully complete appropriate background checks for all individuals working in activities and programs for and involving children, and who are likely to have responsibility for the care, custody, or control of a child as part of that activity or program.
11. Compliance with this Policy and the Guidebook is required as a condition of operating camps at UAH. Failure to comply with the requirements of this Policy or the requirements further outlined in the Guidebook can result in the loss of program privileges and other sanctions at UAH.

## **Reporting Procedures**

**If you know or suspect that a child is a victim of child abuse or neglect, you must report.** In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred.

Any uncertainty in deciding to suspect abuse or neglect should be resolved in favor of making a good faith report.

In making a report, your actions should be as follows:

1. Immediately report the information to: The University of Alabama in Huntsville Police Department at 256-824-6596. Your oral report should include all reasonably available information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the child, his or her whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injury or injuries, and the identity of the person or persons allegedly responsible for the same.
2. Do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with University, city, county, and state officials.
3. In addition to making an oral report, you must also complete a Child Abuse or Neglect Report Form found on <https://www.uah.edu/compliance/forms> and deliver the same to the UAH Police Department.

### **Prohibition on Retaliation and Immunity from Liability**

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. Further, any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability—civil or criminal—that might otherwise be incurred or imposed.

**Review** The Office of the Director of Compliance and Title IX Coordinator is responsible for the review of this policy every five years (or whenever circumstances require).

### **Approval**

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Chief University Counsel

Date

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Director of Compliance and Title IX Coordinator Date

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Provost and Executive Vice President for Academic Affairs Date

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Vice President for Finance and Administration Date

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Vice President for Advancement Date

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Vice President for Diversity Date

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Vice President for Research and Economic Development Date

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Vice President for Student Affairs Date

**APPROVED:**

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President Date