

Questions and Answers: Policy on the Safety of Children in University Programs

1. Why has the University of Chicago established this policy?

The University has a substantial, diverse, and growing set of youth serving programs. It also has a fundamental commitment to ensuring that the programs provide safe and healthy learning environments for the youth who participate in them. Like many other institutions across the country, the University recently undertook a review of its youth serving programs to learn how they are being administered, whether they measure up well against comparable institutions, whether risk factors are being appropriately mitigated, and to make recommended adjustments and additional measures to protect minors. The review found that the University's youth-serving programs currently operate without the benefit of an overarching policy, any minimum requirements, and a suite of readily available resources or mechanisms for sharing good practices. Promulgation of the policy is one of the review's recommendations.

2. What does the policy require?

This policy requires faculty, academic appointees, postdoctoral researchers, staff, student employees, and volunteers who supervise a covered program and/or have direct contact with minors in covered programs to do three things:

- participate in training on mandated reporting status, the policy, and conduct requirements for working with youth (e.g., how to maintain appropriate boundaries);
- satisfactorily complete a criminal background and registered sex offender check; and
- comply with standards regarding their conduct while working with youth in covered programs.

3. What subjects does the policy address?

The policy affirms the University's commitment to providing a safe environment to children who participate in University programs by setting forth screening, training, and conduct requirements, and restating the legal obligation borne by all University employees to immediately report to the State of Illinois known or suspected abuse or neglect of a child known to them in their official capacity.

4. Who is a "minor"?

A minor is anyone who is under the age of 18.

5. What does it mean to have "direct contact" with a minor?

For purposes of the policy, "direct contact" means to provide care, supervision, guidance, oversight, or control over children through a covered program.

6. What is a "covered program"?

"Covered programs" are University programs, activities, workshops, preparatory experiences, laboratories, tours, open houses, projects, research studies, and events designed to serve children, whether for academic, pre-collegiate, experiential, athletic, educational, artistic, recreational or other purposes, and whether on or off University premises. For example, covered programs include day and overnight camps of any nature for children, early childhood centers, and instructional activities involving children. Camps and programs conducted or operated by University athletic coaches and other employees in their personal capacities are covered programs if the coach or employee's University affiliation is identified and/or where such activities use University premises, facilities, or resources.

Covered programs also include programs, camps, or activities that serve children and are conducted or provided by an outside entity or contractor on University premises or that are conducted or provided on behalf of or for the University or a covered program. Under the policy, entities and contractors that conduct or provide such programs must be required by contract to comply with this policy.

7. Are there guidelines for covered programs that include overnight stays or use of University housing?

Yes, those programs must have the following additional measures in place: (i) identification to be worn by faculty, academic appointees, postdoctoral researchers, staff, student employees, and volunteers and, if appropriate, participants; (ii) enforced

curfews; (iii) alcohol- and drug-free housing and facilities; (iv) a code of conduct for participants; and (v) full-time residential supervision.

8. What is not a “covered program” under the policy?

Covered programs do not include: (a) undergraduate, graduate, professional or continuing education academic programs to which minor students are admitted and enrolled for academic credit; (b) faculty and staff residential properties; (c) single performance or single events such as fairs, festivals, convocations, or other activities that are generally open to the public and people of all age groups, and at or in which children may be present or participate, or University events at which children are expected to be accompanied at all times by a parent or legal guardian; (d) Laboratory Schools or the schools run by the University of Chicago Charter Schools Corporation, as those entities are subject to substantial, youth welfare-specific regulatory oversight and thus have adopted germane training and risk management programs; (e) formal pre-enrollment visits, including overnight stays, by prospective College students, as the Office of College Admissions has developed a set of tailored risk management measures; and (f) clinical care involving minors that is provided at or through the University of Chicago Medical Center, as those activities are governed by separate standards and robust regulatory oversight.

9. Does human subjects research involving children constitute a “covered program”?

Yes, and thus persons who have direct contact with minors in connection with the research are subject to the policy’s screening, training, and conduct requirements. Persons working for, participating in, or involved with minor subjects within human subjects research approved by a University Institutional Review Board, must make every effort to refrain from being alone with a minor at any time in connection with the research, unless that contact is part of an IRB-approved study protocol. The principal investigator in such a study should attempt to structure the research to permit access and/or observation by others at all times, if feasible in his or her judgment.

10. Are there guidelines for minors who are not authorized participants in covered programs, academic programs, or single event activities?

Yes, in those instances a parent or guardian must accompany the minor at all times. For example, unaccompanied minors are not permitted on campus or in University buildings¹ as an alternative to appropriate childcare, when the child is too ill to attend school, or when the child needs quiet study space, etc. Likewise, unsupervised minors may not play on campus grounds, roam University buildings, or sit unaccompanied anywhere on University property.

11. What happens when the conduct requirements are violated?

Policies and procedures governing conduct are described in the Student Manual, Faculty Handbook, and/or Human Resources Policies. A policy violation by student members of the University is subject to the University disciplinary systems. Any faculty member, academic appointee, postdoctoral researcher, staff person, student employee, or volunteer who violates a policy will be subject to corrective action up to and including termination of employment or volunteer arrangement and notification to the proper authorities if applicable.

12. What does the background check consist of?

The background check consists of a criminal history and registered sex offender check conducted by a third party the University contracts with. The director or official responsible for a covered program may, in addition to the background check, require supplemental prospective background checks at regular intervals based on the nature of the program, requirements under applicable law, contractual obligations, or other relevant factors. The ready availability of criminal history and registered sex offender status information has resulted in a significant shift in national practices within higher education where obtaining this information is becoming common practice.

13. What is the process for obtaining and reviewing background check information and who will have access to it?

The process for faculty, academic appointees, postdoctoral researchers, student employees and volunteers will be modeled after the process currently in place for staff employees:

- First, individuals subject to a background check must execute an electronic written release authorizing the University to work with its dedicated contractor to conduct a criminal history and registered sex offender check.

¹ Minors enrolled in a high school program may be present unaccompanied in a University Library only as permitted by library regulations.

- Second, the check includes only felony convictions and is limited in retrospective reach to seven years. Arrests, convictions older than seven years, juvenile criminal records, and expunged and/or sealed records are not sought, obtained, or reviewed.
- Third, the contractor generates a report that shows either the absence of a criminal history and/or registered sex offender status, or provides detailed information regarding any positive results.
- Fourth, depending on the employee category of the individual being checked, the contractor provides the report to the Office of the Provost (faculty and academic appointees), the cognizant Dean's Office (postdoctoral researchers), HR (staff and volunteers), or the Youth Program Coordinator (students employees and student volunteers).
- Fifth, the office that receives the report evaluates the information to determine whether the individual should be excluded from the youth serving program. NOTE: Having a felony conviction does not preclude working in a youth serving program. Rather, the office that receives the report, in consultation with the Office of Legal Counsel and the Youth Program Coordinator (if necessary), considers the relevance of the criminal history to the youth serving role, including a case-by-case assessment of various factors like the nature and circumstances surrounding the offense, the conviction's temporal proximity, any recidivism, and any relationship between the conduct that resulted in the conviction and the role in the youth serving program.
- Sixth, the office that receives the report uses reasoned judgment to decide whether the individual can work in the program. The office does not share any information with the program's director or manager; rather, the office communicates only whether the investigation yielded satisfactory or unsatisfactory results. However, in rare circumstances, it is conceivable that the information obtained will raise legitimate questions about the individual's fitness for University employment (e.g., registered sex offender status), in which case the information then will be shared only with those persons who have the authority to recommend or make a termination decision, and thus must know the information to responsibly fulfill their responsibilities.
- Finally, the background check report is maintained in a confidential file separate from the employee's personnel file and/or separate from any student file. Any employee who makes an unauthorized disclosure of background check information is subject to disciplinary action up to and including termination of employment.

In addition, the timing, process, and use of criminal history information is subject to significant legal compliance obligations, and thus all screening will be conducted, and all information and results will be used, only in accordance with applicable law.

14. What does it mean to be a “mandated reporter”?

Under the Illinois Abused and Neglected Child Reporting Act (ANCRA, the state's child welfare law), individuals called “mandated reporters” are legally required to immediately report the suspected abuse or neglect of a child they know in their official capacity to the Illinois Department of Children and Family Services (DCFS).

15. Who at the University is a “mandated reporter”?

Based on a change in the ANCRA law in 2012, all University personnel now are mandated reporters, including all faculty, academic appointees, postdoctoral researchers, staff, student employees, and volunteers.

16. Are University students mandated reporters?

Student status alone does not make students mandated reporters. Rather, University students are mandated reporters when they are employed by or volunteer with a program or activity on or off campus that involves direct contact with minors, and thus such students bear all of the responsibilities required by the policy for mandatory reporters.

17. What does it mean to “suspect” child abuse or neglect?

The threshold for reporting is when a mandated reporter has reasonable cause to believe that abuse or neglect is occurring to a child known to him or her in his or her official capacity.

18. What is “reasonable cause” under ANCRA?

ANCRA does not define the term, and although there is no precise, universally accepted definition, reasonable cause generally exists when the known facts and rational inferences that may be drawn from those facts would cause a reasonable person to conclude that a child is being abused or neglected.

19. What should I do if I have reasonable cause to believe that a child I know in my official capacity is being abused or neglected?

If a minor is in immediate danger call 911. If no immediate danger is present call the DCFS Child Abuse Hotline at 1-800-25-ABUSE. The Hotline is staffed by social workers and others who have special training in determining what constitutes child abuse and neglect. Guidelines and additional resources for faculty, academic appointees, and postdoctoral researchers are available here: <https://facultyhandbook.uchicago.edu/page/mandatory-reporting-suspected-child-abuse-and-neglect>;

for staff, student employees, and volunteers, here:

https://humanresources.uchicago.edu/fpg/policies/1000/1009_Mandatory_Reporting_of_Child_Abuse_Policy_and_FAQs_for_Staff_and_Volunteers.shtml.

Also, the DCFS web page contains helpful guidance: <http://www.illinois.gov/dcfs/Pages/default.aspx>.

20. What is the role of the Youth Program Coordinator?

The Youth Program Coordinator serves as a focal point for promoting and ensuring compliance with the University's policies and procedures relating to minors on campus and in University programs. The Youth Program Coordinator is responsible for monitoring the effectiveness of such policies; providing support and education to leaders and faculty, academic appointees, postdoctoral researchers, staff, student employees, and volunteers of youth-serving programs; maintaining the inventory of such programs; and generally serving as a University-wide resource on matters relating to the protection of minors associated with the University. The Youth Program Coordinator is the internal expert on requirements for the mandatory reporting of child abuse and neglect. The coordinator coordinates efforts to promote the wellbeing of minors in University-affiliated programs. The coordinator serves as an access point for minors and their parents. The Youth Program Coordinator reports to the Director of Risk Management.

21. Where can I find more information about this policy and resources available to help achieve compliance?

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