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4.609 Abuse and Molestation Prevention

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ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <i>Interim</i>		Abuse and Molestation Prevention Policy 4.609	
Human Resource Policies		Effective date:	October 8, 2020
Policy History:	Approved by:	Resolution #	Date:
Approved	Chancellor	N/A	October 8, 2020
Revised			
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of Human Resources	Director of University Human Resources	937-769-1375	All Employees, Students, Volunteers, members of the university's governing boards, and Vendors, Contractors, Subcontractors, and others who do business with the university.

I. Introduction

The University has a zero-tolerance policy for any type of abuse or harm to children or vulnerable adults such as the elderly and those with physical or mental disabilities. The University strongly affirms its ethical and legal duty to ensure an environment which safeguards and fosters the well-being of minors and vulnerable adults. This duty includes protecting those minors and adults attending programs at, or sponsored by, the University or receiving services from the University's employees or students. All employees, contractors, students and volunteers of the University are expected and required to uphold the trust which is integral to the university's educational work, and to understand and adhere to the University's protection policy.

II. Purposes

The purposes of this policy are:

- A. To prevent and eliminate physical, emotional or sexual abuse within Antioch University or its programs; and
- B. To ensure the effectiveness of the University's administrative, investigative and adjudicative process for addressing physical, emotional or sexual abuse.

III. Definitions

The term "**child**" shall mean anyone between zero and eighteen years or age. For purposes of this policy, minor, youth, or young person are considered synonyms of "child".

The term "**vulnerable adults**" shall include those individuals who because of age or physical or mental disabilities are impaired in their ability to protect themselves from abuse.

The term "**employee**" shall mean anyone working for the University, whether they are staff, faculty, independent contractor, volunteer, or a student worker.

The term "**student**" shall include any person admitted or enrolled at the university. The university has an interest in student conduct during a student's matriculation or enrollment with the university, including any breaks in enrollment permitted by university policy. Students that are away from campus serving in internships, work study, practicums and other work experience venues required as part of their degree, remain subject to the university's policies and its Code of Student Conduct.

The term "**abuse**" shall mean any physical, emotional and psychological, or sexual abuse of a child or vulnerable adult, whether by act or neglect.

The term "**physical abuse**" shall have that meaning set forth in the laws of the state in which the activity occurs. Generally, physical abuse means assaulting, hitting, shaking, or otherwise causing physical harm to a child or vulnerable adult. It may be the result of a deliberate act, but could also be caused through the omission or failure to act to protect. Any corporal punishment or physical restraint of a child or vulnerable adult must be accomplished in a manner consistent with the laws of the state and policies of the host program, school or clinic.

The term "**emotional and/or psychological abuse**" shall have that meaning set forth in the laws of the state in which the activity occurs. Generally, emotional or psychological abuse is the systematic, patterned and chronic abuse that is used by a perpetrator to lower a victim's sense of self, self-worth and power or any ill-treatment which is intended to cause fear, intimidation or other adverse effects on the child's or vulnerable adult's emotional or

psychological development. It may involve making threats, verbal abuse, causing a child or vulnerable adult to feel or believe that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

The term "**sexual abuse**" shall have that meaning set forth in the laws of the state in which the activity occurs. According to the American Psychological Association, a central characteristic of the term "**sexual abuse**" is the dominant position of an individual that allows the individual to force or coerce a child or vulnerable adult into sexual activity whether or not the child or vulnerable adult is aware of, or consents to, what is happening. Sexual abuse may include rape, sexual assault, fondling a person's genitals, masturbation, oral-genital contact, digital penetration, penetration with objects, and vaginal and anal intercourse. Sexual abuse is not solely restricted to physical contact; such abuse may include noncontact abuse, such as exposure, voyeurism, involving others in watching or taking part in the making of pornographic material, or encouraging children or vulnerable adults to behave in sexually inappropriate ways.

The term "**neglect**" shall have that meaning set forth in the laws of the state in which the activity occurs. Generally, "neglect" refers to the failure to meet and individual's basic physical and/or psychological needs, likely to result in the serious impairment of the person's safety, health or development. It may involve failing to provide protection, adequate food, shelter and clothing, or failing to ensure that a child or vulnerable adult gets appropriate medical care or treatment.

IV. Statement of Policy

It is the policy of Antioch University that its administrators, faculty, staff, students, interns, volunteers and lay persons serving on Antioch University committees and boards, and other entities in support of Antioch University programs:

- A. Shall not engage in activity which is defined by this policy or by relevant state laws as physical, emotional, psychological or sexual abuse of children or vulnerable adults;
- B. Shall immediately report accusations or instances of observed or suspected abuse to the individual's supervisor and to the University Director of Human Resources or the Office of General Counsel as set forth in paragraph VI, below;
- C. Shall deal with allegations of abuse with due diligence and investigate them in accordance with appropriate procedures;
- D. Shall maintain appropriate confidentiality of investigations;
- E. Shall investigate allegations in a fair unbiased manner; and

F. Shall comply with all applicable local, state, and federal laws including any laws requiring the mandatory reporting of suspected child, elder or disabled abuse to state and local protection agencies.

V. Prevention

A. Hiring Procedures

1. **Job Postings.** Job applicants will be subject to background investigations in accordance with the University's Background Check Policy, 4.109, which states: *“Antioch University is committed to providing a safe and productive learning and living community. To achieve that goal, we conduct background investigations for all final applicants being considered for employment. Background investigations include reference checks, a criminal history record check, and when appropriate, a financial credit and/or motor vehicle history check.”*

2. **Applications and Self-disclosure.** Written applications of employment shall be required of all employees who may be placed in a position of trust with minors or vulnerable adults, as required by the University's Hiring and Search Committee Policy, 4.103. The application shall require the applicant to disclose any prior convictions and to attest that the information contained therein is accurate. Providing misleading or false information may disqualify an applicant from employment and, if discovered after employment, is sufficient grounds for immediate termination from employment.

3. **Background Checks.** A criminal background check will be conducted for all final candidates prior to employment. This may include a review of national criminal records databases as well as federal court records and county court records for those jurisdictions in which the prospective employee has resided.

4. **Reference Checks.** Any candidates for positions which might put them in a position of trust with minors or vulnerable adults shall be required to provide at least two references of employment, which HR shall then follow up with and inquire as to their suitability for the position.

5. **Degree and Credential Verification.** Prior to making a final hiring decision, the University will verify that the candidate has the required degrees or state licenses for the position.

6. **Volunteers.** Volunteers seeking placement in positions of trust with minors or vulnerable adults shall be subject to the same procedures for applications, background checks, references, and degree and credential verification as are applicants for employment. Volunteers must be approved by the University Director of Human Resources and must execute a Volunteer Agreement Form, 4.207:01 as required by Volunteer Policy, 4.207.

7. **Students.** Students participating in any program, internship or other learning activity involving children or vulnerable adults may be subject to procedures for self-disclosure of criminal history and background checks.

8. **Training.** From time to time as appropriate, the University may provide training to affected employees, volunteers and students regarding the prevention of abuse and molestation of children and vulnerable adults.

B. Interactions with Children and Vulnerable Adults

These guidelines are generally applicable to University programs and sponsored activities. However, in some settings (*e.g.*, K-12 schools or mental health clinics), different best practices may apply. For students in internship at external, non-Antioch sites, the guidelines of the external site will apply. Violations of an external site's interaction guidelines may be deemed a violation of this policy.

1. **Rule of Three.** Whenever an employee, volunteer or student is interacting with children or vulnerable adults, there should be no fewer than three individuals present, (*e.g.*, one adult, two children or two adults, one child).

2. **Line-of-Sight Rule.** In addition, whenever an employee, volunteer or student is interacting alone with fewer than 4 children or vulnerable adults, he or she should be within the line-of-sight of another responsible adult. (*e.g.*, one adult, three children plus a line of sight to another adult).

3. **Supervision of Private Activities.** Private activities by children and vulnerable adults, such as changing clothes, putting on bathing suits, or showering, should be supervised by two adults.

4. **Open-Door Rule.** If it is necessary for reasons of privacy or confidentiality for an employee, volunteer or student to meet alone in a room with a child or vulnerable adult, then the door should be left open, or the conversation should take place in an office with a window which allows an unobstructed view.

5. **Driving.** If employees or students are providing transportation in activities for children or vulnerable adults, another responsible adult should be present along with the driver.
6. **Private residence.** Children and vulnerable adults should never be invited or allowed in the private residence or quarters of an employee or student of the University.
7. **Touching.** Any touching of children or vulnerable adults should be limited by necessity and should be consistent with any training and other instructions from the program or host organizations with whom the employee, student or intern is engaged.

VI. Reporting Violations

A. Internal Reporting

Any employee, volunteer or student who has reason to believe that a violation of this policy has occurred, shall immediately report accusations or instances of observed or suspected abuse to the supervisor or program director and to the University Director of Human Resources or the Office of General Counsel. Any complaint or concern by a victim or a victim's representative regarding behavior which might constitute a violation of this policy must be referred immediately to the Director of University Human Resources and/or General Counsel. The person learning of the complaint or concern shall not undertake an inquiry or investigation of their own or question the alleged perpetrator or victim. Investigations shall be undertaken only by those authorized by policy to conduct investigations.

Director of University Human Resources	scastonguay@antioch.edu	937-769-1375
Office of General Counsel	rtodd@antioch.edu	603-283-2436

As an alternative to reporting directly, abuse reports may be made using Antioch University's compliance hotline by phone (1.866.606.4026) or online at <https://antiochuniversity.alertline.com/>

B. External Reporting

In addition to the University's policy requiring employees to report suspected abuse to the University, the states in which the University operates campuses have laws which require the mandatory reporting of suspected child abuse. Therefore, those faculty, employees, staff and students aware of any conduct which might constitute abuse shall immediately report such behavior to the appropriate government agency

independently or in conjunction with the University. An employee who makes an external report to a government agency independently shall inform the University promptly. A list of the state statutes and links to the statute text is annexed to this policy as Appendix A. Failure to properly report may result in criminal sanctions, in addition to discipline for failure to comply with University policy.

VII. Investigations

Investigations of alleged violations of this policy shall be undertaken in accordance with the Employee Code of Conduct, Policy 4. 601 or the Student Code of Conduct, Policy 6.103, as appropriate. The complaint will immediately be forwarded to the appropriate office for investigation and, where appropriate, discipline.

VIII. Sanctions

Violations of this policy may result in disciplinary action, up to and including termination of employment or removal from academic programs. Violations may also be subject to criminal prosecution by local law enforcement agencies.

Policy Cross References

Background Check	Policy # 4.109
Hiring and Search Committee Policy	Policy # 4.103
Volunteer Policy	Policy # 4.207
Employee Code of Conduct	Policy # 4.601
Student Code of Conduct	Policy # 6.103

APPENDIX A

STATE STATUTES REGARDING MANDATORY REPORTING

Washington:

RCW Chapter 26.44.030, Abuse of Children:

<https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030>

California:

California Penal Code Section 11164 - 11174.3, Child Abuse and Neglect Reporting Act:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5

New Hampshire:

RSA 169-C:29-30, Child Protection Act:

<http://www.gencourt.state.nh.us/rsa/html/xii/169-c/169-c-mrg.htm>

Ohio:

ORC 2151.421, Juvenile Court:

<http://codes.ohio.gov/orc/2151.421>