

# POLICY

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 Approved By: President Sabah Randhawa

Authority: RCW [26.44](#), RCW [28A.300.285](#)  
 RCW [28B.10.846](#), RCW [51.12.035](#)

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| See Also: <a href="#">POL-U1000.12</a><br><a href="#">POL-U1600.04</a><br><br><a href="#">POL-U1600.02</a><br><a href="#">POL-U5400.08</a><br><a href="#">POL-U5615.01</a><br><a href="#">POL-U5620.02</a><br><a href="#">POL-U5950.03</a><br><a href="#">PRO-5315.21A</a><br><a href="#">PRO-5315.21B</a><br><a href="#">PRO-5315.21C</a><br><br><a href="#">POL-U5315.20</a><br><a href="#">WAC 516-21</a> | Reporting Communicable Diseases<br>Preventing and Responding to Sexual Discrimination, including Sexual Misconduct<br>Providing Equal Opportunity and Non-Discrimination<br>Conducting Employee Background Checks<br>Responding to Campus Violence or Threats of Violence<br>Sex Offender Notification Policy<br>Preparing for and Responding to Emergencies<br>Registering a Child-Related Program<br>Reporting Concerns of Child and Vulnerable Adult Abuse or Neglect<br>Reporting Concerns of Child and Vulnerable Adult Harassment (including Sexual), Intimidation or Bullying<br>Bringing Children to Campus<br>Student Rights & Responsibilities Code |
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## POL-U5315.21

## **PROTECTING CHILDREN AND VULNERABLE ADULTS AND REPORTING CONCERNS OF SAFETY OR WELFARE**

*Western is committed to protecting the safety and welfare of children and/or vulnerable adults who are participating in a university program, event or activity.*

*This policy applies to all faculty, staff, students, other University representatives, independent contractors, and/or any outside party using University facilities or resources.*

**Definitions:**

Abuse or Neglect - Sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section (RCW 26.44.020).

This includes abuse or neglect of vulnerable adults (RCW 9A.42).

Child/Minor – Any person under the age of eighteen (18) years of age (RCW 26.44.020). See exception in section 3 below.

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Department Heads – academic department chairs, directors of academic or non-academic units who have oversight responsibilities for programs and/or individuals, and/or designees.

Employee – An individual who receives wages or other remuneration from the University for performing labor or services and who is not an independent contractor. This includes grant funded employees.

Harassment, Intimidation or Bullying – Any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any illegally discriminatory characteristic, when the intentional electronic, written, verbal, or physical act: (a) physically harms a child or vulnerable adult or damages a child's or vulnerable adult's property; (b) has the effect of substantially interfering with a child's or vulnerable adult's welfare or safety; (c) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) has the effect of substantially disrupting the orderly operation of the school (see also RCW 28A.300.285).

Independent Contractor - An individual or entity who receives remuneration under a contract with the University for performing services on behalf of the University.

Program – A program, event or activity involving children or vulnerable adults that is being offered by: 1) an academic or administrative department or program of the University; and/or 2) both the University and an outside party as a collaboration between the parties under a written agreement. The definition of a program does not include any University academic or administrative function that serves children who are matriculated students of Western.

University Representative – An adult Western faculty, staff, student, executive officer, Trustee, volunteer, or visiting scholar.

Unsupervised Access – Being with a child/minor or vulnerable adult when not in the presence of: (a) another University representative; (b) another representative from a program; or (c) any adult relative or guardian of any of the children or developmentally disabled persons or vulnerable adults. This does not include incidental contact with a single child which is minor or casual contact in an area accessible to and within visual or auditory range of others, such as passing a child or vulnerable adult while walking down a hallway. It does include being alone with a child or vulnerable adult for any period of time in a closed room or office (see RCW 43.43.830).

Volunteer – An individual who performs any assigned duties in a University or University co-sponsored program brought about by the person's free choice, receiving no wages, and is registered and accepted by the University program and associated department (RCW 51.12.035). If applicable, this may include community members, faculty, staff and students (Western and otherwise). Staff members using a community service day register as a volunteer only if their service is conducted directly for Western.

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Vulnerable Adults – Adults of any age who lack the functional, mental, or physical ability to care for themselves, including persons who are developmentally disabled (see RCW 74.34.020).

## 1. **President, Provost and/or Vice Presidents Ensure Compliance**

The President, Provost and/or Vice Presidents are responsible for ensuring that departments with programs in their respective areas are informed of and comply with this policy. Departments in their area may adopt internal policies that are more restrictive than those contained in this policy.

The Vice President for Business and Financial Affairs ensures that a communication plan is established to inform and regularly remind the University community of its commitment to the safety and welfare of children and vulnerable adults through the distribution of this policy.

## 2. **Department Heads Ensure Appropriate Management**

Department heads ensure:

- a) University representatives involved in programs are informed of this policy and trained as required (see section 5 below);
- b) Programs consult with Western's Risk Management to ensure they are in compliance with this policy;
- c) Programs are conducted in compliance with this policy;
- d) New programs are registered with the University thirty (30) days before their start (see procedure *Registering a Child-Related Program* [PRO-5300.21A](#));
- e) Existing programs are registered within ninety (90) days of the effective date of this policy (see procedure [PRO-5300.21A](#)); and
- f) Programs participate in periodic institutional surveys regarding program compliance with this policy.

## 3. **Department Heads Ensure Appropriate Background Checks of Employees and Non-Employees**

Department heads ensure that background checks are conducted on University representatives or independent contractors who will or may have unsupervised access to children/minors during the program or vulnerable adults per the policies:

- a) Conducting Employee Background Checks (POL-U5400.08); and
- b) Conducting Non-Employee Criminal Background Checks (POL-U5300.28).

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**Exception:** For the purpose of background checks only, the definition of “child/minor” is amended to any person under the age of sixteen (16) years of age, as described in the [Child and Adult Abuse Information Act](#) per RCW 43.830-43.845. However, there may be another state law or outside organization requirement that supersedes this exception. All other policy requirements remain applicable to a “child/minor” under the age of eighteen (18) years of age, as originally defined.

#### 4. **Department Heads Register All Volunteers with Human Resources**

Department heads using a volunteer to provide a service are required to register the volunteer with [Human Resources](#). Department heads ensure that a *Security Sensitive Position Assessment* ([FRM-U5400.08B](#)) is completed in conjunction with each registration.

**Exception:** Faculty members who are volunteering as a function of their official duties to meet their departmental standards for “service to the University and community” need not register as a volunteer. Other requirements of this policy remain applicable, including background checks.

#### 5. **Training Mandatory for Certain University Representatives**

To ensure University representatives understand their roles and responsibilities in regards to working with children, training will be required for certain positions as directed by Risk Management and approved by the Vice President for Business and Financial Affairs.

#### 6. **Director of Business Services Ensures Contracts Comply**

The Director of Business Services ensures that written contracts include provisions about maintaining the supervision, health and well-being of children, having appropriate criminal background checks, and reporting suspected abuse, neglect, harassment, intimidation or bullying for the following:

- a) Contracts with outside parties using University facilities or resources for their program(s) involving children,
- b) Contracts for programs that are offered as a collaboration between a University department(s) and an outside party under a written agreement, and
- c) Contracts with independent contractors working with children.

#### 7. **University Representatives Required to Report Communicable Diseases**

Individuals who know or suspect that they or children in their program have contracted a communicable disease must notify University officials as described in policy *Reporting Communicable Disease* (POL-U1000.12).

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### **8. University Employees Required to Report Suspected Abuse or Neglect**

When a University employee (including student-employee) observes, learns about, or has reasonable cause to believe a child or vulnerable adult has been abused or neglected during a program, that employee must report or cause a report to be made as required under University procedure for *Reporting Concerns of Child or Vulnerable Adult Abuse or Neglect* (PRO-U5300.21B) and the policies and/or procedures of an external entity if applicable. For more information regarding reporting requirements, visit the [Washington State Department of Social and Health Services \(DSHS\) website](#).

### **9. University Employees Required to Report Suspected Harassment (including Sexual), Intimidation, or Bullying**

When a University employee (including student-employee) observes or learns about suspected harassment, intimidation or bullying of a child or vulnerable adult by another child or an adult during a program, the employee shall report the incident promptly as required by University procedure, *Reporting Concerns of Child or Vulnerable Adult Harassment (including Sexual), Intimidation or Bullying* (PRO-U5300.21C), and the policies and/or procedures of an external entity, if applicable.

### **10. Retaliation or Limiting a Person's Duty to Report Prohibited**

No University representative may take direct action or indirectly influence in any manner the reporting process that could impede the University's duty and commitment to protecting the safety and welfare of children and/or vulnerable adults. Retaliation against any individual who makes a good faith effort to make a report is prohibited.

### **11. Only Law Enforcement or DSHS May Interview a Child or Vulnerable Adult**

In accordance with applicable state law, and during an official investigation, only law enforcement or DSHS authorized personnel may interview a child or vulnerable adult and have access to relevant records. This provision is not intended to prohibit good faith efforts by a University representative to calm and provide support to a child or vulnerable adult who reports being abused or neglected, or to collect adequate information to fulfill applicable reporting requirements.

### **12. University Police Shall Report to Required Authorities**

University Police will comply with state reporting requirements.

### **13. President, Provost and/or Vice Presidents Ensure Response to Allegations**

President, Provost and/or Vice Presidents must respond promptly if an allegation of inappropriate conduct has been made against a University representative. Interim action

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while allegations are investigated may include placing an employee on leave, and/or discontinuing the participation of a volunteer, student, independent contractor or other non-employee. The University's response to the investigation will be in accordance with applicable University policies, procedures, collective bargaining agreements, and/or civil or criminal laws.

Outside parties and their representatives using University facilities or resources in violation of this policy may be denied permission to stay and/or return to Western.

Intentionally false allegations will be referred to University Police for investigation and response.