



Protecting Minors on Campus from Sexual Misconduct

Managing Campus Contractors and Student Educators



Contractors and student educators frequently interact with or have access minors on campus. This creates risks that must be regularly assessed and managed.

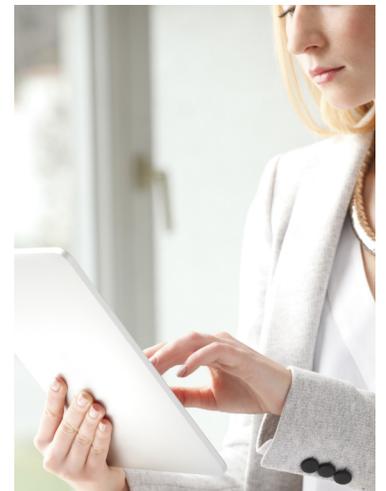
Higher education institutions commonly contract with outside parties to provide or receive services. For example, a vendor may provide security services to an institution, or a local organization may rent a college's facilities. Contractors may have access to children and pose a risk for sexual misconduct in campus-based or affiliated programs. Complete the **managing contractors checklist** below to manage this risk.

Many colleges offer internships, practicums, and community service programs providing opportunities for students to work directly and indirectly with children. While these programs present invaluable work experience, there are also risks. To best manage the risk of sexual misconduct by a student educator, an institution should consider the practices in **managing student educators checklist** below.

A. Managing Contractors

The following practices are recommended for contractors with regular or unsupervised access to minors, however, compliance may not be possible in every situation. For example, a contractor may not be able to purchase insurance covering sexual misconduct. When these requirements cannot be met, an institution should:

- Assess the risk, understanding that the longer the contract duration, the greater the risk and the need to meet these recommendations.
- Determine whether additional mitigating actions can be taken to reduce the risk. For examples of actions that could be taken, see the "mitigating actions" section on [page 3](#).
- Decide whether the institution is comfortable assuming the risk.



A. Managing Contractors *(continued)*

Identifying Contractors With Access

1. Has your institution educated the departments or individuals charged with reviewing campus contracts, such as general counsel, risk management, or procurement, about the need to identify activities that involve minors? Yes
 No
-
2. Does your institution require individuals or departments charged with reviewing campus contracts to: Yes
- Notify the office enforcing the institution's child protection policies of situations in which contractors will have access to children? No
-
- Provide details about the program or activity involving minors to the office enforcing the institution's child protection policies? Yes
 No

Contract Requirements

3. When a contractor or its representatives will have regular or unsupervised access to minors, does your institution's written contract state that:
- The contractor, and each of its representatives, employees, and volunteers, as appropriate, must: Yes
 - Comply with the institution and the state's background check requirements? No
-
- Receive a copy of the institution's child protection-related policies, such as those addressing reporting suspected misconduct, nondiscrimination, and code of conduct for interacting with minors? Yes
 No
-
- Comply with the institution's child-protection related policies as referenced in the contract? Yes
 No
-
- Acknowledge that they have received and read the institution's relevant child-protection policies? (See [Appendix](#) for a sample acknowledgement form). Yes
 No
-
- Complete any institution-required training on protecting children? Yes
 No
-
- Any violation or suspected violation of the institution's child-protection related policies is grounds for terminating the contract and may trigger certain penalties? Yes
 No

Indemnification Requirements

4. Does the contract contain language addressing how the institution and the contractor will share responsibility for claims or losses arising out of the contract, also known as an indemnification, risk allocation, hold harmless, or release of liability clause? (Please skip the next two questions if you answered "no.") Yes
 No
-
5. Has your institution consulted with its general counsel to draft or review the indemnification provision? Yes
 No
-
6. Does the indemnity provision prevent the institution from being responsible for the contractor's negligent or intentional actions arising out of sexual misconduct involving a minor? Yes
 No

Actions Needed

A. Managing Contractors *(continued)*

Insurance Requirements

7. When any individual associated with the contractor, such as an employee or volunteer will have regular or unsupervised access to minors, does your institution's written contract state that:
- The contractor will carry primary and excess insurance coverage for:
 - Acts of sexual abuse or molestation committed by its representatives, employees, or volunteers? Yes
 No

 - An amount of at least \$1 million per occurrence with a \$2 million aggregate amount for the policy period? Yes
 No

 - The contractor will provide the institution a certificate of insurance demonstrating its sexual abuse and molestation coverage? Yes
 No

 - The contractor will provide the institution a copy of its insurance policy demonstrating there is sexual abuse and molestation coverage? Yes
 No

 - The college will be named as an additional insured on the contractor's general liability policy or, if written as a separate coverage, on the sexual abuse and molestation policy? Yes
 No

Mitigating Actions

8. If a contractor cannot meet the above contract, indemnity, or insurance requirements, has your institution considered other mitigating actions such as:
- Imposing more stringent behavior requirements on the contractor, its representatives, employees, or volunteers, such as prohibiting unsupervised access to minors by requiring two or more individuals when in the presence of minors? (The contractor should be able to reasonably enforce any behavior requirements imposed.) Yes
 No

 - Imposing more stringent background check and screening requirements on the contractor, its representatives, employees, or volunteers? Yes
 No

 - Paying for the contractor's sexual misconduct liability insurance coverage? Yes
 No

 - Requiring the contractor, its representatives, employees, or volunteers to undergo sexual misconduct awareness training? Yes
 No

Actions Needed

B. Managing Student Educators

Screening

1. When screening student educators does your institution:
- Comply with all state and federal laws addressing screening requirements for student educators? Yes No

 - Require that student educators are screened using the same or similar standards as those used for employees working regularly or unsupervised with minors? Yes No

 - Require that student educators adhere to a code of conduct that is the same or similar to the standards required for its employees working regularly or unsupervised with minors? Yes No

2. Does your institution clarify to student educators how they will be supervised and evaluated during the program? For example, student educators should understand to what extent they will be supervised and evaluated by the host school and your college. Yes No

Affiliation Agreements

3. Does your institution have a written affiliation agreement with the host school or district addressing:
- The objectives and responsibilities of the student educators participating in the program? Yes No

 - Who will orient student educators about the host school's policies, procedures, and facilities? Yes No

 - Whether the student educator is an employee, agent, or representative of the host institution or your institution? Yes No

 - The reasons for which a student educator may be removed or dismissed from the program? Yes No

 - The party responsible for claims or losses that may arise out of the activities of the program (through an indemnification or hold harmless clause)? Yes No

 - Which parties' insurance would cover losses or claims that may arise out of the activities of the program? Yes No

Actions Needed

Resources

Allocating Risks Between Parties

EduRisk

Child Protection Addendum to Contract

University of Alabama

Managing the Risks of Minors on Campus

Gallagher Higher Education Practice

Acknowledgment

This *Protecting Minors on Campus from Sexual Misconduct* checklist, “Managing Campus Contractors and Student Educators” was written by Alyssa Keehan, JD, director of risk research for UE.

Actions Needed



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Appendix

Sample Acknowledgement of Compliance with the Institution's Child Protection Policies

By signing my name below, I agree, certify, and acknowledge the following:

- That I have been provided with a copy of [institution name's] policies for reporting suspected child abuse and misconduct and nondiscrimination policy [include a web link to the policies].
- That I have read the above policies, which include the procedures for reporting suspected or observed child abuse or neglect.
- That I have completed [institution name's] training program for protecting children in [program name].
- That I fully understand the requirements of [institution name's] child protection policies as well as my responsibilities under it.
- That I agree to abide by and comply with the [institution name] child protection policies at all applicable times.
- That I understand that these may be changed, withdrawn, added to, or interpreted at any time at the institution's discretion and without prior notice to me.
- That [institution name] will not tolerate abuse or neglect of children, and I agree to comply in spirit and in action with this position.

Signature

Date

Printed Signature

Date of Birth

***Below should also be completed by the parent or guardian of anyone age 18 or younger:**

By my signature, I certify that I have read and understand the policy. My signature also confirms that I do not know of any reason why my child should not interact with other children. My child does not demonstrate any signs of being a potential risk to children.

Parent/Guardian Signature

Date

Printed Signature