

80-19 Protection of Children and Vulnerable Persons

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1. **Purpose.** The purpose of this policy is to fulfill the moral and legal obligation of Eastern New Mexico University System (the System) to protect children and vulnerable persons participating in activities and programs taking place on any System property or under the System auspices (for example, athletic camps, academic camps, workshops intended for elementary or high school students and similar activities). This policy and its procedures outline strategies for assuring the security of these persons and for addressing allegations of abuse.
2. **Policy.** All students, faculty and employees of the System who have reason to believe that a child or vulnerable person has been abused or neglected have an obligation to report that abuse or neglect. The System has the additional obligation to provide appropriate protection while children or vulnerable persons are on campus property or participating in a System-connected activity on or off campus. This policy also outlines the Systems obligations to provide training to faculty, staff or student body members who are working with children or vulnerable adults, and to define and monitor procedures for addressing allegations of abuse.
3. **Administration.** This policy and its procedures shall be administered by the vice president for Student Affairs (Portales), the vice president for Academic and Student Affairs (Roswell), and the vice president for Student Learning and Success (Ruidoso), who will work closely with the offices of Academic Affairs, Human Resources, Athletics or any office sponsoring activities for children or vulnerable persons.

Procedures

4. Definitions.

- A. For purposes of this policy, “**children or vulnerable persons**” shall be defined as children under the age of 18, the elderly, or adults aged 18 or older who are unable to safeguard their own well-being, property, rights or their interests, are at risk of harm, or, because they are affected by disability. (ENMU students who are under age 18 are already covered under other System policies.)
- B. For purposes of this policy, “**abuse**” includes serious endangerment of a child’s or vulnerable person’s physical or mental health due to injury by act or omission, including acts of sexual abuse. Sexual abuse includes contacts or interactions when the child or vulnerable person is being used as an object of sexual gratification for the adult. Abuse occurs whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child or vulnerable person, and whether or not there is discernible harmful outcome.

5. Requirements

- A. **Non-Regular and Brief Presence of Children or Vulnerable Persons on Campus.**
The safety and protection of minors making brief, non-regular visits to any campus of the ENMU System will be assured by annual training for all faculty and staff and for students who may be involved in these events. Training will cover required vigilance, expected behaviors, and required reporting of suspected abuse.

B. Regular or Scheduled Presence of Children or Vulnerable Persons on Campus. In some instances, children or vulnerable persons may be taking a weekly class or a private lesson on campus. Their protection will be assured by annual training conducted each fall semester and background checks conducted by the System for all personnel (System faculty, staff or others) offering these services to children or vulnerable persons.

C. Contact with Children or Vulnerable Persons as Part of an Academic Course or System Program. Programs that require ENMU students to work with children or vulnerable persons as part of their academic program will follow the provisions outlined by their program and detailed in that program's handbook. Besides background checks, compliance with other requirements of the oversight agency (School districts, CYFD, etc.) may also be required.

D. Children or Vulnerable Persons Participating in System-Sanctioned Classes, Camps, or Events.

Several programs sponsored by the System or held on System property require a higher level of protection, due to the nature of the event, the length of time spent on campus and the level of interaction between staff and students. For classes, camps, workshops or events lasting for more than half a day, the following protocols must be in place.

- (1) Authorization of All Campus Programs involving Vulnerable Persons.
Prior to advertising any event or activity involving children or vulnerable persons, sponsors must secure appropriate permission for the event from their area supervisor, detailing the dates and times of participation, the purpose of the activity, the location(s) on campus, and person or persons in charge of the event or activity and who will be securing the waivers or permission slips and medical emergency forms from parents/guardians for participating children or vulnerable persons.
- (2) Background Checks
 - a. A successful background check will be required of each adult (student, staff or faculty member) prior to his or her direct participation with children or vulnerable persons in a program or activity covered by this Policy and at least once every year thereafter.
 - b. The background check will be limited to criminal offenses including, but not limited to, child abuse, for which an individual has been convicted, pled guilty to a felony or misdemeanor, or where such charges are currently pending. The System may accept successful documented background clearances from governmental agencies (e.g., School Districts) that have been completed within one year from the start date of employment.
 - c. A decision not to permit an individual to participate in a program or activity covered by this policy based on the results of a background check will be made by the director for Human Resources or appropriate personnel, after consultation with the administrator overseeing personnel conducting the event.
 - d. Anyone who is prohibited from participating in a program or activity based on a negative background check may appeal that decision to the HR director.
- (3) Training
It is the responsibility of the person in charge of the program or activity to assure that each participating adult (employee, faculty or student) has received annual mandatory training on the conduct requirements of this policy, on protecting children and

vulnerable persons from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct (including, but not limited, to reporting to appropriate law enforcement authorities). The area vice president or area director may extend and/or modify the required training program to meet specific needs of the particular program or activity involved, in consultation with the director of Human Resources.

6. Reporting Suspected Misconduct.

- A. Any ENMU faculty member, employee or student who has reason to believe that a child or vulnerable person has been abused or is the victim of abandonment or neglect on campus, on property owned or leased by the System, or who has received a report of such alleged abuse must immediately report this information to Department of Public Safety or other law enforcement agencies (dial 911).
- B. Adults participating in programs and activities covered by this policy shall also assure the safety of children or vulnerable persons participating in programs and activities, including their removal from dangerous or potentially dangerous situations.

7. Investigation of Suspected Misconduct and Sanctions

- A. Once a report of suspected misconduct or abuse of a child or vulnerable person has been received, the investigating officer shall perform the following functions:
 - (1) Notify the president of the respective campus.
 - (2) If the parents or guardians of the victim have not been involved in the reporting and are not the alleged abusers, notify the parents or guardians of the minor involved.
 - (3) Notify the direct supervisor of the alleged abuser of the allegations.
 - (4) Investigate in conjunction with the Office of Human Resources or equivalent office on the branch community college campus and the office of the appropriate administrator, depending on whether the alleged abuser is a member of the staff, faculty or student body. The investigation may include interviews of the reporting party, the victim, the alleged abuser, and any person(s) whom the reporting party, the victim, the victim's parents or guardians, or the alleged abuser believe have relevant information. In conducting this investigation and any interviews, every effort shall be made to minimize the trauma to the victim (e.g., by working with appropriate child protection agencies).
 - (5) Report the findings of the investigation to the appropriate campus administrator in charge of the department where the alleged abuser is employed.
- B. Sanctions. If sanctions against a staff, faculty member or student are contemplated, such sanctions will be imposed in accordance with the discipline procedures found in the applicable handbook (e.g., students or employee handbook) and other relevant System and campus policies and procedures, including AGP&P 40-11.
- C. Suspension. An employee may be immediately suspended with pay pending the outcome of the investigation if the appropriate administrative supervisor believes that the circumstances justify

such suspension. A student may be suspended according to the procedures outlined in the Student Code of Conduct.

- D. If the alleged abuser is not employed by or enrolled as a student of the System but the alleged abuse happened on campus or on property owned or leased by the System, in addition to the above procedures, the investigating officer may take the following actions:
- (1) May request that a “no trespass” letter be sent to the alleged abuser pending the outcome of the investigation.
 - (2) May, if the alleged abuser is present on the campus as a result of working for someone or some entity with authorization to be on campus, notify that person or entity of the allegations.
 - (3) May, if the investigation confirms that the abuse occurred, request that a permanent ‘no trespass’ letter be sent notifying the offender (and also the offender’s employer if the offender works on campus) of the results of the investigation and the permanent ban of the offender from campus.

8. Protection against Retaliation.

- A. Retaliation will not be tolerated and will be promptly investigated. Any member of the ENMU System community who retaliates against another member who has reported suspected misconduct is subject to disciplinary action, up to and including dismissal.
- B. Reporting suspected misconduct does not exempt any ENMU employees from legitimate personnel action taken during the normal course of business.

- 9. False or Inaccurate Accusations.** It is important to protect individuals from false, unsubstantiated or inaccurate accusations. Therefore, when a report of suspected misconduct or suspected retaliation is not substantiated, the file containing all documents relating to the report, review or investigation will be sealed and delivered to the president’s office on the campus where the report originated. The file will be stored for six (6) years after the date the file is sealed.

- 10. Disciplinary Action.** All disciplinary action taken as a result of investigations will be in accordance with the personnel policies contained in the ENMU System policies and employee handbooks, as appropriate. Disciplinary action will also be taken in accordance with any relevant student handbooks or codes of conduct, in the event the alleged abuser is a student of the System.

Approved by the Board of Regents, May 10, 2013.

Approved by the Board of Regents, September 25, 2020