

Pellissippi State Community College as an institution of higher education must preserve conditions that permit a safe environment for learning and working.

Policy Objective:

Pellissippi State Community College (“the college”) as an institution of higher education must preserve conditions that promote a safe environment for learning and working. The purpose of this policy is to ensure a safe environment for minors by fostering a culture that is committed to preventing, recognizing, reporting, and addressing child abuse and child sexual abuse. Minors visit our campuses for a variety of reasons, which include participation in programs and activities sponsored by the college; acceptable visitation purposes as minor children of students and employees; and programs and activities sponsored by third parties using college facilities and resources.

Policy Definitions

Acceptable Visitation: The term “acceptable visitation” means:

1. Employee or student is a minor and is enrolled in a credit/non-credit course;
2. Employee or student bringing an infant or small child for a brief social visit with peers, supervisors, or instructors;
3. With supervisor or instructor permission and under certain limited and unforeseen circumstances (such as school closings), an employee or student bringing a minor child to a class or to work with the following restrictions:
 - a. Minor child cannot be ill
 - b. Minor child cannot be disruptive
 - c. Minor child must be supervised by the parent/guardian
 - d. Minor child cannot be left unattended while the employee/student is in class
 - e. Minor child cannot be left with a fellow student or co-worker

Covered Adult: The term “covered adult” means a person:

1. Who is eighteen (18) years of age or older; and
2. Who is an employee (regular, term appointment, student, full-time, part-time) of, or a person in a contractual or volunteer position with the college.

Covered Program: The term “covered program” means:

1. A program or activity in which minors may participate that is sponsored by the college; or
2. A program or activity in which minors may participate that is sponsored by an entity other than the college and involves use of college owned or controlled facilities/resources.

Covered Program does not include:

1. A program or activity that requires each minor to be accompanied by his/her parent or legal guardian;
2. A program or activity designed primarily for enrolled Pellissippi State students, including dual enrollment, credit courses, and community service projects organized by the college;
3. A program or activity open to the general public;
4. Orientation and campus tour programs;
5. Field trips supervised by a minor participant’s school or organization and not sponsored by the college.
6. Student teaching practicums.

Questions regarding whether a program/activity is subject to this policy should be addressed to the Office of Human Resources.

Disruptive: Any behavior that could reasonably be found to be distracting, loud, boisterous, or inappropriate for a working or learning environment.

Minor/Child: The term “minor/child” means a person who is under eighteen (18) years of age or is reasonably presumed to be under eighteen (18) years of age.

Program director: The term “program director” means the person primarily responsible for the management and oversight of a Covered Program, including identifying all Covered Adults and ensuring the Covered Program’s compliance with this policy. With respect to a Covered Program not sponsored by the college, the Program director is the college employee who serves as the primary college contact with the third party who is sponsoring the Covered Program.

Prevention of Child Abuse

Training: The Office of Human Resources will develop and deliver training programs that Covered Adults and program directors will use to learn how to prevent, recognize, and address child abuse. The training program should be offered annually to new program directors and covered adults and, at a minimum, address the following topics:

1. Definition of child abuse;
2. Signs, symptoms, and effects of child abuse;
3. Response to suspected child abuse, including but not limited to reporting suspected child abuse under Tennessee law and this policy; and
4. Child abuse prevention strategies.

Background Check: The following provisions related to background checks shall apply to all Covered Programs sponsored by the college.

1. Criminal background checks shall be conducted on all Covered Adults no less frequently than every four (4) years.
2. Criminal background checks shall include, but not be limited to, a search on the National Sex Offender public website.
3. Program directors are responsible to ensure that the Office of Human Resources is notified of Covered Adults participating in Covered Programs prior to the event.
4. Criminal background checks should be conducted under the direction of the Office of Human Resources.
5. Student volunteers who are actively enrolled in the college are not required to submit to a criminal background check, but a National Sex Offender public website and the Tennessee Department of Health’s online abuse registry must be checked prior to participation in the Covered Program prior to the event.
6. If a person’s criminal background check indicates a conviction of any sexual offense; any offense against children; battery or assault; drug distribution offense or felony drug possession; homicide; kidnapping; or any felony or crime involving moral turpitude, the Office of Human Resources shall determine appropriate action in consultation with college legal counsel and the President of the college.
7. If it is decided that a Covered Adult is ineligible to volunteer, Human Resources will immediately contact the Covered Adult and the Program Director.

Exceptions to Background Check: Covered Programs for which a large number of college volunteers (students, community members, and employees) are essential may elect to adopt preventive measures as outlined below in lieu of criminal background checks and training, but only with the prior written approval of Office of Human Resources and the President of the college. If an exception is granted, the program director applying this exception shall:

1. Ensure that all volunteers are checked and cleared using the National Sex Offender public website and the Tennessee Department of Health’s (TDOH) online abuse registry prior to participating in the Covered Program.
2. Ensure that all volunteers work in a public place during the Covered Program, are supervised by a Covered Adult who has undergone a criminal background check, and present photo identification prior to the participation in the Covered Program.

3. Ensure that all volunteers sign the Volunteer Statement of Understanding/Agreement form pursuant to State law.
4. Completed sex offender and TDOH's checks should be routed to Human Resources.

Additionally, for Covered Programs not sponsored by the college, the program director shall require the sponsor of the Covered Program to sign an agreement to indemnify and hold harmless the college for the acts or omissions of the program participants or the sponsor's employees or agents.

Reporting

External: Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: 1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or 2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained an apparent injury as a result of the abuse.

The Tennessee mandatory reporting laws apply to all college employees, contractors, and volunteers, even if they are not Covered Adults subject to the other sections of this policy, and even if the child abuse or child sexual abuse *does not* occur in connection with a Covered Program.

A report of child abuse or child sexual abuse must be made immediately to the following authority outside of the college:

The Tennessee Department of Children's Services (call the Central Intake Child Abuse Hotline at 1-877-542-2873 or 1-877-237-0004).

Tennessee law provides immunity from civil and criminal liability for any person who makes a good faith report of suspected child abuse or child sexual abuse. In addition, no person making a good faith report of suspected child abuse or child sexual abuse, or participating in an investigation, shall be subject to retaliation by the college.

Internal: Reporting to college Police, a supervisor, or any other college official or employee does not satisfy the statutory duty to report child abuse. However, after reporting child abuse to the Tennessee Department of Children's Services, a college employee shall also provide notice of the report to his/her supervisor and the college Police. Upon receiving such a report, the employee's supervisor and the college Police shall ensure that the Tennessee mandatory reporting statute has been followed and appropriately report to college officials such as college legal counsel, the President, the Director of Marketing, the Executive Director of Human Resources, Executive Director of Equity & Compliance, and/or the Dean of Students. These individuals shall ensure Clery Act compliance and evaluate whether there is also a legal duty to report the incident as a crime statistic.

Standards of Conduct: Related to Covered Programs and Covered Adults

Covered Adults shall not:

1. Be alone in a vehicle with a minor, regardless of parent/guardian express or implied permission.
2. Utilize college facilities and resources to interact with minors outside of the scheduled time of the Covered Program.
3. Have unsupervised contact with a minor unless one-on-one unsupervised contact is essential to the Covered Program and approved in writing by the program director.
4. Have physical contact or communication with minors, except as appropriate to the nature of the Covered Program.
5. Meet a minor off of the site of the Covered Program or after the hours of the Program, even if another Covered Adult is present.
6. Strike, shake, slap, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
7. Humiliate, ridicule, threaten, or degrade a minor.

8. Sleep in the same room or other enclosed space (such as a tent) as a minor, unless you are a parent/legal guardian/sibling of said minor.
9. Shower or take a bath with a minor or in the presence of a minor.
10. Dress or undress in the presence of a minor.
11. Invade the privacy of minors by intruding in situations such as changing clothes and taking showers, unless health and safety requires intrusion.
12. Wear clothing that is not discreet and modest, as determined by the program director, when interacting with minors.
13. Possess or engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during the Program.
14. Provide alcohol or illegal drugs to a minor, or provide prescription drugs or any other medication to a minor.
15. Take a photograph or video of a minor or post information about a minor on the Internet without the written permission of the minor's parent or guardian.
16. Give a personal gift to a minor.
17. View pornography during the Program, or make any form of pornography available to a minor participating in the Program, or assist a minor in any way in gaining access to any form of pornography.
18. Permit minor children in spaces where inherent dangers exist such as, but not limited to, biology/chemistry labs, some art labs, the welding lab, etc.

College Employees and Students

As stated above, there may be times when a student requests to bring a child to class in order not to miss class or an employee requests to bring a child to work in order not to miss work. These are considered limited, non-recurring events that may be permitted by the instructor or the supervisor. These are not to be routine or regular events, and under no circumstance should a sick child be brought to the college. In these scenarios, the parent/guardian must have the child stay with them; not ask another student or co-worker to watch the child; not leave the child unattended in a classroom, common area, car, or office; and remove the child if the child causes a disruption. The student or parent assumes full and complete responsibility for the child while on campus.

Enforcement of the above and correction if the parameters are not met lies with the instructor if the person is a student or the supervisor if the person is an employee. Where it is not clear who the instructor or supervisor is, enforcement will lie with the administrator addressing the disruption.

The college Police Department should be contacted immediately when minor children are found to be unattended.

Questions regarding this policy should be directed to the Department of Human Resources.

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