YOUTH PROTECTION WHITE PAPER

SIX EFFECTIVE PRACTICES EVERY ORGANIZATION MUST DO WHEN OPERATING PROGRAMS FOR MINORS

COMPLIANCE AND RISK MANAGEMENT

SCHOOL OF SOLUTIONS

SIX EFFECTIVE PRACTICES EVERY ORGANIZATION MUST DO WHEN OPERATING PROGRAMS FOR MINORS

Many organizations are charged with the mandate to increase their youth participation efforts and therefore work to increase their programming involving minors.

Due to changing trends, organizations operating, hosting, or sponsoring minor participants are facing more risks than ever before. Despite compliance and risk management efforts, hosting minors pose risks that are not being adequately addressed by most organizations.

Of course, all organizations comply with federal and state child abuse reporting laws and regulations, but most compliance policies and procedures stop there and do not consider other risks outside of federal and state compliance.

This white paper presents six effective practices for the practical application of a comprehensive Youth Protection Enterprise Risk Management (ERM) System for organizations hosting minor participants.
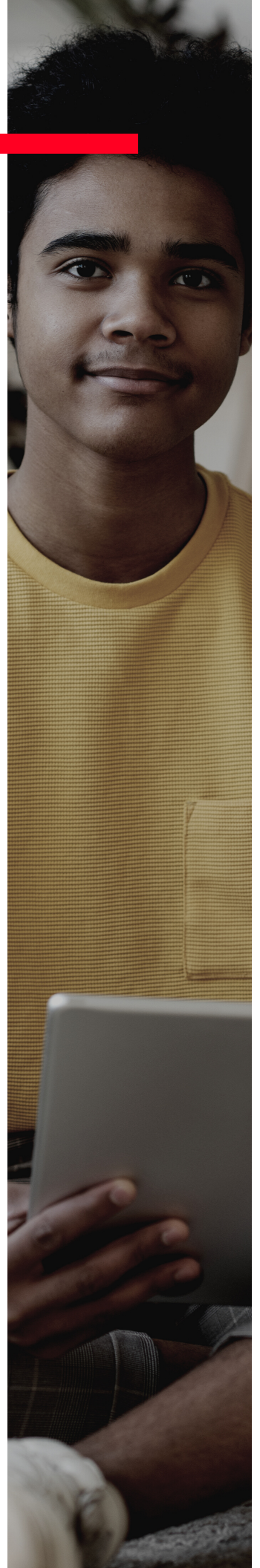
SIX EFFECTIVE PRACTICES FOR ORGANIZATIONS OPERATING PROGRAMS FOR MINORS

"A comprehensive Youth Protection Enterprise Risk Management (ERM) System considers risk management from an expansive viewpoint that includes operational, health and safety, and strategic risks as well as political, economic, social-cultural, technological, legal, and environmental (PESTLE) risks."

In 1974, the United States Congress ratified the establishment of the Child Abuse Prevention and Treatment Act (CAPTA) to sanction several laws that affect child protection and welfare services (Children's Bureau, 2019). This act has been amended to incorporate various statutes, including drug and substance prevention, children and family services, human trafficking, adoption and foster care, and child protection mandates such as the CAPTA Reauthorization Act of 2010 (Children's Bureau, 2019).

The CAPTA Reauthorization Act of 2010 was designed to provide grant funding to states for child abuse and neglect prevention and treatment programs, also known as CAPTA State grants (Children's Bureau, 2011). The CAPTA State grants provide funding for the investigation, prosecution, prevention, and treatment of child abuse and neglect, as well as research projects including examining prosecution immunity from reporting instances of child abuse and neglect (Children's Bureau, 2011).
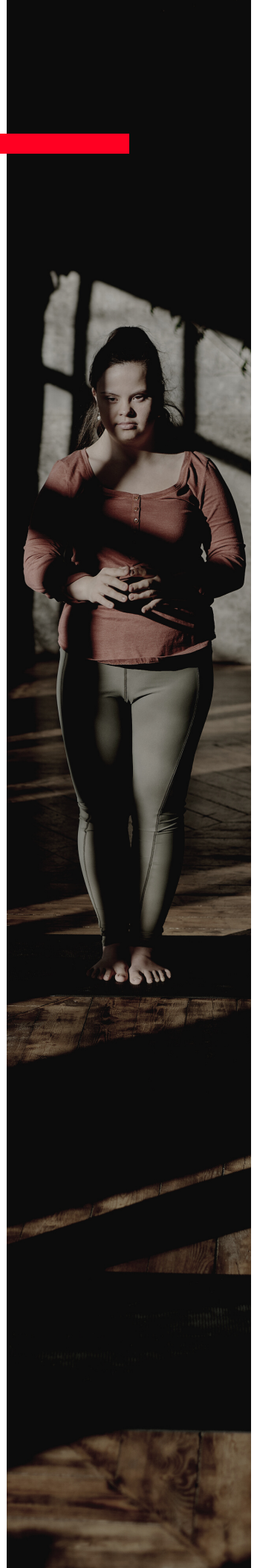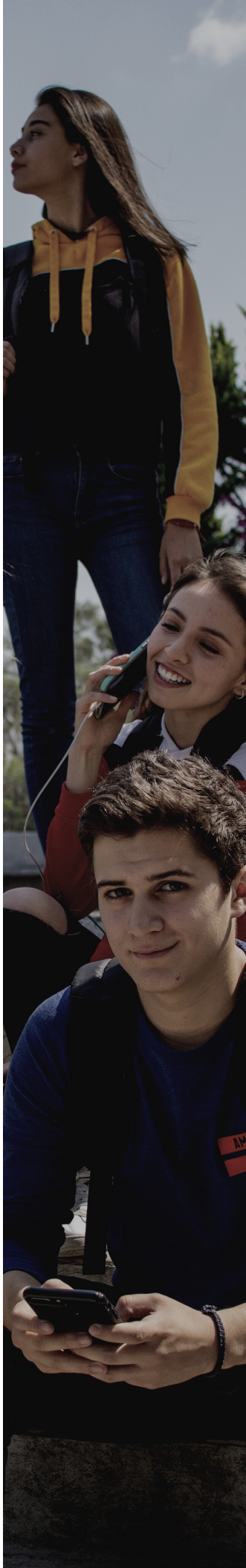
This act also requires states to submit a plan every five years to the Department of Health and Human Services, along with an assurance from State Governors certifying that a statewide policy is in effect for reporting child abuse and neglect. Section 106 of the CAPTA Reauthorization Act of 2010 obliges states to provide training to those responsible for reporting suspected child abuse and neglect that emphasizes research-based approaches. The mandatory reporters of child abuse and neglect are individuals who "have frequent contact with children" (Children's Bureau, 2019, p. 2), and some states "require all persons to report suspected abuse or neglect" (Children's Bureau, 2019, p. 2). The required training for mandatory reporters may include definitions of essential terms, reporting scenarios, information regarding reporting systems, and reporting requirements.

Although CAPTA encompasses various areas of child protection, according to New Directions in Child Abuse and Neglect Research (2014), there is a significant lack of empirical research to support:
- the implementation of CAPTA's eligibility requirements,
- the relationship between the mandated laws and the impact on child protection and safety, and
- effective practices for areas of improvement in "workforce development, data management, and system integration," (Institute of Medicine and National Research Council, 2014, p. 9).

CAPTA also does not dictate to states how often mandatory reporters receive training or the training content requirements for states and territories participating in the CAPTA States grant program. This gap in federal law leaves states in a position to create programs that are designed to meet federal regulations but may not necessarily address all the child safety concerns involved in programming for minors at various types of organizations. Furthermore, this law only requires training to report child abuse and neglect, primarily sexual abuse, but fails to necessitate additional training for other areas of youth protection. These disparities in federal and state policies may cause organizations to work toward fulfilling mandates without considering other risks that may threaten the reputations of organizations.

In recent news, two universities reported a combined total of more than $600 million in settlements to hundreds of victimized youth because both universities failed to protect these individuals from sexual assault and other forms of abuse. At one university, the supervisor of the assailant was sentenced to jail time because he was found guilty of failing to properly oversee the adherence to university protocols designed to protect individuals from abuse. These two universities are prime examples of how the organizations complied with federal and state laws but failed to consider other risks, such as active and systematic supervision and reporting protocols.

EFFECTIVE PRACTICES

Each year, minors participate in programming efforts hosted by various organizations. These programs include tours, day camps, residential camps, enrichment programs, exhibition events, and Cooperative Extension programming at Land-Grant Universities. These programs also operate within the governance of the organization's regulations and administrative procedures mandated by federal and state laws and policies.

For some states and U.S territories, these state laws are a requirement for participation in the CAPTA State grant program of the CAPTA Reauthorization Act of 2010. Although CAPTA is a federal law that funds grants to provide services to prevent, prosecute, and treat child abuse and neglect, this law does not include other areas of child safety that may pose risks to hosting youth programming. A comprehensive Youth Protection ERM System considers risk management from an expansive viewpoint that includes operational, health and safety, and strategic risks as well as political, economic, social-cultural, technological, legal, and environmental (PESTLE) risks.

"Long-term, a comprehensive Youth Protection ERM system will not only assist with reducing reputational risks to an institution of higher learning, but it will assist with preventing loss through the payment of fines, penalties, and legal fees."
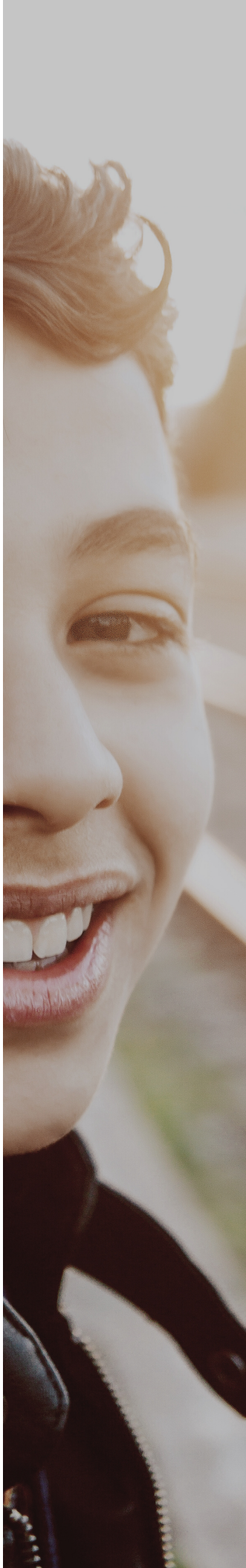
ERM is a proactive, on-going improvement process designed to identify risks that may affect the enterprise of a business (Beasley, 2016). The benefit of implementing an ERM system is the incorporation of a holistic viewpoint to create a strategic plan for addressing various types of risks compared to traditional risk management approaches that often occur in "silos," preventing collaboration to concentrate on risks that "fall between the silos," (Beasley, 2016, p. 2).

Based on recommendations of the National Association of College and University Attorneys, Youth Advocate Programs, Inc., the American Camp Association, Safe-Wise Consulting, LLC., the University Risk Management and Insurance Association, and Gallagher Higher Education Practice, an audit was conducted to identify trends in youth protection compliance. This audit consisted of reviewing the policies and procedures of 40 colleges and universities, eight university agencies, Boys Scouts of America, Girls Scouts of the United States of America, and Boys and Girls Clubs of America. From the audit, two significant findings were identified: 1.) no two entities employed the same youth protection approach, and 2.) six effective practices emerged for the practical application of a comprehensive Youth Protection ERM system.

The six effective practices are:

1. Facilitate an annual inclusive youth protection training program.

In addition to CAPTA requiring states to provide training to mandatory reporters, the Federal Sentencing Guidelines states

"(§8B2.1) To have an effective compliance and ethics program, (4) (A) the organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program… (B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and responsibilities" (United States Sentencing Commission, 2018)."

Organizations hosting youth programs benefit from having an annual youth protection training program because the result is well-trained employees regularly updated on federal laws and regulations as well as amended administrative procedures and effective child safety practices to guide youth program operations (Spain, 2018).

2. Create an online reporting system.

The effects of implementing an online reporting system are:
- organizations are better able to track youth-related incidents,
- online reporting encourages prompt reporting, and
- it provides individuals an opportunity to report anonymously (Collins, Dangle, & Lundberg, 2014).

3. Communicate a youth protection policy that expresses the organization's expectations.

This policy sets the expectations for programming, operations, and the participation of all stakeholders involved in the operating, sponsoring, and hosting of youth programs and activities. With a statement of expectations, staff, volunteers, participants, and parents will have a clear understanding of the purpose of the organization's youth programming (Collins, Dangle, & Lundberg, 2014).

4. Develop and put into practice a standard operating procedure (SOP) manual.

SOP manuals are guidebooks that provide steps to adhering to the policies and procedures of institutions. SOP manuals also assist executive leadership by providing "a written, numbered organizational directive that establishes a standard course of action" (Cook Jr., 1998, p. 13).

5. Create an online participant-parent portal.

An online portal provides parents and participants an opportunity to review relevant documents and information before participating in an event. This portal serves as a method to provide transparency of the child safety measures involved in operating programming for minors.

6. Utilize a data tracking system.

A data tracking system provides information regarding programming and participant information and emerging risk trends. A comprehensive system can also provide essential data used for reporting child abuse and neglect.

CONCLUSIONS

With a comprehensive Youth Protection ERM System in place, many organizations operating, hosting, or sponsoring programs for minors may avoid reputational risks in the future by having a structured youth protection system.

Also, a Youth Protection ERM System considers risk management from all stakeholder's perspectives. From an executive leadership perspective, an ERM system provides administrative procedures that produce effective and efficient programming that incorporates measures for accountability. From a staff or volunteer's perspective, the implementation of a comprehensive ERM system delivers a guide to creating a safe learning space that adheres to administrative procedures. From a participant's or parent's perspective, an ERM system offers programming transparency of the safety measures for every minor in the care, custody, and control of the organization.

Long-term, a comprehensive Youth Protection ERM system will not only assist with reducing risks to an organization, but it will assist with preventing loss through the payment of fines, penalties, and legal fees.

References

Beasley, M. S. (2016). *What is enterprise risk management?* Retrieved from: https://erm.ncsu.edu/az/erm/i/chan/library/What_is_Enterprise_Risk_Management .pdf

Children's Bureau. (2011). New legislation-Public law 111-320, the CAPTA reauthorization act of 2010. Retrieved from https://www.acf.hhs.gov/sites/default/files/cb/im1102.pdf

Children's Bureau. (2019). Major federal legislation concerned with child protection, child welfare, and adoption. Retrieved from https://www.childwelfare.gov/pubPDFs/majorfedlegis.pdf

Children's Bureau. (2019). Mandatory Reporters of Child Abuse and Neglect. Retrieved from https://www.childwelfare.gov/pubPDFs/manda.pdf

Collins, C., Dangle, R., & Lundberg, A. (2014). Six lessons learned in managing the risk of minors on campus. URMIA Journal, 15-21. doi:https://www.higheredcompliance.org/wpcontent/uploads/2018/12/Collins_Dangel_Lundberg_2014URMIAJournal.pdf

Cook Jr., J. L. (1998). Standard operating procedures and guidelines. Saddle Brook, NJ: Fire Engineering Books and Videos.

Institute of Medicine and National Research Council. (2014). New directions in child abuse and neglect research. Washington, DC: The National Academies Press.

Luca, M., Rooney, P., & Smith, J. (2016). The impact of campus scandals on college applications. Harvard Business School Working Paper, 16-137. Retrieved from https://www.hbs.edu/faculty/Publication%20Files/16-137_f21f96ff-961d-4d57-a5b4-7eae7fda50c8.pdf

Rooney, P., & Smith, J. (2019). The impact of highly publicized campus scandals on college outcomes. Contemporary Economic Policy, 37(3), 492-508. doi:https://doi.org/10.1111/coep.12427

Rooney, P., & Smith, J. (2019). The impact of highly publicized campus scandals on college outcomes. Contemporary Economic Policy, 37(3), 492-508. doi:https://doi.org/10.1111/coep.12427

United States Sentencing Commission. (2018). Effective compliance and ethics program. In U. S. Commission, Guidelines Manual. Retrieved from https://guidelines.ussc.gov/gl/%C2%A78B2.1