



University Operating Procedure

Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes

Overview

The University strives to maintain a supportive and safe environment for those who work, study or participate in programs and activities at the University. As part of that commitment, the University seeks to create a secure environment for individuals who are impaired due to brain damage, infirmities of aging, mental condition, or physical, psychiatric, or developmental disability (hereinafter referred to as “vulnerable adults”). It is therefore essential that all persons who have responsibilities that involve interaction with vulnerable adults on campus, on property owned or leased by the University off-campus, in programs offered by third persons with University sponsorship or affiliation, or while engaged in a University-related activity off-campus, collectively referred to herein as “University-related programs and activities”, abide by the requirements of this Procedure.

Vermont law **requires** that the professionals listed below report to Adult Protective Services (APS), a division of the Vermont Department of Disabilities, Aging & Independent Living, any incident arising as to which there is reasonable cause to believe a vulnerable adult has been abused (sexually or otherwise), exploited, or neglected. In addition, to protect optimally the safety of vulnerable adults who are participating in University-related programs and activities, under this Procedure the University **requires** any employee who has reasonable cause to believe that a vulnerable adult participating in such program or activity has been abused, exploited or neglected to report the concern promptly as indicated in Section II. A. below.

If you know or suspect that a vulnerable adult who is involved in a University-related program or activity is a victim of abuse, exploitation or neglect, you must act. In deciding whether or not to report an incident or situation of suspected abuse, exploitation or neglect, you need not have proof that abuse, exploitation or neglect has occurred. **Any uncertainty in deciding whether to report suspected abuse, exploitation or neglect should be resolved in favor of making a good faith report.**

Vermont law provides that any concerned person who has reasonable cause to believe that a vulnerable adult has been abused, exploited or neglected may report those concerns to APS. Any person, other than a person suspected of abuse, who makes a good faith report to APS is immune

from civil and criminal liability related to making the report. Furthermore, the University is prohibited under law from retaliating or taking adverse employment action against an individual who makes a good faith report of suspected abuse, exploitation or neglect of a vulnerable adult.

Procedures

I. REPORTING REQUIRED BY LAW

A. Abuse, Exploitation or Neglect of a Vulnerable Adult

Under Vermont law ([33 VSA § 6903](#)), the professionals who have mandatory reporting obligations with respect to the possible abuse, exploitation or neglect of a vulnerable adult include:

- Health care providers, such as physicians, osteopaths, chiropractors, physician's assistants, nurses, medical examiners, licensed nursing assistant, emergency medical services personnel, dentists, and psychologists;
- School district and independent school employees, such as school teachers, school librarians, school administrators, school guidance counselors, school aides, school bus drivers, and other school employees or contractors who work regularly with students;
- Mental health professionals, social workers, and persons or organizations that offer, provide, or arrange for personal care for vulnerable adults;
- Caregivers employed by a vulnerable adult;
- Employees of, or contractor involved in caregiving for, a community mental health center;
- Law enforcement officers;
- Individuals who work regularly with vulnerable adults and who are employees of an adult day care center, area agency on aging, senior center, or meal program designed primarily to serve vulnerable adults;
- A hospital, nursing home, residential care home, home health agency, or any entity providing nursing or nursing-related services for remuneration; intermediate care facility for adults with developmental disabilities; therapeutic community residence, group home, developmental home, school or contractor involved in caregiving; or an operator or employee of any of these facilities or agencies.

The report **must** be made *within 24 hours*, and can be done by calling the APS Abuse Hotline at 1-800-564-1612.

B. Crimes against Vulnerable Adults on University Property

Certain University officials ("Campus Security Authorities") are required by a federal law known as the Clery Act to report to University Police Services any suspected sexual assault or other crime that occurs on University Property. Additionally, such University officials are required by federal law to report to the Office of Affirmative Action and Equal Opportunity (AAEO) any and all allegations of discrimination, harassment, and sexual misconduct involving a member of the University community. In this reporting capacity, University officials are

referred to as “Responsible Employees”. These reporting obligations include, *but are not limited to*, crimes as to which the victim is a vulnerable adult.

Campus Security Authorities and Responsible Employees include:

- Members of the University of Vermont Department of Police Services and contract security personnel;
- A supervisor, manager or higher level employee;
- A chair, director or dean of an academic unit;
- Full and part-time faculty members; and
- Any University official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings, coaches and coaching staff, advisors to recognized student organizations, and personnel with oversight responsibilities for student employees.

Campus Security Authorities and Responsible Employees must make a report to Police Services if and when they receive information that a crime in which the victim is a vulnerable adult may have occurred on University Property. It does not matter whether the individuals involved in the possible crime as perpetrators or victims are members of the University community -- the incident must be reported even if no member of the University community was involved. Simultaneously, to the extent the incident at issue involves discrimination, harassment, or sexual misconduct, and one of the parties is a member of the University community, the CSA / Responsible Employee must also contact AAEO.

Contact information is as follows:

University Police Services: **EMERGENCY:** 911. Non-emergency: (802) 656-3473.

Affirmative Action and Equal Opportunity: (802) 656-3368

II. ADDITIONAL REPORTING REQUIRED BY THE UNIVERSITY

A. Abuse, Exploitation or Neglect of a Vulnerable Adult

The University requires any employee who has reasonable cause to believe that a vulnerable adult participating in such program or activity has been abused, exploited or neglected to advise the employee’s supervisor promptly (assuming that there is no reason to believe that the supervisor is involved in the possible abuse, exploitation or neglect, in which case the employee makes the report to the supervisor’s supervisor) or to notify APS. If a supervisor is so notified, the supervisor must promptly make a report to APS *and* to Police Services.

Contact information is as follows:

University Police Services: **EMERGENCY: 911**; Non-emergency: (802) 656-3473

APS Hotline: 1-800-564-1612

B. Crimes against Vulnerable Adults on University Property

In addition to the reporting required of Campus Security Authorities described in Section I.B above, the University requires any UVM employee who has reasonable cause to believe that a vulnerable adult on University property has been, or is, the victim of a crime either to advise the employee's supervisor (assuming that there is no reason to believe that the supervisor is involved in the possible crime, in which case the employee makes the report to the supervisor's supervisor) or Police Services. If the supervisor is so notified, the supervisor must make a report to Police Services. It does not matter whether individuals believed to be involved in the crime as perpetrators or victims are members of the University community -- reporting must occur even if no member of the University community appears to be involved.

Definitions

Abuse: (A) Any treatment of a vulnerable adult which places life, health, or welfare in jeopardy or which is likely to result in impairment of health; (B) Any conduct committed with an intent or reckless disregard that such conduct is likely to cause unnecessary harm, unnecessary pain, or unnecessary suffering to a vulnerable adult; (C) Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult; (D) Any sexual activity with a vulnerable adult by a caregiver who volunteers for or is paid by a caregiving facility or program. This definition shall not apply to a consensual relationship between a vulnerable adult and a spouse, nor to a consensual relationship between a vulnerable adult and a caregiver hired, supervised, and directed by the vulnerable adult; (E) Intentionally subjecting a vulnerable adult to behavior which should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress; and (F) Administration, or threatened administration, of a drug, substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.

Campus Security Authorities (CSAs) / Responsible Employees: Individuals with legally required reporting responsibilities related to crimes that occur on University property, or otherwise in connection with University sponsored activities, as well as certain crimes that involve a member of the University community (e.g. faculty, staff, student, or affiliate), as detailed in the University's Campus Security Authorities and Responsible Employees under Federal Law Operating Procedure (<http://www.uvm.edu/policies/riskmgm/campussecuruity.pdf>), Sexual Harassment and Misconduct Policy (http://www.uvm.edu/policies/general_html/sexharass.pdf), and Discrimination and Harassment Policy (<http://www.uvm.edu/policies/student/studentharas.pdf>).

Individuals should contact the General Counsel's Office if they have any questions about whether they or another member of the campus community is a "CSA" or "Responsible Employee."

Caregiver: A person, agency, facility, or other organization with responsibility for providing subsistence or medical or other care to an adult who is an elder or has a disability, who has

assumed the responsibility voluntarily, by contract, or by an order of the Court; or a person providing care, including medical care, custodial care, personal care, mental health services, rehabilitative services, or any other kind of care provided which is required because of another's age or disability.

Exploitation: (A) Willfully using, withholding, transferring, or disposing of funds or property of a vulnerable adult without or in excess of legal authority for the wrongful profit or advantage of another; (B) acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud; (C) the act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of another; and (D) any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status.

Neglect: Purposeful or reckless failure or omission by a caregiver to:

- (A) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including food, clothing, medicine, shelter, supervision, and medical services, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or an advance directive;
- (B) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect, or exploitation by others;
- (C) carry out a plan of care for a vulnerable adult when such failure results in or could reasonably be expected to result in physical or psychological harm or a substantial risk of death to the vulnerable adult, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or advance directive; or
- (D) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides or arranges for personal care.

Neglect may be repeated conduct or a single incident which has resulted in or could be expected to result in physical or psychological harm.

Vulnerable Adult: Any person 18 years of age or older who:

- (A) is a resident of a facility required to be licensed under Vermont law as a long-term care facility;
- (B) is a resident of a psychiatric hospital or a psychiatric unit of a hospital;
- (C) has been receiving personal care services for more than one month from a home health agency certified by the Vermont Department of Health or from a person or organization that offers, provides, or arranges for personal care; or
- (D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, mental condition, or physical, psychiatric, or developmental disability:

- (i) that results in some impairment of the individual's ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or
- (ii) because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this policy should be directed to:

Office of the General Counsel
(802) 656-8585
General.Counsel@uvm.edu

The Vice President for Legal Affairs and General Counsel is the official responsible for the interpretation and administration of this procedure.

Forms

None

Related Documents/Policies

Campus Safety and Security: Clery Act Policy

<http://www.uvm.edu/policies/riskmgm/clery.pdf>

Campus Security Authorities (CSAs) and Responsible Employees under Federal Law –
Designation of and Reporting By – Procedure

<http://www.uvm.edu/policies/riskmgm/campussecuruity.pdf>

Discrimination and Harassment Policy

<http://www.uvm.edu/policies/student/studentharas.pdf>

Minors; Reporting Abuse or Neglect of and Crimes Procedure

http://www.uvm.edu/policies/general_html/abuse_minors.pdf

President's Anti-Violence Initiative

http://www.uvm.edu/~president/?Page=antiviolence_initiative.html

Protecting Minors Policy

http://www.uvm.edu/policies/general_html/protectminors.pdf

Sexual Harassment and Misconduct Policy

http://www.uvm.edu/policies/general_html/sexharass.pdf

Effective Date

Approved by the Vice President for Legal Affairs and General Counsel September 28, 2016