



PROTECTION OF MINORS

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Appendix A, Code of Conduct for Protection of Minors

Appendix B, Flowchart for Minors Programs

Appendix C, Template for Registration and Releases

1. PURPOSE

The purpose of this policy is to help safeguard the rights, well-being, and safety of children and teens, hereinafter referred to as Minors, who visit the Smithsonian or participate in the various programs and activities that are sponsored by or take place at the Smithsonian.

1. PURPOSE (continued)

This directive is intended as a supplement to other applicable Smithsonian Directives (SDs), unit-specific policies, and applicable federal or state laws.

2. DEFINITIONS

Abuse: The infliction (or allowing to be inflicted) of physical, sexual or mental injury; the creation (or allowing to be created) of a substantial risk of such injury; or the commission (or allowing to be committed) of an act of sexual exploitation. Sexual abuse includes engaging in or attempting to engage in a sexual act or sexual contact with a Minor, causing (or attempting to cause) a Minor to engage in sexually explicit conduct, or exposing the Minor to sexually explicit conduct.

Advisory Group: The group convened by the Assistant Secretary for Education and Access (ASEA), comprised of educators, representatives from the Office of Human Resources (OHR), the Office of Protection Services (OPS), the Office of the General Counsel (OGC), and other appropriate stakeholders.

Affiliated Persons: The following categories of individuals who are not Smithsonian employees but who perform work within Smithsonian facilities and property, including leased space:

- Contractors who perform work similar to Smithsonian employees, such as employees of temporary help firms/companies;
- Volunteers, as defined in [SD 208, *Ethical Standards for Smithsonian Volunteers*](#);
- Interns and Fellows, as defined in SDs [701](#) and [709](#);
- Emeriti, as defined in SD 206, *Emeritus Designations*;
- Friends of the National Zoo (FONZ), its employees, and volunteers;
- Smithsonian Early Enrichment Center (SEEC) employees;
- Visiting researchers, including scientists, scholars, and students;
- Research associates, as defined in [SD 205, *Research Associates*](#); and
- Employees of federal, state, and local agencies working in or on Smithsonian facilities and property.

2. DEFINITIONS (continued)

Close Contact: Direct, intentional, sustained interaction with a Minor, including face-to-face interaction and interaction through an electronic medium. Close Contact can occur in group settings or in one-on-one situations. Being in the vicinity of a Minor is considered “Contact” (see below), but, by itself, is not considered “Close Contact.”

Contact: Any exposure to or interaction with a Minor, including working in the vicinity of a Minor. Developing instructional materials that will be used by a Minor without actual exposure or interactions with Minors is not considered Contact.

Minor: A person under eighteen (18) years of age.

Minors Policy Director: The person designated by the ASEA to assist in carrying out the ASEA’s responsibilities in this policy.

Minors Program: Any event or program operated, sponsored or co-sponsored by the Smithsonian, one-time or ongoing, designed for Minor participation, or which, in practice, is regularly attended by Minors. Examples include family days, teen-docent programs, and museum learning centers. Excluded are school group visits and similar field trips (e.g., Scout troops) not organized by the Smithsonian, where Minors are accompanied by an adult. A flowchart is attached as Appendix B to help assess whether a specific Smithsonian program qualifies as a Minors Program.

Custodial Minors Program: A type of Minors Program in which the Smithsonian undertakes responsibility for Minors who are unaccompanied by an adult. Examples include camps, after-school programs, and teen intern and docent programs.

Minors Program Manager: The person(s) in charge of a Minors Program.

Minors Program Staff: Smithsonian employees and Affiliated Persons who have been authorized by the Smithsonian to have Close Contact with Minors through a Minors Program, whether on or off Smithsonian property.

Neglect: Causing injury, or the impairment of, or imminent danger to, the physical, mental, or emotional well-being of a Minor due to failure to exercise proper care in the supervision of that Minor.

Personally Identifiable Information (PII): This SD follows the definition set forth in [SD 118, Privacy Policy](#), in which “... PII refers to information about individuals which may or may not be publically available, that can be used to distinguish or indicate an individual’s identity, and any other information that is linked or linkable to an individual, such as medical, educational, financial or employment information.”

2. DEFINITIONS (continued)

Sponsoring Unit: The unit that sponsors, co-sponsors, offers or hosts a Minors Program, or gives the approval for use of the unit's facilities for a Minors Program.

Staff: Smithsonian employees and Affiliated Persons.

Unit: A Smithsonian museum, research center, or office, including all subordinate organizations.

3. POLICY

This policy is divided into three parts. Part One applies to all Staff. Part Two applies to those in Close Contact with a Minor or Minors. Part Three applies to those who sponsor or manage Minors Programs (such as sponsoring units, unit directors and Minor Program Managers).

Part One — All Staff

A. Code of Conduct

All Staff (i.e., all employees and Affiliated Persons) must comply with the Code of Conduct attached to this policy (Appendix A).

B. Criminal Convictions

Staff who are arrested for crimes against Minors must report such arrests to their unit directors, who will contact OPS. OPS will assist in verifying the information, which will be evaluated by the unit and the Labor and Employee Relations (LER) branch of OHR or OGC, as appropriate. Individuals convicted of crimes against Minors may not have Close Contact with Minors.

C. Reporting Code of Conduct Violations

Staff who observe violations of the Code of Conduct on the part of another Staff member must *immediately* report the conduct to the Minors Program Manager, if the conduct is

3. POLICY (continued)

taking place in a Minors Program, or to their unit director, if the conduct is taking place outside of a Minors Program.

D. Requirement to Cooperate

All Staff must cooperate fully with Smithsonian investigations of alleged Abuse or Neglect of a Minor, and with investigations relating to violations of this policy.

E. Retaliation Prohibited

No one may act in retaliation against Staff who in good faith reports actual or suspected Abuse or Neglect of a Minor or a violation of the Code of Conduct (Appendix A), per the requirements of this policy. A person who believes he or she has been subject to retaliation for such a report should contact the LER branch of OHR.

Part Two — Staff in Close Contact with Minors

In addition to the provisions of Part One, Staff in Close Contact with Minors must satisfy the obligations described below. Specific guidance on the implementation of these requirements will be developed by the Advisory Group convened by the ASEA, which shall include educators representing diverse types of programs, as well as representatives from OHR, OPS, OGC, and other appropriate stakeholders.

A. Background Investigations

All Staff in Close Contact with Minors must receive a favorably adjudicated, appropriate background investigation as determined by OPS.

B. Training

Staff must successfully complete training consistent with Part Three of this policy.

3. POLICY (continued)

Part Three — Minors Programs: Training and Registration

Unit directors must approve all Minors Programs prior to the unit sponsoring or hosting the Minors Program and designate the Minors Program Manager for each program. Each Sponsoring Unit must maintain a retrievable record of its Minors Program(s), including a brief summary of each Minors Program. A flowchart is attached (Appendix B) to help units assess whether a program should be considered a Minors Program.

A. Training

Sponsoring Unit directors are responsible for ensuring that all of their unit's Minors Program Managers and Staff successfully complete training once the training is available at the Smithsonian.

The ASEA shall work with the Advisory Group to identify or develop the initial and annual training, which may be delivered online or in person, and shall retain a retrievable record identifying individuals who have completed the training and dates of completion. Training shall address the following topics:

- a) Guidance for maintaining safe and positive interactions and reduce the risk of mistaken allegations;
- b) Signs of Abuse and Neglect in Minors;
- c) Responsibilities under this policy, including the Code of Conduct and registration, and other relevant SDs (for example, the directives listed in the "References" section below); and
- d) Information relevant to the particular Minors Program, including.
 1. **Emergencies:** Staff must know who to call for assistance and care for participants during emergencies, which can include weather events, natural disasters, medical emergencies, security emergencies, etc.
 2. **First Aid:** In the event of a medical emergency, Staff must contact 9-1-1 immediately and contact OPS and/or the local building security office immediately thereafter, and contact the participants' emergency contact.

3. POLICY (continued)

Custodial Minors Programs must maintain well-stocked first-aid kits and ensure that Staff can access them and carry out routine first aid.

3. **Supervision:** Staff must understand the program's requirements for supervision, including ratios of Staff supervisors to participants; how to supervise participants to and from the restroom; oversight of participants' Internet activities; and protocols for reporting found and missing Minors.
4. **Safety:** Minors Program space must be safe from hazardous or dangerous elements (e.g., chemicals). If there are certain hazards inherent in the program, the program must address and minimize the risks, and the risks should be identified on the registration form.
5. **Personal Information:** As is more fully described in [SD 118](#), Minors Program Managers, or their designees, shall work with the Smithsonian Privacy Officer to minimize the collection of personally identifiable information (PII) about Minors, and to safeguard any such information collected.

Sponsoring Units are encouraged to determine whether Staff would benefit from receiving additional information or training. For example, Custodial Minors Programs will require different types and levels of supervision than programs for accompanied Minors and overnight programs may require different types and levels of supervision from day programs.

B. Registration, Releases, and Consents

Units shall use appropriate registration, release and consent forms to register all Custodial Minors Program participants. Minors Programs for accompanied Minors need not register participants, but must use release and consent forms, as appropriate, if they intend to photograph or video-record participants or use artwork or other materials created by participants. Template forms are provided in Appendix C. Units should consult with the OGC and the Smithsonian Privacy Officer in tailoring the templates and collecting data for their Minors Programs.

Minors Program Managers and their designees can create a registration form and releases/consents by selecting the relevant portions from the template. Information gathered on the forms must be treated as PII as described in [SD 118](#), and retained for three years or for the retention period described in the unit archive policy, whichever is greater.

3. POLICY (continued)

C. Reporting Suspected or Actual Abuse and Neglect

Staff in Custodial Minors Programs who know or have reason to suspect that a Minor has been, or is in danger of being, neglected or abused must *immediately* report this suspected activity to his/her supervisor or to the Minors Program Manager, who must *immediately* contact OPS and OGC. If the accused person is Staff, unit directors must immediately remove the accused person from contact with Minors until the allegation is resolved.

4. RESPONSIBILITIES

- A. **Unit directors** are responsible for approving their unit's Minors Programs and designating Minors Program Managers. Unit directors and Minors Program Managers of Sponsoring Units also are responsible for ensuring that (1) their Minors Program Managers and Staff complete training prior to coming into Close Contact with Minors; (2) participants' parents/legal guardians have signed appropriate registration, release, and/or consent forms; (3) a retrievable record is being maintained of the Minors Programs they sponsor; and (4) Minors Programs Managers and Staff work with the Smithsonian Privacy Officer on the appropriate collection, use, storage and dissemination of information collected about Minors, as described in [SD 118](#).
- B. **The Assistant Secretary for Education and Access (ASEA)** is responsible for convening the Advisory Group to identify or develop and offer annual training as described in this policy. The ASEA and Advisory Group will also develop protocols for background investigations, which will be implemented by the OPS.
- C. **The Office of the General Counsel (OGC)** is responsible for providing legal advice relevant to this policy.
- D. **The Office of Protection Services (OPS)** is responsible for (1) administering the personnel security and suitability program; (2) evaluating information from background investigations, collecting and forwarding data for background investigations to the Office of Personnel Management (OPM), and conducting supplemental background investigations when necessary; (3) responding to emergencies; (4) recording and investigating reports of Abuse and Neglect; and (5) consulting with OHR in a manner consistent with SD 212, *Federal Personnel Handbook*, and SD 213, *Trust Personnel Handbook*.

4. RESPONSIBILITIES (continued)

- E. **The Office of Human Resources (OHR)** is responsible for (1) determining, in conjunction with the units, whether and to what extent job descriptions and job requirements must be adjusted for Staff who have Close Contact with Minors; and (2) advising on and providing guidance to OPS, when requested, about adverse information obtained from a background investigation with regard to making final suitability determinations about employees, consistent with SDs 212 and 213.
- F. **The Smithsonian Privacy Officer (SPO)** is responsible for advising on the collection, use, storage and dissemination of information collected from program participants and their parents/legal guardians that is PII, and for supporting training upon request by the ASEA or the Minors Policy Director.
- G. **The Labor and Employee Relations (LER) Branch, OHR**, is responsible for investigating or advising on investigations of alleged retaliation made against an employee or Affiliated Person who has reported actual or suspected Abuse or Neglect, or a violation of the Code of Conduct, and for supporting training upon request by the ASEA or the Minors Policy Director.
- H. **All Staff** are responsible for compliance with the Code of Conduct and reporting violations of the Code as described above in Section 3, “Policy,” Part One.

5. SCOPE OF POLICY

This policy governs the interactions with Minors visiting the Smithsonian or participating in Smithsonian programs (whether the program takes place on or off Smithsonian property).

6. REFERENCES

- A. [SD 109, *Disaster Management Program*](#), outlining requirements for unit-specific disaster management plans;
- B. [SD 118, *Privacy Policy*](#), and accompanying [Handbook](#) outlining the Smithsonian’s “Kids Online Privacy” (SKOP) policy;
- C. [SD 119, *Privacy Breach Notification Policy*](#), discussing the responsibility to report privacy breaches;

6. REFERENCES (continued)

- D. SD 212, *Federal Personnel Handbook*, [Chapter 731, Personnel Security](#), discussing background investigation requirements, along with [Exhibit C](#) of the same chapter, discussing the scope of such checks;
- E. SD 213, *Trust Personnel Handbook*, [Chapter 731, Personnel Security](#), discussing background investigation requirements, along with [Exhibit C](#) of the same chapter, discussing the scope of such checks;
- F. [SD 215, Accessibility for People with Disabilities](#), outlining the legal and policy requirements for accessibility;
- G. [SD 217, Workplace and Domestic Violence Policy](#), outlining requirements for dealing with violence against Smithsonian Staff and visitors;
- H. [SD 419, Smithsonian Institution Safety and Health Program](#), outlining the obligations of unit directors in the implementation of appropriate safety procedures; and
- I. [SD 224, Identity Management Program](#), outlining the requirements for credentials and background investigations for employees and Affiliated Persons.

CANCELLATION:	None.
INQUIRIES:	Refer questions about this policy first to supervisors, program directors, and unit directors; then, if necessary, to the ASEA or OGC at LegalHelp@si.edu .
RETENTION:	Indefinite. Subject to review for currency 36 months from date of issue.
