

ADMINISTRATIVE POLICY: CLARION UNIVERSITY

**PROTECTION AND SUPERVISION
OF MINORS ON CAMPUS**

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CLARION UNIVERSITY OF PENNSYLVANIA

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ADMINISTRATIVE POLICY: CLARION UNIVERSITY

Protection and Supervision of Minors on Campus

A. Purpose

Pursuant to the Pennsylvania State System of Higher Education Board of Governors (BOG) Policy 2014-01: *Protection of Minors*, it is the policy of Clarion University of Pennsylvania to promote the safety and security of children under the age of 18 years (minors) who participate in university-sponsored programs or activities held at the university, programs housed in University facilities, or held under the authority of the university at off-campus locations. This policy requires the registration of all programs involving minors that occur on campus and all university-sponsored programs that occur off campus; describes the requirements of administrators, faculty, coaches, staff, students, independent contractors and volunteers who interact with minors; and informs all members of the university community of their obligation to report any instances of known or suspected child abuse.

B. Scope

All Clarion University units, administrators, faculty, coaches, staff, students, independent contractors, and volunteers in Clarion University-sponsored programs or in programs for minors held on university property must comply with this policy. This policy applies to all university-sponsored programs and activities involving minors regardless of location and all non-university programs and activities involving minors on university property. This policy applies to such programs and activities whether they are limited to daily activities or involve the housing of minors. Examples of programs governed by this policy include, but are not limited to, graduate and undergraduate course offerings, summer camps, specialty camps (e.g., academic and patient camps), outreach activities, workshops, conferences, tutoring, educational programs, licensed child care facilities and programs, and affiliated entity activities. All programs subject to state licensure are required to comply with applicable laws and regulations. Program Administrators should consult with the appropriate vice president and university legal counsel regarding licensure questions.

Except for the reporting of child abuse, this policy does not apply to: (1) events on campus that are open to the general public and which minors attend at the sole discretion of their parents or legal guardians, (2) private events where minors attend under parental or legal guardian supervision, or (3) other programs as may be designated by the university president or designated official in advance and in writing as exempt from this policy or specific provisions of this policy.

C. Definitions

Affiliated Entity: A private organization (typically classified as a 501(c) (3) nonprofit organization for federal tax purposes) that exists solely for the benefit of the university, and is recognized as such by the University's Council of Trustees including, but not limited to, foundations, alumni associations, and student associations.

Authorized Adults or Program Staff: Individuals, paid or unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors. This includes, but is not limited to faculty, staff, volunteers, managers, coaches, undergraduate and graduate students, interns, employees of temporary employment agencies, and independent contractors. Roles of authorized adults or program staff include, but are not limited to, positions as counselors, chaperones, coaches, instructors, health care providers, and outside providers running programs in leased facilities. This definition does not include temporary guest speakers, presenters, or other individuals who have no direct contact with program participants other than short-term activities supervised by program staff; also excluded are fellow students whose only role is as a participant in the education, services, or program offered. All members of the university community are considered to be mandated reporters as defined by Child Protective Services Law, 23 Pa C.S. §6311(a) and are required to report suspected child abuse to the Department of Human Services (DHS) and the Clarion University Chief of Police.

Background Clearance Check:

- Pennsylvania State Police criminal history record check
- Pennsylvania Department of Human Services (formerly Department of Public Welfare) Child Abuse History Clearance
- A federal criminal history record check

Child Abuse: Child abuse is defined in the Child Protective Services Law, 23 Pa. C.S. §6303. The statutory definition of the term "child abuse" includes intentionally, knowingly or recklessly doing any of the following:

- **Physical Abuse:** Causing bodily injury to a child through any act or failure to act including but not limited to kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- **Sexual Abuse or Exploitation:** Includes but is not limited to rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner that the child is used for the purpose of sexual stimulation or gratification of any individual.
- **Emotional or Mental Abuse:** Causing or substantially contributing to serious mental injury through any act or series of such acts or a failure to act.
- **Neglect:** A severe or persistent failure to provide for a child's physical, emotional, or basic needs.

Direct Contact: Providing care, supervision, guidance, or control; or routine interaction with minors.

Independent Contractor: an individual who provides a program, activity, or service to a State System entity that is responsible for the care, supervision, guidance, or control of children.

Mandated Reporter: All Clarion University employees are mandated reporters pursuant to the Child Protective Services Law (23 Pa. C.S. §6311), State System Board of Governors policy, and Clarion University policy. This includes individuals who fall within one or more of the following classifications: all administrators, faculty, academic staff, adjunct faculty, clinical faculty, support staff (including regular, temporary, and on-call), student employees, coaches, graduate assistants, and leased employees. In addition, university independent contractors and volunteers are also deemed mandated reporters under this policy. Mandated reporters are required to report suspected child abuse to the Clarion University Chief of Police.

Minor/Child/Youth: Any person under 18 years of age. Minors may be enrolled undergraduate/graduate students; students “dually enrolled” with the university and in elementary, middle, or high school; employees; or participants in program activities.

One-on-One Contact: Personal, unsupervised interaction between any authorized adult or program staff and a participant without at least one other authorized adult or program staff, parent or legal guardian being present.

Program, Activity or Service: Programs, activities or services offered by various academic or administrative units of the university, or by non-university groups using university facilities where the parents or legal guardians are not responsible for the care, custody, or control of their children. This includes, but is not limited to, workshops, services, camps, conferences, campus visits, and similar activities. These do not include organized events where parents or legal guardians are responsible for minors.

Program Administrator: The person(s) who has primary and direct operational responsibility for managing a program or event.

Registry: An official record or list of authorized adults or programs, maintained by the Clarion University Office of Conference and Event Services.

Sponsoring Unit: The academic or administrative unit of the university that offers a program or gives approval for the use of university facilities.

University Facilities: Facilities owned, leased, or otherwise controlled by Clarion University, including spaces used for education, athletics, dining, recreation, university housing, and on-campus affiliate-owned housing.

University-Sponsored Programs: Programs that are directly managed by university faculty, staff, managers, or affiliated entities on behalf of the university. All university-sponsored programs must be registered.

Non-University-Sponsored Programs: Programs that are not operated on behalf of the university or under the university's direct control.

D. Policy

Clarion University establishes the following policies and procedures regarding the protection of minors.

- I. **Authorized Adults and Program Registration:** The Office of Conference and Event Services is the designated office responsible for establishing and maintaining a registry of university authorized adults and program staff, and university-sponsored and non-university sponsored programs for minors. All programs must be registered annually by the Program Administrator and must be registered no later than 30 calendar days before the program start date.

II. Program Registration Requirements

The Program Administrator shall file a registration with the Office of Conference and Event Services identifying and describing the following:

- a. A list of all authorized adults and program staff for the program. The Program Administrator is responsible for ensuring that authorized adults and program staff have obtained required background screenings consistent with this policy under Section IV and all other applicable policies and laws.
- b. A certification that all authorized adults and program staff have undergone training as if designated a mandated reporter under Pennsylvania law and training on policies and issues related to minor health, wellness, safety, and security (See section VII of this policy).
- c. A statement regarding the supervision ratio for the program.
- d. A statement regarding safety and security planning for the program.
- e. A certification that parents or legal guardians of minors have submitted or will submit the appropriate participation requirement forms. These forms may include, but are not limited to, a participation agreement, health form, emergency contact form, proof of medical insurance, photo and recording release, and participant code of conduct.
- f. A description of the transportation associated with the program, if applicable.
- g. A description of the housing associated with the program, if applicable.
- h. Response protocols when an authorized adult or program staff is accused of misconduct.

- i. Response protocols when a participant is accused of misconduct.
- j. Program orientation or information for minors and parents.
- k. Insurance requirements as detailed in Section V of this policy.
- l. Record retention.

III. Authorized Adults or Program Staff Code of Conduct

Authorized adults or program staff should be positive role models for minors and act in a responsible manner that is consistent with the mission of Clarion University. Authorized adults or program staff are required to comply with all applicable laws and PASSHE Board of Governors' and university policies. Authorized adults or program staff working in programs covered by this policy must follow these expectations:

- a. Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material with minors or assist in any way to provide access to such material to minors.
- b. Do not engage or allow minors to engage you in romantic or sexual conversations or related matters. Similarly, do not treat minors as confidantes; refrain from sharing sensitive personal information about yourself. Examples of sensitive personal information that should not be shared with minors are information about financial challenges, workplace challenges, drug or alcohol use, and romantic relationships.
- c. Do not touch minors in a manner that a reasonable person could interpret as inappropriate. All personal contact should generally only be in the open, and in response to the minor's needs, for a purpose that is consistent with the program's mission and culture, or for a clear educational, developmental, or health-related purpose (e.g., treatment of an injury). Any refusal or resistance from the minor should be respected.
- d. Do not use harassing language that would violate Board of Governors' Policy 2009-03: *Social Equity*, or university harassment policies. The Board of Governors' policies are accessible at (<http://www.passhe.edu/inside/policies/Pages/Board-of-Governors-Policies.aspx>).
- e. Do not be alone with a minor. If one-on-one contact is required, meet in open, well-illuminated spaces or rooms with windows observable by other authorized adults or program staff, unless the one-on-one contact is expressly authorized by the program administrator or is being undertaken for medical care.
- f. Do not meet with minors outside of established times for program activities. Any exceptions require written parental authorization and must include more than one authorized adult or program staff.
- g. Do not invite individual minors to your home or other private locations. Any exceptions require authorization by the program administrator and written authorization by a parent/guardian.
- h. Do not provide gifts to minors or their families independent of items provided by the program.

- i. Do not engage or communicate with minors except for an educational or programmatic purpose; the content of the communication must be consistent with the mission of the program and the university.
- j. Do not engage in any abusive conduct of any kind toward, or in the presence of, a minor, including, but not limited to, verbal abuse, striking, hitting, punching, poking, spanking, or restraining. If restraint is necessary to protect a minor or other minors from harm, all incidents must be documented and disclosed to the program administrator and the minor's parent/guardian.
- k. Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty, or in the presence of minors involved in a program, or when responsible for a minor's welfare.
- l. Do not provide alcohol or illegal substances to a minor.
- m. Do not provide medication to a minor unless authorized by the program's medication management guidelines.
- n. When transporting minors, more than one authorized adult or program staff from the program must be present in the vehicle, except when multiple minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles if possible and comply with the program's transportation guidelines.
- o. Under most circumstances, a minimum of two adults must be present during all interactions with minors. Whenever feasible, follow the two deep rule: two (or more) adults should be present whenever children are involved in activities.
- p. With the residence halls, adults should not enter a child's room alone or invite children into their room alone. Do not share a room with a child.
- q. Do not shower with a minor.

In cases where there is reason or cause to suspect a violation of this policy or child abuse, an immediate report shall be made in accordance with the procedure set forth under Section VI of this policy.

IV. Background Clearance Checks and Screening:

Authorized adults and program staff, university employees and university volunteers and independent contractors shall have the following background clearance checks:

- Pennsylvania State Police criminal history record check
- Pennsylvania Department of Human Services (formerly Department of Public Welfare) Child Abuse History Clearance
- A federal criminal history record check

Background clearance checks must be completed every 36 months.

The Office of Human Resources shall coordinate the background clearance checks required of all university employees and university volunteers. Note in some instances, volunteers may be exempt from the federal criminal history record information check as specified in the Child Protective Service Law (23 Pa. C.S. §§ 6301 et seq.) University employees and university volunteers are subject to ongoing self-reporting obligations

to notify the Office of Human Resources within 72 hours of an arrest or conviction of a reportable offense or notice of being listed in the Department of Human Services statewide database as a perpetrator of a founded or indicated report of child abuse.

Prior to being allowed to use or lease university facilities, Program Administrators of non-university-sponsored programs or non-university groups providing services to university-sponsored programs are required to certify that they have conducted the background clearance checks and determined the fitness of all authorized adults and program staff.

For compliance with the background clearance checks, consideration should also be given to the following:

- The cost for completing background checks for non-employees will be the responsibility of the individual, unless the Program Administrator specifically authorizes payment to be made.
- Non-Employee adults in third-party programs shall have the three background checks (Pennsylvania State Police criminal history record check, Department of Human Services Child Abuse History Clearance, Federal criminal history record check) required for all authorized adults and program staff who work with minors.
- Insurance riders, including coverage for facilities and child abuse must be submitted to the university, ordinarily 10 business days prior to the event/program. Failure to comply with this requirement may result in the cancellation of the event/program.
- Program organizer must submit to the university the required background check certification document, ordinarily 10 business days prior to the event/program.

V. Insurance Requirements

CLARION CAMPS: A camp health form must be submitted for each camper and the Program Administrator must submit a certification that this form has been or will be obtained. The form must include sections for health-related information, permission to photograph, certification that the camper is covered by a valid health insurance policy, a “hold harmless” section, and a section for the parent or guardian to attest that they have reviewed the camp safety brochure with their child.

EXTERNAL CONFERENCES/CAMPS: A camp health form must be submitted for each camper and the Program Administrator must submit a certification that this form has been or will be obtained. In addition, the user must provide evidence that valid liability insurance is in place that meets or exceeds the requirements of the University and Pennsylvania State System of Higher Education.

VI. Reporting Obligations

a. Reporting of Child Abuse

In a situation of suspected child abuse, all members of the university community, independent contractors and vendors, and volunteers are mandated reporters and shall receive appropriate training accordingly.

All mandated reporters shall make an immediate report of suspected child abuse or cause a report to be made if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
 - The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
 - A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
 - An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
- The minor is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.
 - Mandated reporters must immediately make an oral report of suspected child abuse to the University's Chief of Police (who is the University's designated contact person) at (814-393-2111) and the Department of Human Services (DHS) at 800-932-0313. A written report to DHS using electronic technologies may be used when available. If an oral report is made, a written report shall also be made within 48 hours to DHS or the county agency assigned to the case as prescribed by DHS.
 - Immediately following the report to DHS, the mandated reporter must notify the University designated contact person in charge, the University's Chief of Police who will assume responsibility for facilitating the university's cooperation with the investigation of the report.

b. Reporting of Arrests and Convictions

All employees, volunteers and program administrators must provide notice to the Office of Human Resources if they or an authorized adult or program staff are: (1) arrested for, or convicted of, an offense that would constitute grounds for denial of employment or

participation in a program, activity or service; or (2) are named as a perpetrator in a founded or indicated report under the Child Protective Services law (23Pa.C.S. §§ 6301. et seq.). The employee, volunteer, or program administrator shall provide such written notice within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator in the statewide database. The failure of an employee or program administrator to make a written notification, as required, is a misdemeanor of the third degree.

If the employer or program administrator has a reasonable belief that the employee or volunteer has been arrested or convicted of a reportable offense, or was named as a perpetrator in a founded or indicated report under the Child Protective Services Law, or if an employee or volunteer has notice of activity that would be sufficient to deny employment or program participation, the employer must immediately require the employee or volunteer to immediately submit current information for required criminal background screening clearances in accordance with applicable procedures, standards, and guidelines as established by the chancellor.

VII. Training

Mandated Reporter Training: Mandated reporters shall receive annual training as if designated a mandated report by Pennsylvania law.

Health, Wellness, Safety, and Security Training: All authorized adults or program staff who participate in programs involving minors are required to be trained on policies and issues related to minor safety and security. The training should be completed annually. Documentation of training completion is required to be maintained by the Program Administrator. Program Administrators of non- university-sponsored programs or non-university groups providing services to university-sponsored programs are required to certify that they have satisfactorily completed required training before being allowed to use university facilities.

Training should address the following topics:

- Basic warning signs of abuse or neglect of minors.
- Guidelines for protecting minors from emotional and physical abuse and neglect.
- Information about responsibilities, expectations, and liabilities.
- Requirements and procedures for reporting incidents of suspected abuse, neglect, or improper conduct.
- Information on laws (including mandatory reporting), policies, procedures, enforcement, and confidentiality.
- Crisis and emergency responses.
- Safety and security precautions.
- Program Staff Code of Conduct.
- Participant conduct management and disciplinary procedures.

VIII. Supervision Ratio

- Standards for residential programs:
 - No minor under the age of 10 is allowed to participate unless accompanied by a parent or guardian.
 - One staff member for every twelve campers ages 10 to 17

- Standards for day programs:
 - No minor under the age of 6 is allowed to participate unless accompanied by a parent or guardian.
 - One staff member for every twelve participants ages 6 to 17.

IX. Facilities Use Agreements

The University's licensing, leasing, or allowing the use of university facilities for non-university sponsored programs or events primarily serving minors are required to include language in the agreement requiring identification of authorized adults or program staff, supervision ratios, adult code of conduct, training, and background screening consistent with this policy.

X. Effective Date: December 31, 2014

PROTECTION AND SUPERVISION OF MINORS ON CAMPUS

It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services and benefits, and there shall be no discrimination with regard to a student's or prospective student's race, color, religion, sex, national origin, disability, age, sexual orientation/affection, gender identity, veteran status or any other factors that are protected under local, state, and federal laws. Direct related inquiries to the Assistant to the President for Social Equity/Title IX Coordinator, 207 Carrier Administration Building, Clarion University of Pennsylvania, Clarion, PA 16214-1232. Email jgant@clarion.edu or phone 814-393-2109.

CLARION UNIVERSITY