

Cheyney University Policy SE-2014-2010

Policy Title: Protection of Minors

Approved by: Social Equity Council – December 10, 2014
President’s Executive Council – December 19, 2014

History: Issued – December 19, 2014

Related Policies: Policy on Working with Minors SE-2011-6009 (withdrawn); Policy on Reporting Allegations of Sexual Abuse/Assault of Minor Children SE-2011-6007 (withdrawn)

Additional References: PASSHE Policy 2014-01: Protection of Minors

A) Purpose

This policy establishes safeguards that promote the safety and security of minors, i.e., persons under the age of 18, who participate in university-sponsored activities and programs taking place on the campus, in university facilities, or under the authority of the university at off-campus locations. This policy also applies to non-university sponsored programs that are permitted on campus and operated by non-university entities.

B) Scope

The policy applies to all divisions, departments and areas of the University and specifically all members of the University community including faculty, staff, managers, coaches, graduate and undergraduate students, interns, volunteers, and university-related contractors and vendors. Affiliated entities also fall within the scope of this policy. Conferences, camps, service outreach programs, tutoring activities, workshops and programs, university housing, and similar activities or functions that involve minors must comply with this policy.

This policy further applies to programs, activities, and events operated by: (a) internal university groups and (b) external individuals, groups, or organizations, including university-related contractors and vendors, who utilize university facilities through contractual agreements and under the control of the university or its affiliated entities. These programs may be operated on campus or off campus at any time.

This policy does not apply to general public events (e.g. athletic contests, receptions, speeches, entertainment events, admissions visits, etc.) or private events where parents or guardians are present and are expected to provide supervision of minor children. Cheyney University specifically exempts university students that are hosting high school students, such as prospective student-athletes and those participating in pre-enrollment visits, from this policy. Faculty members who have special students involved in concurrent high school enrollment and who have said student in a Cheyney University class (unless the student is living in campus housing) are also exempted. The university president or designee may provide in advance and in writing any further exemptions to either this policy or any specific provisions of this policy.

Objective

This policy provides philosophical rationale, definitions, expectations, administrative guidance and statutory mandates for providing protection, safety, and security for minors who are on the university's campus.

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, 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 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 Cheyney University Police.

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.

- *Mandated Reporter:* The Child Protective Services Law, 23 Pa. C.S. §6311 and Cheyney University policy designate all Cheyney University employees as mandated reporters. 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, contractors, volunteers, graduate

assistants, and leased employees. University contractors and volunteers are also deemed mandated reporters under this policy. Mandatory reporters are required to report suspected child abuse to the Department of Human Services (DHS) and the Cheyney University Police.

Minor/Child/Youth: Any person under 18 years of age.

Program: Programs or activities 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.

Registry: An official record or list of authorized adults or programs, maintained by the Cheyney University Office of Human Resources.

Special Students with Concurrent High School Enrollment: The early admission of individuals as part-time students while concurrently completing secondary school requirements.

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 Cheyney 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 and Procedures

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

Authorized Adults and Program Registration: The Office of Human Resources is designated as the office responsible for establishing and maintaining a registry of university authorized adults, program staff, and programs for minors. All programs must be registered within sufficient time to meet the requirements of this policy, and policy requirements should be ordinarily met no later than 30 calendar days before the program start date. Programs must conduct background checks and be registered annually with the Office of Human Resources.

Criminal Background Checks and Screening: Criminal background checks are required for adults involved with programs as follows:

For Authorized Adult University Employees with Direct Contact with Minors:

- Program Directors shall notify the Office of Human Resources about any University employees who have or will have direct contact with minors. The employees shall contact the Office of Human Resources in order to complete the required criminal background checks.
- New hires that will have direct contact with minors must complete the background check process at the time of hire.
- Employees who have direct contact with minors, including program directors, must complete the required criminal background checks every year. The Office of Human Resources, in consultation as needed with the Office of Human Resources, shall review the background check results and make an individualized determination for approval or disapproval. When evaluating this information, the following will be considered:
 - The nature and gravity of the offense
 - The amount of time that has passed since the conviction and/or completion of the sentence
 - Evidence of rehabilitation
 - The nature of the job in question
- Employees with employment that commenced prior to the approval of Cheyney University Policy FA-2010-4028, effective February 2, 2009 for non-instructional employees and instructional employees.
- Authorized adult university employees who have direct contact with minors must undergo the following criminal background checks:
 - Pennsylvania State Police Access to Criminal History (PATCH)
 - Pennsylvania Department of Human Services Child Abuse History Clearance
 - A federal criminal history record information review, which requires the applicant to submit a full set of fingerprints to the Pennsylvania State Police.
 - Authorized adult university employees and volunteers are required to notify the Office of Human Resources of an arrest that leads to misdemeanor or felony charges and/or any conviction for a misdemeanor or felony. This notification must occur within 72 hours of learning such knowledge.

For Authorized Adult Non-Employees with Direct Contact with Minors:

- The program director is responsible for obtaining annual criminal background checks for non-employee adults with direct contact with minors. This person is also responsible for obtaining annual criminal background checks for program staff and volunteers who will have direct contact with minors and who are not employed by Cheyney University. The criminal background checks will be conducted by the Human Resources Office at Cheyney University and must be dated no more than one year prior to the individual's first contact with minors for the program. The required background checks are as follows:
 - Pennsylvania State Police Access to Criminal History (PATCH)
 - Pennsylvania Department of Human Resources Child Abuse History Clearance

- A federal criminal history record information review, which requires the applicant to submit a full set of fingerprints to the Pennsylvania State Police.
 - Authorized adult university employees and volunteers are required to notify the Office of Human Resources of an arrest that leads to misdemeanor or felony charges and/or any conviction for a misdemeanor or felony. This notification must occur within 72 hours of learning such knowledge.
- The Office of Human Resources, in consultation with staff members in the Office of Human Resources, shall review background checks for non-employee staff of university-sponsored camps and shall notify the program director of any background check that evidences an arrest, conviction, or other potential concern. Criminal conviction does not necessarily preclude employment with the University. When evaluating this information, the following will be considered:
 - The nature and gravity of the offense
 - The amount of time that has passed since the conviction and/or completion of the sentence
 - Evidence of rehabilitation
 - The nature of the job in question

Conferences of external (non-university) groups:

Conferences and external (non-university) groups shall complete the contract addendum attesting that successful background checks have been conducted and required training completed for all adult staff members.

- The cost for completing criminal background checks for non-employees will be the responsibility of the individual, unless the program director specifically authorizes payment to be made.
- Non-Employee adults in third-party programs shall have the three background checks (PATCH, Child Abuse History Clearance, Federal Criminal History Record Review) required for all adults that work with minors on a direct level and as outlined previously.

Reporting

- In a situation of suspected child abuse, all members of the university community, university-related 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 Cheyney University Police (610-399-2405) and the Department of Human Services Childline and Abuse Registry (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 mandatory reporter must notify the designated person in charge at the university who will assume responsibility for facilitating the university's cooperation with the investigation of the report.

Training

•All authorized adults who participate in programs involving minors must complete youth protection training annually, prior to the commencement of the program. This training will be approved by the Office of Human Resources and must include a review of:

- 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.

▪ Following completion of the required training, the adult must forward evidence of successful completion of the training to the Office of Human Resources prior to having direct contact with minors.

Supervision Ratio (excludes day care facilities and Head Start programs)

•Standards for residential camps:

- No minor under the age of 10 is allowed to participate.
- One staff member for every eight campers ages 9 – 14.
 - One staff member for every ten campers ages 15 – 18.
 - If the camp has mixed age groups, the standard for the lowest age group applies.

- Standards for day programs:
 - No minor under the age of 6 is allowed to participate.
 - One staff member for every eight participants ages 6 to 8.
 - One staff member for every ten campers ages 9 – 14.
 - One staff member for every twelve campers ages 15 – 18.
 - If the camp has mixed age groups, the standard for the lowest age group applies.

Safety and Security Planning

- Each Program Director shall:
 - Establish a procedure, consistent with university standards and expectations, for notifying the minor’s parent/legal guardian in case of an emergency, including medical issues, behavioral problems, natural disasters, or other significant disruptions. The program director shall provide written information on the notification procedure to adults involved in the program, parents/legal guardians of minors, and, if age appropriate, the minor.
 - For overnight programs, each program director must have a roster of all minors participating in the program. The roster shall include each minor’s name, gender, age, and home address; local room assignment (if any); phone number(s) of parent or legal guardian; and emergency contact information.
 - Provide information to the parent or legal guardian detailing the manner in which the minor can be contacted during the program.
 - For overnight programs, provide the Office of Human Resources with a roster of program staff and contact information, including information on the program director.
 - Have completed a comprehensive health form for each minor camp or conference participant.
 - Program staff may distribute medications to minors only under the following conditions:
 - The minor’s family must provide the medicine in its original pharmacy container labeled with the minor’s name, medicine name, dosage, and timing of consumption. Over-the-counter medications must be provided in the manufacturer’s container and labeled with the minor’s name, dosage, and timing of consumption.
 - The parent or guardian must provide written authorization before program staff may distribute any medication to a minor.
 - Program staff shall keep the medicine in a secure location and, at the appropriate time for distribution, meet with the minor in the presence of another adult.
 - The program staff member shall allow the minor to self-administer the appropriate dose as shown on the container.
 - For medicine that the minor cannot self-administer, the parent or guardian must make arrangements in advance of the minor’s arrival with a qualified individual to administer the medication.
 - Minors may carry personal “epi” pens and inhalers during activities for self-administration.
 - Develop and make available to participants the rules, discipline measures, and response protocols applicable to the program.
 - Obtain all liability releases as part of the program registration process.
 - Assign a staff member who is at least 21 years of age to be accessible to the participants. The staff member must reside in the housing unit, if applicable.

◦As applicable, all programs must adopt and implement rules and regulations for proper supervision of minors in university housing.

Response Protocols when a Program Staff Member is Accused of Misconduct

- A relevant incident must be reported to the University Police and to DHS per the laws governing such incidents. Subsequent reports must be made to the Office of Human Resources who will advance the information appropriately.
- Depending upon the circumstances, a staff member may be suspended from duties and relocated during an investigation by either the police or DHS.

Program Orientation and Information to Parents

- Cheyney University Camps: The Office of Human Resources shall provide information to parents that inform them of registration and check-in locations and procedures. Parents shall also receive a campus safety brochure. In addition, parents will receive a letter from the health center along with a health form for completion. The safety brochure must be general to the campus and include instruction to “report any inappropriate behavior or physical contact (touching)” to them, or to the program counselor, or to University Police immediately.
- External Conferences/Camps: External groups must sign a facilities use agreement and must be provided a “Guest Information & Services” booklet, either by hard copy or electronically, or both. The booklet shall minimally include a wide variety of pertinent campus rules and regulations, services offered, and protection of minor’s information to include this policy, training, background checks, reporting, etc. Distribution of the information in these documents is the responsibility of the conference/camp leadership but compliance is required.

Insurance Requirements

- Cheyney University Camps: A camp health form must be submitted for each camper. 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: The user must provide evidence that valid liability insurance is in place, covering property damage liability and bodily injury in amounts of no less than \$250,000 per person and \$1,000,000 per incident.
- Users must submit a certification from confirming that the requisite criminal and child abuse background checks have been completed for authorized adults who will be in direct contact with minors.

Program Staff Code of Conduct

- Authorized adults or program staff should be positive role models for minors and must follow the following expectations. ◦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.

- 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 you. 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.
- 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.
- Do not use harassing language.
- 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. If situations arise where one-on-one contact with a minor is unavoidable, it should be with the full knowledge and consent of the event/program director/coordinator and the child's parents.
- 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.
- 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.
- Do not provide gifts to minors or their families independent of items provided by the program.
- 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.
- Do not have any direct electronic and/or social media contact with minors unless it is related to the program and another adult is included in the communication.
- Do not take photos of a minor on personal cell phones, cameras or similar devices in areas where privacy is expected.
- 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.
- 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.
- Do not provide alcohol or illegal substances to a minor.
- Do not provide medication to a minor unless authorized by the program's medication management guidelines.
- 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.

- Under most circumstances, a minimum of two adults must be present during all interactions with minors.
- Within 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 minor.
- Violations of any of the forgoing shall be reported to the program administrator and the Cheyney University Police or Department of Human Services as appropriate.

Record Retention

- Seven years or as mandated by applicable law.