



PA State System of Higher Education Board of Governors

Effective: December 31, 2014

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Policy 2014-01-A: *Protection of Minors*

See Also:

Board of Governors' Policy 2009-01
Board of Governors' Policy 1991-04-A
Board of Governors' Policy 2009-03
Board of Governors' Policy 1985-04-A
PASSHE Procedure/Standard Number 2013-15

Adopted: July 8, 2014
Amended: January 22, 2015

A. Purpose and Scope

The purpose of this policy is to promote the safety and security of children who participate in programs held on Pennsylvania's State System of Higher Education (State System) university property. This policy applies to all State System universities, their sponsoring units, and the Office of the Chancellor. All State System administrators, faculty, coaches, staff, students, independent contractors, and volunteers in State System university-sponsored programs or in programs for minors held on university property must comply with this policy.

This policy applies to all programs and activities involving minors that fall within the scope of this policy, including graduate and undergraduate course offerings, programs operated by the university or non-university-sponsored programs on campus, and programs under the direction and authority of the university at locations off campus. 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, 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.

B. 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 or the Board of Governors, including, but not limited to, foundations, alumni associations, and student associations. For more information on affiliated entities, see Board of Governors' Policy 1985-04-A: *University External Financial Support*, and PASSHE Procedure/Standard Number 2013-15, *Relationships with Affiliated Entities*.

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, graduate and undergraduate 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; or fellow students whose only role is as a participant in the education, services, or program offered.

Child Abuse: Child abuse is defined in 23 Pa. C.S. §6303. That definition includes nonaccidental actions or omissions that cause serious physical or mental injuries to a child, or sexual abuse/sexual exploitation of a child including:

1. **Physical Abuse:** Acts or omissions that cause, or fail to prevent, a serious physical injury to a child.
2. **Sexual Abuse:** Includes, but is not limited to, rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner in which the child is used for gratification or sexual enjoyment by another person.
3. **Emotional or Mental Abuse:** Acts or omissions that have an actual or likely severe negative impact on a child's emotional and behavioral development, including those resulting from persistent or severe emotional mistreatment.
4. **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: In a situation of suspected child abuse, all State System administrators, faculty, coaches, staff, student workers, independent contractors, and volunteers are considered mandated reporters.

Minor/Child: A 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 nonuniversity 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.

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

State System Entity: One of the State System universities or the Office of the Chancellor.

University Facilities: Facilities owned by or under the control of a State System entity, 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, and 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 control.

C. Policy

Each State System entity offering or approving programs that involve minors within the scope of this document will establish and implement policies and procedures consistent with this policy. The chancellor, after consultation with the chair of the University Success Committee (or successor committee)* of the Board, may promulgate procedures, standards, and guidelines as necessary to ensure proper implementation of this policy. The locally established policies and procedures will, at a minimum, include the following requirements.

1. Authorized Adults and Program Registration

Each university is 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 met no later than 30 days before the program start date. Programs must be registered annually.

2. Program Registration Requirements

The following topics must be addressed in planning and evaluating registered programs:

- a. Identification, selection, and screening of authorized adults or program staff, including criminal background checks.
- b. Training for authorized adults or program staff.
- c. Supervision ratio.
- d. Safety and security planning.
- e. Participation requirement forms.
- f. Transportation.
- g. Housing.

- h. Response protocols when there is an injury or illness.
- i. Response protocols when an authorized adult or program staff is accused of misconduct.
- j. Response protocols when a participant is accused of misconduct.
- k. Program orientation or information for minors and parents.
- l. Insurance requirements.
- m. Record retention.

3. 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 the State System entity. Authorized adults or program staff are required to comply with all applicable laws and State System 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.
- 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.

Violations of any of the forgoing shall be reported to the program administrator.

4. Criminal Background Screening

All employees and volunteers are required to have criminal background screening clearances in accordance with applicable procedures, standards, and guidelines as established by the chancellor.

Before being allowed to use or lease university facilities, program administrators and/or independent contractors of non-university-sponsored programs, or nonuniversity groups and/or independent contractors providing services to university-sponsored programs are required to certify that they have conducted criminal background checks and determined the fitness of all authorized adults and program staff.

5. Participant Requirements

Minors and parents or legal guardians of minors must submit required forms before minors will be allowed to participate. 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.

6. Training

All authorized adults or program staff working with minors are required to be trained on policies and issues related to minor safety and security. The training will be offered and completed when needed and may vary based on the role of the authorized adult. Documentation of training completion is required to be maintained by the program administrator. Program administrators of non-university-sponsored programs or nonuniversity 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 will include topics such as:

- a. Detecting and reporting child abuse
- b. First aid/CPR and medication management.

- c. Participant conduct management and disciplinary procedures.
- d. Authorized adult or program staff code of conduct.
- e. Sexual and other unlawful harassment.
- f. Safety and security protocols.
- g. Crime reporting procedures.

7. Reporting Obligations

a. Reporting of Child Abuse

In a situation of suspected child abuse, all State System administrators, faculty, coaches, staff, student workers, independent contractors, and volunteers are mandated reporters under this policy. Everyone who is deemed a mandated reporter pursuant to this policy shall be trained as if designated a mandated reporter by Pennsylvania law.

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:

- (1) 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.
- (2) 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.
- (3) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- (4) 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 Department of Human Services (DHS) by calling **1-800-932-0313**, or a written report to DHS using electronic technologies 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. More than one report of the suspected child abuse is not required.

b. Reporting of Arrests and Convictions

All employees, volunteers, and program administrators must provide written notice to the designated person in charge at the university 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 (23 Pa.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 an employee or volunteer has been arrested or convicted of a reportable offense or was named as perpetrator in a founded or indicated report under the Child Protective Services Law, or if an employee or volunteer has provided 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.

8. Facilities Use Agreements

Universities 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.

D. Effective Date: December 31, 2014.