

# POLICY NO. 319

**Area: General Administration**

Date Adopted: November 14, 2019

*Original signature on file with the  
Office of Administration and Finance*

Certified By: \_\_\_\_\_  
Dr. Cynthia Jackson-Hammond  
President, Central State University

Revisions Approved: \_\_\_\_\_

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**Subject: PROTECTION OF MINOR PARTICIPANTS IN PROGRAMS AND  
ACTIVITIES POLICY**

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*Effective Immediately*

## **Policy Statement and Purpose**

As part of its educational mission, Central State University (CSU) sponsors many programs and activities that are specifically for minor children or in which minor children participate. The University also makes its facilities available to outside groups and organizations that conduct programs directed towards or that include minor children. CSU is committed to providing a safe environment for all members of the University community as well as all those who participate in programs and activities on campus or who use or visit campus facilities.

Because minor children are a particularly vulnerable population, this policy has been adopted to address the special concerns when minor children participate in University sponsored activities or other activities utilizing University facilities. While the primary purpose of this policy is to protect minor children, adherence to this policy will also serve to protect members of the University community and other adults participating in programs involving minors from false allegations of abuse. In addition to the requirements of this policy, employees and volunteers must adhere to obligations that may be imposed by applicable law, including but not limited to Ohio Revised Code Sections 2151.421 (reporting child abuse or neglect) and 2921.22 (failure to report a crime).

## **Policy Definitions**

Authorized Adult	Individuals, age eighteen and older, paid or unpaid, who supervise, chaperone, or are otherwise responsible for or oversee Minors in Covered Programs. This includes, but is not limited to, faculty, staff, volunteers, graduate and undergraduate students, interns, student employees, employees of temporary employment agencies, and independent contractors/consultants. Authorized Adults'
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	roles may include positions such as counselors, chaperones, coaches, instructors, etc.
Care, Custody, or Control	When an adult(s) is present and has primary responsibility for supervision of Minors at any given point throughout an activity or program with Minors. At least one adult must have Care, Custody, or Control of Minors at all times during Covered Programs.
Covered Programs	Any: (1) event, operation, or endeavor operated, conducted, or organized by the University or by a Third-Party Contractor, (2) that includes Minors, and (3) during which parents or guardians are not expected to be responsible for the Care, Custody, or Control of the Minors.
Minor	Any participant in a Covered Program who is under the age of eighteen. This does not include persons under the age of eighteen who are enrolled for academic credit or have been accepted for enrollment.
One-to-One Interactions	An intentional or purposeful interaction when one individual to whom the policy applies is alone with one Minor.
Sponsoring Entity	The entity offering the Covered Program. For programs offered by the University, the academic or administrative unit or registered student organization offering the program. For programs offered by Third-Party Contractors, the organization or person that is contracting for the use of University Facilities.
Third-Party Contractor	A non-University entity contracting the use of University Facilities to host events involving Minors.
University Facilities	Facilities owned by, or under control of, the University.

**Policy Scope**

1. This policy applies to University programs and activities specifically designed for participation by Minors, and all participants, employees, students, and volunteers who exercise direct supervision, chaperone, or otherwise oversee Minors in the course of their duties in Covered Programs. This includes, but is not limited to:

- a. Activities and programs with Minors the University operates on campus or in University Facilities, including but not limited to overnight camps, licensed childcare facilities, instructional programs, day camps, academic camps, and sports camps.
  - b. Activities and programs with Minors the University operates that do not take place on campus, including but not limited to outreach and community service activities.
  - c. Activities and programs with Minors operated, conducted, or organized by Third-Party Contractors which take place on campus or in University Facilities.
2. This policy does not apply to:
- a. Undergraduate and graduate academic programs in which individuals under the age of eighteen are enrolled for academic credit or who have been accepted for enrollment.
  - b. Events on campus open to the general public, which minors attend, but the University is not accepting Care, Custody, or Control for the minor.
  - c. Enrolled CSU students when hosting high school students, including prospective athletes, participating in pre-enrollment visitation.
  - d. Institutional review board (IRB)-approved research.
  - e. Minors working for the University as employees or interns.
  - f. Employees or volunteers who may have incidental contact with Minors but do not work directly with Minors within a program or activity.
  - g. Covered Programs granted a specific exemption from part or all of the policy in advance of the event taking place, after a written request has been reviewed and approved by the exemption committee consisting of the Human Resources Director, General Counsel, the Legal Compliance Officer, and the Risk Management and Policy Specialist.
3. CSU expects parents or guardians to provide supervision over Minors on campus unless the Minors are involved in a Covered Program. Parents or guardians should not leave Minors unsupervised on University property.

**Policy Requirements**

The following requirements govern participation in Covered Programs. Details for each can be found in the procedures section.

- 1. All Covered Programs must be registered with the University’s Office of the General Counsel.

2. Those working in activities and programs with Minors who witness child abuse or neglect, or have information that would lead a reasonable person to believe a Minor faces a substantial threat of such abuse or neglect, must follow reporting procedures.
3. Background checks must be completed on employees, students, and volunteers before working in Covered Programs and thereafter at the frequency specified in the procedure below.
4. Sponsoring Entities must ensure that individuals working in Covered Programs complete annual training on child abuse awareness, prevention, and reporting.
5. Sponsoring Entities must collect, at a minimum, a medical history, consent for emergency medical treatment, and a liability waiver for each Minor participant in a Covered Program.
6. Sponsoring Entities must ensure appropriate supervision of Minors in Covered Programs.
7. Employees, students, and volunteers must adhere to the standards of behaviors set forth in this policy.
8. If an exemption from specific policy requirements is desired, a written request must be submitted using the exemption process.
9. Sponsoring Entities and individuals must cooperate with investigations should they occur.
10. Records must be kept consistent with this policy and the University records retention schedule.

### **Violation and Accountability**

Individuals, entities, programs or units that violate this policy will be held accountable for their actions under the applicable program's standards of behavior and expectations, University policies and rules, and applicable law, including but not limited to:

1. Volunteers are subject to reprimand or loss of volunteer status.
2. Students are subject to the Student Code of Conduct.
3. Under the policies, standards of conduct, and/or collective bargaining agreement applicable to them, employees, including student employees, who fail to comply with this policy, are subject to disciplinary action up to and including termination.
4. Suspension or termination of the use of University Facilities for a program or activity.

5. Criminal investigation and prosecution.

**Procedures**

1. Registration

- a. Sponsoring Entities must register each Covered Program in the programs and activities with minor participants' registration system.
- b. Registration is requested at least thirty days before a scheduled event; however registration is required before the start of any Covered Program.
- c. Covered Programs hosted by Third-Party Contractors must be registered by the University entity facilitating the contract.

2. Reporting

- a. "If you see something, say something."
  - i. Every member of the University community has an obligation to report immediately abuse or suspected abuse or any other inappropriate interactions with Minors to the CSU police department or to the law enforcement agency having jurisdiction where the abuse is suspected to have occurred, and to the program director.
  - ii. This includes information about suspected abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker.
- b. Every member has a further obligation under Ohio law to make a report to the director of the department of social services in the county where the minor resides or is found.
  - i. Contact the CSU Campus Police Department at 937-376-5111.
- c. No member making a good faith report of suspected abuse or neglect will be retaliated against in the terms and conditions of employment or educational programs or activities.

3. Background checks

- a. The requirements for background checks under this policy are separate and distinct from those addressed in the University's Employment Background Check Policy. Background checks must be conducted on all employees, students, and volunteers working in activities and programs with Minor participants as follows:
  - i. Any employee, student, or volunteer working in activities and programs with Minors, who is likely to have responsibility for the Care, Custody, or

Control of a Minor as part of that activity or program, must have an Ohio Bureau of Criminal Investigation (BCI) fingerprint background check completed before the activity or program with Minors begins.

- ii. Individuals required to be background checked who have not lived in Ohio for five consecutive years must have both a BCI and a Federal Bureau of Investigation (FBI) check.
- iii. Individuals required to be background checked who have a break in service longer than twelve months must have a new BCI and/or FBI background check before working in activities and programs with Minors.
- iv. A BCI check must be completed every four years to remain eligible to work in activities and programs with Minors.

1. Covered Programs may perform background checks on applicable individuals more frequently, and must do so if required by law.

- b. Parental consent must be given for the background check in the case of an individual under the age of eighteen requiring a check, unless the individual is a registered student.
- c. Background checks performed by a third party service, including those required at the time of hire for University employees, is insufficient for individuals requiring a background check under this policy.
- d. Authorized Adults are required to notify the University's Office of General Counsel in writing within three business days of any charge or conviction.

#### 4. Training

- a. Sponsoring Entities must ensure all employees, students, and volunteers are trained annually before they work in activities and programs with Minors.
- b. Training content must include at a minimum the following topics:
  - i. Child abuse awareness and prevention
  - ii. Reporting suspected child abuse and neglect
  - iii. All requirements in this policy
- c. The University's Office of General Counsel will provide training modules to employees, students, and volunteers in compliance with this policy.
- d. Sponsoring Entities, including Third-Party Contractors, may develop their own training program, as long as it includes the above requirements at a minimum, with the express written approval of the University's General Counsel and/or designee.

## 5. Supervision of Minors

- a. The number of supervisors required shall be determined by taking into account all aspects of the Covered Program, including but not limited to the number and age of participants, the activity(ies) involved, whether housing or travel is involved, and the age and experience of the Authorized Adults.
- b. One-to-One Interactions with Minors is prohibited, except in music programs involving private instruction, clinical programs, or similar programs in which the parent or guardian of the Minor has been informed of the One-to-One Interaction and the nature of the instruction, has been given the option to be present, and has given written consent to the One-to-One Interaction. One-to-One Interactions must be documented with the program director and authorized as a legitimate activity that serves in the best interest of the minor.
  - i. Except where clinical requirements necessitate it, One-to-One Interactions with Minors should take place in a room or other space that is in full view from outside the room even when the door is closed.
  - ii. This prohibition does not extend to situations in which an Authorized Adult is actually transporting Minors in University owned, rented, or leased vehicles from one program activity to another, provided that the driver is never alone with any Minor and is transporting not less than two passengers.
  - iii. For all other activities, there must be at least two adults, at least one whom is an Authorized Adult, present for all activities in which Minors are present.
  - iv. The prohibition against One-to-One Interaction extends to all contact, interactions, and communications, including those by telephone, mail, email, texting, or any other means or medium. Any communication by an Authorized Adult with a Minor shall include a second adult or the parent or guardian of the Minor as a party to the communication.
  - v. Adults shall not be alone in vehicles with Minor participants other than their own child.
- c. Sponsoring Entities shall establish a procedure for checking Minors in and out of the Covered Program. Minor participants shall not be allowed to leave the location of the Covered Program except in the company of their parent(s), legal guardian(s), or someone authorized in writing by the same.
- d. When overnight supervision is required:

- i. No adult may enter a Minor's room, bathroom facility, or similar area unless accompanied by another adult and one is an Authorized Adult.
    - ii. Separate accommodations for adults and Minors are required other than the Minors' parents or guardians.
  - e. Standards of behavior
    - i. Adults working in Covered Programs must comply with these standards. By working in a Covered Program, adults agree to:
      - 1. Conduct themselves in a courteous and respectful manner, exhibit good sportsmanship, and be a positive role model for Minors.
      - 2. Respect, adhere to, and enforce the rules, policies, and guidelines established by the activity or program, this policy, and the University.
      - 3. Refrain from engaging in any criminal activity.
      - 4. Not intentionally or purposefully place themselves in an unauthorized or unapproved One-to-One Interaction or situation with a Minor.
      - 5. Not, under any circumstances, physically, sexually, verbally, or emotionally abuse or fail to provide the basic necessities of care applicable to the activity or program to Minor participants.
      - 6. Not engage or communicate with Minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communication is consistent with the mission of the program and the University.

## 6. Exemption process

- a. Requests for exemptions from this policy must be made in writing to the Office of General Counsel. Requests for exemptions will be reviewed by the exemption committee consisting of the Human Resources Director, General Counsel, the Legal Compliance Officer, and the Risk Management and Policy Specialist. Because of the nature of this policy, very few exemptions will be granted.

## 7. Investigations

- a. Investigations of allegations of child abuse or neglect will be conducted in accordance with the investigatory protocols of children service agencies, the campus police and/or local law enforcement agencies, and the University.
8. Third-Party Contractors
    - a. Non-University entities engaging in programs or activities with Minor participants utilizing University Facilities shall execute the appropriate facility contract.
    - b. Third-Party Contractors are required to meet the intent of this policy as a term of the facility contract, including background checks and training.
    - c. The facility owner executing the contract is responsible for registering third-party Covered Programs, and ensuring the Third-Party Contractor is aware of this policy.
  9. Additional Information regarding this policy, including details on program registration, training resources, and requesting an exemption, can be found on the programs and activities with minor participants page on the University's website.