



California University of Pennsylvania Protection of Minors on Campus Policy

A. Purpose and Scope

The purpose of this policy is to promote the safety and security of children who participate in programs sponsored by California University of Pennsylvania (Cal U) or held on University-owned property by non-University organizations.

Except for the reporting of child abuse or child neglect, 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 parent 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 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 Members: Individuals, paid or unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors.

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.

Mandated Reporter: In a situation of suspected child abuse, all administrators, faculty, coaches, staff members, student workers, contractors, and volunteers who are mandated reporters. Mandated reporters must immediately contact the Department of Human Services by calling 1-800-932-0313 to report suspected child abuse. Immediately following the report to DPW, the mandated reporter must notify the University's Director of Social Equity and the Chief of University Campus Police Department. The University will provide training and protocols for 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 Adults or Program Staff Member and a participant without at least one other Authorized Adult or Program Staff Member, parent, or legal guardian being present.

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.

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 by or under the control of California University of Pennsylvania 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 members, 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

- 1. Program Registration** - The University must establish and maintain a registry of all University Sponsored Programs that are offered to minors. All programs must be registered no later than 30 days before the start of the program. Programs must be registered annually with the appropriate Registry Administrator.
- 2. Program Registration Requirements** – The Sponsoring Unit of all University Sponsored Programs, all Affiliated Entities and any person of organization offering a Non-

University Sponsored Program offering programs to minor children must establish and implement policies and procedures will, at a minimum, include the following requirements. An evaluation form will be used to review each of these topics for each program at least 30 days before the start of the program.

- a. Identification, selection, and screening of Authorized Adults or Program Staff Members, including criminal background checks
- b. Training for Authorized Adults or Program Staff Members
- 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 Member 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 Members Code of Conduct

Authorized Adults and Program Administrators 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. In the case of adults supervising minors overnight, Authorized Adult should not enter a minor's room. Bathroom facility or similar area without another adult in attendance.
- c. Separate accommodations for adult and minor are required other than the minor's parents or guardians.
- d. 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/or romantic relationships, etc.
- e. 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 injury). Any refusal or resistance from the minor should be respected.
- f. Do not be alone with a minor. If one-on-one contact is required, meet in an open, well illuminated space or room with windows observable by other Authorized Adults or Program Staff Members, unless the one-on-one contact is expressly authorized and must include more than one Authorized Adult or Program Staff Member.

- g. Do not meet with minors outside of the established times for program activities. Any exceptions require written parental authorization and must include more than one Authorized Adult or Program Staff Member.
- h. 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.
- i. Do not provide gifts to minors or their families independent of items provided by the program.
- j. 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.
- k. 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.
- l. 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.
- m. Do not provide alcohol or illegal substances to a minor.
- n. Do not provide medication to a minor unless authorized by the program's medication management guidelines.
- o. When transporting minors, more than one Authorized Adult or Program Staff Member 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.
- p. Any communication with a minor in electronic format (via email or text) should be in a group mail/text format or include another program personnel or parent – this avoids any one-to-one communication. Personnel and supervisors should monitor the internet use of minors in the program and assure filters or blocked content/security options are on in those program which allow minors to use University PCs or other electronic devices. Personnel should not access any site inappropriate for minor while in a supervision or monitoring role.
- q. Do not use harassing language that would violate university harassment policies.

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

4. Criminal Background Screening

- a. University Sponsored Programs - Background checks must be consistent with PASSHE Procedure/Standard 2015-21, which is the University's adopted procedure for background checks. The University reserves the right to deny permission for any University employee to act as an Authorized Adult based on a background check.
- b. Non University Sponsored Programs – All Authorized Adults are required to provide the certification attesting to compliance with the Program Registration

Requirements described in Section 2 above. Background checks must be consistent with PASSHE Procedure/Standard 2015-21, which is the University's adopted procedure for background checks.

5. Participant Requirements

Minors and parents or legal guardians of minors must submit required forms before minors will be allowed to participate in University Sponsored Programs. 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 Members working with minors are required to be trained on policies and issues related to minor safety and security. The training should be completed annually 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 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:

- a. Mandatory reporter training
- b. Health and Wellness Management
- c. Participant conduct management and disciplinary procedures
- d. Authorized Adult or program staff code of conduct
- e. Sexual Harassment
- f. Safety and security protocols
- g. Crime reporting procedures

7. Facilities Use Agreement

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 (including mandated reporter training), and background screening consistent with this policy.

8. Reporting Obligations

a. Reporting of Child Abuse

In a situation of suspected child abuse, all 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 DPW, the mandated reporter must notify the University's Director of Social Equity and the Chief of University Campus Police Department.

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.

- D. Effective Policy Date:** December 31, 2014, Updated April 15, 2016, Updated November 8, 2016