

# Policy on Minimum Standards for Programs for Minors and Children

LAST REVISED ON 06/2013

## 1. Definition of “Programs for Minors” Covered by this Policy

All programs involving transfer of responsibility for supervision and control of minors and children from parents or guardians to the University (or to a third party permitted by contract to use University facilities for such programs) and meeting the further definitions in this section (hereinafter referred to as “Programs for Minors”), must comply with the minimum standards for such programs as defined by the University in this Policy.

a) The Programs for Minors covered by this Policy are University programs, activities, workshops, laboratories, and events, whether for academic, athletic, recreational or other purposes whether on or off University premises, that serve children. (“University premises” are properties owned, leased or controlled by the University). By way of example, covered programs include, but are not limited to, day and overnight camps of any nature for children, including camps conducted by University athletic coaches, schools operated by the University, early childhood centers, and instructional activities involving children. Covered programs also include those that are held at locations that the University does not own, lease or control, if the University is a sponsor or a participant in the program and/or the University’s name is used to promote the program with the knowledge and approval of the University. Covered programs also include those that are conducted or operated by University employees using their University title to promote the program with the knowledge and approval of the University, and/or using University premises or facilities.

b) Programs or services that serve children conducted or provided by an outside entity or contractor while on University premises or that are conducted or provided on behalf of or for the University are also covered programs. Such entities/contractors must be required by contract to comply with this Policy.

c) Covered programs do *not* include any University undergraduate or graduate academic programs in which students enrolled at the University or another institution of higher education are the only minors participating in the programs. Covered programs further do not include University events such as fairs, festivals, or other events that are open to people of all age groups, but at or in which children may be present or participate, or University events at which children will be accompanied at all times by their parent or legal guardian. With respect to these types of programs and events, the director or head of or official responsible for the program or event may determine that these programs or events are covered programs.

## **2. Responsibility for Approving Programs for Minors**

a) All Programs for Minors must be approved by the Division (or its delegated department or subdivision) of the University hosting the program through a University administrator authorized by the Department or Division to evaluate the program and provide such approval (the “Program Administrator”).

b) The Program Administrator must determine whether the program as designed is compliant with the University’s minimum standards for Programs for Minors as defined herein, before approving the program.

## **3. Central Registration of Programs for Minors**

a) All Programs for Minors must be registered with the University by filing a registration form with the Risk Management Department within the Office of Counsel.

b) The registration process should be completed by the University employee who is responsible for oversight of the Program for Minors (the “Program Sponsor”).

c) The registration documentation shall include a description of the program and the signature of the Program Administrator, and contact information for the Program Sponsor.

## **4. Registration of Participants in Programs for Minors and Permission for Participation**

a) The Program Sponsor will ensure that all minors who will be participating in a Program for Minors are registered with the program and any necessary information required by this Policy or by the Program Administrator received before the activity commences.

b) The Program Sponsor will maintain a list of all registered participants, including the participant's name; local room assignment (if applicable); gender, age, and phone number(s) of parent or legal guardian, as well as emergency contact information for the parent or legal guardian.

c) The Program Sponsor will provide the parent or legal guardian with information detailing the manner in which the participant, the Program Sponsor and Security can be contacted during the program.

d) Each Program for Minors must have a procedure approved by the Program Administrator for notifying the designated parent or legal guardian of participants in the program, in case of emergencies, including medical or behavioral problems, disasters, or significant program disruptions. The Program Sponsor will provide the parent or legal guardian with a written description of the procedure that will be used to contact them in case of emergency.

## **5. Background Checks of Employees Involved with Programs for Minors**

a) All adult employees<sup>1</sup> who will have direct, regular and frequent contact with minors as a part of performing their University job or assigned role in connection with a Program for Minors are required to have a background check that has been done within the last three years on record with the University at the time of hire and/or prior to beginning work with minors. The Program Sponsor will conduct the checks according to its then-standard procedures, which must include UR Employment Center approved protocols.

b) Background checks applicable to persons who will be working with minors should include at a minimum: i) checking the relevant sexual offense registry; ii) checking for felony conviction records; and iii) requiring the employee or prospective employee to complete a self-disclosure form.

- c) The self-disclosure form for employees should require that the person completing the form disclose any criminal convictions in the past, and agree to disclose any arrest and/or conviction in the future within 72 hours of occurrence.
- d) Any background check that is “positive” for conviction of a crime, and/or allegations of sexual misconduct or sexual offense, whether for a new potential employee or a current employee, must be reviewed by the Program Administrator and the Program Sponsor with Human Resources before any hiring or employment decision is made. Human Resources will consult with the Office of Counsel.
- e) The results of background checks and the corresponding hiring and employment decisions should be documented in the appropriate employment file.
- f) Outside vendors hired by the University to provide staff who will have direct, regular and frequent contact with minors at a Program for Minors as defined in Section 1 of this policy, shall be required by contract to have performed background checks on their employees that are substantially similar to the background checks being performed on University employees. Vendors who are unable or unwilling to agree to the contract terms regarding background checks should not be utilized.

<sup>1</sup> As used in this Policy, the term “employees” applies to all employees of the University including staff, faculty, medical and nursing students, student employees, and volunteers.

## **6. Supervision of Minors**

- a) All Programs for Minors must include a plan approved by the Program Administrator to ensure adequate supervision of minors while they are under University supervision and control.
- b) Factors to consider in structuring a Program for Minors to provide adequate supervision include the number and age and gender of participants, the activities involved, the risk of physical injury, the location of the activity, the type of housing (if applicable), the age and experience of the participants and the age and experience of the supervisors.
- c) Whenever possible staffing should be maintained at a level that minimizes the *deliberate* frequency of *private* one-on-one contact. (See also Section 8 (a)).

d) Programs for Minors involving allowing minors to reside in housing on University premises (property owned, leased or controlled by the University) must include supervision plans approved by the Program Administrator and Residential Life that are age appropriate for the program participants.

e) Supervision plans for minors residing in University housing should include the following components:

1. Written permission signed by the parent/guardian for the minor to reside in university housing.
2. Age-appropriate community rules concerning in-room visitation by other participants.
3. The program must comply with all security measures and procedures specified by Residence Life and Security.

## **7. Rules for Program Participants**

a) Each Program for Minors should have a clear set of rules of conduct for participants, including an explanation of potential discipline in the event of non-compliance, which has been approved by the Program Administrator.

b) Program participants and parents should be provided with a written copy of the rules prior to participation in the program.

c) Each set of rules must include the following common elements:

1. The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
2. Participants may not leave university property or the program without permission of the Program Sponsor.
3. No violence by anyone involved with the, including sexual abuse or harassment, will be tolerated. Hazing is prohibited. Bullying, including verbal, physical, and cyber bullying, are prohibited.

4. No use of tobacco products.
5. Misuse, damage or theft of property is prohibited. Charges will be assessed against those participants who are responsible for damage, theft or misuse of university property.
6. Participants must follow all safety rules in accordance with university standards and/or as defined by the program administrator.
7. Use of cameras, imaging, and digital devices is prohibited where privacy is expected, such as showers, locker rooms and restrooms.

## **8. Behavioral Boundaries for Interacting with Minors in Programs for Minors**

Employees Involved with Programs for Minors must observe appropriate behavioral boundaries with minors at all times, with the following activities limited or prohibited:

- a) Private personal interactions with minors should be limited. “One on one” interaction between a supervising adult and a minor should generally be avoided when it is not a standard and necessary part of the activity. When it is known that one on one contact between an adult supervisor and a minor is a necessary part of the activity, express written permission should be obtained from the parent or guardian of the minor.
- b) Adult employees shall not enter a bathroom facility, or similar area where privacy is expected without another adult and/or counselor in attendance, other than in emergency circumstances.
- c) Adult employees shall not hit, physically assault, abuse or inappropriately touch children; use language, make suggestions or offer advice that is sexually inappropriate, offensive or abusive; behave in a manner that is sexually provocative; act in ways intended to shame, humiliate, belittle or degrade children; or otherwise perpetrate any form of emotional or physical abuse.

d) Direct and personal electronic communications (including but not limited to email and social media) between an adult supervisor and a minor participant should be limited and should generally not occur without another adult being included in the communication. Electronic communications that are being broadly distributed to a group of program participants do not require another adult being included in the communication.

e) Adult employees shall not have personal and private (one on one) contact with minor participants in Programs for Minors outside of the program. This restriction does not apply to incidental contact in public or to situations where the adult supervisor is invited by the parents or guardian of the minor to participate in an event that includes other adults outside of the program.

f) Adult employees shall not drive minors in the employee's personal vehicle unless specifically authorized in writing by the Program Administrator and the minor's parent or legal guardian, or in emergency circumstances.

g) Adult employees shall not provide alcohol or illegal drugs to any minor and shall take active steps to address the situation if a minor is discovered with alcohol or illegal drugs.

h) Adult employees shall not provide prescription drugs or any medication to a minor unless specifically authorized in writing by the minor's parent or legal guardian, or in emergency circumstances. Adult employees shall take active steps to address the situation if a minor is discovered with prescription drugs or medications that the minor's parent or guardian has not informed the program about and approved.

i) Adult employees shall not make sexual materials in any form available to minors or assist them in any way in gaining access to such materials. Adult employees shall take active steps to address the situation if a minor is discovered in possession of any such materials.

j) Adult employees shall not take photos of Programs for Minors participants that are unrelated to the program on personal cell phones or cameras belonging to the adult supervisor, without the permission of the minor's parent or legal guardian.

## **9. Training of Adult Supervisors involved in Programs for Minors**

a) All adult employees who will have direct, regular and frequent contact with minors as a part of performing their University job or assigned role in connection with a Program for Minors must receive appropriate training with respect to these Minimum Standards and any other expectations of the Division or Department of the University hosting the Programs for Minors.

b) Training must also address the obligations of adult employees to report suspected sexual abuse/molestation, physical or emotional abuse. The training must state that any adult employee who has a reasonable basis to believe that a minor participant is or may be the victim of sexual abuse/molestation or physical or emotional abuse must report that concern as soon as possible to his or her immediate supervisor and/or the program administrator. Alternatively, the employee may report the concern directly to University Security, Human Resources and/or to the Office of Counsel.

## **10. Investigation and Response to Allegations or Concerns of Suspected Sexual Abuse/Molestation or Physical Abuse**

a) Any credible allegation or reasonable concern that an adult employee involved in a Program for Minors may have engaged in conduct with a minor participant inconsistent with these Standards and constituting sexual abuse/molestation, physical or emotional abuse of the minor, should result in the cessation of the employee's involvement with the Programs for Minors and any other University functions requiring direct contact with minors, pending investigation.

b) All allegations, concerns or suspicions about possible sexual abuse/molestation, physical or emotional abuse must undergo a thorough and credible investigation led by a neutral and skilled investigator. The President of the University must be notified promptly and has the authority, which he/she may delegate, to appoint and charge the investigator, to evaluate the results of the investigation, and to determine the outcome of the investigation, subject to oversight by the University Board of Trustees, who the President will inform and consult.



**Questions? Contact the Office of Counsel, Risk Management:**

Spence Studwell

(585) 758-7602 (tel:5857587602)

Also see <http://www.rochester.edu/counsel/programs-for-minors.html> (<http://www.rochester.edu/counsel/programs-for-minors.html>)

**This is a University-wide policy approved by President Joel Seligman June 2013.**

**ABOUT THIS POLICY**

**Policy Applies To**

Faculty, Staff, Student Employees, Volunteers

**Issuing Authority**

Office of the Counsel

**Responsible Officer**

Spencer Studwell

**Contact Information**

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**ADDITIONAL RESOURCES**

**[Programs for Minors \(http://www.rochester.edu/counsel/programs-for-minors.html\)](http://www.rochester.edu/counsel/programs-for-minors.html)**

**POLICY KEYWORDS**

**[Compliance \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=336\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=336)**

**[Conduct \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=346\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=346)**

**[Privacy \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=526\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=526)**

**[Safety \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=586\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=586)**