

 <p>Category: Human Resources</p> <p>Policy applicable for: Faculty/Staff/Student/Volunteers/Third Parties</p>	<p><i>Policy Title:</i> Protection of Minors on Campus</p> <p>Review Date: 8/1/2016</p>	<p><i>Policy Number:</i> 16.19</p> <p>Policy Owner: Sr. VP for Administration and Finance</p> <p>Responsible Office(s): Human Resources Office of General Counsel</p>
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PURPOSE

The university is committed to protecting minors who are participating in programs offered by the university, or in programs operated by outside entities that are held in university facilities. This policy implements safeguards and describes the requirements for those in the university community who work with minors or who sponsor programs involving minors, serves to meet the university's obligations as mandated by law, and provides procedures to facilitate the safest possible experience for minors on the university's campuses.

SCOPE

This policy applies to members of University of Cincinnati faculty, staff, student employees, volunteers, and others who work with minors, paid or unpaid in a program covered by this policy.

I. Definitions

Covered Program means any program, event or activity offered or sponsored by any academic, administrative or athletic unit of the university, or by non-university entities using university facilities, that is designed to include minors and during which parents or guardians are not expected to be responsible for the care, physical custody, or control of their minor.

For purposes of this policy, a Covered Program does not include:

- Scheduled classes or activities designed primarily for enrolled students or students who have been accepted for enrollment;
- Institutional review board (IRB)-approved research;
- Campus visits, orientation programs for freshman or transfer students that do not involve overnight stay;
- Minors employed by the university; or
- Performances, events, or activities otherwise open or available to the general public at large such as, public meetings, campus tours, athletic competitions, and community events.

University Community Member means faculty, staff, students, volunteers, or any other individuals working directly with minors in a Covered Program.

Authorized Adult Supervisor means any adult, age 18 and older, who supervises, or is otherwise responsible for the direct on-site care, physical custody or control of minors in a Covered Program.

Minor means, for the purposes of this policy, any person less than eighteen years of age, or any person under the age of 21 who is incapable of self-care due to a mental or physical disability; and who is not matriculated or enrolled in a degree seeking program or the equivalent.

One-on-One Contact means, for the purposes of this policy, the personal, unsupervised interaction with a minor without at least one other minor, adult, Authorized Adult Supervisor, University Community Member, program staff, parent or legal guardian being present.

II. Types of Abuse

A. Physical abuse is any non-accidental injury inflicted upon a minor, including endangerment of a minor.

B. Sexual abuse is any conduct or contact of a sexual nature that occurs between a minor and another person, including endangerment of a minor. This includes any activity that is meant to arouse or gratify the sexual desires of the other person or minor.

C. Emotional abuse is any behavioral, cognitive, mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development, or psychological functioning, including endangerment.

D. Neglect is the failure to provide for a minor's subsistence, education, medical or surgical treatment or other well-being needs, failure to provide for the minor's special care as may be necessary by his or her mental condition, or the failure to protect a minor from harm.

E. Economic exploitation is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a minor's belongings or money without the consent of the parent or legal guardian of the minor.

III. Supervision of Minors Not Participating in a Covered Program

During activities or visits to the university where minors are not participating in a Covered Program, the parent or legal guardian of a minor shall have primary responsibility for providing appropriate supervision of their minor and are expected to be responsible for the care, physical custody or control of their minor.

IV. Supervision of Minors in a Covered Program

- A.** Minors shall be supervised during Covered Programs. At least one Authorized Adult Supervisor must be responsible for the care, physical custody or control of minors at all times during the duration of a Covered Program. Depending on the age of the minors and the size or scope of the event, supervision by more than one Authorized Adult Supervisor may be necessary. The number of Authorized Adult Supervisor's required shall be determined by taking into account all aspects of the activity, including but not limited to, the age of the participants, the location of the activity and the risks associated with the activity.
1. Directors and supervisors who work directly with minors must receive the required background checks for Authorized Adult Supervisors.
 2. Those who work in a Covered Program but do not interact or work directly with the minors themselves are not considered Authorized Adult Supervisors.
- B.** One-on-one contact with minors is prohibited in Covered Programs except where:
1. A Covered Program involves private instruction (tutoring instruction or similar activities) in which the parent or guardian of the minor has consented in writing to one-on-one contact.
 2. One-on-one contact is essential to the nature of the Covered Program and an exception has been received from the Office of Human Resources in consultation with the Office of the General Counsel and the parent or guardian of the minor has consented in writing to one-on-one contact.
 3. The one-on-one contact involves a parent or guardian of the minor.
 4. The event of an emergency creates a need for one-on-one contact, such as, where a minor may be in the need of medical care or may need to be removed from a dangerous or potentially dangerous situation.
- C.** During circumstances in which one-on-one contact is allowed, Covered Programs should implement guidelines to ensure the safety of the minor. These guidelines should include but are not limited to, providing parents with the option to be present if appropriate, ensuring that the instructor and the minor are in a location where others can see them, or they are in an area that is frequented by others with no expectation of privacy.
- D.** Separate accommodations for adults and minors other than the minor's parent or legal guardian are required during overnight stays.
- E.** Absent an emergency, no adult may enter a minor's room, bathroom or similar facility without being accompanied by an Authorized Adult Supervisor, unless the adult is the parent or guardian of the minor(s) and there are no other minors present in the room. Authorized Adult Supervisors must be accompanied by a University Community Member or another Authorized Adult Supervisor before entering the room of a minor during overnight stays.
- F.** Covered Programs involving residential or overnight stays in university facilities are to have in place and implement procedures for the supervision and protection of minors during their stay in the facility.
- G.** All Covered Programs should have in place and implement procedures for the protection of minors including but not limited to the transportation of minors, access

to and appropriate supervision of minors and the requirement for appropriate forms including permissions forms, medical authorization, emergency medical consent forms, and liability waivers where applicable. Procedures implemented may be more, but not less, restrictive than this policy.

V. Behavioral Expectations

The following behavioral expectations apply to all University Community Members participating in a Covered Program.

Members of the University Community shall at all times:

- A.** Not engage or allow others to engage in abusive conduct of any kind toward, or in the presence of, a minor.
- B.** Not transport minors, except as specifically authorized in writing by the minor's parent or legal guardian. If university vehicles are used for transport, University Community Members are also expected to comply with university policies on the use of university vehicles.
- C.** Not engage in the use of or be under the influence of alcohol, illegal drugs, or any substance that could impair the individual's ability to perform his/her duties during a Covered Program; or allow minors to engage in the use of alcohol or illegal drugs during Covered Programs.
- D.** Not provide alcohol or illegal drugs to a Minor.
- E.** Not possess, have within reach and/or share sexually-oriented or otherwise inappropriate verbal, printed or computerized or portable material (magazines, cards, videos, films, clothing, smartphones, etc.) in any form available to minors participating in a Covered Program covered by this policy or assist them in any way in gaining access to such materials.
- F.** Not shower, bathe, or undress with or in the presence of minors.
- G.** Not engage in private communication not pertaining to Covered Program matters with a minor by email, text or social media.
- H.** Not meet with minors outside of established times for Covered Program activities, except as specifically authorized in writing by the parent or legal guardian of the minor.

VI. Background Checks

- A.** All Authorized Adult Supervisors must have a criminal background check that shall include an Ohio Bureau of Criminal Investigation (BCI) finger print background check and a Federal Bureau of investigation (FBI) national criminal records check.
- B.** Individuals required to be background checked who have a break in service for more than six months must disclose any convictions that occurred during the break prior to commencement of participation in a Covered Program. If a break is longer than six months, individuals required to be background checked must have a new BCI and FBI back ground check before working in a Covered Program.
- C.** Individuals required to be background checked must self-disclose a felony or misdemeanor convictions that occur after hire or within the screening period to

their supervisor within 72 hours of conviction. Notification must be submitted to Human Resources in writing.

- D. Repeated screening will occur every three years for Authorized Adult Supervisors. Programs that are required by law to engage in more frequent screenings must do so.
- E. Covered Programs that have a legal obligation to provide background checks on a broader category of individuals must do so. Covered Programs that desire to, but are not legally obligated to provide background checks on broader categories of individuals have the option of doing so. If a program desires to engage in background checks on broader categories of individuals, those checks must be done under a documented background check program that is consistent across specific positions and approved by the Office of Human Resources.

VII. Training

All Authorized Adult Supervisors must complete university approved training courses and provide a signed acknowledgement of the participation. Trainings may also be provided to a broader category of individuals. Trainings are to cover at a minimum: identifying, preventing and reporting child abuse and sexual misconduct. [Training access can be found here.](#) When registering for training, the university's institution code is: 0494-4261-XY12.

Registration and Reporting Requirements

A. Registration and Exceptions

1. All Covered Programs must register by completing [this form](#) and submitting it to the Office of Human Resources. Where circumstances arise that are not covered by the definition of a Covered Program under this policy a case by case assessment will be made by the Office of Human Resources to determine if the activity is subject to this policy.
2. Exceptions to this policy may be granted, following consultation with the Office of Human Resources and the Office of the General Counsel. If an exception is granted, written parental consent for the parameters applicable to the program must be signed. Exceptions will also be considered on a case by case basis.

B. Reporting

1. All University Community Members participating in a Covered Program or any program involving minors that occur on university campuses who receive information, suspect or know that a minor participating in the program is being or has been abused or neglected must advise their supervisor, the Office of Human Resources and the University of Cincinnati Department of Public Safety promptly. If the report is about a supervisor or administrator, the next level of management and the Office of Human Resources should be contacted. Reports can be made to:

- Chief Human Resources Officer or Senior Director of Labor Relations & Policy Development at (513) 556-0343;
 - University of Cincinnati Department of Public Safety: Non-Emergency 513-556-1111
2. These contacts at UC will follow all applicable internal protocols.
 3. In the event of an emergency, an immediate threat, or if a crime is in progress, **call 911** immediately.
 4. Anonymous Reports can be made by contacting 1-800-889-1547 or online.

C. Mandated Reporter

1. A mandated reporter is someone who is required by law to report if they suspect or know that child abuse is occurring.
2. Ohio mandatory reporters include: attorneys; health care professionals; administrators or employees of child daycare centers, residential camps, child day camps; teachers (including full and part-time faculty members), school employees and school authorities. (Ohio Code § 2151.421).
3. In addition to reporting to UC, mandatory reporters must also report to the Ohio Department of Job and Family Services: 855-O-H-CHILD (855-642-4453)
4. Reports to state authorities in Ohio may be confidential or anonymous. With the exception of laws pertaining to false reports, a person who makes a report of child abuse or neglect to state authorities in good faith is immune from civil or criminal liability. (Ohio Code § 2151.421).
5. UC encourages everyone (even those who are not considered mandatory reporters) to report any suspected abuse or neglect of a minor to the proper authorities—regardless of whether the conduct occurs on or off UC’s property and regardless of whether the conduct involves someone at UC. In addition to notifying the proper authorities, any person who sees or suspects that a minor is being abused must also notify the Office of Human Resources.

VIII. Retaliation

The University prohibits retaliation against any individual who reports a reasonable belief that a minor has been subject to abuse or neglect.

IX. Violations

- A.** Members of the University Community shall not continue to participate in Covered Programs if an allegation of inappropriate conduct has been made against the University Community Member until such allegation has been satisfactorily resolved and future participation is permitted by the university.
- B.** Any University Community Member who violates this policy may be subject to disciplinary action including but not limited to loss of status to participate in the program, student disciplinary action, or termination in accordance with applicable

disciplinary processes, and subject to applicable collective bargaining agreements. UC will fully cooperate with authorities if allegations of abuse are made and investigated.

X. Non-University Entities

Any program designed to include minors operated by non-university entities on university campuses or using university facilities shall meet or exceed the minimum requirements of this Policy. All contracts for the use of university facilities by non-university entities for programs designed to include minors shall reference this Policy and include compliance with this Policy as a term of the contract. When appropriate, such contracts shall also include indemnification provision in which the university is held harmless for the acts and omissions of other program participants or third party employees or agents. Further, such contracts should require adequate limits of insurance and such insurance shall not exclude coverage for sexual abuse and molestation unless, in the sole discretion of the university, evidence of equivalent coverage exists. Verification of compliance with this Policy shall be made available to the university upon request.

In addition to the requirements of this policy, University Community Members must adhere to obligations that may be imposed by applicable law. This policy does not supersede any other legal requirements such as childcare or teacher licensure laws and regulations. This policy is to be used in conjunction with other university policies concerning specific areas involving minors, such as the UC Use of Facilities Policy Manual. UC Organizational units covered programs may institute policies more, but not less, restrictive than this policy (16.19).

Related links:

UC Background Check Policy & Forms

http://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/16_17_pre_empl_criminal_ck.pdf

Ohio Mandatory Reporting

<http://jfs.ohio.gov/ocf/reportchildabuseandneglect.stm>

Anonymous Reporting

<https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html>

Protection of Minors on Campus – Enterprise Risk Management

<http://www.uc.edu/gencounsel/rmi/Training/protection-of-minors.html>

University of Cincinnati-Registration Form

http://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/minor_policy_forms/University_of_Cincinnati-Registration_Form.pdf

FORMS:

The forms below are intended to be used as guidance for programs and activities involving minors sponsored by the University of Cincinnati or on the University campuses. Not all forms may be needed depending on the nature of the event. Depending on the nature and scope of the program or activity additional, updated or program specific forms may be required. If you have any questions regarding these forms, please contact the Office of Human Resources at 513-556-0343.

- [Liability Release Form](#)
- [Media, Photo & Video Release Form](#)
- [Medical Information & Release Form](#)
- [Parent/Guardian Authorization, Waiver and Consent for Self-Administration of Prescription Medication Form](#)
- [Parent/Guardian Authorization, Waiver and Consent for Over-the Counter Medication Form](#)
- [Public Safety BCI/FBI Order Form](#)
- [Public Safety Billing Form](#)

Phone Contacts:

Office of Human Resources	(513)556-0343
Public Safety	(513)556-1111
Office of General Counsel	(513)556-3483