



## **Kutztown University Policy GEN-004**

---

### **PROTECTION-SUPERVISION of MINORS**

Kutztown University will address the appropriate supervision of children under 18 years of age (minors) who are involved in university-sponsored programs or activities held by the university on or off campus, including those activities/events sponsored by an external individual, group or organization located in facilities under the control of the university and its affiliates. .

#### **A. PURPOSE**

This policy applies to all individuals who are employed by or perform services for the University. This policy applies to all programs and activities involving children/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 children/minors. Examples of programs governed by this policy include, but are not limited to: summer camps, specialty camps (e.g., academic camps), outreach activities, workshops, conferences, tutoring, educational 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.

Individuals, groups and organizations will ensure the safety and protection of all children involved, through adherence to the Protection of Minors guidelines outlined in Section 3 and good practices adopted by Kutztown University.

#### **B. SCOPE**

Except for the reporting of child abuse or 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 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 in advance and in writing as exempt from this policy or specific provisions of this policy.

## C. 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, including, but not limited to, foundations, alumni associations, and student associations.

**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 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 23Pa. C. S. § 6303. That definition includes intentionally, knowingly or recklessly causing bodily injury or serious mental injuries to a child, or sexual abuse/sexual exploitation of a child by any act of failure to act; including:

1. **Physical Abuse:** causing bodily injury to a child this including but not limited to: kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the 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:** causing or substantially contributing to a serious mental injury to a child through an act or series of acts or failure to act.
4. **Neglect:** a severe or persistent failure to provide for a child's physical needs.

**Direct Contact:** Providing care, supervision, guidance, or control; or routine interaction with minors.

**Mandated Reporter:** In a situation of suspected child abuse, all Kutztown University administrators, faculty, coaches, staff, student workers, contractors, and volunteers are considered mandated reporters.

**Minor/Child:** Any person under 18 years of age.

**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.

**State System Entity:** One of the Pennsylvania State System of Higher Education universities or the Office of the Chancellor.

**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 and program staff, maintained by Kutztown University Office of Human Resources. An official list of programs involving minors is maintained by the Office of Conference Services.

**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 a Kutztown University, 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.

## **D. POLICY**

### **1. Authorized Adults and Program Registration**

The Office of Human Resources is designated as the office responsible for establishing and maintaining a registry of university authorized adults and program staff. The Office of Conference Services is responsible for establishing and maintaining a registry of all programs involving 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 Kutztown University. Authorized adults or program staff is required to comply with all applicable laws and PASSHE 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 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 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 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 Kutztown 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. If situations arise where one- on-one contact with a minor is unavoidable, it should be with the full knowledge and consent of the event/program director/coordinator and the child's parents. Example:

A child sustains an injury and needs to go to the hospital, or a parent fails to arrive to pick a child up at the end of a session.

- 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.
- o. Under most circumstances, a minimum of 2 adults must be present during all interactions with minors. Whenever practical, follow the two deep rule: two (or more) adults should be present whenever children are involved in activities.
- p. Within the residence halls, adults should not enter a child's room alone or invite children into their room alone. Do not share a room with a child.
- q. Do not shower with a minor.

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

#### **4. Criminal Background Screening**

Criminal background screening for all employees and volunteers of Kutztown University will be conducted consistent with applicable law, Board of Governors Policy 2009-01 (Criminal Background Investigations) and Kutztown University policy A&F-025 (Criminal Background Investigations).

Before being allowed to use or lease Kutztown University facilities, program administrators for non-university sponsored programs, non-university groups or contractors providing services to university programs, and affiliated entities 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, and proof of medical insurance, photo and recording release, and participant code of conduct.

## **6. Training**

### **Training for University Employees**

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 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 allowed to use university facilities.

Training should address the following topics:

- a. Detecting and reporting abuse or neglect.
- 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**

In a situation of suspected child abuse, all members of the university community, 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.

## **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.

## **9. Guidelines for Conducting Virtual Programs for Minors**

Adults should be positive role models for minors, and act in a caring, honest, respectful and responsible manner that is consistent with the mission of Kutztown University. The risks and challenges associated with working with minors in-person are also present when working with minors online. Adults working with minors online must follow these expectations to avoid behaviors that could cause harm or be misinterpreted:

- Do not engage or communicate with minors through email or 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 or activity and the university. When communicating electronically, you must copy another Program Staff member or the minor's parent/guardian.
- Do not wear inappropriate attire when interacting with minors online

- Keep virtual backgrounds (image or video in background) appropriate.
- Limit one-on-one contact in breakout sessions by following the "Rule of Three". Set up any interactions with individual minors to include the minor's parent or guardian or having two authorized adults present for those interactions.
- Be mindful of private chat features available in the virtual platform and disable feature if not absolutely necessary. If the feature must be used for the program, ensure that the parent or guardian is included in each chat or private message when communicating with the minor in this format.
- Only the program facilitator should see the email addresses of the minors participating.
- The event cannot be recorded.
- Ensure that comments or chat features are limited to participants and that the names are not displayed and no personal contact information is being shared.
- Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material (or assist in any way to provide access to such material) with minors.
- Do not engage or allow minors to engage you in romantic or sexual conversations, or related matters.
- Do not be under the influence of alcohol or illegal drugs while interacting with minors online.
- Do not tell a minor "this is just between the two of us," or use similar language that encourages minors to keep secrets from their parent/guardian.
- Be aware of potential for cyber bullying. (For more information on Cyberbullying: <https://www.stopbullying.gov/cyberbullying/prevention>)

Overall, be mindful of appropriate behavior when conducting virtual events sponsored by Kutztown University.

**E. EFFECTIVE DATE**

January 1, 2015; March 18, 2021

**F. APPROVED BY**

Council of Trustees