

Effective: February 19, 2019

Administrative Policy
PROTECTION OF MINORS POLICY

Approved: February 25, 2019
President's Cabinet

- I. **PURPOSE:** This Millersville University policy is intended as a companion policy to the “Policy on Criminal Background Screening” in promoting the safety and security of minors who participate in programs, services and other activities on University campuses and centers. In addition, this policy assures compliance with mandates set forth in Pennsylvania law, policies of the Pennsylvania State System of Higher Education’s PASSHE Board of Governors, and practice and procedures of the Office of the Chancellor, which require the establishment of processes associated with mandated reporters, program registries, training and other proactive risk management considerations associated with the presence of minors in programs at Millersville University.

- II. **SCOPE:** This policy covers all University faculty, administrators, coaches, staff, student employees, summer camp employees, affiliated entities, independent contractors, and volunteers who have direct contact with minors. This policy applies to the noted individuals when they are engaged in University-sponsored and non-University-sponsored programs on the University’s campuses and centers, whether the property is owned or leased by University. In addition to undergraduate studies, examples of programs for minors include, but are not limited to summer camps, specialty academic camps, outreach programs, workshops, conferences, tutoring, educational programs, health-related services clinics, licensed child care facilities and programs, and activities undertaken by affiliated organizations.
 - A. **Exclusions:**
 1. Events on University campuses and centers not subject to this policy are:
 - a. those open to the general public which may be attended by minors at the sole discretion of their parents or legal guardians,
 - b. private events where minors may attend under parental or legal guardians’ supervision, and

c. other programs as may be designated by the President or the President's designee in advance and in writing as exempt from this policy or specific provisions of this policy.

2. Individuals such as temporary guest speakers, presenters, and other individuals who have no direct contact with program participants other than short-term interactions supervised by program staff; and fellow students whose only role is as a participant in education, services, or programs offered, fall outside the purview of this policy.

III. DEFINITIONS:

- A. Affiliated Entities: Foundations and student services organizations typically carrying 501(c)3 status, and are recognized as existing solely for the benefit the University.
- B. Authorized Adults or Program Staff: Individuals performing paid or unpaid services, who may have direct contact, interaction with, treat, supervise, chaperone, or otherwise oversee minors. This includes University faculty, staff, volunteers, graduate and undergraduate students, interns, borrowed employees, and employees of independent contractors. Examples of roles performed by these individuals are: counselors, coaches, instructors, health care providers, and outside providers operating programs in facilities leased from the University.
- C. Child Abuse Reports: A person who is the subject of a "founded" report of child abuse under the Child Protective Services Law is considered a risk by the state for abusing or neglecting children in the future. A person who is the subject of an "indicated" report of child abuse is a less severe status holder, and is considered not a risk for abusing or neglecting children in the future. These determinations are made by the Department of Human Services and other local child welfare authorities after conducting an investigation into an allegation of child abuse.
- D. Child/Minor: A person who has not reached the age of majority (18).
- E. Child Abuse: Defined in the Child Protective Services Law as non-accidental 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**: Behavior causing or failing to prevent a serious physical injury to a child.
 2. **Sexual Abuse**: 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 Physical Abuse**: Actions 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**: Severe or persistent failure to provide for a child's physical, emotional, or basic needs.

- F. Direct Contact with a Minor: The care, supervision, guidance or control of children or routine interaction with children.
- G. Independent Contractor: An employee of a company that provides programs, activities, or services to the University by contracted arrangement that is responsible for the care, supervision, guidance, or control of children.
- H. Mandated Reporter: A person obligated by the Child Protective Services Law and other relevant statutes to report child abuse in situations where there is reasonable cause to suspect child abuse (see definition above). All Millersville University administrators, faculty, coaches, staff, student workers, independent contractors, and volunteers are considered mandatory reports.
- I. One-on-One Contact with a Minor: Individual, unsupervised interaction between an authorized adult or program staff and a child/minor.
- J. Program, Activity or Service: Workshops, camps, conferences, campus visits, and other similar functions offered by academic or administrative units of the University, or by non-University groups using University facilities, where parents or legal guardians are not responsible for the care, custody, supervision or control of their children/minors.
- K. Program Administrator: The person who is primarily accountable for and has direct, operational responsibility for managing a program.
- L. Registry: An official record of authorized adults or programs.
- M. Reportable Offense: Any of the enumerated criminal offenses listed in Section IV.C.1. of this policy.
- N. Sponsoring Unit: The academic or administrative unit at Millersville that offers a program or grants approval for the use of University facilities by a third party.
- O. State System Entity: The University or any member institution of the Pennsylvania State System of Higher Education or the Office of the Chancellor for the State System.
- P. University Facilities: Facilities owned, leased, or otherwise under the control of the University. Examples include indoor or outdoor spaces used for education, athletics, dining, recreation, and housing owned by the University or managed by a University-affiliated entity.
- Q. University-Sponsored Programs: Registered programs managed directly by University faculty or staff, or by affiliated entities on behalf of the University.

- R. Non-University-Sponsored Programs: Programs not operated on behalf of the University, nor under the University's control.
- S. Volunteer: Any individual authorized by the President or his or her designee, who provides services to the University without remuneration from the University.

IV. **Policy**: Millersville University sets forth the following policy to satisfy the purpose of promoting the safety and security of the campus community through responsible administration of effective risk management processes designed to identify programs involving minors, register them and their staffs, and establish responsible parameters within which they can operate in accord with the 2014 amendments to Acts 33 and 153; and the Pennsylvania State System of Higher Education's Board of Governors' Policy 2009-01, relating to Criminal Background Investigations, Mandatory reports of child abuse, and Policy 2014-01-A, relating to Protection of Minors:

- A. Mandated Reporters: All University employees, including student workers and summer camp employees, as well as independent contractors and volunteers, are "mandated reporters" for reporting of suspected child abuse. All mandated reporters must make an immediate report of suspected child abuse or cause a report to be made, under the following circumstances: 1) when the mandated reporter has directly observed an act that he or she objectively believes was child abuse; 2) when a mandated reporter has received a credible report of suspected child abuse from another person who has directly observed the act; 3) when a child/minor makes a disclosure to the mandated reporter that he or she has been a victim of child abuse; or 4) when a person fourteen (14) years of age or older makes a disclosure to the mandated reporter that he or she has committed an act of child abuse. The actual identity of the alleged victim need not be known by the mandated reporter when making a report.
- B. Mandated Reporter Reporting Requirements: Mandated reporters are required by law and by Board of Governors' policy to immediately make an oral report of the suspected child abuse to the Pennsylvania Department of Human Services (DHS). Oral reports may be filed with DHS by calling 1-800-932-0313; or electronically, by going to www.compass.state.pa.us/cwis. Immediately after reporting a case of suspected child abuse to DHS, the mandated reporter must also report the suspected child abuse to the Millersville University Police Department by calling 717-871-4357 or making the report in person. Independent of these obligations, the mandated reporter must also report the suspected abuse to the University division head with senior administrative responsibility for the program or facility where the suspected abuse occurred, immediately after reporting it to the Millersville University Police Department.
- C. Self-Reporting of Arrests and Convictions: All employees, including student workers and summer camp employees, volunteers, program administrators must provide written notice to the Chief Human Resources

Officer if they or an authorized adult or program staff are arrested or convicted of an offense that would constitute grounds for denial of employment or volunteer status, or participation in a program involving minors. This notification requirement also exists for all employees, volunteers, program administrators, authorized adults and program staff named as a perpetrator in a founded or indicated report of child abuse or listing in a statewide child abuse database; and for all employees charged with or convicted of felony violations of Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act of 1972. **Written notice shall be provided within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator.**

1. **Specific Reportable Title 18, Pennsylvania Crimes Code (2010) Violations Which, By Their Nature, Constitute Immediate Disqualification From University Employment under Pennsylvania's Child Protective Services Act.**

- criminal homicide (Chapter 25)
- aggravated assault (Section 2702)
- stalking (Section 2709.1)
- kidnapping (Section 2901)
- unlawful restraint (Section 2902)
- rape (Section 3121)
- statutory sexual assault (Section 3122.1)
- involuntary deviate sexual intercourse (Section 3123)
- sexual assault (Section 3124.1)
- aggravated indecent assault (Section 3125)
- indecent assault (Section 3126)
- indecent exposure (Section 3127)
- incest (Section 4302)
- concealing the death of a child (Section 4303)
- endangering the welfare of children (Section 4304)
- dealing in infant children (Section 4305) (trading, bartering, or selling infant children)
- prostitution and related offenses [Section 5902(b)]
- dissemination of obscene and other sexual materials to minors and performances [Section 5903© and (d)]
- corruption of minors (Section 6301)
- sexual abuse of children (Section 6312)

D. Circumstances When the University May Require Ad Hoc Criminal Background Screening of Employees or Volunteers: If the Program Administrator, in consultation with Millersville University Office of Human Resources, and the Millersville University Police Department, has formed an objective belief that an employee or volunteer: 1) may have been arrested or convicted of an enumerated, reportable offense listed in Section IV.C.1. of this policy; 2) may have been named as a perpetrator in a founded or indicated report of child abuse; or 3) has self-disclosed activities to the University that might be sufficient to deny employment or volunteer service, the employee or volunteer will be required to

immediately submit to a new criminal background screening in accordance with standards set forth in the University's "Policy on Employee Criminal Background Screening".

- E. Registration of Programs and Authorized Adults for Programs Involving Minors: The University is required to establish and maintain a registry for all programs specifically geared towards minors. This includes the collection of information on all authorized adults and all program staff involved in those programs. The programs and all individuals involved in the program must be registered with and approved by the University office assigned to maintain program registries no later than thirty (30) days before the program start date.
- F. Program Registration Planning and Evaluation Criteria: Program planners and the office authorized to approve registrations for programs involving minors on campus must review the following critical aspects of these programs as part of the registration planning and evaluation process:
- How are authorized adults and program staff's identities verified? What process is used to screen applicants for suitability and to select them, including what specific types and frequency of criminal background check are conducted?
 - What is the content of training that authorized adults and program staff receive prior to participation in their program?
 - What is the ratio of authorized adults and program staff to participants in the program?
 - What is the extent of safety and security planning that has taken place for the program?
 - What pre-participation requirements must program participants satisfy before being accepted into the program?
 - How will participants be transported to and from the program, if applicable?
 - What are the housing arrangements for participants, if applicable?
 - What emergency response protocols will be used for participant injuries and illnesses on-site during the program?
 - What administrative protocols will be used for responding to accusations of misconduct made against authorized adults, program staff or program participants during the program?
 - What is the content of program orientation materials and other pre-program information and is it sufficient for program participants and their parents?
 - Does the program have a certificate of liability insurance, including personal injury liability limits?
 - What is the program's policy or practice on program's records retention?
- G. Code of Conduct for Authorized Adults and Program Staff in Programs Involving Minors: In accordance with Board of Governor's Policy 2014-

01-A, “*Protection of Minors*”, authorized adults and program staff in programs involving minors are expected to be positive role models and act in a responsible manner toward and around minor program participants. Authorized adults and program staff must comply with the Code of Conduct articulated with Section IV.G.1. of this policy, as well as all applicable University and Board of Governors’ policies, and relevant state and federal laws.

1. Authorized Adults and Program Staff Code of Conduct relating to

Minors: The conduct of program administrators, authorized adults and program staff working in programs involving minors can inspire and motivate minor participants with whom they interact. If those interactions are inappropriate, it can also cause great harm to minor participants. It behooves all persons working with minors to recognize our own and others’ vulnerability, and to acknowledge and practice personal responsibility at all times for maintaining clear physical, emotional, and sexual boundaries in the work. The University expects that program administrators will manage programs involving minors so as to fully support the Code of Conduct covered in this policy section, and administer programs in ways that do not tax authorized adults’ and program staff’s ability to operate within the code. While some of the code may seem obvious, and other aspects of it may seem patronizing on its face, it is essential that all individuals working in programs involving minors have a common, uniform understanding of the University’s and the Pennsylvania State System of Higher Education’s expectations relative to conduct. The University and the State System further expect that authorized adults or program staff failing to abide by the Code of Conduct will be removed from their program immediately by the Program Administrator. Program administrators should review the Code of Conduct with all employees or volunteers prior to the program. Failure of program administrators to enforce the Code of Conduct may also lead to suspension or termination of the program’s ability to use the University facility. Any violations of the Code of Conduct should be reported to the program administrator. Authorized adults and program staff working in programs covered by this policy must follow these expectations:

- a. Avoid making sexual comments or jokes to minors, sharing or facilitating access to sexually explicit material with minors, or engaging in behavior which could be objectively construed as sexual in nature with minors.
- b. Refrain from engaging minors in conversations that could compromise the role as authorized adults or program staff. Examples of subject matter that should be avoided includes sharing highly personal or otherwise sensitive information about one’s self, such as personal financial or workplace challenges, past drug or alcohol use, and personal romantic relationships.

- c. Physical contact with a minor program participant 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. If a minor resists or objects to being touched the minor's wishes should be respected. Physical restraint of a minor should only be used if required by a Program Administrator and only as a last resort to protect a minor or other minors from physical harm.
- d. When speaking to minors, language that could be taken or misconstrued as demeaning, intimidating, or bullying should be avoided; exploitative or otherwise abusive language should also be avoided.
- e. Rely on group and supervised settings for contact with minors, as opposed to one-on-one settings. If unsupervised one-on-one settings are required in certain situations, good judgment in choosing the location and duration of the one-on-one setting is essential.
- f. When transporting minors in a vehicle, always have at least two authorized adults or program staff present in the vehicle.
- g. Inviting minor program participants to your home or other non-public locations, or meeting with minor participants outside of program hours should also be avoided.
- h. Gifts should never be given to minor program participants or their families, as they may be viewed as inducement.
- i. Refrain from bringing alcohol or controlled substances to University premises, reporting for work in a program while under the influence of alcohol or controlled substances. Never provide alcohol or controlled substances to minors.
- j. Refrain from providing or offering to provide medications, including both prescription and over-the-counter medications to minors participating in programs unless authorized by the Program Administrator in accordance with the programs medication management guidelines.

H. Training requirements for Authorized Adults and Program Staff for Programs Involving Minors: Safety and security training is required for all authorized adults and program staff. Documentation of satisfactory

completion of these training requirements must be maintained by program administrators for each program, and these records must be available for inspection by the University office responsible for program registrations upon request. Program administrators of non-University-sponsored programs or non-University groups must certify that all authorized adults and program staff have satisfactorily completed these training requirements prior to use of University facilities. These PASSHE Board of Governors' policy training requirements for programs involving minors include:

- detecting and reporting child abuse
- first Aid/CPR and medication management
- managing participant behavior and participant disciplinary procedures
- authorized adult and program staff code of conduct
- sexual harassment and other forms of unlawful discrimination
- participant safety and security protocols
- crime reporting procedures

- I. Facilities Use Agreements relating to Programs Involving Minors: All University facilities lease agreements with third parties for programs involving minors must reference, as a condition of the use, the program sponsor's understanding and acceptance that it will comply with all relevant aspects of this policy as a condition of use of the University facility. Failure to abide by the conditions of use are grounds for cancellation of the facilities use agreement by the University.
- J. Interpretation: The Executive Director of Human Resources is responsible for implementing the provisions of this policy and is responsible for interpreting this policy.
- K. Authorities: Board of Governors' Policy 2014-01-A: 'Protection of Minors'; Pennsylvania Act 33 and 153 of 2014, amending the Child Protective Services Law; Title 18 of the Pennsylvania Crimes Code, as amended; and the Pennsylvania Controlled Substances, Drugs, Device and Cosmetic Act of 1972.

* Modified from West Chester University's Protection of Minors Policy