

Minors on Campus

POLICY No.:

Responsible Executive: VP, Finance

Responsible Office: Risk & Compliance

Effective: October 29, 2014

Revised: March 1, 2017

PURPOSE

To provide guidelines for appropriate protection and supervision of minors participating in University-sponsored programs, in programs operated by outside entities held at University facilities, and/or programs and activities housed in University facilities in which minors will be physically present and/or participating.

SCOPE

All programs, camps and activities that involve the participation of minors fall under the scope of this Policy, including: programs operated by the university or third-party entities, programs taking place on campus and programs under the direction and authority of the university at locations off campus. This policy applies to programs whether they are limited to daily activities or involve overnight accommodations of minors in University residence halls.

DEFINITIONS

Background Check - According to Act 153 of 2014 (Criminal Background Checks for School Employees), any school employee (18 years of age or older) or Volunteer direct contact with a minor are required to provide proof of the following clearances:

- 1) a Pennsylvania State Police criminal background check;
- 2) a certification from the Department of Public Welfare as to whether the applicant is named in the statewide database as an alleged perpetrator in a pending, indicated or founded child abuse investigation; and
- 3) a report of the Federal Criminal History Record Information obtained by the submission of a full set of fingerprints to the Pa. State Police for the purpose of a record check.

Care, Custody and Control - In the absence of a parent/guardian and for the purpose of this policy, Program Staff will be considered to have care, custody and control of a minor when the individual19d ay9W*

Minor A person under the age of eighteen (18). This term shall not apply to:
A. Prospective students visiting a campus operated by the University; or
B. Matriculated students who are enrolled with the University.

Minor Supervision Ratio - In accordance with the American Camp Association, the ratio of program staff to program participants must reflect the gender distribution of the participants, and should, at a minimum, meet the following:

Standards for day program are:

- One Program Staff for every six minors ages 4 and 5
- One Program Staff for every eight minors ages 6 to 8
- One Program Staff for every ten minors ages 9 to 14
- One Program Staff for every twelve minors ages 15 to 17

Standards for resident (overnight) programs are:

- One Program Staff for every five minors ages 4 and 5
- One Program Staff for every six minors ages 6 to 8
- One Program Staff for every eight minors ages 9 to 14
- One Program Staff for every ten minors ages 15 to 17

One-On-One Contact Interaction between any Program Staff and a minor without at least one other Program Staff, Parent or Legal Guardian present. One-on-one interactions are prohibited unless authorized by the Program Director. Approved one-on-one interactions may only take place in open, well-illuminated spaces or rooms observable by other adults from the activity or program with minors.

Parent(s) or Legal Guardian(s) - Although a parent or legal guardian may supervise their own minor children and their guests who are Minors while visiting the campus or using campus facilities, a parent or legal guardian may not act as Program Staff in a Program (including one in which his or her Minor participates) unless they are in compliance with the requirements outlined within this policy.

Programs Programs, camps, services and activities which are approved by the University and offered by any academic or administrative unit of the University, or by non-University groups using University facilities.

Program Director An Individual (employee, student, third party, etc.) responsible for the program. G[(m)-6(0.00000912 0 612

Upon receipt of a report of suspected abuse, Public Safety will immediately notify the Vice President, Finance & General Counsel and the Chief Risk and Compliance Officer. Within 48 hours, Public Safety will make a written report on forms provided by the Pennsylvania Department of Public Welfare to the county agency with jurisdiction in the County where the suspected child

recommendation as to any sanction which should be imposed, up to and including dismissal.

h. _____ the Wilkes-Barre Police Department or other governmental agency.

- b. If the alleged abuser is not employed by or enrolled as a student of the University but the alleged abuse happened on campus or on property owned or leased by the University, in addition to the above procedures, the Director of Public Safety:
- a. May request the outcome of the investigation.
 - b. May, if the alleged abuser is present on the campus as a result of working for someone or some entity with authorization to be on campus, notify that person or entity of the allegations.
 - c. Will (if the investigation confirms that the abuse occurred)

employed of the results of the investigation and the permanent ban of the alleged abuser from campus.

III. Program Requirements

All Programs covered by this Policy must meet the following requirements:

A. Program Registration and Documentation

The Program Director must submit an approved Program Registration/Approval Form to the Office of Risk & Compliance Management no less than forty-five (45) days prior to the start date of the Program. Failure to register will result in denial of the Program. Based on the registration and other relevant information, the University may refuse to participate in or make University property or facilities available for the Program.

If the registration information changes before or during the Program, the Program Director, or his or her designee, must immediately notify the Office of Risk & Compliance Management of any such changes via telephone or email.

After registration of the program, the Program Director must provide a list of all program participants and a directory of program staff to the Office of Risk & Compliance Management prior to the start of the program :

- Name;
- Campus Housing room assignment (if applicable);
- Gender;
- Age;
- Name(s) of parent(s) or legal guardian(s); and
- Emergency contact information, including cell phone number(s).

Program Director must obtain the following forms from _____ parent/legal guardian as part of the program registration process (Alternate forms may be approved by the Chief Risk & Compliance Officer):

- Release of Liability Form
- Media, Photo & Video Release Form
- Medical Information and Release Form
- Self-Administration of Prescription Medication Form
- Certificate of Insurance (Non-University Sponsors) &

All data collected shall be strictly confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.

B. Criminal Background Check Requirement

Pennsylvania Child Protective Services Act (Act 153 of 2014) requires all school employees and volunteers who have direct, routine contact with minors be background screened every five (5) years. The law now excludes from the background check the requirement that employees at institutions of higher education whose direct contact with children (defined as under 18 years of age), in the course of employment, is limited to either:

1. Prospective students visiting a campus; or
2. matriculated students who are enrolled at the institution.

Effective December 31, 2014, all new employees not excluded above, are required to obtain three Pennsylvania clearances listed as follows:

Pennsylvania State Police Criminal Record Check (PATCH);
Pennsylvania Dept. of Human Services Child Abuse History Clearance; and
FBI Federal Criminal History Record Information (Fingerprinting)

Additionally, all Program Staff who will stay overnight with minors must have a background investigation prior to the event. It is the responsibility of the Program Director to ensure these investigations are completed prior to the start of the program.

The Department of Human Resources will coordinate and maintain a roster of University employees who have been cleared to participate and the dates on which a new background check will be required. The cost for individuals other than faculty/staff/students/volunteers will be the responsibility of the individual.

Clearances are not transferrable for employment purposes. New clearances are required for individuals who previously obtained clearances for another organization (i.e., an individual with clearances for working or volunteering with a school district could not use those clearances for purposes of working at Wilkes University).

or conviction of one or more of the following offenses, the Program Director will be notified that the person is not eligible to participate as program staff:

- Any sexual offense;
- Any offense against children, including but not limited to child abuse, child sexual abuse, or other crime involving the endangerment of a minor;
- Battery or assault, including but not limited to domestic violence related offenses;
- Any drug distribution offense or felony drug possession;
- Homicide;
- Kidnapping; or
- Any other felony or crime involving moral turpitude.

If other offenses are revealed by such a background investigation, a decision not to permit an individual to participate in a program or activity covered by this Policy will be made by will be made by the appropriate Vice President(s), in consultation with others including the Director of Public Safety, the Office of Compliance & Risk Management, and the Office of Human Resources as needed.

E.

The following measures to address medical & emergency situations involving minors applies to all programs:

Program Directors must arrange for access to emergency medical services at all locations used by the program. Medical care appropriate for the nature of the events, expected attendance and other variables should be taken into consideration when arranging for emergency medical services. Consultation may be obtained from Wilkes University Health and Wellness Services.

Wilkes University employees MAY NOT administer or distribute medication to any minor participant.

Incident/Accident Report Forms should be completed as soon as possible after the occurrence and submitted to the Office of Risk & Compliance Management.

H. Rules and Disciplinary Measures

Program Director will make available to participants the rules and disciplinary measures Services.

- vi. Obtain a recent photograph of the child
3. The program roster is checked by the Program Director to make sure no other child has also gone astray.
 4. Once the child has been found, a full written report of the incident shall be prepared, and an investigation into the incident will be carried out by the Department of Public Safety. The incident report will detail:
 - a. The date and time of the incident.
 - b. Program staff/participants in the group where the missing child belonged.
 - c. When the missing child was last seen.
 - d. The estimated time that the child went missing.
 - e.

EXCEPTIONS

Exceptions to this policy include: (1) events on campus which are open to the general public and which minors attend at the sole discretion of their parents or guardians; (2) campus tours, orientations or visits by minors considered to be prospective students; and (3) other programs as may be designated from time to time by the appropriate university official in advance and in writing as exempted from this policy.

FORMS

Program Registration/Approval Form, Program Staff Code of Conduct, Release of Liability Form, Media Photo & Video Release Form, Medical Information & Release Form, Self-Administration of Prescription Medication Form, Incident/Accident Report Form, Third Party Non-University Sponsor Certification Form, Unpaid Volunteer Affidavit

