



Ohio Administrative Code

Rule 3342-5-19 University policy regarding on-campus activities involving minors.

Effective: March 1, 2015

(A) Policy statement. It is the policy of Kent state university that these measures and procedures are implemented for the protection of minors participating in programs that occur on its campuses and programs under the control or direction of the university personnel. The purpose of this policy is to describe the requirements placed on university personnel and other authorized adults working with minors to ensure their protection and to fulfill the universitys obligations as mandated by law and to provide for the best possible experience for any minor visiting our campuses for a covered program.

(B) Definitions.

(1) Minors. For the purposes of this policy, a "minor" is a person under the age of eighteen who is participating in programs that occur on Kent state university campuses and programs under the control or direction of the university personnel but is not enrolled or accepted for enrollment in credit-bearing courses at the university.

(2) Authorized adult. For the purposes of this policy, an "authorized adult" means any individual, paid or unpaid, who interacts with, supervises, chaperones, accompanies or otherwise oversees minors at Kent state university sponsored programs, affiliated activities, camps and/or residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies and independent contractors and consultants.

(3) Parent(s) and/or legal guardian(s). Although a parent and/or legal guardian may supervise their own minor children and their guest who are minors while visiting the campus or using campus facilities, a parent and/or legal guardian may not act as an authorized adult in a program (including one in which his or her minor participates) unless they are in compliance with the requirements outlined under this policy.

(4) Program administrator. For the purposes of this policy, a "program administrator" is a university



individual or contractor approved and designated by the appropriate authority designated to coordinate, plan, implement and or commit the use of university facilities for the program.

(5) Covered program. For the purposes of this policy, a "covered program" is any university-sponsored day camp, overnight camp, university recruiting camp or any other university-sponsored program or activity that serves or includes minors taking place on campus or university sponsored activities taking place off campus.

For the purposes of this policy, a covered program does not include a program where the university is acting as host to a third-party, herein referred to as a "university-hosted" program. Furthermore, a covered program does not include programs otherwise open or available to the public at large such as campus tours, athletic contests, community events, etc.

(6) Endangerment. For the purposes of this policy, "endangerment" is the act of creating a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support.

(7) Sexual conduct. For the purposes of this policy, "sexual conduct" will refer to any definition or term provided for in section 2907.01 of the Revised Code.

(8) Sexual contact. For the purposes of this policy, "sexual contact" will refer to any definition or term provided for in section 2907.01 of the Revised Code.

(9) Sexual activity. For the purposes of this policy, "sexual activity" will refer to any definition or term provided for in section 2907.01 of the Revised Code.

(10) One on one. For the purposes of this policy, "one on one" shall mean the personal, unsupervised interaction between any authorized adult who is not a licensed medical practitioner providing professional services with a participant without at least one other authorized adult, parent and/or legal guardian being present.

(C) Scope.

(1) This policy applies to members of Kent state university faculty, staff, student employees,



volunteers, and others engaged in a covered program.

(2) This policy does not apply to the child development center, which is a program independently operated by the university and whose continuous operation is subject to federal and state compliance and accreditation standards.

(D) Prohibited activity.

Authorized adults shall not:

(1) Have one on one contact with minors, where possible. If one on one contact is needed, there must be one other authorized adult within view of the authorized adult and minor, unless an exception is approved by the program administrator with such exception documented in writing;

(2) Engage in one on one communication with minors including but not limited to email, text messages, social networking, websites, internet chat rooms, or other forms of social media at any time except and unless there is a clear educational or university-related purpose;

(3) Engage in abusive conduct of any kind toward, or in the presence of a minor;

(4) Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor;

(5) Pick up minors or drop off minors from their homes, other than the drivers child or children, or in instances when the driver has direct parental consent to transport the child of a neighbor or friend;

(6) Engage in the use of alcohol or illegal drugs or be under the influence of alcohol or illegal drugs during such programs or activities;

(7) Make pornography in any form available to minors or assist minors in any way to gaining access to pornography; or

(8) Engage in any other action or activity deemed by the university through other rules, regulations,



or guidance to be prohibited.

(E) Implementation.

(1) All programs for minors or with minors in attendance must, at a minimum, have the following procedures in place or be in compliance with the standards set forth prior to the commencement of the covered program:

(a) Staffing. The program administrator shall be responsible for overseeing the selection of staffing for all covered programs. The program administrator shall assign a university employee who is at least twenty-one years of age to be accessible to participants at all times. Other staffing assignments for the covered program should be made to ensure one-on-one contact between authorized adults and minors does not occur and that appropriate levels of supervision are implemented at all times.

(b) Background check.

(i) Each authorized adult who is a university faculty, staff or student employee must complete a BCI (bureau of criminal investigation) background check or otherwise have a background check on file completed within four years preceding the commencement of the program. Out of state employees must complete a FBI background check within the last two years preceding the commencement of the program.

All university faculty, staff or student employees who have a break in service with the university for any period of time must have a new BCI background check upon rehire. An FBI check must be completed if the person lived out of state during the break in service.

(ii) Each authorized adult who is a volunteer or non-university participant must complete a BCI (bureau of criminal investigation) background check or otherwise have a background check on file completed within two years preceding the commencement of the program. Out of state employees must have a completed FBI background check within the last two years preceding the commencement of the program.

(iii) All persons working with minors must be checked against the national sex offender registry.



(iv) All persons must self-disclose felony or misdemeanor convictions that occur after hire within three days of pleading guilty or being convicted.

(v) All persons who have failed a BCI background check or have pending charges for a sex-related offense or crime against a minor, or who appear on the national sex offender registry shall not be permitted to take part in any Kent state university program pertaining to minors or involving minors in any capacity.

(c) Training. All authorized adults who will be working with minors shall complete annual mandatory training prior to the commencement of the program. Such training shall include, but is not limited to, the following topics:

(i) The requirements of this policy;

(ii) Basic warning signs of abuse or neglect or minors;

(iii) Guidelines for protecting minors from emotional and physical abuse and neglect;

(iv) Inappropriate behavior with minors;

(v) Ohio reporting requirements and procedures; and

(vi) Other appropriate topics as determined by the program administrator.

(d) Ratio. At all times, each program eligible under this policy shall meet or exceed the following ratios for authorized adults to participating minors:

(i) For overnight covered programs:

(a) One staff member for every five campers ages four and five;

(b) One staff member for every six campers ages six to eight;



- (c) One staff member for every eight campers ages nine to fourteen;
 - (d) One staff member for every ten campers ages fifteen to seventeen.
- (ii) For day covered programs:
- (a) One staff member for every six campers ages four and five;
 - (b) One staff member for every eight campers ages six to eight;
 - (c) One staff member for every ten campers ages nine to fourteen;
 - (d) One staff member for every twelve campers ages fifteen to seventeen.
- (e) Required documentation.
- (i) In all covered programs, the parent and/or guardian of the minor shall execute all relevant forms and releases as may be required by the particular program prior to eligibility for participation. Failure by the parent and/or guardian or participating minor to execute all required forms shall immediately render the minor ineligible for participation.
 - (ii) All authorized adults participating in the covered program must complete all requirement materials and agreements prior to commencement of the program. Failure to complete all forms shall immediately render the authorized adult ineligible for participation.
- (f) Communication and notification procedures.

The program administrator shall establish appropriate procedures for the notification of the minors parent or legal guardian in case of an emergency, including medical or behavioral problem, natural disaster, or other significant programmatic disruption. Authorized adults with the program, as well as participants and their parents and legal guardians must be advised of this procedure in writing prior to the participation of the minors in the program.



(2) Unsupervised minors prohibited. Minors participating in a covered program or university-hosted programs are not permitted to be unescorted or unsupervised while on university property, and must be supervised at all times by a responsible adult directly involved with such program.

(3) Program registration.

The program administrator must:

(a) Register the covered program with the office of risk management and compliance no later than sixty days prior to the first scheduled date of the participation of minors in any activity, program or classes or as soon as the program leader or sponsoring unit is aware that minors may be in attendance. Failure to properly register a covered program may result in the delay or cancellation of the program by the university.

(b) Register the name of all authorized adults working directly with minors and review and verify all background checks provided for under this policy.

(c) Organize training opportunities for each authorized adults to familiarize the adults with the provision of this policy. No person shall be approved without signature stating agreement and understanding of the measures and procedures of this policy and all other Kent state university policies that might apply.

(4) Final authority. At all times, the program administrator or other authorized university authority may bar any authorized adult, participant, or other attendee from its premises for reasons including but not limited to misconduct or endangerment.

(5) Retention of records. All records collected during the administration of each program (including, but not limited to, application forms, background checks, releases, medical forms) shall be kept in accordance with established university record retention schedules. The department or office under which the program administrator serves shares equal responsibility with the program administrator for the retention of records.



(6) Reporting.

(a) If the program administrator or any other authorized adult or participants knows or has reasonable cause to know that a minor has suffered or faces the threat of sexual contact, sexual conduct or sexual activity or endangerment, the individual must immediately report such knowledge to:

(i) The Kent state university police department

(ii) The city of Kent police department;

(iii) The Portage county sheriffs department; or

(iv) Any other local or state public services agency.

(b) Reports can be made anonymously.

(c) Any individual who is suspected or alleged to have engaged in abuse under this policy shall be immediately suspended from participation with the covered program without exception.

(F) Violations.

(1) All persons who violate this policy will be held accountable for their actions as follows:

(a) Students will be subject to the code of student conduct as found in rules 3342-4-02, 3342-4-02.1, and 3342-4-02.101 of this Administrative Code.

(b) Faculty, staff and student employees are subject to disciplinary action up to and including termination, and in accordance with applicable disciplinary processes.

(c) Volunteers are subject to loss of volunteer status.

(2) Any individual found in violation of this policy may also be subject to inquiry or investigation by local, state or federal authorities.