

3364-10-17 Minors on campus.**(A) Policy statement**

The university seeks to promote the safety and welfare of minors who participate in university youth programs.

(B) Purpose of policy

This policy describes the requirements placed on units offering university youth programs, requirements placed on all faculty, staff, or volunteers working with the youth program. This policy also informs all university community members about required reporting relating to known or suspected abuse or neglect of minors.

(C) Scope

This policy applies to all university faculty, staff, students, volunteers or others working in a university youth program. Paragraph (E)(8) in this policy regarding mandatory reporting applies to all university employees, regardless of their association with a university youth program or not.

(D) Definitions

Minor: an individual under the age of eighteen.

Faculty, staff, or volunteer: any person who is employed by, contracted by, or has volunteered for the university to serve or work in a university youth program.

Participant: any minor participating in a university youth program.

Unit: any academic, administrative, athletic, or other college, school, program, department, division, office, or other part of the university.

University youth program: any program, event, operation, endeavor, or activity offered, operated, conducted, or organized by any university unit, faculty or staff member, or volunteer that includes minors, including but not limited to lessons, tutoring, advising, work in a lab, shadowing an individual on campus, camp, or other opportunity regardless of the duration and regardless of the source of funding for the program. This excludes:

- (1) Events in which parents, guardians, or other adult chaperones are in attendance and are responsible for the care, custody, and control of their minor(s);
 - (2) Events that are open to the general public;
 - (3) University students hosting siblings or other family members during “family weekend”;
 - (4) Rocket launch days for newly admitted students;
 - (5) Campus visits where minors “shadow” a university student, take a facility tour, or participate in an event for admitted students.
 - (6) Medical care provided in an inpatient or outpatient setting governed by university of Toledo medical center (“UTMC”) policies;
 - (7) Institutional review board (“IRB”)-approved research;
 - (8) Regularly-scheduled university-level courses offered as part of the university’s standard curriculum in which minor students are enrolled and attending, including but not limited to students participating in college credit plus.
 - (9) Events that occur at university facilities but are offered, operated, conducted, or organized by an entity other than the university. For these events, the sponsor must certify to the university that all faculty, staff, or volunteers for their program have been criminal background checked and meet the university’s requirements for background checks, are trained, and the university must be named in the third party’s insurance.
- (E) Requirements
- (1) Before a university youth program is to begin, the unit must submit to risk management information to risk management about the scope, type of activities, and anticipated age of minors who will attend.

Additionally the unit must develop materials and procedures to be shared with the parent/legal guardian of participants before or on the first day of the university youth program. These must include at minimum:

- (a) Information on how requests for accommodation may be made by or on behalf of participants with disabilities;
 - (b) Procedures for notifying a minor's parent or legal guardian in case of emergency, including medical or behavioral situations;
 - (c) Information for parents/legal guardians on how to contact the minor during the program;
 - (d) University youth program rules, including conduct expectations for participants in the program;
 - (e) Process to be followed if a participant is alleged to have violated university policies or conduct rules of the youth program, including the process for dismissal from the program;
 - (f) A description of the process to be used for the parent, legal guardian, or other approved adult to pick up the participant if the participant at the conclusion of the day or program or when the participant is dismissed from the program early;
 - (g) Copies of and evidence of compliance with any additional requirements imposed by a sponsoring or affiliated entity.
- (2) Copies of forms that will be used.
 - (3) Housing procedures (if applicable)
 - (4) Faculty, staff, or volunteer requirements. At least five days before a university youth program is to begin, the unit must submit to risk management the following:
 - (a) Background check. Confirmation that all faculty, staff, or volunteers passed a background check meeting the requirements of paragraph (E)(9) of this policy.
 - (b) Training. Confirmation that the university's ~~department of athletics' protecting youth at rockets sports camps training or~~ "protecting children: identifying and reporting sexual misconduct" ~~online learning program training~~ <https://www.edurisksolutions.org/learn-to-protect-children/>

was completed by all faculty, staff, or volunteers within the twelve months preceding the university youth program, including copies of all certificates of completion for each faculty, staff, or volunteers.

- (c) Rules. Signed confirmation that each faculty, staff, or volunteer received a copy of, acknowledged, and agreed to comply with and enforce, within the twelve months preceding the university youth program:
 - (i) The university youth program's rules for participants,
 - (ii) The rules for university youth program faculty, staff or, volunteer conduct,
 - (iii) Emergency procedures,
 - (iv) Reporting obligations.

- (5) Participant requirements. On or before a minor begins participation in a university youth program, the minor's parent or legal guardian must have completed in their entirety all forms required by the unit and university. Risk management shall hold these forms in a central repository for all applicable youth programs. At minimum these will include:
 - (a) Medical authorization.
 - (b) Form authorizing or denying permission to use images of the participant in media and/or advertising.
 - (c) Information and consent form (parent/guardian contact, emergency contact).
 - (d) Signed acknowledgement of receipt of program rules (if applicable) and contact persons.
 - (e) A list of adult persons authorized to pick up the participants.
 - (f) If there are athletic activities involved, then the Ohio department of health's concussion and head injury information sheet must be provided to the parent or legal guardian of the

minor. The parent or legal guardian must sign that they have received it.

- (6) University youth program rules. The following rules must be enforced by the unit with respect to all youth program faculty, staff, or volunteers.
 - (a) Ensure adequate adult supervision of minors during the program at all times. Supervision must be by adult faculty, adult staff, or adult volunteers.
 - (b) Ensure all university policies are followed at all times.
 - (c) Ensure the following university youth program rules are followed:
 - (i) Faculty, staff, or volunteers are prohibited from being alone with a minor. Another faculty, staff, or volunteer must always be present. "Being alone with a minor" is defined as:
 - (a) alone in a room,
 - (b) thirty yards away from others (outside), or
 - (c) within thirty yards but with no visual contact with others (outside).
 - (ii) Romantic or sexual activity with minors or in the presence of minors is prohibited. Faculty, staff, or volunteers are prohibited from engaging in any romantic or sexual activity, sexual jokes, sexual comments, or sharing with or assisting a minor with obtaining sexually explicit material.
 - (iii) Faculty, staff, or volunteers are prohibited from transporting minors unless using a chartered transit service (such as a bus or limousine service).
 - (iv) Faculty, staff, or volunteers are prohibited from engaging in any violence or abusive conduct of any kind in the presence of or directed at a minor.

- (v) Hazing is absolutely prohibited. Faculty, staff, or volunteers may not do or permit anyone else to do any act or coerce another to do any act of initiation that causes or creates a substantial risk of causing mental or physical harm to any person. For purposes of this policy, hazing is any act or situation, which endangers the mental or physical health or safety of a person, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership, regardless of one's willingness to participate. Hazing occurs if an individual or group causes or attempts to cause physical injury or other harm to a person emotionally, or engages in conduct, which presents a threat to the person's health or safety, engages in an action or activity, which is intended to demean, disgrace, humiliate, or degrade a person, engages in conduct that by design or intent interferes with or attempts to interfere with a person's academics, or causes, pressures, or requires a student to violate the law.
- (vi) Faculty, staff, or volunteers may not permit bullying of any youth program participant. For purposes of this policy, bullying is any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once and the behavior both: causes mental or physical harm to the other student; and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive environment for the other participant.
- (vii) Faculty, staff, or volunteers should not have any personal electronic communications with participants (including but not limited to email, text, phone call, facebook or other social media) except and unless there is an educational or programmatic purpose and the content of the communication is consistent with the mission of the program.

- (viii) Faculty, staff, or volunteers may not meet participants off-site or off-hours, and may not invite them to their homes unless there is a pre-established relationship begun outside of the university youth program.
- (ix) Faculty, staff, or volunteers may not give personal gifts to participants.
- (x) Faculty, staff, or volunteers may not possess, consume, or be under the influence of, or provide to participants alcohol, marijuana, or illegal drugs at any time the staff or volunteer has responsibility over participants;
- (xi) The university prohibits the use by anyone, including program participants, of cameras, imaging or digital devices in showers, restrooms, locker rooms, or other areas where privacy would reasonably be expected by program participants. In the event such activity is suspected or has occurred and a minor is believed to have been filmed, the digital device must immediately be confiscated and immediately provided to the police.
- (xii) Faculty, staff, or volunteers may not shower, bathe, or undress with or in the presence of minors.
- (xiii) Faculty, staff, or volunteers may not possess a weapon or firearm on their person or in their belongings at the youth program.
- (xiv) Faculty, staff, or volunteers may not hit, strike, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.
- (xv) Any faculty, staff, or volunteer accused of violating university rules, or accused of any inappropriate conduct at the university is prohibited from continuing as a faculty, staff, or volunteer in the university youth program until the allegation has been satisfactorily resolved. If such an allegation is made, the faculty, staff, or volunteer will be immediately removed from

participation in the university youth program until the allegation has been satisfactorily resolved.

- (d) If on-campus housing is provided, additional rules apply:
- (i) Separate accommodation for minors and adults who are not the minor's parents is required.
 - (ii) In-room visits are limited to participants of the same gender;
 - (iii) Visits by guests who are not participants or staff or volunteers is limited to visits in the lobby or a lounge, and are limited to hours established by the youth program;
 - (iv) Faculty, staff, or volunteers may not enter a participant's room without another staff member being present.
- (e) If a minor participant requires medical attention during the program, a chaperone must be present. A chaperone may be a medical professional, parent, guardian, or a university of Toledo ("UT") faculty or staff member as appropriate.

(7) Unit obligations after youth program

Maintain records of the program that demonstrate compliance with this policy, and compliance with "records retention for public colleges and universities in the state of Ohio: a manual" found at <http://iuc-ohio.org/wp-content/uploads/2018/02/IUC-Model-Schedule1.pdf>.

(8) Reporting obligations. These apply to all members of the university community at all times.

- (a) Any faculty, staff, appointee, student, student employee, graduate assistant, or volunteer who in the course of their duties witnesses child abuse or neglect or has information that would lead a reasonable person to believe the minor faces a substantial threat of such abuse or neglect must immediately make two calls and within one business day submit one report:

- (i) First call: nine one one (child in imminent danger) or children services agency (not imminent danger)
 - (a) If child is in imminent danger (life threatening or abuse is witnessed), call the local law enforcement authority at nine one one; or
 - (b) If the child is not in imminent danger, call children services agency: 855-o-h-child (855-642-4453), which is a twenty-four-hour automated telephone directory that will link callers directly to a child welfare or law enforcement office in their country. Municipal or county peace officers can be contacted as an alternative to children services.
 - (ii) Second call: university police at 419-530-2600
 - (iii) Report: The faculty, staff, appointee, student, student employee, graduate assistant, or volunteer must then notify risk management by email within one business day. If consultation is needed regarding reporting, or if there are questions on the process or other support needed, please contact risk management.
- (9) Background and criminal history prohibited offenses
- (a) Any faculty, staff, or volunteer who will work in or with a university youth program must pass a criminal background check that will review criminal history and sex offender status.
 - (i) Faculty, staff, or volunteers who have had a criminal background check performed on them in the twelve months before the university youth program begins may provide a copy of the background check to the university. The university may use that check if it covered the same scope that the university's check would have covered.
 - (ii) Faculty, staff, or volunteers must have a new background check performed every four years at minimum after the initial background check.

- (b) Faculty, staff, or volunteers seeking to work with or already working in a university youth program must disclose any open or pending criminal matters, and must disclose to head of the university youth program and risk management, within seventy-two hours of arrest or conviction of any crime listed below (or similar crime from another jurisdiction).
 - (c) Offenses that will disqualify a person from a faculty, staff, or volunteer position with a university youth camp include:
 - (i) A conviction or guilty plea to an offense listed in division (A)(5) of section 109.572 of the Revised Code; or
 - (ii) An existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses.
 - (d) Faculty, staff, or volunteers who have already been background checked and approved for university employment must still be reviewed under the standards set forth in this policy before serving as a faculty, staff, or volunteer for a university youth program.
 - (e) If the university denies a potential university youth program faculty, staff, or volunteer a position based on a background check, human resources will follow proper protocols to provide notice to the subject of the background check.
- (10) Any exceptions to this policy must be granted in writing from risk management or the office of legal affairs.

Effective: 3/23/2020

CERTIFIED ELECTRONICALLY

Certification

03/11/2020

Date

Promulgated Under:	111.15
Statutory Authority:	3364
Rule Amplifies:	3364
Prior Effective Dates:	10/26/2018