

Shippensburg University
Protection and Supervision of Minors on Campus
and
Mandated Reporting of Child Abuse
SU Policy Number 302-

Originating Office
Office of the Vice President for Student Affairs

Purpose

This policy establishes safeguards that promote the safety and security of minors, i.e., persons under the age of 18, who participate in University-sponsored activities and programs taking place on the campus, in University facilities, or under the authority of the University at off-campus locations. This policy also applies to non-University sponsored programs that are permitted on campus and operated by non-University entities. This policy further establishes procedures and standards consistent with Pennsylvania Child Protective Services Law, 23 Pa. C.S. § 6344(c), Board of Governors' Policy 2014-01-A: Protection of Minors, and the Procedure and Standards for University Operations Number 2015-21 or their successors.

Scope

The policy applies to all members of the University community including faculty, staff, managers, coaches, graduate and undergraduate students, interns, volunteers, and independent contractors. Personnel from affiliated entities also fall within the scope of this policy. Conferences, camps, service outreach programs, tutoring activities, workshops and programs, University housing, and similar activities or functions that involve minors must comply with this policy.

This policy further applies to programs, activities, and events operated by: (a) internal University groups and (b) external individuals, groups, or organizations, including independent contractors who utilize University facilities through contractual agreements and under the control of the University or its affiliated entities. These programs may be operated on campus or off campus at any time.

Employees, students and volunteers affiliated with the Grace B. Luhrs Elementary School, the Bartos Child Care Center, and the Head Start Program must also comply with statutory and policy requirements discretely applicable to elementary schools, child care centers, and federally-funded Head Start programs. Any questions regarding the statutory requirements that apply to employees, students, and volunteers affiliated with the Grace B. Luhrs Elementary School, the Bartos Child Care Center, or the Head Start Program should be directed to the Vice President for Student Affairs.

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 official in advance and in writing as exempt from this policy or specific provisions of this policy.

University employees, volunteers, and independent contractors are required to report incidents of child abuse or neglect pursuant to the Mandatory Reporting of Child Abuse section of this policy.

Objective

This policy provides philosophical rationale, definitions, expectations, administrative guidance and statutory mandates for providing protection, safety, and security for minors who are on the University's campus and for the reporting of incidents of child abuse.

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 service organizations.

Arrest: Charged with a misdemeanor or felony.

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, managers, coaches, undergraduate and graduate students, interns, employees of temporary employment agencies, and independent 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; also excluded are fellow students whose only role is as a participant in the education, services, or program offered.

Background Clearance Checks: These include (1) Pennsylvania Criminal Record; (2) Pennsylvania Child Abuse Clearance; and (3) Federal Bureau of Investigations Criminal Background.

Child Abuse: Child abuse is defined in the Child Protective Services Law, 23 Pa. C.S. §6303. The statutory definition of the term "child abuse" includes intentionally, knowingly or recklessly doing any of the following:

- **Physical Abuse:** Causing bodily injury to a child through any act or failure to act including but not limited to kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- **Sexual Abuse or Exploitation:** Includes but is not limited to rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner that the child is used

for the purpose of sexual stimulation or gratification of any individual.

- Emotional or Mental Abuse: Causing or substantially contributing to serious mental injury through any act or series of such acts or a failure to act.
- Neglect: A severe or persistent failure to provide for a child's physical, emotional, or basic needs.

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

Employee: A person at Shippensburg University who is paid through the central payroll system and receives a Form W-2 from the University, including students.

Immediate Vicinity: An area where an individual is physically present with a child and can see, hear, direct, and assess the activities of the child.

Independent Contractor: An individual who provides a program, activity, or service to the University that is responsible for the care, supervision, guidance, or control of children. This also includes individuals who may have routine interaction with minors. For the purpose of this policy, this definition includes janitorial, food service, and bookstore contractors.

Mandated Reporter: The Child Protective Services Law, 23 Pa. C.S. §6311 and Shippensburg University policy designate all Shippensburg University employees as mandated reporters. This includes individuals who fall within one or more of the following classifications: all administrators, faculty, academic staff, adjunct faculty, clinical faculty, support staff (including regular, temporary, and on-call), student employees, coaches, contractors, volunteers, graduate assistants, and leased employees. Independent contractors and volunteers are also deemed mandated reporters under this policy. Mandatory reporters are required to report suspected child abuse to the Department of Human Services (DHS), to the Vice President for Student Affairs, and to the Shippensburg University Police consistent with the mandated reporting section of this policy.

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

Non-University-Sponsored Programs: Programs that are not operated on behalf of the University or under the University's direct control.

Office of Human Resources: The administrative unit at the University that manages the background clearance process for all members of the University community.

Office of the Vice President for Student Affairs: The Vice President for Student Affairs is the designated official at the University responsible for general oversight of this policy. The Vice President also serves as the designated person who must be notified when a report of suspected child abuse is made to the Department of Human Services (DHS).

Program: Programs, activities, or services 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 or programs maintained by Shippensburg University.

Reportable Offense: Any of several criminal offenses enumerated in Pennsylvania's Child Protective Services Law, 23 Pa. C.S. § 6344(c).

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, leased, or otherwise controlled by Shippensburg 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, managers, or affiliated entities on behalf of the University. All University-sponsored programs must be registered.

Volunteer: Any individual, including students, authorized by the University President or appropriate designee, who provides services to the University without remuneration from the University. For purposes of this procedure/standard, this includes members of governing bodies and student associations, but does not include student volunteers for University-sponsored, short-term events of limited duration such as move-in days, community service days, commencement, etc.

Background Clearance Checks

All employees, prospective employees, and volunteers are required to have the following background screening clearances consistent with the law and Board of Governors policy:

- A criminal history record check from the Pennsylvania State Police (PSP) or statement from the PSP that the individual has not been convicted of a reportable offense.
- Certification from the Department of Human Services (DHS) as to whether the individual is named in the statewide database as a perpetrator in a pending child abuse investigation or in a founded or indicated report of child abuse within the last five years.
- A federal criminal history record check. The individual must submit a full set of fingerprints to obtain this report. The fingerprints will be submitted to the Federal Bureau of Investigation (FBI) for the purpose of verifying the identity of the individual and obtaining a current record

of any criminal arrests and convictions.

Employees:

New Employees:

Complete the aforementioned background certifications as part of the pre-employment process and every 60 months thereafter. Employees may be hired on a provisional basis for 90 days provided the applicant has:

- Applied for the three required background clearance checks listed above and provided a copy of the completed forms to the Office of Human Resources.
- The employer has no knowledge of information that would disqualify the applicant.
- The employee swears or affirms in writing that they are not disqualified from service nor been convicted of an offense listed under Pennsylvania Child Protective Services Law, 23 Pa.C.S. § 6344(c) or under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of the Commonwealth of Pennsylvania.
- The applicant shall not have direct contact with children unless applicant is working in the immediate vicinity of a permanent employee.
- If the information obtained pursuant to the law and Board of Governors policy reveals that the applicant is disqualified from employment, he/she shall be immediately dismissed.

Current Employees:

- Must complete background clearance checks as required by the University pursuant to the law and Board of Governors policy. Employees must complete an updated background clearance check every 60 months thereafter.

Student Employees:

- Must work closely with the appropriate timekeeper to complete all required pre-employment documents and follow all required processes. Updated background clearance checks are required every 60 months thereafter.

Volunteers:

Volunteers with direct contact with minors are required to have three background clearance checks defined above. However, one of the three background clearances, the FBI criminal history check, is not required if all of the following apply:

- The position which the prospective volunteer is applying for is unpaid.
- The prospective volunteer has been a resident of the Commonwealth of Pennsylvania during the entirety of the previous ten-year period.
- The prospective volunteer swears or affirms in writing that he/she is not disqualified from

service or has not been convicted of an offense similar in nature to those crimes listed under Pennsylvania Child Protective Services Law, 23 Pa. C.S. § 6344(c) or under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of the Commonwealth of Pennsylvania.

- Volunteers may provide service on a provisional basis for 30 days provided the applicant has complied with the aforementioned and provided a copy of the completed background clearance forms to the Office of Human Resources showing that they have begun the background check clearance process.
- Volunteers are required to complete an updated background clearance check every 60 months.

Student Volunteers:

Student volunteers do not require background clearances if all of the following apply:

- The individual is currently enrolled at Shippensburg University.
- The individual is not a person responsible for the child's welfare.
- The individual is volunteering for an event that occurs on University grounds.
- The event is sponsored by the University where the individual is enrolled as a student.
- The event is not for children who are in the care of a child-care service.

Authorized Adult Non-Employee:

The Program Administrator is responsible for obtaining criminal background clearances for all program staff and volunteers who will have direct contact with minors and who are not employed by the University. The three background clearance checks are the same as defined above at the start of this section (PSP, DHS, FBI). All background clearance checks must be updated every 60 months.

Non-Employee Adults in Non-University Sponsored Programs:

Background clearance checks are required for staff and volunteers in accordance with the law, Board of Governors policy, and the University's Facilities Use Agreement; as well as other written agreements.

Independent Contractors:

The program director is responsible for obtaining criminal background checks at their expense for non-employee adults who have direct contact with minors. This person is also responsible for obtaining annual criminal background checks per the law and Board of Governors policy for program staff who have direct contact with minors and who are not employed by Shippensburg University. Independent contractors are required to certify that all their staff members have completed the required background checks before being allowed to use University facilities.

Notification Requirements:

Authorized adult University employees and volunteers are required to notify the Vice President for Student Affairs and/or the Associate Vice President /Director of Human Resources of an arrest that leads to misdemeanor or felony charges and/or conviction for a misdemeanor or felony. This notification must occur within 72 hours of learning such knowledge.

The Vice President for Student Affairs and the Associate Vice President/Director of Human Resources will review all background check results and make an individualized determination as to future employment or volunteer activities in the event that a conviction is noted in the background check . Decisions will be based on the following criteria:

- The nature and gravity of the offense.
- The amount of time that has passed since the conviction and/or completion of the sentence.
- Evidence of rehabilitation.
- The nature of the responsibilities in question.

Registry

The Vice President for Student Affairs is designated as the office responsible for general oversight of the registration of University authorized adults, program staff, and programs for minors. Further responsibility shall be delegated to the Director of Camps and Conferences to manage the registry. All programs must be registered within sufficient time to meet the requirements of this policy. Policy requirements should be ordinarily met no later than 30 calendar days before the program start date. Programs must conduct background checks and be registered.

Mandatory Reporting

In a situation of suspected child abuse, all members of the University community, University-related contractors and vendors, and volunteers are mandated reporters and shall receive appropriate training accordingly.

All mandated reporters shall make an immediate report of suspected child abuse or cause a report to be made if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
- The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter

that the individual has committed child abuse.

- The minor is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.
- Mandated reporters must immediately make an oral report of suspected child abuse to the Shippensburg University Police (717-477-1444) and the Department of Human Services (DHS) at 800-932-0313. A written report to DHS using electronic technologies may be used when available. If an oral report is made, a written report shall also be made within 48 hours to DHS or the county agency assigned to the case as prescribed by DHS.
- Immediately following the report to DHS, the mandatory reporter must notify the Vice President for Student Affairs and the Shippensburg University Police.

Training

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 will be offered and completed when needed 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 being allowed to use University facilities. Training will include topics such as:

- Detecting and reporting child abuse.
- First aid/CPR and medication management.
- Participant conduct management and disciplinary procedures.
- Authorized adult or program staff code of conduct.
- Sexual and other unlawful harassment.
- Safety and security protocols.
- Crime reporting procedures.

Supervision Ratio (excludes day care facilities and Head Start programs)

Standards for residential camps:

- No minor under the age of 10 is allowed to participate.
- One staff member for every twelve campers ages 10 to 17.
- Standards for day programs:
 - No minor under the age of 6 is allowed to participate.
 - One staff member for every twelve participants ages 6 to 17.

Safety and Security Planning

Each Program Director shall:

- Establish a procedure, consistent with University standards and expectations, for notifying the minor’s parent/legal guardian in case of an emergency, including medical issues, behavioral problems, natural disasters, or other significant disruptions. The program director shall provide written information on the notification procedure to adults involved in the program, parents/legal guardians of minors, and, if age appropriate, the minor.
- For overnight programs, each program director must have a roster of all minors participating in the program. The roster shall include each minor’s name, gender, age, and home address; local room assignment (if any); phone number(s) of parent or legal guardian; and emergency contact information.
- Provide information to the parent or legal guardian detailing the manner in which the minor can be contacted during the program.
- For overnight programs, provide the Office of Camps and Conferences with a roster of program staff and contact information, including information on the program director.
- Have completed a comprehensive “Health and Permissions” form for each minor camp or conference participant.
- Program staff may distribute medications to minors only under the following conditions:
 - The minor’s family must provide the medicine in its original pharmacy container labeled with the minor’s name, medicine name, dosage, and timing of consumption. Over-the-counter medications must be provided in the manufacturer’s container and labeled with the minor's name, dosage, and timing of consumption.
 - The parent or guardian must provide written authorization before program staff may distribute any medication to a minor.
 - Program staff shall keep the medicine in a secure location and, at the appropriate time for distribution, meet with the minor in the presence of another adult.
 - The program staff member shall allow the minor to self-administer the appropriate dose as shown on the container.
 - For medicine that the minor cannot self-administer, the parent or guardian must make arrangements in advance of the minor’s arrival with a qualified individual to administer the medication.
 - Minors may carry personal “epi” pens and inhalers during activities for self-administration.
- Develop and make available to participants the rules, discipline measures, and response protocols applicable to the program.
- Obtain all liability releases as part of the program registration process.
- Assign a staff member who is at least 21 years of age to be accessible to the participants. The staff member must reside in the housing unit, if applicable.
- As applicable, all programs must adopt and implement rules and regulations for proper supervision of minors in university housing.

Response Protocols when a Program Staff Member is Accused of Misconduct

- A relevant incident must be reported to the University Police and to DHS per the laws governing such incidents. Subsequent reports must be made to the Vice President for Student Affairs who will advance the information appropriately.

- Depending upon the circumstances, a staff member may be suspended from duties and relocated during an investigation by either the police or DHS.

Program Orientation and Information to Parents

- SU Camps: The Conference Services Office shall provide information to parents that inform them of registration and check-in locations and procedures. Parents shall also receive a campus safety brochure. In addition, parents will receive a letter from the health center along with a health form for completion. The safety brochure must be general to the campus and include instruction to “report any inappropriate behavior or physical contact (touching)” to them, or to the program counselor, or to University Police immediately.
- External Conferences/Camps: External groups must sign a facilities use agreement and must be provided a “Guest Information & Services” booklet, either by hard copy or electronically, or both. The booklet shall minimally include a wide variety of pertinent campus rules and regulations, services offered, and protection of minor’s information to include this policy, training, background checks, reporting, etc. Distribution of the information in these documents is the responsibility of the conference/camp leadership but compliance is required.

Insurance Requirements

- SU Camps: A camp “Health and Permissions” form must be submitted for each camper. The form must include sections for health related information, permission to photograph, certification that the camper is covered by a valid health insurance policy, a “hold harmless” section, and a section for the parent or guardian to attest that they have reviewed the camp safety brochure with their child.
- External Conferences/Camps: The user must provide evidence that valid liability insurance is in place, covering property damage liability and bodily injury in amounts of no less than \$250,000 per person and \$1,000,000 per incident.
- Users must submit a certification form confirming that the requisite criminal and child abuse background checks have been completed for authorized adults who will be in direct contact with minors.

Program Staff Code of Conduct

Authorized adults or program staff should be positive role models for minors and must follow the following expectations.

- 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.
- 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.

- 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 an injury). Any refusal or resistance from the minor should be respected.
- Do not use harassing language.
- 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.
- 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.
- 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.
- Do not provide gifts to minors or their families independent of items provided by the program.
- 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.
- Do not have any direct electronic and/or social media contact with minors unless it is related to the program and another adult is included in the communication.
- Do not take photos of a minor on personal cell phones, cameras or similar devices in areas where privacy is expected.
- 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.
- 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.
- Do not provide alcohol or illegal substances to a minor.
- Do not provide medication to a minor unless authorized by the program's medication management guidelines.
- 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.
- Under most circumstances, a minimum of 2 adults must be present during all interactions with minors.
- 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 minor.

- Violations of any of the forgoing shall be reported to the program administrator, the Vice President for Student Affairs, and the Shippensburg University Police and/or Department of Human Services as appropriate.

Record Retention and Confidentiality

The following standards apply:

- Seven years or as mandated by applicable law.
- The human resources office shall maintain a copy of the required information for employees and require the individual to produce the original document prior to employment or acceptance to serve in any such capacity. The University president or designee shall appoint the appropriate repository for the same information regarding volunteers.
- Copies of the background clearances shall be stored in a separate confidential file, away from the official personnel files. A copy of this information shall be held for a period of 25 years in either paper or electronic form. These background clearances are not subject to review requests from supervisors or other campus personnel; requests for exceptions must be reviewed with the State System Office of Chief Counsel. Employees and volunteers should retain original clearance documents.
- The information compiled under this procedure/standard shall be confidential and is not subject to the act of February 14, 2008 (P.L. 6, No. 3), known as the Right-To-Know Law.
- The results of completed background clearances for employees will be recorded in the appropriate fields in the SAP system. Access to the data will be limited to authorized human resources personnel. A “yes” value will indicate a successful clearance, and a “no” value will indicate an absence of a clearance. The records will also include the start and end validity dates of each clearance.
- Clearances obtained for employment are portable and can be used to satisfy clearance requirements for employees and volunteers. However, prior to commencing employment or service, an individual must swear or affirm in writing that the individual has not been disqualified from employment or service under 23 Pa. C.S. § 6344(c) or has not been convicted of an offense similar in nature to a crime listed in 23 Pa. C.S. § 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of the Commonwealth of Pennsylvania.
- Clearances obtained for volunteering purposes are also portable for other volunteer positions under 23 Pa.C.S. § 6344.2, but are not acceptable for satisfying employment requirements.

Responsibilities

Vice President for Student Affairs

- Draft the Policy

SU Cabinet

- Approval

Trustees

- Approval on November 14, 2014
- Approval on January 29, 2016

Primary Oversight

- Office of the Vice President for Student Affairs
- Office of Camps and Conferences
- Housing and Residence Life
- Athletic Department