

POLICIES OF COLORADO STATE UNIVERSITY

UNIVERSITY POLICY



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| Policy Title: PROTECTION OF MINORS | Policy ID # 6-8004-003 |
| Effective Date: April 26, 2016 | Category: 6. Public Safety & Risk Management |
| Policy Owner: Vice President for Student Affairs Vice President for University Operations | Contact(s): Office of Support & Safety Assessment 970-491-7407 http://supportandsafety.colostate.edu Office of Risk Management & Insurance 970-491-6745 http://rmi.prep.colostate.edu |

PURPOSE OF THIS POLICY

The University provides many opportunities for children and youth under the age of 18 (referred to as Minors) to be on campus--for example, when attending campus events, sports camps and childcare programs, or visiting as guests of students and employees--as well as to engage with our students and employees off campus when participating in programs and activities involving outreach to K-12 and communities. The University is committed to the safety and well-being of Minors with whom we interact on and off campus. Minors are often more at risk than adults from activities and conditions such as traffic, hazards present on the grounds or in buildings, and risks associated with interacting with adults without proper supervision.

The purpose of this policy is to establish criteria that welcome Minors to the University, minimize the risk of injury, and promote an environment conducive to accomplishment of the University's mission. This policy is intended to foster respect for the needs of all parties impacted by the presence of Minors on campus.

APPLICATION OF THIS POLICY

This policy applies to all University faculty, staff, student employees, volunteers, and others acting on behalf of the University when interacting with Minors in the University setting. This

policy also establishes requirements for non-university organizations and entities that conduct Programs involving Minors on campus (“Third-Party Programs”), and University agreements with such organizations and entities shall reflect those requirements. This policy does not apply to Minors as subjects of any University-sponsored research that is covered by Institutional Review Board policies and procedures, those who are University employees, students admitted to the University, or those enrolled in classes for academic credit at the University. Everyone working with Minors will be expected to be familiar with this policy and any unit-level guidelines and procedures.

DEFINITIONS

- **Child Abuse:** In accordance with the Colorado Children’s Code, C.R.S. §§ 19-1-101, et seq. Child Abuse means an act or omission that threatens the health or welfare of a child, and “abuse” or “child abuse or neglect” includes cases in which a child shows evidence of physical injuries or malnutrition that is not justifiably explained; cases in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution; cases in which a child is a child in need of services because the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take; and other specified acts and omissions.
- **Child or Children:** A Minor or Minors.
- **High-Risk Area:** Any area in which activities are conducted that pose a risk of injury greater than what is typically experienced in a public place. Examples include laboratories where chemicals, biological or radiological materials, flammables, explosives, compressed gasses, lasers, machinery, dangerous equipment, sharps, research animals, or hazardous wastes are present; construction sites; outdoor areas with water hazards; food preparation areas; and any other place where a reasonable person would expect Minors to require supervision to avoid injury.
- **Host/Responsible Department:** A person or department other than the Parent who will be responsible for the Minor in the campus Workplace, Program, activity or event for which the Minor is present.
- **Minor:** A person under the age of 18 who is not emancipated.
- **Parent:** The Parent, legal guardian or custodian of a Minor who has responsibility for the Minor while in the CSU Workplace or Program.
- **Program:** Any University-affiliated program or activity involving Minors offered by an academic or administrative unit of the University.
- **Program Director:** The person responsible for overall direction and oversight of a Program.

- Third-Party Program: A Program sponsored by a non-University group using University facilities, for example, external groups holding workshops, sport camps, and conferences.
- Workplace: Any room, office, laboratory, University vehicle, or other place where persons are conducting work on behalf of the University. Workplace does not include an employee's home.

POLICY STATEMENT

The University values its employees and students, and recognizes the importance that children have in their lives, on- and off-campus. The University also values its Programs that involve children and youth. The safety and welfare of Minors who visit our campuses, participate in our Programs, and are entrusted to our care is always of paramount importance. In order to help assure that safety, the University's policy is that Minors are to be afforded protections whenever they are present on campus or participating in our Programs.

Certain activities are expected to involve children of employees. For example, the University offers childcare, camps, and recreational Programs. This policy is not intended to prohibit any of those Programs or to discourage employees from including their children in CSU activities, where appropriate. However, safety and responsibility remain the foremost considerations whenever Minors are involved, and the University expects its employees, volunteers, students, and other adults participating in University life to adhere to this policy (as well as to common sense and generally accepted standards of behavior) when interacting with Minors, at all times.

POLICY PROVISIONS

I. Code of Conduct for Interacting with Minors

All employees and others acting on behalf of the University are required by this policy to report actual or suspected abuse or other improper conduct involving a Minor. (See Preventing and Reporting Child Abuse, below). The following Code of Conduct provides guidance for interacting with Minors and should be followed as closely as is reasonable under the circumstances:

- When acting in your capacity for CSU, avoid spending time alone, either on or off campus, with a Minor away from others, whenever possible. If one-on-one interaction is absolutely required, it is recommended that you meet in rooms or spaces with open doors, observable by other adults from the Program, and follow any unit-level guidelines.
- Do not engage in any sexual actions, make sexual comments, tell sexual jokes, or share or view sexually explicit material with or within the vicinity of Minors.
- Do not touch Minors in a manner that a reasonable person could interpret as inappropriate.
- Do not shower, bathe, or undress with or in the presence of a Minor

- Do not use, possess, or be under the influence of alcohol, marijuana, or illegal drugs while on duty or when responsible for a Minor’s welfare. This includes impairment by any drug, even if legally possessed and used.
- Do not meet with Minors outside of established times for Program activities. Any exceptions require parental authorization.
- Avoid communicating with Minors through email, text messages, social networking websites, or other forms of social media unless there is an educational or programmatic purpose and the content of the communications is consistent with the mission of the Program and the University.
- When transporting Minors in a Program, more than one adult from the Program must be present in the vehicle, except when multiple Minors will be in the vehicle at all times throughout the transportation, or when the Minor’s Parent has given permission. Avoid using personal vehicles whenever possible, and check with your insurance provider to be sure appropriate coverage is in place.
- Do not tell a Minor “this is just between the two of us” or use similar language that encourages Minors to keep secrets from their Parent.
- If any action or failure to act with respect to a Minor seems like it may be inappropriate, do not do it; seek advice from the responsible higher authority.

II. Preventing and Reporting Child Abuse

The University’s goal is to prevent Child Abuse from happening in the University community. To this end, employees, students, volunteers and others who interact with Minors should understand what Child Abuse is, and what to do when they observe or learn of anything that may be Child Abuse.

Mandated Reporters

All employees and others acting under the direction and control of CSU who observe or suspect Child Abuse or neglect **must** report the incident to their immediate supervisor or a higher authority and the Office of Support and Safety Assessment. This includes volunteers and students working with CSU Programs, both on and off campus.

Nothing in this policy implies that an individual with a legal mandate to report to law enforcement or social services agencies should not make those reports immediately, as required.

Individuals with a legal mandate to report Child Abuse to a local law enforcement or social service agency are identified in [C.R.S. §19-3-304\(2\)](#). These include health care providers, veterinarians, psychologists, counselors, therapists, and many others. If you are a legally mandated reporter, you must still report to law enforcement and social service agencies, together with SSA as an additional reporting for CSU.

Reporting Procedures

Employees and volunteers should be alert to the physical and emotional state of all Minors each time they report for a Program. Any signs of injury relating to suspected Child Abuse should be reported to the appropriate authorities.

When suspected Child Abuse is observed or reported, a supervisor or Program Director must be informed and that person must contact the Office of Support and Safety Assessment (970-491-7407) to consult and determine next steps, and to ensure that a report is made to the appropriate county department of human or social services or law enforcement agency (CSU Police Department for incidents occurring at CSU). All are expected to cooperate with these authorities as needed.

Disciplining a Minor

Employees and volunteers will not, under any circumstances, discipline Minors by use of physical punishment or by withholding the necessities of care, such as food or shelter.

III. Criminal Background Checks

The Program Director is responsible for ensuring that Program staff, paid or unpaid, including but not limited to faculty, staff, students, and volunteers who work directly with Minors have successfully completed a criminal background check in accordance with CSU Background Check Policy. Background checks for these individuals should include checking the [national sex offender registry and a motor vehicle check for those who will be transporting Minors](#).

Background checks are required of all Program and Third-Party Program staff staying in University housing with Minors. Third-Party Program organizers are expected to conduct background checks and will be asked to attest to this in their agreements with the University.

Background checks may not be required for individuals whose only contact with Minors is in the context of an occasional event that is conducted entirely in public, or in other circumstances where it is unreasonable to require a background check, as determined by the Office of Risk Management and Insurance.

Reference checks: In addition to the criminal background checks, Program Directors are expected to check the references given by an employee or volunteer prior to their starting work in the Program.

For more information, see the [Background Check Policy](#) in the CSU Policy Library.

IV. Minors in the Workplace

Children of Employees

When childcare arrangements change unexpectedly, an employee should seek alternatives such as using accrued leave hours or leave without pay to care for the Minor at home.

Employees may bring Minors to the Workplace, on occasion, when permission has been obtained from the employee's department head or unit director and their safety can be assured. Care must be taken to assure that bringing Minors to the Workplace does not cause disruption of work, burden on other employees, or unprofessional appearances to the public. Minors, particularly young Children, should not be left unattended for extended periods of time.

Any Minor with an illness that prevents the Minor from going to a childcare facility or from attending school should not be brought to the Workplace. Employees may use sick leave to care for their children. See the Sick Leave and Family Medical Leave policies in the Human Resources Manual.

High-Risk Areas

For any High Risk Areas (as defined above), the requirements set forth below must also be met:

- If the individual serving as a host is not the Minor's Parent, a signed written parental permission agreement and emergency contact information must be obtained.
- Appropriate precautions must be taken to avoid accidents and injuries, including the use of personal protective equipment when recommended by Environmental Health Services. The Minor will not be allowed into any area where there is an unreasonable risk of injury (for example, close proximity to machinery, risk of exposure to dangerous substances, and the like).
- Minors under the age of 12 years are not permitted in High Risk Areas unless approved in advance by Environmental Health Services.

V. Youth Activities, Pre-Collegiate Programs, Camps, Conferences and Events

CSU Programs

Programs sponsored by a college, department or other unit that involve groups of Minors coming to campus, or employees, students, and volunteers interacting with Minors off campus, must be approved by the responsible Department or Unit Head or higher authority on the basis of a Program Plan. Acceptable Program Plans will meet the requirements of any University and unit-level guidelines, or guidelines of the Third-Party Program organization, and should include, at a minimum:

- A health and safety plan.
- Enrollment materials that include appropriate disclosures of the nature of the Program, including requirements for participation.
- Reliable methods of ensuring adequate supervision of Minors at all times.
- Documents such as participation agreements, incident report forms, parental permission agreements, emergency contact information, medical release forms, and waivers from the Office of Risk Management or CSU Extension.

- Appropriate training of Program staff (including familiarity with this policy).
- Any liability waivers collected by the Program should be retained for two years after the end of the Program.
- Adult: child supervision ratios within an age- and activity-appropriate range (generally, not less than one adult for every 12 Minors, with a higher ratio of adults for younger children).

All Programs involving an overnight stay in the residence halls must be arranged through [Housing and Dining Services](#).

Third-Party Programs

All Third-Party Programs fall within the scope of this policy, whether limited to daily activities or involving the housing of Minors in residence halls.

All Third-Party Program organizers will be required to disclose, in advance, whether or not Minors will be included among their participants or otherwise invited or allowed to be present in connection with their events.

Third-Party Program organizers will be provided with this policy by the sponsoring CSU department or unit. They must follow and enforce its provisions, and to report immediately to CSU any incident involving a policy violation or any harm, endangerment, or inappropriate conduct involving a Minor that occurs during the Program. All Third-Party Program organizers and adult participants are mandatory reporters of Child Abuse under this policy.

It is the responsibility of the CSU sponsoring department to assure that Third-Party Program organizers agree to these requirements.

VI. Health and Medical

Program Directors or organizers must:

- Obtain and retain appropriate medical release and permission for treatment forms for participants; forms available through the Office of Risk Management.
- As appropriate for the specific youth activity, collect participant information regarding special medical considerations (i.e., food allergies, insect stings or bites, allergic reactions, activity restrictions, injuries sustained prior to Program participation that might be aggravated or re-injured while participating in Program activities, possession or use of prescription medication, allergic reactions to medications).
- Provide appropriate measures to protect the privacy of participants' personal information.
- Follow up to ensure that restrictions are appropriately applied (e.g. providing that alternative foods and other preventative measures are taken to avoid exposure when allergies are noted and ensuring that arrangements are made to prevent specific contacts in the case of severe allergies).

- Establish rules related to securing participants' medication, scheduling dispensation, refrigeration, or storage needs, and return of the medication to the participants or parents at the end of the session. All prescription medications must be in their original, labeled containers with the name of the Minor, the pharmacy and prescribing provider. A Parent must sign a consent form allowing the Program staff to dispense the medication as required. Pain relievers and other over-the-counter medications not requested to be given by the Parent, in writing, may not be given.

VII. Housing

CSU Housing and Dining Services will establish guidelines for use of University residence halls by groups with Minors. These will include:

- Security, loss prevention, and other housing-related safety and security issues.
- Instructing participants about exit locations, evacuation procedures, and what to do in the event of an emergency.
- Determining appropriate number of participants assigned to sleeping areas/spaces with consideration to gender and age.
- Establishing appropriate curfew times and procedures.

VIII. Transportation

Program plans will contain provisions regarding the safe transportation of Minors to and from, and during, the Program or Third-Party Program. The Office of Risk Management and Insurance provides guidelines that must be followed for transportation of Minors. These include:

- Parental consent for transportation
- Release of Minor from transportation
- Recommendation against use of 15-passenger vans
- Appropriate training for use of 12-passenger vans
- Designation of drivers
- Proof of valid driver's license and insurance for all drivers
- Emergency and non-emergency medical transport
- Ratio of adults: Minors during transportation
- Motor vehicle record check

IX. Travel with Minors

There may be a number of situations where a Program will involve travel with Minors – whether in-state travel, out-of-state domestic travel, or international travel. Information regarding travel with Minors is available from the Office of Risk Management and Insurance. This includes:

- Rules and requirements for in-state, out-of-state domestic, and international travel with Minors.
- Health and safety plan requirements.
- Travel including Minor CSU students.

COMPLIANCE

Compliance with this policy is required at all times. Failure to comply may result in disciplinary action pursuant to applicable rules and policies of the University. Compliance assistance or possible exemptions may be obtained by contacting the Office of Risk Management and Insurance (970-491-6745).

REFERENCES

[Colorado Children’s Code, C.R.S. §§ 19-1-101, et seq.](#)

FORMS AND TOOLS

- Sample Medical Release and Authorization Form
- Sample Waiver and Release of Liability Form
- Program Plan Framework

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| <p><i>Policy Owner</i></p> <p>By: _____</p> <p>Name: <u>Blanche Hughes</u></p> <p>Title: <u>Vice President for Student Affairs</u></p> <p><i>Policy Owner</i></p> <p>By: _____</p> <p>Name: <u>Lynn Johnson</u></p> <p>Title: <u>Vice President for University Operations</u></p> | <p><i>Legal Review</i></p> <p>Office of General Counsel:</p> <p>By: _____</p> <p>Jason L. Johnson, Deputy General Counsel</p> <p>Date: _____</p> <p>FINAL APPROVAL:</p> <p>Colorado State University Anthony A. Frank, President</p> <p>By: _____</p> <p>Date: _____</p> |
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