

**2.24 Subject: MINORS ON CAMPUS**

Date Adopted: December 4, 2020

Reference: Minute Book:

The purpose of this policy is to ensure oversight and training for campus conferences, camps, programs and events involving minors operated by Murray State University (University) or hosted on the University's premises.

The University does not tolerate any behavior that places youth participants at risk. This policy applies to University employees, students, volunteers and contractors who have direct contact with minors during youth programs. Every individual who participates as an adult instructor or in any other capacity must pass a criminal background check prior to participating in a program that involves minors.

**I. DEFINITIONS**

**A. Youth Programs**

These are all programs, events and activities offered by the University, student organizations, university grants and non-university organizations for academic, educational, experiential, artistic, recreational, athletic or other purposes for participants under the age of 18, including, but not limited to, the hosting of an individual minor by an individual faculty or staff member, subject to the exclusions detailed below in section II. Programs may be operating either:

1. on campus; or
2. off campus under the direction and authority of the University;
3. before, during or after business hours and overnight; and
4. over a period of time or recurring.

**B. University-Run Programs**

Youth Programs involving minors (whether for academic, educational, pre-collegiate, experiential, athletic, artistic, recreational or other purposes) that are operated either on-campus or off-campus under the direction and authority of the University through students, faculty, staff or volunteers including grant funded programs.

The University recognizes three types of University-Run Programs:

1. University Sponsored Camp – a program that is planned, promoted and operated by a University department and/or University operated grant.
2. University Athletic Camp – a program planned, promoted and operated by MSU Athletics using University facilities and services.
3. Coach Camp – an athletic camp operated independently by coaches using University facilities and services.

C. Third-Party Programs

These are Youth Programs that involve minors and use university facilities and are not operated under the direction or authority of the University. These include camps, programs or planned events.

D. Program Director

This is the individual responsible for the oversight and operations of the program. This designated person has the responsibility for minors and/or other guests participating in the program. The Program Director is responsible for adhering to program procedures, University safety regulations, proper hiring and training of program staff, emergency communications and overall supervision and responsibility of the program and its participants. A Program Director may be a University faculty or staff member, temporarily hired individual or designated appointee of a third-party program.

E. Program Staff

These are administrators, faculty, staff, athletes, undergraduate and graduate students, postdoctoral fellows, researchers, volunteers, alumni, independent contractors and third-party operators who work directly with, supervise, chaperone or otherwise oversee minors in Youth Programs. This term does not include temporary program participants (such as guest speakers) who have no direct contact with minors other than short-term activities supervised by program staff.

F. University Facilities

All buildings, spaces and properties that are owned, operated, managed or controlled by the University. This includes facilities operated solely for the University.

G. Direct contact

Term for interacting with, supervising, chaperoning or otherwise overseeing minors in program activities or in recreational and/or residential facilities.

H. Minor

This is an individual under 18 years of age that participates in a youth program, subject to the exclusions detailed below in section II.

I. Volunteer

This is an individual, regardless of age, who provides services to, or on behalf of, the University and has no legal duty to do so, has no personal interest or gain from the

activity and receives no compensation or consideration (except expense reimbursement) for the services provided.

J. Disability

Participating minors and/or program staff may present one or more disabilities that should be considered when participating in a covered program. Under the American with Disabilities Act (ADA), an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or is regarded as having such an impairment.

**II. SCOPE OF POLICY AND EXCLUSIONS**

This policy applies to all Youth Programs with the exception of the following minors and/or activities involving minors:

- A. single events on campus that are open to the general public;
- B. visitors in the workplace;
- C. private events, campus tours or visits attended by prospective students who are minors and under the supervision of a parent, legal guardian or chaperone; activities or programs that only involve minors who are matriculated university students.
- D. Dual Credit/Racer Academy students enrolled in off-campus courses through their secondary institution.

**III. RESPONSIBILITIES**

The President is authorized to delegate authority for oversight of camps, programs and events to one or more university employees as appropriate, and the President is authorized to approve procedures established in furtherance of this policy.

The University's Center for Adult and Regional Education will be responsible for the administration of this policy.

**IV. REGISTRATION AND APPROVAL**

All Youth Programs must register with the University's Center for Adult and Regional Education. In addition, all MSU Athletic campus/events for minors must register with the Office of the Athletic Director.

All University-Run Programs involving minors are to be reviewed and approved by the respective Dean/Director, Provost/Vice President and General Counsel. Regular/annual programs may not require this same level of approval for each offering.

All Third-Party programs involving minors may be reviewed and approved by the Vice President for Finance and Administrative Services, General Counsel and MSU Police.

## V. BACKGROUND SCREENING

- A. The following criminal background screening requirements apply to those individuals who are anticipated to have direct contact with minors in the course of their involvement with a program.

All program staff, including but not limited to graduate/undergraduate student assistants, faculty, staff, volunteers and consultants or contractors, who in the course of their university-run or third-party youth program duties or assigned responsibilities will or may have direct contact with minors, are subject to national criminal background checks regardless of the supervision structure in place. Such screening will include, at a minimum, criminal history and sex offender registry searches. It is the responsibility of the program director to determine who meets the background check criteria and to ensure that staff and volunteers have background checks before beginning to work directly with minors in the program.

- B. The Department of Human Resources is responsible for conducting all necessary backgrounds checks and receiving reports for university-run youth programs, based on requests from one of the following:

1. Program Director
2. Department of Athletics, if program is considered to be university run

- C. Criteria for determining who must be screened

1. University-Run Programs

- a. All new and former employees, including student workers, who have more than a 12-month break in service will need a background check. An additional background check will not be required for these individuals as long as a background check was a part of their initial hiring process. These background checks will remain on file with the Department for Human Resources.
- b. In the case of students and volunteers, a background check is required before they can work with minors. This is required annually if work is repeated.
- c. In the case of consultants or contractors, the background check requirements will be included in the contractual agreement between the University and the consultant or contractor.

2. Third-Party Programs:

These organizations must complete nationwide criminal background checks on their own at their expense and certify that these will be completed before any individual has direct contact with minors at a program on the University's campus. These screenings must include, at a minimum, criminal history and sex offender registry searches, as required in Section V. A. of this policy. For programs occurring annually, background checks should be repeated and certifications for the Program Director maintained.

3. Self-disclosure:

After completion of an initial background check, all program staff are expected to disclose any new arrests or convictions to their program director or supervisor within 48 hours of the occurrence and to cooperate in providing information necessary to evaluate the circumstances of the arrest and/or conviction.

D. Notice and authorization

University students, faculty, staff and volunteers are to be notified by the Program Director at the time they become subject to this policy's background check requirements according to the criteria stated herein.

In accordance with federal law, the University must secure a signed authorization which permits the University to obtain background check results from a third-party reporting agency. Such authorization must remain in effect for the duration of an individual's employment with the University.

**VI. BEHAVIORAL EXPECTATIONS**

The University requires all program staff, specifically those working directly with minors, to act in a manner that is beyond reproach. Prohibited behavior includes, but is not limited to:

- A. Do not be alone with a minor unless there is a parental or guardianship relationship, unless the space and both individuals are in full view from the outside of the room when the door is closed. This includes situations with programs that involve private instruction, such as music or laboratory use.
- B. Do not be alone with a minor in a vehicle.
- C. Do not touch a minor in a manner that could reasonably be interpreted as inappropriate.
- D. Do not engage in the use of alcohol or illegal drugs while engaged as program staff.
- E. Do not communicate with minors via text, email or social media without another program staff member and parent/legal guardian included in the conversation.
- F. Do not undress in the presence of a minor and do not permit a minor to undress in the presence of any program staff.

## **VII. TRAINING**

In recognition of the importance of protecting minors on campus, adults should be positive role models and act in a caring, honest, respectful and responsible manner that is consistent with the mission and guiding principles of the University. University-Run Programs and Third-Party Run Programs are required to ensure all program staff including volunteers working with minors be trained regarding policies and issues relating to interactions with minors. Program staff must receive training that will allow the University to comply with the applicable state and federal laws. University legal counsel will define the specific trainings that must be provided, as these may change over time. The Center for Adult and Regional Education will work with the appropriate units on campus to provide training for program staff involved with University-Run programs. These trainings must be completed before participating in any program involving minors and should be reviewed as needed or at a minimum on an annual basis.

Program staff orientation must include discussions of the implications of these rules/guidelines specific to the operations of their program. Documentation of training completion and acknowledgement forms must be maintained by the Program Director for three years.

## **VIII. REPORTING**

Pursuant to Kentucky Revised Statute 620.030 any person who is aware of abuse must make a report verbally or in writing to the Kentucky Cabinet for Health and Family Services, University/local law enforcement, or the Kentucky State Police.

Reporting is required for the following:

- A. Suspicions or allegations of abuse
- B. Suspicions or allegation of inappropriate behavior
- C. Policy violations

Crimes, including sexual assault, must be reported pursuant to the Clery Act and the Minger Act. Reports should be made to the MSU Police Department or local law enforcement. All University employees who in the course of employment receive information related to physical or sexual abuse must immediately report such information in accordance with University Board of Regents Policy 2.22.1 SUBJECT: SEXUAL VIOLENCE AND MISCONDUCT, RELATIONSHIP VIOLENCE AND STALKING.

**IX. EMERGENCY PREPAREDNESS PROCEDURES**

The Program Director must have an emergency/crisis procedure that will serve to contact guardians of minors in the event of an emergency or campus crisis. These plans should cover medical or behavioral problems, natural disasters, or other significant program disruptions. Program staff as well as participants and their parents/legal guardians must be advised of this procedure in writing prior to the participation of the minors in the program.

**X. SUPERVISION**

The Program Director must ensure that appropriate supervision is provided in a ratio of youth participants to adults not to exceed the limits established by University procedures. The Program Director must establish pick-up and drop-off times for youth participants and must establish a procedure to ensure that youth are not released to any person not designated by the participant's parent or guardian.

**XI. HOUSING**

The program must comply with all security measures and procedures specified by University Housing and MSU Police Department.

- A. Minors participating in a youth program are not permitted to sleep in the same room as an adult other than the minor's parents or guardians.
- B. A curfew time will be established which is age-appropriate for the participants.
- C. Guest participants (other than parent/legal guardian and other program participants) are restricted to visitation in the building lobby and only during hours established by the program director and University Housing.

**XII. TRANSPORTATION**

- A. Transportation of Minors
  - 1. If transportation is provided as part of the program, program staff are not permitted to be alone in a vehicle with a minor participant.
  - 2. All drivers must be at least 18 years or older and have a valid driver's license issued in the United States.
  - 3. If University vehicles are used, operation of the vehicle is limited to University employees that have followed campus procedures regarding operation of a University vehicle.
- B. Although the use of private vehicles for transporting minors should be avoided, when private vehicles must be used, the vehicle must have automobile liability insurance in accordance with the regulations of the state for which the license is issued.

1. Minors must never be transported without written permission from a parent/guardian in the form of a release of liability associated with the program.
2. Minors may not drive golf carts.

### **XIII. INSURANCE/LIABILITY**

- A. University-Run Programs are covered under the University's auto and general liability insurance to include bodily injury, property damage, and molestation coverage.
- B. Third-Party Programs, including student organizations, using university facilities are not covered under the University's insurance policies and must procure insurance at their own cost to cover the program. Evidence of insurance, including a Certificate of Insurance (COI), is required and must include the program name, program dates and must list Murray State University as additional insured on the general liability insurance policy.
  1. Types of insurance required for all Youth Programs.
    - a. Bodily injury
    - b. Molestation
    - c. Property damage
    - d. Medical expense
    - e. Personal and advertising injury
    - f. Workers compensation
  2. Insurance limits will be defined in the procedures that administer this policy.

### **XIV. COMPLIANCE**

Violations of this policy may result in disciplinary action for a volunteer, employee, or college/unit/organization, up to and including probation, suspension, and/or termination of employment/volunteer duties, reassignment of duties to prohibit interaction with minors, or dissolution of any program involving minors.

### **XV. MINORS ON CAMPUS ADVISORY COMMITTEE**

An administrative committee will be appointed by the President to monitor and provide guidance on the application of this policy to new and existing Youth Programs; to create operational procedures related to the registration, approval and appeals processes for Youth Programs; and to provide timely reviews of this policy.